

# Washington State Register

OCTOBER 1, 1997

OLYMPIA, WASHINGTON

ISSUE 97-19



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filed not later than September 17, 1997

## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 753-7470.

## REPUBLICATION OF OFFICIAL DOCUMENTS

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

## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of October 1997 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

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# WASHINGTON STATE REGISTER

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

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

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

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

### 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

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

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

### 4. EFFECTIVE DATE OF RULES

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

### 5. EDITORIAL CORRECTIONS

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

**1996 - 1997**  
**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
96-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
96-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
96-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
96-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
96-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
96-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
96-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18, 1996	Jan 7, 1997
97-01	Nov 21	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 22
97-02	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 15	Feb 4
97-03	Dec 26, 1996	Jan 8, 1997	Jan 22	Feb 5	Feb 25
97-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 11
97-05	Jan 22	Feb 5	Feb 19	Mar 5	Mar 25
97-06	Feb 5	Feb 19	Mar 5	Mar 19	Apr 8
97-07	Feb 19	Mar 5	Mar 19	Apr 2	Apr 22
97-08	Mar 5	Mar 19	Apr 2	Apr 16	May 6
97-09	Mar 26	Apr 9	Apr 23	May 7	May 27
97-10	Apr 9	Apr 23	May 7	May 21	Jun 10
97-11	Apr 23	May 7	May 21	Jun 4	Jun 24
97-12	May 7	May 21	Jun 4	Jun 18	Jul 8
97-13	May 21	Jun 4	Jun 18	Jul 2	Jul 22
97-14	Jun 4	Jun 18	Jul 2	Jul 16	Aug 5
97-15	Jun 25	Jul 9	Jul 23	Aug 6	Aug 26
97-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9
97-17	Jul 23	Aug 6	Aug 20	Sep 3	Sep 23
97-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7
97-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21
97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998

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

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

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

## **REGULATORY FAIRNESS ACT**

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

### **Small Business Economic Impact Statements (SBEIS)**

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

### **Mitigation**

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

### **When is an SBEIS Required?**

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

### **When is an SBEIS Not Required?**

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

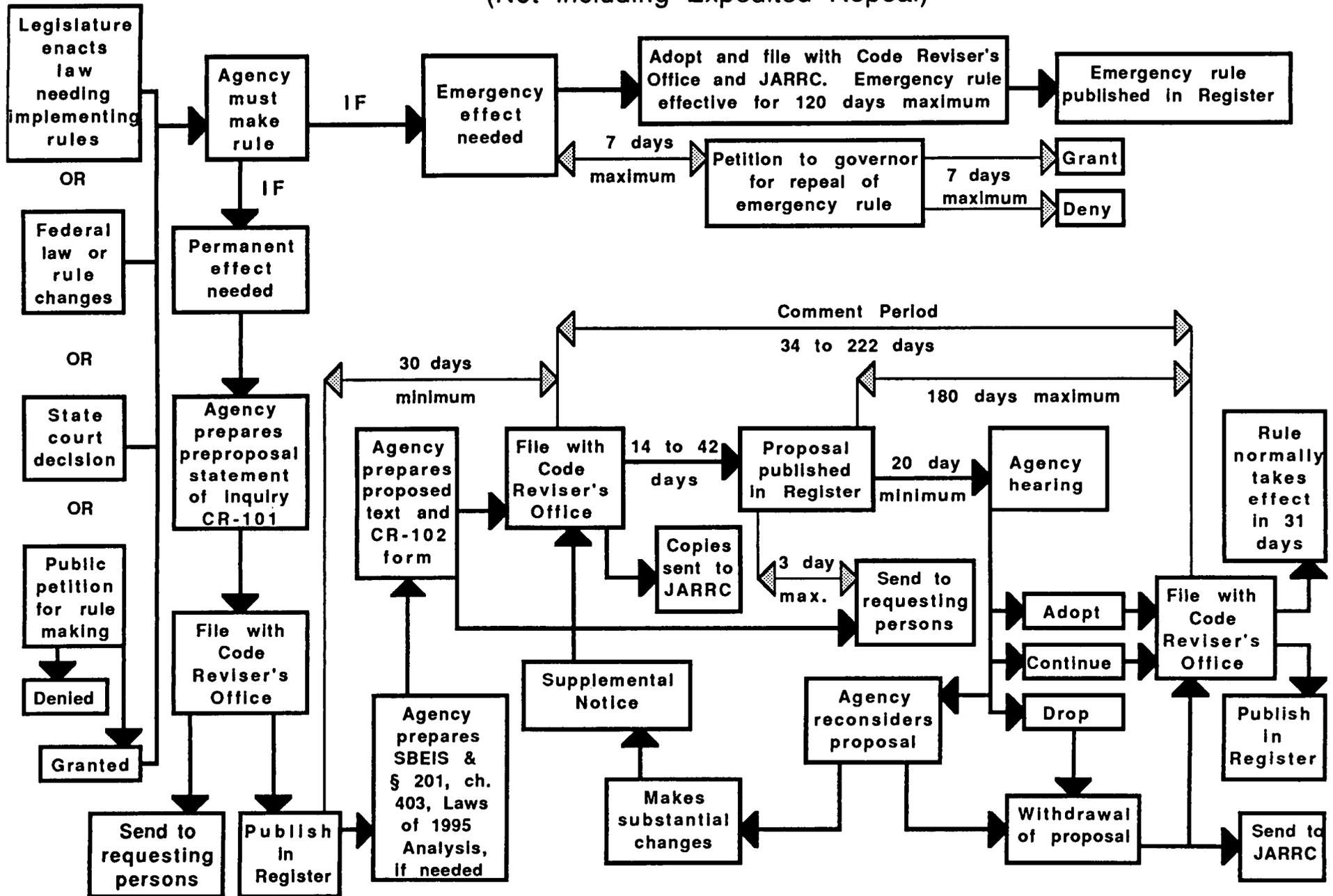
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS

(Not including Expedited Repeal)



**WSR 97-19-010**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GRAYS HARBOR COLLEGE**  
 [Filed September 4, 1997, 4:43 p.m.]

Subject of Possible Rule Making: Student rights and responsibilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Student Conduct Code needs revising due to growth of college, changes in students reflecting societal changes over the last ten - fifteen years.

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

Process for Developing New Rule: Develop proposals and seek input from other stakeholders in the college community, e.g., faculty, staff, and students.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Arlene Torgerson, Vice-President for Student Services, 1620 Edward P. Smith Drive, Aberdeen, WA 98520, phone (360) 538-4066, FAX (360) 538-4293.

August 29, 1997  
 Arlene Torgerson  
 Vice-President  
 for Student Services

**WSR 97-19-017**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**  
 [Filed September 8, 1997, 10:37 a.m.]

Subject of Possible Rule Making: Amends chapter 204-72 WAC, Standards for mounting, adjusting, and aiming of lamps, WAC 204-72-030(2), 204-72-040 (5)(c), and adding WAC 204-72-040 (9)(a).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005 and 46.37.320.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments are necessary due to aftermarket lighting devices which are not legal for street use. The amendments outline what can and cannot be used for motor vehicles.

Process for Developing New Rule: Discussion with law enforcement personnel and concern for the safety of the motoring public.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carol Morton, Washington State Patrol, P.O. Box 42635, Olympia, WA 98504-2635, phone (360) 412-8934.

September 4, 1997  
 Annette M. Sandberg  
 Chief

**WSR 97-19-027**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed September 8, 1997, 4:52 p.m.]

Subject of Possible Rule Making: Migratory game birds and trapping seasons; hunting regulations and boundaries; private lands wildlife management areas; hunting auctions and raffles; permit hunts; game reserves; hunting hours; big game tagging; landowner damage; changes to sensitive, threatened and endangered lists and the listing process; and wildlife rehabilitation permits.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recreational opportunity; update sensitive, threatened and endangered lists to reflect current status of species; adjust listing process to be more efficient; and streamline process and clarify rules for wildlife rehabilitation permits.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Management, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by October 1, 1997, rule proposal filing expected to be November 1997.

September 8, 1997  
 Evan Jacoby  
 Rules Coordinator

**WSR 97-19-029**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**  
 [Filed September 9, 1997, 1:41 p.m.]

Subject of Possible Rule Making: WAC 458-40-650 Timber excise tax—Timber quality codes defined.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.330 and 84.33.096.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The law (RCW 84.33.091) requires that the department provide stumpage value tables and take into account the timber's quality when drawing up these tables. The tables break specific species of timber into quality classes by code. This allows the department to more carefully define the stumpage value for that species. The stumpage values determined in these tables are used by timber harvesters to determine the value of the timber prior to harvesting and the timber excise tax due on this value. The quality codes for the timber are diameter dependent (the diameter of the timber determines the grade of the timber). Timber being harvested now is smaller in diameter than that which was harvested in the past. There is not enough volume in the higher grades to sustain a need for those quality classes. Thus, the rule reduces the number of quality classes and simplifies the system for harvesters.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington State Department of Natural Resources both regulate forest practices, they are not involved in valuation for purposes of taxation. The quality codes would not impact their regulatory functions or aid them in their regulatory functions so there is no need to involve them in the changes in quality coding for valuation purposes provided in this rule.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted if they are received two weeks before the date of adoption. Written comments may be submitted by mail, FAX, or at the public meeting. Oral comments will be accepted at the public meeting or later public hearing. A draft of the amended rule may be obtained upon request. Written comments or requests for the draft rule may be directed to Ed Ratcliffe, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-3505, FAX (360) 664-0693.

Location and Date of Public Meeting: Department of Revenue Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on October 22, 1997, at 10 a.m.

September 9, 1997  
James M. Thomas  
Assistant Director

#### WSR 97-19-030

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed September 9, 1997, 1:43 p.m.]

Subject of Possible Rule Making: WAC 458-40-540 Forest land values—1998 (valuation tables).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.330 and 84.33.096.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The law (RCW 84.33.120) requires revision of forest land values each year. This rule provides the assessor the values to be used in assessing property tax on forest land (as forest land is assessed property tax without regard to the value of the trees on the land). The rule and the annual adjustment each year to these values is needed to provide consistent and accurate values for property tax purposes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington State Department of Natural Resources both regulate forest practices, they are not involved in valuation for purposes of taxation. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there is no need to involve them in the valuation procedures provided in this rule.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted if they are received two weeks before the date of adoption. Written comments may be submitted by mail, FAX, or at the public meeting. Oral comments will be accepted at the public meeting or later public hearing. A draft of the amended rule may be obtained upon request after October 15, 1997. Written comments or requests for the draft rule may be directed to Ed Ratcliffe, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-3505, FAX (360) 664-0693.

Location and Date of Public Meeting: Department of Revenue Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on October 22, 1997, at 10 a.m.

September 9, 1997  
James M. Thomas  
Acting Assistant Director

#### WSR 97-19-031

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed September 9, 1997, 1:45 p.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.330 and 84.33.096.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The law (RCW 84.33.091) requires that the stumpage value tables be revised twice each year. The stumpage values are established by the department so that timber harvesters are apprised of the timber values on which the timber excise tax is calculated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington State Department of Natural Resources both regulate forest practices, they are not involved in valuation for purposes of taxation. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted if they are received two weeks before the date of adoption. Written comments may be submitted by mail, FAX, or at the public meeting. Oral comments will be accepted at the public meeting or later public hearing. A draft of the amended rule may be obtained after October 15, 1997, upon request. Written comments or requests for the draft rule may be directed to Ed Ratcliffe, Legislation and

Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-3505, FAX (360) 664-0693.

Location and Date of Public Meeting: Department of Revenue Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on October 22, 1997, at 10 a.m.

September 9, 1997  
James M. Thomas  
Acting Assistant Director

#### WSR 97-19-032

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed September 9, 1997, 1:46 p.m.]

Subject of Possible Rule Making: Valuation procedure for stumpage valuation tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.330 and 84.33.096.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The law (RCW 84.33.091) requires revision of the stumpage value tables twice a year. Although our valuation procedures have always been shared with any taxpayer upon request, the procedures have never been adopted by rule. These standard valuation procedures for the stumpage value tables will help to maintain consistency in the procedures used, open these procedures to public scrutiny, and aid taxpayers in understanding the valuation process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington State Department of Natural Resources both regulate forest practices, they are not involved in valuation for purposes of taxation. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation procedures provided in this rule.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted if they are received two weeks before the date of adoption. Written comments may be submitted by mail, FAX, or at the public meeting. Oral comments will be accepted at the public meeting or later public hearing. Written comments or suggestions for procedures may be directed to Ed Ratcliffe, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-3505, FAX (360) 664-0693.

Location and Date of Public Meeting: Department of Revenue Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on October 29, 1997, at 10 a.m.

September 9, 1997  
James M. Thomas  
Acting Assistant Director

#### WSR 97-19-038

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

(Board of Registration for Professional  
Engineers and Land Surveyors)

[Filed September 9, 1997, 3:38 p.m.]

Subject of Possible Rule Making: Repeal of administrative procedure rules currently codified in chapter 196-08 WAC. Said rules would be replaced with new rules in a new proposed chapter 196-09 WAC. Said new rules would correspond to the procedures set forth in the Administrative Procedure Act, chapter 34.05 RCW and chapter 10-08 WAC as well as applicable court rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035, 34.05.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rules covering board practices and procedures were adopted in 1960 and for the most part have not been significantly amended since adoption. The repeal of these rules and adoption of new rules to replace them is consistent with the legislative intent for the Administrative Procedure Act and the model rules adopted in chapter 10-08 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The rules being proposed for repeal and the subsequent replacements define the administrative practice and procedures the board uses in adjudicative proceedings. These rules are for the specific use by the board.

Process for Developing New Rule: Agency study; and the process will include requests for public written comment and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting George A. Twiss, PLS, Program Director, Investigation and Enforcement, Board of Registration, P.O. Box 9649, Olympia, WA 98507-9649, (360) 586-3363, FAX (360) 664-2552, e-mail gtwiss@dol.wa.gov. A mailing list will be developed to notify interested parties of proposed rules and/or public hearing.

September 8, 1997  
Alan E. Rathbun, P.E.  
Executive Director

#### WSR 97-19-050

#### PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed September 12, 1997, 10:37 a.m.]

Subject of Possible Rule Making: Amend WAC 204-10-020 to include certain wording on lighting devices; amending WAC 204-10-070 and 204-10-090 to update SAE references; and repealing WAC 204-10-100, 204-10-110, 204-10-130, 204-10-140, and 204-10-150 as they are covered in other WACs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005 and 46.37.320.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Aftermarket lighting devices and the legality of using them on the public highways needs to be addressed.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carol Morton, Washington State Patrol, P.O. Box 42635, Olympia, WA 98504-2635, phone (360) 412-8934, FAX (360) 493-9090.

September 10, 1997  
Annette M. Sandberg  
Chief

**WSR 97-19-065**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed September 15, 1997, 3:45 p.m.]

Subject of Possible Rule Making: WAC 392-182-020 Quick verification of immunization records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.150, the Superintendent of Public Instruction by rule to adopt procedures for verifying records.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current WAC requires the chief administrator of the new school to verify the immunization status of the student prior to excluding the student. Need to add language permitting administrator or administrator's designee to verify immunization status by telephonic or electronic communication.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Health, in the September 1997 Immunization Manual (page 45) states that only a school nurse can verify a transfer student's immunization status by telephone or FAX with an official at the student's previous school due to confidentiality laws (chapter 70.02 RCW).

Process for Developing New Rule: School nurses do not have the time to verify immunization status with a previous school. This should be, as in the past, a clerical activity.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Linda Johnson, Manager, Immunization Program, Department of Health, (360) 753-3495, should be informed to send out a correction to the manual when WAC 392-182-020 has been amended. The proposed amendment has been discussed with Joyce McCollough, acting for Linda Johnson, and she supports our proposal to amend the WAC.

September 15, 1997  
Dr. Terry Bergeson  
Superintendent of  
Public Instruction

**WSR 97-19-084**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed September 16, 1997, 4:35 p.m.]

Subject of Possible Rule Making: Punchboard and pull tabs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070(11).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Mark-up on the value of merchandise prizes is inflated. The current fifty percent mark-up creates a windfall profit for the operator; the fifty percent mark-up should be disallowed.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. October meeting, at the Icicle Inn/Best Western, 505 Highway 2, Leavenworth, WA 98826, (509) 548-8000; November meeting, at the Shilo Inn, 707 Ocean Shores Boulevard N.W., Ocean Shores, WA 98569, (360) 289-4600; and the January meeting, at the Skamania Lodge, Exit 44, Interstate 84, Stevenson, Washington 98648, (509) 427-7700.

September 16, 1997

Soojin Kim  
Rules and Policy Coordinator

**WSR 97-19-091**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed September 17, 1997, 11:03 a.m.]

Subject of Possible Rule Making: Sale of eggs and carcasses by volunteer cooperatives and regional enhancement groups.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.50.100, 75.52.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Returning salmon and the eggs they produce are valuable commodities. Sales of these generates revenue that will offset expenses incurred in salmon production. Accounting for these expenses and proceeds needs and [an] established procedure.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nina Carter, Volunteer Services, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2252, by October 31, 1997. Expected proposal filing: November 5, 1997.

September 17, 1997

Evan Jacoby  
Rules Coordinator

**WSR 97-19-092**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed September 17, 1997, 11:05 a.m.]

Subject of Possible Rule Making: Personal use rules. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080, 77.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposals are needed for changes to the 1998-1999 sport fishing rules. These proposals will involve time, place and manner of fishing, and will involve food fish, shellfish and gamefish.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Crawford, Assistant Director, Fish Management Program, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2325, by October 13, 1997. Expected Proposal Filing: November 5, 1997.

September 17, 1997

Evan Jacoby

Rules Coordinator

**WSR 97-19-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed September 17, 1997, 11:07 a.m.]

Subject of Possible Rule Making: License suspension and reinstatement.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Certain offenses result in suspension of licensing privileges. Establishing a uniform schedule for length of time of suspension and the method of reinstatement will provide easier administration and clarity to offenders.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Evan Jacoby, Legal Services, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2930 by October 31, 1997. Expected Proposal Filing: November 5, 1997.

September 17, 1997

Evan Jacoby

Rules Coordinator

**WSR 97-19-094**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed September 17, 1997, 11:10 a.m.]

Subject of Possible Rule Making: Commercial bottomfish, baitfish and shellfish rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Conservation of bottomfish, baitfish and shellfish stocks is needed for future production. Agreements with treaty tribes require rules to implement the provisions of the shellfish accord in *United States v. Washington*. Additional harvest opportunity is available on selected stocks.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Crawford, Assistant Director, Fish Management Program, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2930, by October 31, 1997. Expected Proposal Filing: November 5, 1997.

September 17, 1997

Evan Jacoby

Rules Coordinator

**WSR 97-19-098**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed September 17, 1997, 11:17 a.m.]

Subject of Possible Rule Making: The definition of the practice of denturism is unclear, specifically as it relates to the issue of immediate and/or partial denture placement. The effort attempts to clarify the definition.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.30 RCW, Denturist.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the scope of practice and services that may be provided by a licensed denturist in Washington state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other agencies that regulate denturists.

Process for Developing New Rule: Initial efforts developed by a subcommittee of the Board of Denture Technology. Document provided to the Washington State Denturist Association and Washington State Dental Association for modification. Recommended modifications incorporated into discussion document and distributed to Board of Denture Technology, Washington State Denturist Association and Washington State Dental Association for further comment. Current effort is a compilation of input from Board of Denture Technology, Washington State Denturist Association, Washington State Dental Association and Department of Health staff.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kirby Putscher, Department of Health, Board of Denture Technology, P.O. Box 47867, Olympia, WA 98504-7867, (360) 664-4004, FAX (360) 664-9077.

September 8, 1997  
Bruce Miyahara  
Secretary

**WSR 97-19-100**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed September 17, 1997, 11:20 a.m.]

Subject of Possible Rule Making: Chapter 16-532 WAC, amend authority of the board of the Washington Hop Commission to grant credit against assessments or refund payments to growers for individual marketing efforts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Washington State Agricultural Enabling Act of 1961, chapter 15.65 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The credit and refund for individual marketing efforts may no longer be required or necessary to carry out the objective of the chapter.

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

Process for Developing New Rule: The amendment of a marketing order shall be accomplished according to the procedures set forth in chapter 15.65 RCW, which includes conducting a referendum vote of the affected producers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Walter Swenson, Agriculture Programs Administrator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, FAX (360) 902-2089.

September 17, 1997  
William E. Brookreson  
Assistant Director  
Agency Operations

**WSR 97-19-103**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Juvenile Rehabilitation Administration)

(Institutions)

[Filed September 17, 1997, 11:55 a.m.]

Subject of Possible Rule Making: Chapter 275-30 WAC, Juvenile parole revocation and repeal of obsolete rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 13.40.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending these rules will make the revocation process more efficient for the parolee,

Juvenile Rehabilitation Administration staff, the public defender, and the administrative law judge by reducing the number of forms and the amount of time needed to complete a parole revocation.

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

Process for Developing New Rule: This department will conduct an internal and external review process involving stakeholders and interested citizens before filing CR-101 and/or CR-102, and consider all comments submitted. Persons interested in participating in drafting should contact the Department of Social and Health Services staff person below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bob Williams, Juvenile Rehabilitation Administration, 14th and Jefferson Street, P.O. Box 45270, Olympia, WA 98504, (360) 902-7952.

September 16, 1997  
Merry A. Kogut, Manager  
Rules and Policies Assistant Unit

**WSR 97-18-087**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Adult Services Administration)  
(Public Assistance)

[Filed September 3, 1997, 11:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-18-089.

Title of Rule: Revisions to the adult family home minimum licensing requirements, WAC 388-76-540 through 388-76-795.

Purpose: To make the adult family home regulations clearer, more easily understood, and more reflective of practices that are currently in place.

Statutory Authority for Adoption: RCW 70.128.040.

Statute Being Implemented: Chapters 70.128 and 70.129 RCW.

Summary: Due to laws passed in the 1995 legislative session, rules governing adult family homes were completely revised and became effective in July 1996. In the past year, internal and external stakeholders have provided input and feedback concerning their experience implementing these rules. This feedback made it evident that changes to the regulations were needed to: (1) Eliminate faulty and/or confusing language; (2) make the regulations clearer and more easily understood; and (3) make the regulations more reflective of current practice. In addition, some changes are necessary to ensure department expectations are clearly defined and easily understood.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Stacy Winokur, P.O. Box 45600, Olympia, WA 98504-5600, 1-800-422-3263 or (360) 407-0505.

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: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: These changes will: (1) Eliminate faulty and/or confusing language; (2) make the regulations clearer and more easily understood; (3) make the regulations more reflective of current practice; and (4) ensure department expectations are clearly defined and easily understood.

No small business economic impact statement has been prepared under chapter 19.85 RCW. An analysis of the economic impact to small businesses will be included in the detailed written analysis required by RCW 34.05.328.

RCW 34.05.328 applies to this rule adoption.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 102, Lacey, WA 98503, on October 21, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by October 14, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and

Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by October 21, 1997.

Date of Intended Adoption: No sooner than October 22, 1997.

September 3, 1997  
Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-540 Definitions.** ((+)) "**Abandonment**" means action or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

((2)) "**Abuse**" means a nonaccidental act of physical or mental mistreatment or injury, or sexual mistreatment, which harms a person through action or inaction by another individual.

((3)) "**Adult family home**" means the same as the definition in RCW 70.128.010.

((4)) "**Applicant**" means an individual, partnership, corporation, or other entity seeking a license to operate an adult family home.

((5)) "**Capacity**" means the maximum number of persons in need of personal or special care permitted in an adult family home at a given time. This number shall include related children or adults in the home who receive special care.

((6)) "**Caregiver**" means any person eighteen years of age or older responsible for providing direct personal care to a resident and may include but is not limited to the provider, resident manager, employee, relief caregiver, volunteer, student, entity responsible individual or household member.

((7)) "**Case Manager**" means the department staff person or designee assigned to negotiate, monitor, and facilitate a service plan for residents receiving services fully or partially paid for by the department.

((8)) "**Chemical restraint**" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

((9)) "**Department**" means the Washington state department of social and health services.

((10)) "**Entity provider**" means any corporation, partnership, association, or limited liability company that is licensed under this chapter to operate an adult family home.

((11)) "**Entity responsible individual**" means the individual an entity provider designates who is ultimately responsible for the daily operation of the adult family home.

"**Exploitation**" means the illegal or improper use of a frail elder or vulnerable adult or that person's income or resources, including trust funds, for another person's profit or advantage.

((12)) "**Frail elder or vulnerable adult**" means the same as the definition in RCW 74.34.020 or RCW 43.43.-830.

((13)) "**Individual provider**" means a natural person who is licensed to operate an adult family home.

((14)) "**Inspection**" means an on-site visit by department personnel to determine the adult family home's

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compliance with this chapter and chapter 70.128 RCW, Adult family homes.

~~((15))~~ **"Multiple facility provider"** means an individual or entity provider who is licensed to operate more than one adult family home.

~~((16))~~ **"Neglect"** means a pattern of conduct or inaction resulting in deprivation of care necessary to maintain a resident's physical or mental health.

~~((17))~~ **"Nursing assistant"** means the same as the definition in chapter 18.88A RCW.

~~((18))~~ **"Personal care services"** means both physical assistance and/or prompting and supervising the performance of direct personal care tasks as determined by the resident's needs as defined in WAC 388-15-202~~((38))~~, Long-term care services—Definitions. Personal care services do not include assistance with tasks which must be performed by a licensed health professional.

~~((19))~~ **"Physical restraint"** means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body, is used for discipline or convenience, and not required to treat the resident's medical symptoms.

~~((20))~~ **"Provider"** means any person or entity that is licensed under this chapter to operate an adult family home.

~~((21))~~ **"Resident"** means any adult unrelated to the provider who lives in the adult family home and who is in need of care. **"Resident"** includes former residents when examining complaints about admissions, readmissions, transfers or discharges. For decision-making purposes, the term **"resident"** includes the resident's surrogate decision maker in accordance with state law or at the resident's request.

~~((22))~~ **"Resident manager"** means a person employed or designated by the provider to manage the adult family home.

~~((23))~~ **"Special Care"** means care beyond personal care services as defined by ~~(subsection (18) of)~~ **"personal care services"** in this section.

~~((24))~~ **"Unsupervised"** means the same as the definition in RCW 43.43.830(8).

**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.

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

**AMENDATORY SECTION** (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-550 License application—Initial and renewal.** (1) All applications for adult family home licensure or renewal are subject to review under this chapter.

(2) ~~(To apply for an adult family home license, an applicant shall complete and submit a license application on department provided forms at least sixty days before the requested effective date of that license))~~ First time adult family home applicants must attend department orientation to receive an initial adult family home application.

(3) To apply for an initial adult family home license, an applicant shall complete and submit the department designated application form providing all information necessary, including information regarding any facilities and homes for the care or provision of services to children or vulnerable adults that the applicant is or has been affiliated with in the last ten years, so the department can determine whether the applicant meets all applicable qualifications and requirements. An entity shall provide this information with regard to any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant.

(4) For renewal of an adult family home license, the provider shall complete and submit a renewal application on department provided forms at least sixty days before the current license's expiration date. The license must be renewed annually to remain valid.

~~((4) The applicant shall complete the department designated application form providing all information necessary, including information regarding any facilities and homes for the care or provision of services to children or vulnerable adults that the applicant is or has been affiliated with in the last ten years, so the department can determine whether the applicant meets all applicable qualifications and requirements. An entity shall provide this information with regard to any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant.)~~

(5) All entity providers shall include their Unified Business Identifier (UBI) and Federal Employer Identification (FEI) numbers on the application.

(6) Married couples may not apply for separate adult family home licenses for each spouse.

(7) Couples legally married under Washington state law are the only individuals who may apply jointly for an adult family home license as co-providers. Two unmarried individuals applying for an adult family home license must be an entity provider by having legally formed a corporation, partnership, association, or limited liability company.

(8) The license applicant shall be the person or entity ultimately responsible for the daily operation of the adult family home. The license applicant or the applicant's authorized representative shall sign the adult family home license or renewal application.

~~((8))~~ (9) All entity providers shall designate an individual on their initial adult family home application who is ultimately responsible for the operation of the adult family home, this person will hereafter be referred to as the entity responsible individual. Entity providers shall notify their licensor when there is a change in the entity responsible individual.

(10) An applicant who enters into a lease or contractual agreement with a landlord who takes an active interest in the operation of the adult family home, shall include the landlord's name and address on the license or renewal application. Active interest includes but is not limited to:

- The charging of rent as a percentage of the business;
- Assistance with start up and operational expenses;
- Collection of resident fees;
- Recruitment of residents;
- Management oversight;
- Assessment and negotiated service plan development for residents; or

(g) The provision of personal or special care to residents.

~~((9))~~ (11) The department shall not commence review of an incomplete license or renewal application, and incomplete applications shall become void sixty days following the department's written request for additional documentation or information to complete the application.

~~((40))~~ (12) An adult family home license shall be valid for up to one year.

**AMENDATORY SECTION** (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-560 License eligibility—Initial and renewal.** (1) The department shall consider separately and jointly as applicants each person and entity named in an application for an adult family 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 an adult family home license, the department shall review:

(a) The information in the application; and

(b) Other documents and information the department deems relevant, including inspection and complaint investigation findings in each facility or home for the care or provision of services to children or vulnerable adults with which the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant is or has been affiliated.

(3) The applicant and the home for which the license is sought shall comply with all requirements established by chapter 70.128 RCW and this chapter. The department may deny a license for noncompliance with any such requirements.

(4) An individual provider shall be twenty-one years of age or older (~~and~~).

(5) All providers shall be registered with the department of health as required by RCW 70.128.120, prior to licensure.

~~((5))~~ (6) All resident managers shall be registered with the department of health as required by RCW 70.128.120, prior to being designated as an adult family home resident manager.

(7) A provider shall have the understanding, ability, emotional stability and physical health suited to meet the emotional and care needs of vulnerable adults.

(8) An adult family home shall not be licensed as a boarding home.

(9) The department shall deny a license if an applicant or any partner, officer, director, managerial employee, entity responsible individual, resident manager or owner of five percent or more of the entity applicant has a history of significant noncompliance with federal or state regulations in providing care or services to vulnerable adults or children. The department shall consider, at a minimum, the following as a history of significant noncompliance requiring denial of a license:

(a) Revocation or suspension of a license for the care of children or vulnerable adults;

(b) Enjoined from operating a facility for the care of children or adults; or

(c) Revocation, cancellation, suspension, or nonrenewal of a Medicaid or Medicare provider agreement, or any other

agreement with a public agency for the care or treatment of children or vulnerable adults.

~~((6))~~ (10) The department may deny, suspend, revoke, or refuse to renew a license if any person who is a caregiver, any person who has unsupervised access to residents, or any person who lives in the home but who is not a resident, meets any of the criteria defined under subsection (9) of this section.

(11) The department shall deny, suspend, revoke, or refuse to renew a license if an applicant, any person who is a caregiver, any person who has unsupervised access to residents, or any person who lives in the home but who is not a resident or any partner, officer, director, managerial employee, entity responsible individual, resident manager, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has been:

(a) Convicted of a crime against a person as defined under RCW 43.43.830 or RCW 43.43.842;

(b) Convicted of a crime relating to financial exploitation as defined under RCW 43.43.830 or RCW 43.43.842;

(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~~) abused 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.

~~((7) The department shall deny, suspend, revoke, or refuse to renew a license if any person who lives in the home or who has unsupervised access to residents meets any of the criteria defined under subsection (6) of this section.~~

~~(8))~~ (12) The department may deny, suspend, revoke, or refuse to renew a license if an applicant, any person who is a caregiver, any person who has unsupervised access to residents, or any person who lives in the home but who is not a resident, or any partner, officer, director, managerial employee, entity responsible individual, resident manager, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has:

(a) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(b) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;

(c) 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 an adult family home;

(d) Had sanction, corrective, or remedial action taken by federal, state, county, or municipal health or safety officials related to the care or treatment of children or vulnerable adults;

(e) Engaged in or been convicted of the illegal use of or illegal selling or distribution of drugs, or the excessive use of alcohol;

(f) Been convicted of any crime involving a firearm;

(g) Operated a facility for the care of children or adults without a license;

~~((g))~~ (h) Failed to meet financial obligations as the obligations fell due in the normal course of business;

~~((h))~~ (i) Misappropriated property of residents;

~~((i))~~ (j) Been denied a license or license renewal to operate a facility that was licensed for the care of children or vulnerable adults;

~~((j))~~ (k) Relinquished or returned a license in connection with the operation of any facility for the care of children or vulnerable adults, or did not seek the renewal of such license, following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of the license;

~~((k))~~ (l) Had resident trust funds or assets of an entity providing care to children or vulnerable adults seized by the IRS or a state entity for failure to pay income or payroll taxes;

~~((l))~~ (m) Refused to permit authorized department representatives to interview residents or have access to resident records;

~~((m))~~ (n) Interfered with a long term care ombudsman in the performance of his or her official duties; ~~((o))~~

~~((n))~~ (o) Exceeded licensed capacity in the operation of an adult family home;

(p) Had an order of protection or a restraining order issued against him or her under Title 13 or 26 RCW;

(q) Been found by the court in a proceeding under Title 26 RCW to have committed an act of domestic violence toward a family or household member.

~~((9))~~ (13) The department shall deny or refuse to renew an adult family home license to an applicant who is licensed to care for children in the same home unless:

(a) It is necessary in order to allow a resident's child(ren) to live in the same home as the resident or to allow a resident who turns eighteen to remain in the home;

(b) The applicant provides satisfactory evidence to the department of the home's capability to meet the needs of children and adults residing in the home; and

(c) The total number of persons receiving care in the home does not exceed the number permitted by the licensed capacity of the adult family home.

~~((10))~~ (14) The department's renewal of a license does not preclude the department from taking any action under WAC 388-76-705 based on inspection.

**AMENDATORY SECTION** (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-570 Additional license requirements—Multiple facility providers.** (1) The department shall not issue a license to a provider to operate more than one adult family home unless:

(a) The applicant has operated an adult family home for at least one year in this state without any significant violation of the rules of this chapter; or

(b) The applicant has submitted evidence demonstrating that it has the capability to operate multiple adult family homes.

(2) An applicant that is applying to be licensed for more than one adult family home shall submit to the department for each adult family home:

(a) A twenty-four hour per day, seven days per week, staffing plan; and

(b) A plan for covering administrative responsibilities.

(3) Multiple facility providers shall have on-site at each adult family home a plan that addresses visitor parking, deliveries, and staff parking. For adult family homes located within a city, this plan shall be submitted to the city planning authority for their review and comment. Any comments from the city planning authority must be returned to the provider within thirty days in order to be considered by the provider in finalizing their plan.

(4) The department may consider the applicant's credit history in determining whether to license the applicant for more than two adult family homes, when the department determines the credit history relates to an applicant's ability to provide care and services to vulnerable adults.

~~((4))~~ (5) When operating two or more adult family homes, ~~((a))~~ the individual provider or entity responsible individual shall successfully complete forty-eight hours of residential care administrator's training, including training in at least the following areas:

(a) Business planning and marketing;

(b) Fiscal planning and management;

(c) Human resource planning;

(d) Resident health services;

(e) Nutrition and food service;

(f) Working with people who are elderly, chronically mentally ill, or developmentally disabled;

(g) The licensing process;

(h) Social and recreational activities;

(i) Resident rights;

(j) Legal issues;

(k) Physical maintenance and fire safety; and

(l) Housekeeping.

~~((5) A provider who is operating more than one adult family home prior to the effective date of this chapter, shall have until June 1, 1997 to complete the residential care administrator's training.)~~

(6) A provider who applies for a license to operate more than one adult family home on or after ~~((the effective date of this chapter))~~ July 20, 1996, shall complete the residential care administrator's training prior to operating more than one family home.

**AMENDATORY SECTION** (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-590 Specialty adult family homes.** (1) Beginning September 1, 1996, an applicant or provider may apply for a designation as a specialty adult family home to serve and meet the unique needs of residents with:

(a) Developmental disabilities;

(b) Mental illnesses; or

(c) Dementia.

(2) An adult family home is not required to have a specialty designation to serve residents identified in subsection (1) above.

(3) **Developmental Disabilities.** To be designated as a home specializing in services to residents with developmental disabilities the provider or resident manager, in addition to complying with all other rules in this chapter, shall:

(a) Complete the department approved supplemental training addressing the residential support needs for persons with developmental disabilities prior to being designated as

a specialty adult family home. Training shall include, at a minimum, courses in positive behavior supports addressing behavior as a means of communication, and the division of developmental disabilities residential services guidelines;

(b) Each calendar year, complete a minimum of ten hours of continuing education credits that relates to providing care to persons with developmental disabilities. Training is to be obtained through regional division of developmental disabilities core training courses as offered for community service providers;

(i) The continuing education requirement listed above in subsection (3)(b) shall also qualify for the continuing education requirement in WAC 388-76-660 (2)(c);

(ii) The continuing education requirement begins the calendar year after the year in which the provider or resident manager completes the training listed above in subsection (3)(a); and

(c) Demonstrate an ability to accommodate for communication barriers of residents and recognize how behaviors may be a means for communication.

(4) A home specializing in services to residents with developmental disabilities shall provide the degree of supervision needed by residents and specified in the residents' negotiated service plans (~~(, which may be less than twenty-four hour supervision)~~).

(5) **Mental Illness.** To be designated as a home specializing in services to residents with mental illnesses, the provider or resident manager shall, in addition to complying with all other rules in this chapter:

(a) Complete the department approved specialized mental health training addressing the needs of persons who have a mental illness prior to being designated as a specialty adult family home;

(b) Each calendar year, complete a minimum of ten hours of continuing education credits that relates to mental health issues;

(i) The continuing education requirement listed above in subsection (5)(b) of this section shall also qualify for the continuing education requirement in WAC 388-76-660 (2)(c);

(ii) The continuing education requirement begins the calendar year after the year in which the provider or resident manager completes the training listed above in subsection (5)(a) of this section;

(c) Have a documented crisis response plan in place, know how to access emergency mental health services, and assure all caregivers are knowledgeable and capable of implementing the plan in a crisis; and

(d) Hire qualified caregivers and assure coverage of the home during periods of absence in order to meet residents' identified service needs, and have a documented staffing plan in place at all times.

(6) **Dementia.** To be designated as a home specializing in services to residents with dementia, the provider or resident manager shall, in addition to complying with all other rules in this chapter:

(a) Complete the department approved training course in providing care to persons with dementia prior to being designated as a specialty adult family home;

(b) Each calendar year, complete a minimum of ten hours of continuing education credits that relate to providing care to persons with dementia;

(i) The continuing education requirement listed above in subsection (6)(b) of this section shall also qualify for the continuing education requirement in WAC 388-76-660 (2)(c);

(ii) The continuing education requirement begins the calendar year after the year in which the provider or resident manager completes the training listed above in subsection (6)(a) of this section;

(c) Hire qualified caregivers and assure coverage of the home during periods of absence in order to meet residents' identified service needs, and have a documented staffing plan in place at all times; and

(d) ~~((Be))~~ Shall ensure the home is designed to accommodate residents with dementia in a homelike environment. The design and environment of the home shall support residents in their activities of daily living; enhance their quality of life; reduce tension, agitation, and problem behaviors; and promote their safety.

AMENDATORY SECTION (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-595 Inspections and ombudsman visits.**

(1) The department shall conduct unannounced inspections and complaint investigations to determine the provider's compliance with this chapter and chapter 70.128 RCW.

(2) The provider shall ensure that department staff have access to the home, residents, ~~((and))~~ all resident records therein, and all relevant staff records, and shall not willfully interfere or fail to cooperate with department staff in the performance of official duties.

(3) The adult family home shall not willfully interfere with a representative of the long term care ombudsman in the performance of official duties, as defined under chapter 43.190 RCW, Long-term care ombudsman program and under federal law, and the department shall impose a penalty of not more than one thousand dollars for any such willful interference.

(4) Within ten working days of the inspection of the adult family home, the department's inspection report shall be mailed or hand delivered to the provider ((and made available to the public within ten working days of the inspection of the adult family home. If a provider gives the department a plan of correction for deficiencies, the department shall include a statement of the provider's planned corrective measures in the department's inspection report)).

(5) Within ten working days of the completion of complaint investigation data collection, any department inspection report related to a complaint investigation shall be mailed or hand delivered to the provider.

(6) A provider shall submit to the department the planned corrective measures for violations and/or deficiencies within ten days of receipt of an inspection report.

(7) Department inspection reports shall be made available to the public immediately following the department's decision to summarily suspend or revoke an adult family home license.

(8) Department inspection reports shall be made available to the public following receipt of the provider's planned corrective measures or ten working days after the provider received the inspection report, whichever comes first. The department shall include the statement of the

provider's planned corrective measures with the department's inspection report.

(9) Each home shall publicly post with their adult family home license a notice that the inspection reports are available in the home. The inspection reports must be available for examination in a place readily accessible to residents, family members, and others.

AMENDATORY SECTION (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-605 Restraints.** (1) The resident has the right to be free from physical and chemical restraint and involuntary seclusion.

(2) Adult family homes are prohibited from using any and all forms of physical restraint that are used for the purposes of discipline or convenience and are not required to treat the resident's medical symptoms. Treatment of such medical symptoms must be applied and ~~((directly))~~ immediately supervised on-site by a licensed registered nurse (RN), licensed practical nurse (LPN) or a licensed physician. Immediate supervision means the licensed registered nurse, the licensed practical nurse, or the licensed physician is in the home and quickly and easily available.

(3) The provider shall ensure that the resident is free from chemical restraints which are:

- (a) Used for discipline or convenience; and
- (b) Not required to treat the resident's medical symptoms.

(4) In any situation where a psychopharmacological drug is used for the resident, the provider shall ensure:

- (a) That it is not used for the purpose of discipline or convenience;
- (b) That it has been prescribed by a physician;
- (c) The resident's negotiated service plan provides strategies and approaches to diminish or eliminate use of the psychopharmacological drug, where possible; and
- (d) The resident or surrogate decision maker has given informed consent for its use.

AMENDATORY SECTION (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-610 Resident assessment.** (1) The provider shall not admit or retain a resident unless they can ensure:

(a) The adult family home can meet the resident's assessed needs and maintain a safe environment for all residents;

- (b) The resident's admission will not:
  - (i) Adversely affect the provider's ability to meet the needs of other residents in the home;
  - (ii) Endanger the safety of other residents; and
- (c) All residents and household members can be safely evacuated in an emergency.

(2) For each resident, the provider shall have a current written assessment which describes the resident's:

- (a) Medical status;
  - (b) Strengths and needs;
  - (c) Activities preferences; and
  - (d) Preferences and choices regarding issues important to the resident (e.g., food, daily routine).
- (3) The provider shall:

(a) Obtain sufficient assessment information to develop a negotiated service plan within fourteen days of the resident's admission; and

(b) Complete the assessment within thirty days of the resident's admission.

(4) The provider shall ensure that the resident's assessment is reviewed and updated for accuracy:

- (a) As needed; and
- (b) At the resident's request.

AMENDATORY SECTION (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-620 Provision of services and care.** (1) The provider shall ensure that the resident receives necessary services and care to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with resident choice.

(2) The provider shall encourage and promote resident participation in service planning and delivery.

(3) The provider shall respect the resident's right to decide negotiated service plan goals and treatment choices, including acceptance or refusal of service plan recommendations.

(4) The provider shall ensure that resident services are delivered in a manner and in an environment that:

- (a) Promotes maintenance or enhancement of each resident's quality of life; ~~((and))~~
- (b) Ensures the safety of all residents; and
- (c) Reasonably accommodates the resident's individual needs and preferences, except when the health or safety of the resident or other residents would be endangered.

(5) The provider shall ensure that appropriate professionals provide needed services to the resident based upon the resident's assessment and negotiated service plan.

AMENDATORY SECTION (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-635 Nurse delegation—Penalties.** The department shall impose a civil fine on any provider ~~((or resident manager))~~ that knowingly performs or knowingly permits an employee to perform a nursing task except as delegated by a nurse pursuant to chapter 18.79 RCW and chapter 246-840 WAC as follows:

- (1) Two hundred fifty dollars for the first time the department finds an unlawful delegation;
- (2) Five hundred dollars for the second time the department finds an unlawful delegation; and
- (3) One thousand dollars for the third time or more the department finds an unlawful delegation.

AMENDATORY SECTION (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-640 Resident medications.** (1) Prescription medications may be administered only under the order of a physician or health care professional with prescriptive authority and with the resident's consent.

(2) The provider shall ensure that all prescription and over the counter medications are kept in:

- (a) Locked storage; and

(b) The medication's original containers with the legible, original label.

(3) A self-medicating resident who wishes to retain his or her medication, shall keep the medication in a locked space in his or her own room that is not accessible to other residents.

(4) Medication organizers may be used when they are filled by:

(a) The resident;

(b) A resident's family member;

(c) The resident's surrogate decision maker acting in accordance with state law; or

(d) A health care professional licensed in Washington state who has had specialized training in medication administration.

~~((4))~~ (5) Medication organizers shall carry a label which clearly identifies the:

(a) Name of the resident;

(b) Medications included; and

(c) Frequency ~~((of))~~ and dosage of medication.

~~((5))~~ (6) The adult family home caregiver may administer the resident's oral medication only when the caregiver:

(a) Is a health care professional licensed in Washington state with specialized training in medication administration; or

(b) Has been authorized and trained to perform oral medication administration for the resident as a delegated nursing task in accordance with the requirements established by the nursing care quality assurance commission.

(7) Adult family home caregivers may assist the resident to self medicate with the consent of the resident or the resident's surrogate decision maker acting in accordance with state law.

~~((6) Unless he or she is a licensed health professional or has been authorized and trained to perform a specifically delegated nursing task, the caregiver may only assist))~~

(8) Assisting the resident to self medicate ((by)) means:

(a) Reminding the resident when it is time to take a medication;

(b) Handing the resident the medication container; and

(c) Opening the resident's medication container.

~~((7) The adult family home caregiver may administer the resident's oral medication only when the caregiver:~~

~~(a) Is a health care professional licensed in Washington state with specialized training in medication administration; or~~

~~(b) Has been authorized and trained to perform oral medication administration for the resident as a delegated nursing task in accordance with the requirements established by the nursing care quality assurance commission.~~

~~((8))~~ (9) A caregiver may assist a resident who cannot physically self-administer medication, but who can accurately direct others, by:

(a) Opening the container; and

(b) Applying or instilling oral, skin, nose, eye, and ear preparations.

(10) The provider shall ~~((maintain))~~ be responsible for ensuring that there is a record of all medications administered to and taken by the resident.

~~((9))~~ (11) The provider shall ensure that injections are only administered to the resident by:

(a) The resident when he or she is capable;

(b) A resident's family member;

(c) The resident's surrogate decision maker acting in accordance with state law; or

(d) A health care professional licensed in Washington state who has had specialized training in medication administration.

(12) Over-the-counter medications requested by the resident shall be reviewed by the resident's physician/nurse practitioner or pharmacist for potentially harmful drug interactions.

(13) Unless the resident refuses the provider shall ensure that the resident receives prescription medication as ordered.

## PART IV ADMINISTRATION

AMENDATORY SECTION (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-655 General management and administration.** (1) The provider shall not admit or retain any resident whose needs the provider cannot meet.

(2) The provider shall ensure:

(a) That staff are competent, and receive necessary training to perform assigned tasks;

(b) The adult family home is in compliance with the requirements of this chapter and other applicable state laws; ~~((and))~~

(c) The home employs sufficient staff to meet the needs of the residents; and

(d) That the provider or entity responsible individual is available to respond to resident, caregiver, and department staff needs or inquiries.

(3) The provider shall maintain liability insurance of at least one hundred thousand dollars per occurrence to cover:

(a) Damage or loss of the resident's property; and

(b) Injury or harm to the resident resulting from:

(i) The provision of services or failure to provide needed services; or

(ii) Incidents occurring in the adult family home or on the home's premises.

~~(4) ((A provider who operates only one adult family home shall have evidence of the insurance coverage required by subsection (3) of this section beginning January 1, 1997.~~

~~((5))~~ The provider shall ensure that all caregivers are at least eighteen years of age or older.

~~((6))~~ (5) The provider shall ensure that the provider ~~((of))~~, entity responsible individual, resident manager and all caregivers:

(a) Are able to communicate or make provisions for communicating with the resident in his or her primary language;

(b) Have a clear understanding of job responsibilities and knowledge of residents' negotiated service plans in order to be able to provide care specific to each resident's needs;

(c) Not engage in the illegal use of drugs or the excessive use of alcohol; and

(d) Possess a valid first aid and CPR card prior to providing care for residents; and

(e) Have not had a professional health care license or certificate, or a license for the care of children or vulnerable adults suspended, revoked or denied.

~~((7))~~ (6) The provider shall ensure that:

(a) There is at ~~((all times on the premises at))~~ least one caregiver who ~~((is literate and))~~ has completed the department's fundamentals of caregiving or modified fundamentals of caregiving training present in the home whenever one or more residents are on the premises; and

(b) At least one caregiver is accessible by phone for emergencies when there are no residents on the homes' premises.

(7) The caregiver referred to under subsection (6) of this section shall be capable of understanding written and oral instructions communicated in English in order to be able to respond appropriately to emergency situations.

**AMENDATORY SECTION** (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-660 Training.** (1) Before operating and providing services in an adult family home, individual providers, entity responsible individuals, and resident managers shall successfully complete the department's:

(a) Fundamentals of caregiving training; or

(b) Modified fundamentals of caregiving training if they meet the requirements listed in subsection (3) of this section.

(2) Providers shall ensure that:

(a) All caregivers hired in the adult family home on or after ~~((the effective date of this chapter))~~ July 20, 1996 successfully complete the department designated fundamentals of caregiving training within one hundred twenty days of employment, unless he or she meets the requirements in subsection (3) below; and

~~(b) ~~((All caregivers hired in the adult family home prior to the effective date of this chapter successfully complete the department designated fundamentals of caregiving training prior to March 1, 1997, unless he or she meets the requirements in subsection (3) below; and~~~~

~~(e))~~ All caregivers complete a minimum of ten hours of continuing education credits per calendar year, on topics relevant to caregiving:

(i) Topics include, but are not limited to residents' rights, personal care, dementia, mental illness, developmental disabilities, depression, medication assistance, communication skills, alternatives to restraints, and activities for residents;

(ii) Caregivers must receive a certificate of completion to meet the requirement for continuing education credit and each hour of completed instruction will count as one hour of continuing education credit; and

(iii) The continuing education requirement begins the calendar year after the year in which the caregiver completes the fundamentals or modified fundamentals of caregiving training.

(3) A caregiver who ~~((is a))~~ has successfully completed training as a registered or licensed practical nurse, a physical or occupational therapist, a nursing assistant certified, a home health aid from a Medicare certified home health agency, who has successfully completed department approved adult family home training, or department approved personal care training from an area agency on aging or their

subcontractor, or who is a resident manager or provider prior to ~~((the effective date of this chapter))~~ July 20, 1996, is exempt from the fundamentals of caregiving training in subsection (2) of this section if the caregiver successfully completes the department designated modified fundamentals of caregiving training in accordance with the dates specified in subsection (2) of this section.

(4) Caregivers are exempt from attending the fundamentals of caregiving or modified fundamentals of caregiving trainings if they successfully pass the department's challenge test for the class they are required to take. The caregiver has only one opportunity to successfully pass the challenge test then he/she must attend the fundamentals of caregiving or modified fundamentals of caregiving trainings as required.

(5) Volunteers are exempt from the training requirements listed above unless they provide unsupervised direct personal care to residents.

~~((5))~~ (6) The provider shall document that caregivers have met the education and training requirements.

**AMENDATORY SECTION** (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-665 Resident records.** (1) The provider or resident manager shall:

(a) Keep confidential all information contained in the resident's records, regardless of the form or storage method of the records (e.g., computer files); and

(b) Protect information in the resident's record against alteration, loss, destruction, and unauthorized use.

(2) The provider or resident manager shall release information from the resident's record when required by:

(a) The resident's transfer to a health care institution;

(b) Law;

(c) Representatives of the department when acting in accordance with state law; or

(d) The resident.

(3) The provider shall ensure that caregivers in the home have access to resident records when information in those records is needed to provide care.

(4) The provider shall retain the resident's record for three years following the resident's discharge or death.

~~((4))~~ (5) The adult family home shall ensure that the resident's record includes at least the following:

(a) Resident identification including the name, address, and telephone number of the person or persons the resident designates as significant;

(b) The name, address, and telephone numbers for the resident's:

(i) Surrogate decision maker, if any; and

(ii) Health care providers;

(c) A current medical history;

(d) An inventory of personal belongings which is:

(i) Updated as additional belongings accrue; and

(ii) Dated and signed by the resident and the provider or resident manager;

(e) The resident's assessment;

(f) The current negotiated service plan;

(g) Legal documents, including but not limited to:

(i) Power of attorney (POA) if the resident has appointed a POA;

- (ii) Advance health care directives if the resident has executed such directives; and
  - (iii) A court order, if any, appointing a legal guardian and detailing the guardian's responsibility;
  - (h) Financial records;
  - (i) Medication records;
  - (j) The resident's social security number; and
  - (k) Admission, discharge, and absences information.
- ~~((5))~~ (6) The provider or resident manager shall keep the resident's record at the adult family home in which the resident lives.

**AMENDATORY SECTION** (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-670 Disaster and emergency preparedness.** (1) The provider shall develop written plans and procedures to meet potential emergencies and disasters, such as fires, earthquakes, and floods.

(2) The provider shall ensure that all staff are trained in those emergency procedures when they begin to work at the home.

(3) The provider shall periodically review disaster and emergency procedures with staff, caregivers, and residents.

(4) The provider shall maintain a seventy-two hour food and water supply at the home, that is separate from the home's normal food and water supply, to meet resident needs in an emergency.

(5) The provider shall ensure the adult family home has readily available first-aid supplies and a first-aid manual.

**AMENDATORY SECTION** (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-675 Reporting requirements.** (1) The provider shall investigate, document, and immediately notify the department's toll-free complaint telephone number of any incidents involving allegations of resident abuse, neglect, exploitation or abandonment in accordance with the provisions of chapter 74.34 RCW.

(2) The provider shall keep a log of ~~((injuries and accidents to residents))~~ resident accidents, injuries sustained in accidents and injuries of unknown origin.

(3) When there is a significant change in a resident's condition, or a serious injury, trauma, or death of a resident, the provider shall immediately notify:

(a) The resident's family, surrogate decision maker, physician and other appropriate professionals, and other persons identified in the negotiated service plan; and

(b) The case manager, if the resident is receiving services paid for fully or partially by the department.

(4) The adult family home shall immediately report to the department's aging and adult services administration:

(a) Any event, actual or potential, requiring the evacuation or relocation of all or part of the home's residents to another address; ~~((and))~~

(b) Circumstances which threaten the home's ability to ensure continuation of services to residents; and

(c) Instances when a resident is determined to be missing.

(5) The provider shall immediately notify local law enforcement anytime the provider has reason to believe that the resident has been the victim of a crime.

(6) The provider shall notify the local public health officer and the department of any occurrence of food poisoning or communicable disease as required by the state board of health.

**AMENDATORY SECTION** (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-680 Infection control and communicable disease.** (1) The provider or resident manager shall institute appropriate infection control measures when the resident or any household member or caregiver has, or is suspected of having, a communicable disease.

(2) The provider shall ~~((, in addition to following))~~ follow chapter 49.17 RCW, Washington Industrial Safety and Health Act (WISHA) requirements ~~((;))~~ to protect the health and safety of residents ~~((from))~~ and employees. Specifically, with regard to tuberculosis ~~((by requiring))~~ the provider, ~~((and))~~ the entity responsible individual, each resident manager and caregiver ~~((to))~~ shall have, upon employment:

(a) A tuberculin skin test by the Mantoux method ~~((PPD))~~, unless the staff person:

(i) Documents a previous positive Mantoux skin test, which is ten or more millimeters of induration read at forty-eight to seventy-two hours;

(ii) Documents meeting the requirements of this subsection within the ~~((six))~~ twelve months preceding the date of employment; ~~((or))~~

(iii) Documents adequate therapy for active disease, or adequate preventive therapy; or

(iv) Provides a written waiver from skin testing from the department of health ~~((or authorized local health department))~~.

(b) A second test one to three weeks after a negative Mantoux skin test ~~((for staff thirty five years of age or older))~~; and

(c) A chest X-ray within seven days of any positive Mantoux skin test.

(3) The provider or resident manager shall:

(a) Report any employee's or provider's positive chest X-ray ~~((s))~~ to the appropriate public health authority ~~((;))~~; and

(b) Follow precautions ordered by ~~((a physician or))~~ the public health authority or the employee's personal physician.

(4) The provider shall retain records of tuberculin test results, reports of X-ray findings, physician or public health official orders, and waivers in the adult family home.

(5) The provider or resident manager shall:

(a) Use infection control standards and educational material consistent with the current curriculum for infection control as defined in the department's fundamentals of caregiving training ~~((and the adult family home provider's handbook))~~;

(b) Dispose of used syringes, razor blades, and other sharp items in a manner that will not jeopardize the health and safety of residents, staff, and the public;

(c) Ensure disposals are placed in rigid containers, impervious to liquids and penetration by puncture. These containers shall be such that they cannot be opened either intentionally or accidentally; and

(d) Use all disposable and single-service supplies and equipment as specified by the manufacturer.

**AMENDATORY SECTION** (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-685 Criminal history disclosure and background inquiries.** (1) Before the adult family home employs, directly or by contract, a resident manager, entity responsible individual, or caregiver, or accepts as a caregiver any volunteer or student, or allows a household member unsupervised access to residents, the home shall:

(a) Require the person to complete the residential care services background inquiry form which includes:

(i) A disclosure statement; and  
(ii) A statement authorizing the adult family home, the department, and the Washington state patrol to conduct a background inquiry;

(b) Verbally inform the person:

(i) That he or she may request a copy of the background inquiry result; and

(ii) Of the inquiry result within ten days of receipt; and

(c) Notify the appropriate licensing or certification agency of any person resigning or terminated as a result of having a conviction record.

(2) The adult family home provider 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, or allow a household member unsupervised access to residents, if the person or background inquiry discloses that the person was:

(a) Convicted of a crime against persons 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 domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;

(d) Subject to an order of protection under chapter 74.34 RCW for abuse, neglect, abandonment or financial exploitation of a vulnerable adult;

(e) Found in a final decision issued by a disciplinary board to have:

(i) Sexually or physically abused or exploited any minor or developmentally disabled person; or

(ii) Abused, neglected, abandoned or financially exploited any vulnerable adult; or

(f) 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.

(3) The adult family home may choose to employ a person with a conviction of a crime against persons only if the conviction is one of the crimes listed in RCW 43.43.842 and the required number of years has passed.

(4) An adult family home may conditionally employ a person pending the result of a background inquiry, provided the home requests the inquiry within seventy-two hours of the conditional employment.

(5) A background inquiry result is only valid for two years from the date it is conducted, at which point a new background inquiry application must be submitted.

(6) The adult family home shall establish procedures ensuring:

(a) All disclosure statements and background inquiry applications and responses and all copies are maintained in a confidential and secure manner;

(b) All background inquiry results and disclosure statements are used for employment purposes only;

(c) Background inquiry results and disclosure statements are not disclosed to any person except:

(i) The person about whom the adult family home made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor.

~~((6))~~ (7) A record of inquiry results shall be retained by the adult family home for eighteen months beyond the date of employment termination.

~~((7))~~ (8) The provider shall secure and submit any additional documentation and information as requested by the department to satisfy the requirements of this section.

**AMENDATORY SECTION** (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-690 Advance directives, guardianship, and decision making.** (1) The provider or resident manager shall provide or ensure that the resident, at the time of admission, has received the department's current booklet on health care rights, in the language appropriate for the resident, if available from the department.

(2) The provider or resident manager shall:

(a) Immediately contact the local emergency medical services in the event of a resident medical emergency regardless of any order, directive, or other expression of resident wishes involving the provision of medical services;

(b) Have readily available for emergency medical services personnel the resident's advance directives if the resident has executed an advance directive;

(c) Inform the resident of the action required by subsection (2)(a) of this section; and

(d) Include the action required by subsection (2)(a) of this section in the home's operational policies.

(3) A licensed physician or registered nurse acting within his or her scope of practice shall be exempt from the provisions of subsection (2) of this section.

(4) ~~((Owners, administrators,))~~ Providers, provider's family members, and employees shall not act as legal guardian ~~((, or attorney-in-fact,))~~ for any resident residing in or receiving care in the home, unless ~~((he or she is the parent, spouse, adult child, or sibling of the resident))~~ they have authorization under RCW 11.92.040(6). A provider, provider's family member, or employee who is a resident's guardian ~~((for a resident of the adult family home at the time of the effective date of this regulation shall have up to two years from the effective date of this regulation to be legally removed as guardian of the resident))~~ and who does not have this authorization shall diligently seek a court order in accordance with RCW 11.92.040(6) no later than one year from the effective date of this rule.

(5) The adult family home shall provide care and services in compliance with the federal patient self determination act and with applicable state statutes related to surrogate and health care decision making, including chapters 7.70, 70.122, 11.88, 11.92, and 11.94 RCW.

**AMENDATORY SECTION** (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-695 Protection of resident funds—Liquidation or transfer.** (1) Upon the death of a resident, the adult family home shall promptly convey the resident's personal funds held by the adult family home with a final accounting of such funds to the department or to the individual or probate jurisdiction administering the resident's estate no later than forty-five calendar days after the date of the resident's death.

(2) If the deceased resident was a recipient of long-term care services paid for in whole or part by the state of Washington, then the personal funds held by the adult family home and the final accounting should be paid to the secretary, department of social and health services and mailed to the office of financial recovery, estate recovery unit, P.O. Box 9501, Olympia, WA 98507-9501 or such address as may be directed by the department in the future:

(a) The check and final accounting accompanying the payment shall contain the name and social security number of the deceased individual from whose personal funds account the monies are being paid; and

(b) The department of social and health services shall establish a release procedure for use of funds necessary for burial expenses.

(3) In situations where the resident is absent from the adult family home for an extended time without notifying the home, and the resident's whereabouts is unknown:

(a) The adult family home shall make a reasonable effort to find the missing resident; and

(b) If the resident cannot be located after ninety days, the home shall notify the department of revenue of the existence of "abandoned property," outlined in chapter 63.29 RCW. The home shall deliver to the department of revenue the balance of the resident's personal funds within twenty days following such notification.

(4) Prior to the sale or other transfer of ownership of the adult family home the provider shall:

(a) Provide each resident with a written accounting of any personal funds held by the home;

(b) Provide the new provider with a written accounting of all resident funds being transferred; and

(c) Obtain a written (~~request~~) receipt for those funds from the new provider.

## PART V REMEDIES AND DISPUTE RESOLUTION

**AMENDATORY SECTION** (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-705 Remedies.** (1) The department may take one or more of the actions listed in subsection (3)(a) of this section in any case in which the department finds that an adult family home provider has:

(a) Failed or refused to comply with the applicable requirements of chapters 70.128 and 70.129 RCW or of this chapter;

(b) Operated without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a

license or any data attached thereto, or in any matter under investigation by the department; (~~or~~)

(d) Willfully prevented (~~or~~), interfered with, or failed to cooperate with any inspection or investigation by the department; or

(e) Failed to comply with:

(i) A condition imposed on a license; or

(ii) A stop placement order.

(2)(a) For failure or refusal to comply with any applicable requirements of chapters 70.128 and 70.129 RCW or of this chapter, the department may provide consultation and shall allow the provider a reasonable opportunity to correct before imposing remedies under subsection (3)(a) unless the violations pose a serious risk to residents, are recurring or have been uncorrected.

(b) When violations of this chapter pose a serious risk to a resident, are recurring or have been uncorrected, the department shall impose a remedy or remedies listed under subsection (3)(a). In determining which remedy or remedies to impose, the department shall take into account the severity of the potential or actual impact of the violations on residents and which remedy or remedies are likely to improve resident outcomes and satisfaction in a timely manner.

(3)(a) Actions and remedies the department may impose include:

(i) Denial of an application for a license;

(ii) Imposition of reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of residents the provider may admit or serve;

(iii) Imposition of civil penalties of not more than one hundred dollars per day per violation;

(iv) Suspension, revocation, or refusal to renew a license; or

(v) Order stop placement.

(b) When the department orders stop placement, the adult family home shall not admit any person until the stop placement order is terminated. The department may approve readmission of a resident to the adult family home from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when the department determines that:

(i) The violations necessitating the stop placement have been corrected; and

(ii) The provider exhibits the capacity to maintain adequate care and service.

(c) Conditions the department may impose on a license include, but are not limited to the following:

(i) Correction within a specified time;

(ii) Training related to the violations;

(iii) Limits on the type of residents the provider may admit or serve;

(iv) Discharge of any resident when the department determines discharge is needed to meet that resident's needs or for the protection of other residents;

(v) Change in the license capacity;

(vi) Removal of the adult family home's designation as a specialized home;

(vii) Prohibition of access to residents by a specified person; and

(viii) Demonstration of ability to meet financial obligations necessary to continue operation.

(d) When a provider fails to pay a fine when due under this chapter, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from any contract payment due to the provider from the department.

(e) When the department finds that a licensed provider also operates an unlicensed adult family home, the department may impose a remedy listed under subsection (3)(a) of this section on the provider and the provider's licensed adult family home or homes.

(f) When the department determines that violations existing in an adult family home are of such a nature as to present a serious risk of harm to residents of other homes operated by the same provider, the department may impose remedies on those other homes.

**AMENDATORY SECTION** (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-765 Fire safety.** (1) Every room used by residents shall have a fully opening window of sufficient size and free of obstructions for emergency escape or rescue unless the room has(+

~~(a) Two separate doors; or~~

~~(b) One))~~ a door leading directly to the outside. The provider shall comply with the 1994 Uniform Building Code, WAC 51-30-313.4.4.2 regarding escape or rescue window size.

(2) When resident bedroom windows are fitted with storm windows, the provider shall equip the storm windows with approved release mechanisms which are easily opened from the inside without the use of a key or special knowledge or effort.

(3) The provider shall assure that every occupied area used by persons under care shall have access to one exit or more and shall not pass through a room or space subject to being locked or blocked from the opposite side.

(4) The provider shall prohibit use as living space any area accessible only by ladder, folding stairs, or a trap door.

(5) The provider shall assure every bathroom door lock opens from the outside in an emergency.

(6) The provider shall assure every closet door opens from the inside.

(7) The provider shall not locate a stove or heater where the stove or heater blocks a resident's escape.

(8) The provider shall store flammable or combustible material away from exits and in areas not accessible to persons under care.

(9) A provider whose licensed home is equipped with open flame devices, cooking appliances, and other similar products shall use them in a safe manner.

(10) A provider shall not use portable oil, gas, kerosene, and electric space heaters, except in case of a power outage when the portable space heater is the home's only available heat.

(11) An adult family home shall have a posted, written plan for evacuation to safe areas in the event of fire. All staff, caregivers and residents shall be instructed in emergency evacuation procedures. The provider shall conduct fire drills at least every two months. The provider or resident manager shall maintain a log of dates and times of fire drills, and shall record the number of minutes it took to perform

the fire evacuation drill. At the time of fire evacuation drills, the provider shall verify:

(a) Fire extinguishers are fully charged; ~~((and))~~

(b) Smoke detectors are in proper working order; and

(c) All residents are safely evacuated within five minutes of the commencement of the fire drill.

(12) The provider shall provide and have readily available an approved 2-A:10-B:C rated (five pound) fire extinguisher in proper operating condition on each floor of living space of the adult family home. Where local fire authorities require installation of a different type or size of fire extinguisher, the requirement of the local authority shall prevail. The provider shall maintain each required fire extinguisher in proper operating condition and shall have each required fire extinguisher inspected and serviced annually by a qualified inspector.

(13) The adult family home provider shall have an approved automatic smoke detector in each resident's bedroom and in proximity to the area where any resident or caregiver sleeps. When the licensed home is a multi-level home, a smoke detector shall be installed on each level. For violations in maintaining a smoke detector in working order, the department may require the provider to hard wire the smoke detector into the home's electrical system.

(14) An adult family home located in a rural area where there is not a public fire district shall ensure that on-site fire protection approved by the county fire authority is available to the adult family home.

(15) The provider shall assure outside exit doors open from the inside, without the use of a key or any special knowledge or effort.

(16) The provider shall comply with the 1994 Uniform Building Code, section 313, requirements for group LC occupancy (WAC 51-30-313) regarding evacuation capability and location or resident sleeping rooms.

(17) The provider shall notify the department of any fire on the premises by the first working day following the fire.

(18) Upon request, the provider shall allow the department ~~((may request))~~ to observe adult family home fire drills to assess the provider's ability to safely evacuate residents within five minutes of the commencement of the fire drill.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-76-010	Authority.
WAC 388-76-020	Adult family homes.
WAC 388-76-030	Definitions.
WAC 388-76-040	Application or renewal for license.
WAC 388-76-045	Unlicensed facilities.
WAC 388-76-050	Licensing of state employee.
WAC 388-76-060	Limitations on licenses.
WAC 388-76-070	General qualifications of provider, staff persons, and other persons on the premises.
WAC 388-76-080	Multiple facility ownership.
WAC 388-76-085	General standards.
WAC 388-76-090	Licensure—Denial, suspension, or revocation.

WAC 388-76-095 License action notice—Adjudicative proceeding.

WAC 388-76-100 License fees.

WAC 388-76-110 Discrimination prohibited.

WAC 388-76-130 Persons subject to licensing.

WAC 388-76-140 Persons not subject to licensing.

WAC 388-76-155 Exceptions.

WAC 388-76-160 Capacity.

WAC 388-76-170 Providers' or resident managers' outside employment.

WAC 388-76-180 Provider or resident manager absence form home.

WAC 388-76-185 Placement of residents outside home.

WAC 388-76-190 Effect of local ordinances.

WAC 388-76-200 Fire safety.

WAC 388-76-220 Corporal punishment and physical and chemical restraints.

WAC 388-76-240 Resident's records and information.

WAC 388-76-250 Reporting of illness, death, injury, epidemic, or adult abuse.

WAC 388-76-260 Reporting change in circumstances.

WAC 388-76-280 Provider or resident manager-provided transportation for residents.

WAC 388-76-290 Clothing.

WAC 388-76-300 Personal hygiene.

WAC 388-76-310 Training.

WAC 388-76-320 Site.

WAC 388-76-325 Telephone.

WAC 388-76-330 Safety and maintenance.

WAC 388-76-340 Water safety.

WAC 388-76-350 Firearms.

WAC 388-76-360 Storage.

WAC 388-76-370 Bedrooms.

WAC 388-76-380 Kitchen facilities.

WAC 388-76-390 Laundry.

WAC 388-76-400 Toilets, lavatories, and bathing facilities.

WAC 388-76-405 Common use areas.

WAC 388-76-410 Lighting.

WAC 388-76-420 Pest control.

WAC 388-76-430 Sewage and liquid wastes.

WAC 388-76-435 Pets.

WAC 388-76-440 Water supply.

WAC 388-76-450 Temperature.

WAC 388-76-460 Ventilation.

WAC 388-76-465 Resident rights.

WAC 388-76-470 Health care plan.

WAC 388-76-475 Negotiated service plan.

WAC 388-76-480 First aid.

WAC 388-76-490 Medication services.

WAC 388-76-500 Self-administration of medications.

WAC 388-76-520 Infection control, communicable disease.

WAC 388-76-530 Food services.

**WSR 97-19-002**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed September 3, 1997, 2:40 p.m.]

Continuance of WSR 97-11-084.

Preproposal statement of inquiry was filed as WSR 96-15-138.

Title of Rule: New chapter 16-573 WAC, Canola and Rapeseed Commission.

Purpose: Continue the proposed intended adoption date on the proposal to establish a commodity commission to represent canola and rapeseed growers in the state of Washington with the authority to collect assessments to carry out activities in promotion, research, public information programs, establishing grades and standards, and to take necessary action to prevent unfair trade practices.

Statutory Authority for Adoption: RCW 15.65.050.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: The rule will create the Canola and Rapeseed Commission consisting of an eight member board to carry-out activities in the promotion, research, public information programs, the establishment of grades and standards, and to take necessary action to prevent unfair trade practices.

Reasons Supporting Proposal: The agricultural industry groups may petition the director of agriculture to form an agricultural commodity commission in compliance with chapter 15.65 RCW. The issuance of a marketing order must be approved by a vote of the growers. The cost of all programs in marketing and research conducted by the commission is borne by the affected producers.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1928.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To create a Canola and Rapeseed Commission to carry-out activities in the promotion, research, public information programs, establishment of grades and standards, and to take necessary action to prevent unfair trade practices.

Proposal does not change existing rules.

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

The small business economic impact statement was filed with the original CR-102, WSR 97-11-084.

A copy of the statement may be obtained by writing to Walter Swenson, Agricultural Programs Administrator, Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, or FAX (360) 902-2089.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Date of Intended Adoption: January 31, 1998.

September 3, 1997  
 William E. Brookreson  
 Assistant Director

PROPOSED

**Chapter 16-573 WAC  
CANOLA AND RAPESEED COMMISSION**

**NEW SECTION**

**WAC 16-573-010 Definitions of terms.** For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or the director's duly appointed representative.

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

(3) "Act" means the Washington State Agriculture Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association or corporation.

(5) "Affected producer" means any person who produces, or causes to be produced, in commercial quantities, canola or rapeseed, or both in the state of Washington.

(6) "Commercial quantity" means all the canola or rapeseed produced for market in any calendar year by any producer.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing or distributing canola or rapeseed not produced by the handler and includes any lending agencies for a commodity credit corporation loan to producers.

(8) "Canola and rapeseed commodity board" referred to as "board" means the canola and rapeseed commodity board formed under WAC 16-573-020.

(9) "Canola or rapeseed" or "canola and rapeseed" means *Brassica Sp.* oilseeds, produced for use as oil, meal, planting seed, condiment, or other industrial or chemurgic uses, and includes mustard.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning on June 1 of any year and ending with the last day of May, both dates being inclusive.

(11) "Producer-handler" is both a "producer" and a "handler" with respect to canola and rapeseed and is covered by this order as a producer when engaged in the business of producing canola or rapeseed or a handler when engaged in processing, selling, marketing or distributing canola or rapeseed.

(12) "Affected area" means the following counties located in the state of Washington: Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Klickitat, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(14) "Affected unit" means one hundred pounds (hundredweight) of canola or rapeseed, or both.

**NEW SECTION**

**WAC 16-573-020 The canola and rapeseed board.**

(1) **Administration.** The provisions of this order and the applicable provisions of the act is administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of eight members. Six members must be affected producers elected under provisions of this order. One member must be an affected

handler appointed by the elected producers. The director shall appoint one member of the board who is neither an affected producer nor an affected handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area of the state of Washington is divided into three representative districts as follows:

(i) District I must have two board members, being positions one and two and include the counties of Adams, Benton, Douglas, Franklin, Grant, Klickitat, Lincoln, and Yakima.

(ii) District II must have two board members, being positions three and four and include the counties of Ferry, Pend Oreille, Spokane, and Stevens.

(iii) District III must have two board members being positions five and six and include the counties of Asotin, Columbia, Garfield, Walla Walla, and Whitman.

(iv) The handler appointed by the elected producers will be position seven.

(3) **Board membership qualifications.**

(a) The affected producer members of the board must be practical producers of canola or rapeseed in the district in and for which they are nominated and elected and must be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing canola or rapeseed within the state of Washington for a period of five years and has during that time derived a substantial portion of their income therefrom and who is not engaged in business as a handler or other dealer.

(b) The affected handler member of the board must be a practical handler of canola or rapeseed and must be a citizen and resident of the state of Washington, over the age of twenty-five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling canola or rapeseed within the state of Washington for a period of five years and has during that period derived a substantial portion of their income therefrom.

(c) The qualifications of members of the board must continue during their term of office.

(4) **Term of office.**

(a) The term of office for members of the board is three years, and one-third of the membership as nearly as possible must be elected each year.

(b) Membership positions on the board are designated numerically; affected producers will have positions one through six, the affected handler will have position seven and the member appointed by the director will have position eight.

(c) The term of office for the initial board members must be as follows:

Positions one and three - one year, ending on May 31, 1998;

Positions two and five - two years, ending on May 31, 1999;

Positions four, six and seven - three years, ending on May 31, 2000.

(d) No elected producer member of the board can serve more than two full consecutive three-year terms.

(5) **Nomination and election of board members.**

(a) Each year the director shall call for nomination meetings in those districts whose board members term is about to expire. The meetings must be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every meeting must be published in newspapers of general circulation within the affected district at least ten days in advance of the date of the meeting and in addition, written notice of every meeting must be given to all affected producers within the affected district according to the list maintained by the director under RCW 15.65.200 of the act. Nonreceipt of notice by any interested person will not invalidate the proceedings at the nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at the nomination meetings. Nominations may also be made within five days after the meeting by written petition filed with the director, signed by at least five affected producers. At the inception of this order, nominations may be made at the issuance hearing.

(b) If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers. Nominating petitions for producers must be signed by at least five affected producers of the district from which the candidate will be elected. The final date for filing nominations must be at least twenty days after the notice was mailed.

**(6) Election of board members.**

(a) Members of the board must be elected by secret mail ballot within the month of April under the supervision of the director. Affected producer members of the board must be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer is entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a runoff election must be held by mail in a similar manner between the two candidates for the position receiving the largest number of votes.

(c) Notice of every election for board membership must be published in a newspaper of general circulation within the affected district at least ten days in advance of the date of the election. At least ten days before every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of the affected producers maintained by the director in accordance with RCW 15.65.200 of the act. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing their qualifications. Nonreceipt of a ballot by an affected producer will not invalidate the election of any board member.

(d) The appointed handler member of the initial board shall be elected by a majority of the elected members at the first meeting.

**(7) Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

**(8) Quorum.** A majority of the members is a quorum for the transaction of all business and to execute the duties of the board.

**(9) Board compensation.** No member of the board will receive any salary or other compensation, but each member

may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**(10) Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chair and other officers as the board deems advisable.

(c) To employ and discharge at its discretion the personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to execute the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. The expenses and costs may be paid by check, draft or voucher in the form and the manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director to defray the costs of formulating the order.

(f) To establish a "canola and rapeseed board marketing revolving fund" and to deposit the fund in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done under this order. The records, books and accounts must be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. The books and accounts must be closed as of the last day of each fiscal year of the state of Washington. A copy of the audit shall be delivered within thirty days after completion to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board may deem necessary. The premium for the bond or bonds must be paid by the board from assessments collected. The bond may not be necessary if any board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution a headquarters which shall continue unless changed by the board. All records, books and minutes of board meetings must be kept at the headquarters.

(k) To adopt rules of a technical or administrative nature, under chapter 34.05 RCW (Administrative Procedure Act).

(l) To execute RCW 15.65.510 covering the obtaining of information necessary to effectuate the order and the act, along with the necessary authority and procedure for obtaining the information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States to obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To execute any other grant of authority or duty provided designees and not specifically set forth in this section.

**(11) Procedures for board.**

(a) The board shall hold regular meetings, at least quarterly, with the time and date fixed by resolution of the board and held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget must be presented for discussion at the meeting. Notice of the annual meeting must be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution the time, place, and manner of calling special meetings of the board with reasonable notice to the members. The notice of any special meeting may be waived by a written waiver from each member of the board.

**NEW SECTION**

**WAC 16-573-030 Marketing order purposes.** The order is to promote the general welfare of the state, to enable producers of canola and rapeseed to help themselves establish orderly, fair, sound, efficient, unhampered marketing, grading and standardization of canola or rapeseed, or both. To execute the purposes of the order, the board shall provide for a program in one or more of the following areas:

(1) Establish plans and conduct programs for advertising, sales, promotion or other programs for maintaining present markets or creating new or larger markets for canola or rapeseed, or both. The programs shall be directed toward increasing the sale of canola and rapeseed without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of canola or rapeseed nor disparage the quality, value, sale or use of any other agricultural commodity.

(2) Provide for research in the production, processing or distribution of canola and rapeseed and expend the necessary funds for the purposes. Insofar as practicable, the research must be carried out by experiment stations of Washington State University, but if in the judgment of the board that the experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(3) Provide by rules for:

(a) Establishing uniform grades and standards of quality, condition, maturity, size, weight, pack, packages and, or label for canola and rapeseed or any products thereof;

(b) Requiring producers, handlers or other persons to conform to the grades and, or standards in packing, packaging, processing, labeling, selling or otherwise commercially disposing of canola or rapeseed in offering, advertising and delivering it therefor;

(c) Providing for inspection and enforcement to ascertain and effectuate compliance;

(d) Establishing rules respecting the foregoing;

(e) Providing that the board shall execute inspection and enforcement of, and may (within the general provisions of the order) establish detailed provisions relating to, the standards and grades and the rules. Any modification not of a substantial nature, such as the modification of standards within a certain grade may be made without a hearing and shall not be considered an amendment for the purposes of the act and order.

(4) Provide for the prevention, modification or removal of trade barriers which obstruct the free flow of the affected commodity to market.

(5) Provide for marketing information and services to affected producers and for the verification of grades, standards, weights, tests and sampling of quality and quantity of canola and rapeseed purchased by handlers from affected producers.

(6) Prohibit making or publishing false or misleading advertising. The regulation may authorize uniform trade practices applicable to all similarly situated handlers and, or other persons.

**NEW SECTION**

**WAC 16-573-040 Assessments and collections. (1) Assessments.**

(a) The assessment on all varieties of canola or rapeseed subject to this marketing order shall be ten cents per hundredweight and shall be deducted by the first purchaser from the price paid to the grower. The assessment shall be remitted to the board in accordance with procedures adopted by the board.

(b) The assessments shall not be payable on any canola or rapeseed used by the affected producer on their premises for feed, seed and personal consumption.

(2) **Collections.** Excess moneys collected by the board under the order during the fiscal year may be carried over and used during the next successive fiscal year. The board may also recommend that excess moneys at the close of a fiscal year be refunded on a pro rata basis to the affected producers from whom the moneys were collected.

(3) **Penalties.** Any due and payable assessment levied in the specified amount as may be determined by the board under the act and the order is a personal debt of the person assessed or who owes the debt, and it is due and payable to the board when payment is called for by the board. If a person fails to pay the board the full amount of the assessment by the date due, the board may add to the unpaid assessment or sum an amount not exceeding ten percent of the amount owed. In the event of failure of the person or persons to pay the full amount due, the board may bring a civil action against the person or persons in a state court of

competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

#### NEW SECTION

**WAC 16-573-041 Time—Place—Method for payment and collection of assessments.** Effective with the growing season of 1997, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-573-040:

(1) All first handlers of canola and rapeseed grown in the state of Washington, or the person acting on behalf of a first buyer, shall withhold the amount of assessment from their remittance to growers of canola or rapeseed and transmit it to the board.

(2) All assessments will be due and payable to the board within thirty days of collection. With the submission of the assessments, a report listing the name, address, volume handled or purchased and amount deducted or collected for each producer must be submitted to the board on forms provided by or approved by the board.

(3) Any assessments paid after the above deadlines shall be accompanied by a penalty fee of ten percent in accordance with RCW 15.65.440 of the act.

#### NEW SECTION

**WAC 16-573-050 Obligations of the board.** Obligations incurred by the board or employee or agent pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent) established under this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

#### NEW SECTION

**WAC 16-573-060 Termination of the order.** The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent to the dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether

the termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with the director for the termination. The termination shall not, however, become effective until the expiration of the marketing season.

#### NEW SECTION

**WAC 16-573-070 Effective time.** (1) This marketing order for canola and rapeseed shall become effective after May 31, 1997.

(2) This order shall remain in full force and effect until May 31, 2002, unless terminated before under chapter 15.65 RCW as set forth in WAC 16-536-060. If the order remains in effect until May 31, 2002, the director shall conduct a referendum election as required for the approval of an order under chapter 15.65 RCW at a time before that date to determine if the affected producers desire that the order be terminated on that date or continued in full force and effect beyond the date. All the costs of conducting the election shall be defrayed from the funds of the board.

#### NEW SECTION

**WAC 16-573-080 Separability.** If any provisions of the order are declared invalid, or the applicability to any person, circumstances or thing is held invalid, the validity of the remainder provisions or of the applicability to any other person, circumstances or thing shall not be affected.

#### WSR 97-19-013

#### WITHDRAWAL OF PROPOSED RULES SECRETARY OF STATE

[Filed September 5, 1997, 11:20 a.m.]

The following sections, filed in WSR 97-14-106 for amendment, are hereby withdrawn from the proposal: WAC 434-28-012 and 434-30-010.

September 5, 1997  
Donald F. Whiting  
Assistant Secretary of State

#### WSR 97-19-022

#### PROPOSED RULES COMMUNITY COLLEGES OF SPOKANE

[Filed September 8, 1997, 3:53 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-15-040.

Title of Rule: WAC 132Q-06-030 Release of personally-identifiable records, 132Q-20-020 Definitions (parking and traffic), and 132Q-94-125 Pets prohibited in college buildings.

Purpose: To update existing rules. WAC 132Q-06-030 Release of personally identifiable records, this regulation applies to a student's official record and is governed by federal rules under the Federal Education Records and Privacy Act (FERPA). The United States Department of

Education has amended its rules to suspend student notification when a court or other agency order seeking a student's record specifically orders that the student not be notified of the request when an institution complies with such order. The proposed change makes the CCS rule consistent with this federal change. WAC 132Q-20-020 Definitions, this rule is under the chapter regarding parking and traffic regulations. Community Colleges of Spokane parking permits are labeled "student" or "faculty." For parking permits only, the proposed amended rule defines all employees as "faculty" for parking permits. WAC 132Q-94-125 Pets prohibited in college buildings, the current rule prohibits pets in college buildings with the exception of "guide or service dogs" for the disabled. Recent state legislation has expanded the term "guide or service dog" to include service animals. The proposed amendment incorporates that change.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: Housekeeping amendments to existing rules.

Reasons Supporting Proposal: To update existing rules to be consistent with recent changes in institutional practices, external agency regulations, and recent state legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Geoffrey J. Eng, Spokane, Washington, (509) 533-7435.

Name of Proponent: Community Colleges of Spokane District, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendments govern only internal operations of the institution and have no effect on businesses.

RCW 34.05.328 does not apply to this rule adoption. Proposed amendments govern only internal operations of the institution and are not subject to violation by a nongovernment party except WAC 132Q-94-125 which is amended to be consistent with chapter 271, Laws of 1997, regular session.

Hearing Location: President's Conference Room, Administration Building, Spokane Falls Community College, 3410 West Fort George Wright Drive, Spokane, WA 99204-5288, on November 18, 1997, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Geoffrey J. Eng by November 11, 1997, TDD (509) 533-7466, or (509) 533-7435.

Submit Written Comments to: FAX (509) 533-8193, by November 17, 1997.

Date of Intended Adoption: November 18, 1997.

September 2, 1997  
Geoffrey J. Eng  
District Director of  
Affirmative Action  
Administrative Services

AMENDATORY SECTION (Amending WSR 92-14-042, filed 6/24/92)

**WAC 132Q-06-030 Release of personally-identifiable records** (1) The college shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the following:

(a) College personnel faculty and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest within the performance of their responsibilities to the college, with the understanding that its use will be strictly limited to the performance of those responsibilities.

(b) Federal and state officials requiring access to education record in connection with the audit and evaluation of a federally-supported or state-supported education program or in connection with the enforcement of the federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials and such personally-identifiable data shall be destroyed when no longer needed for such audit, evaluation or enforcement of legal requirements.

(c) Agencies or individual's requesting information in connection with a student's application for or receipt of financial aid.

(d) Organizations conducting studies for or on behalf of the college for purposes of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than the representatives of such organizations, and such information will be destroyed when no longer needed for the purposes for which it was provided.

(e) Accrediting organizations in order to carry out their accrediting functions.

(f) Any person or entity designated by judicial order or lawfully-issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance therewith unless the court or other issuing agency orders the college not to notify the student before compliance with the subpoena. The college president, the president's designee, or office(s) receiving a subpoena or judicial order for education records should immediately notify the attorney general.

(2) Where the consent of a student is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:

(a) A specification of the records to be released;  
(b) The reasons for such release; and  
(c) The names of the parties to whom such records will be released.

(3) In cases where records are made available without student release as permitted by subsection (1)(b), (c), (d), (e) and (f) of this section, the college shall maintain a record kept with the education record released which will indicate the parties which have requested or obtained access to a

student's records maintained by the college and which will indicate the legitimate interest of the investigating party. Releases in accordance with subsection (1)(a) of this section need not be recorded.

(4) Personally-identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally-identifiable form to any other parties without obtaining consent of the student.

(5) The term "directory information" used in subsection (1) of this section is defined as student's name, address, telephone listing, date and place of birth, major field of studies, participation in officially-recognized activities, weight and height of members of athletic teams, dates of enrollment, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Students may request that the college not release directory information except through written notice to the vice president of student services.

(6) Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other person(s).

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending WSR 92-14-036, filed 6/24/92)

**WAC 132Q-20-020 Definitions** As used in this chapter the following words and phrases shall mean:

(1) "Board" shall mean the board of trustees of Washington State Community College District 17.

(2) "Campus" shall mean any or all real property owned, operated or maintained by Washington State Community College District 17.

(3) "vice president of student services" shall mean the vice president of student services of Spokane Community College or Spokane Falls Community College.

(4) "College" shall mean any community college or separate instructional unit which may be created by the board of trustees of Washington State Community College District 17.

(5) "Faculty" shall mean any employee of Washington State Community College District 17 ~~which includes full-time and part-time faculty, administrators, counselors, librarians, or department heads who are employed by any community college administered by the board of trustees.~~

(6) "Campus patrol" shall mean an employee of the college, or a law enforcement student, who is responsible to the vice president of student services for campus security.

(7) "Student" shall mean any person who is enrolled in any community college operated by Washington State Community College District 17.

(8) "Vehicle" shall mean an automobile, truck, motor-driven cycle, scooter, or any vehicle empowered by a motor.

(9) "Visitors" shall mean any person or persons, excluding students as previously defined, who come upon the campus as guests and person or persons who lawfully visit

the campus for purposes which are in keeping with the colleges' role as institutions of higher learning in the state of Washington.

(10) "Permanent permits" shall mean permits which are valid for a school term.

(11) "Temporary permits" shall mean permits which are valid for a specific period designated on the 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.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending WSR 87-16-010 (Resolution No. 27), filed 7/23/87)

**WAC 132Q-94-125 Pets prohibited in college buildings** For reasons of health, sanitation, and safety, no person shall be permitted to bring or leave any dog, cat, or any other pet in any school building, nor leave such pet unattended on any district property. All dogs, cats, or other pets of any kind shall be and remain on a leash while on any district property. This section does not apply to the blind, the visually handicapped, the hearing impaired, and the otherwise ~~physically~~ disabled person who requires the services and assistance of a guide dog and/or trained service dog animal as defined in ~~by chapter 70-87~~ RCW law.

**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.

**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 97-19-051

### PROPOSED RULES

#### PUBLIC DISCLOSURE COMMISSION

[Filed September 12, 1997, 2:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-15-114.

Title of Rule: WAC 390-24-300 Changes in dollar amounts of reporting thresholds and code values, 390-24-010 Forms for statement of financial affairs, and 390-24-020 Forms for amending statement of financial affairs.

Purpose: Adjust for inflation the reporting thresholds and dollar code values in RCW 42.17.241 and amend the disclosure forms affected by these adjustments.

Statutory Authority for Adoption: RCW 42.17.370(11).

Statute Being Implemented: RCW 42.17.240, 42.17.241, and 42.17.370(11).

Summary: Public officials and candidates who file personal financial affairs statements must disclose their personal and business sources of income, bank accounts, investments, indebtedness and the like if the income, bank account, etc., is over a certain threshold specified in law. In

PROPOSED

most cases, the filer does not put actual monetary amounts on the form, however, but rather uses dollar codes giving a range in which the actual value falls. For instance, Code A currently means between \$1 and \$1,999. The commission has decided to exercise its legal authority to adjust these reporting thresholds and dollar code values for inflation.

Reasons Supporting Proposal: The adoption of the new proposed rule and the amendments to the existing reporting forms will result in more meaningful disclosure because insubstantial financial information will no longer be required to be reported.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, Olympia, 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, Olympia, 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The original 1972 thresholds and code values were amended in 1985 when the inflation index employed allowed for the statutory amounts to be doubled. Adjusting for inflation at this time would permit these original thresholds and code values to be tripled. It is reasonable to adjust amounts when the adjustment results in a number that filers and regulators alike can more readily remember and adapt to.

Proposal Changes the Following Existing Rules: The F-1, F-1 Supplement and F-1A reporting forms are adopted as administrative rules. If threshold amounts and code values are adjusted for inflation, the forms will have to be changed accordingly.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule-making activity only impacts public officials and candidates, not small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not an agency listed in subsection (5)(a)(i) of section 201. Further, the Public Disclosure Commission does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date, the Joint Administrative Rules Review Committee has not made section 201 applicable to this rule adoption.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way, Olympia, WA 98501, on October 28, 1997, at 9:00 a.m.

Submit Written Comments to: Vicki Rippie, Assistant Director, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, FAX (360) 753-1112, by October 17, 1997.

Date of Intended Adoption: October 28, 1997.

September 12, 1997  
Melissa Warheit  
Executive Director

NEW SECTION

**WAC 390-24-300 Changes in dollar amounts of reporting thresholds and code values.** Pursuant to the Commission's authority in RCW 42.17.370(11) to revise the monetary reporting thresholds and code values found in 42.17 RCW to reflect changes in economic conditions, the following revisions are made:

Statutory Section	Subject Matter	Amount Enacted or Last Revised	Revision Effective January 1, 1998
.241(1)(b)	Bank Accounts	\$10,000	\$15,000
.241(1)(b)	Other Intangibles	\$1,000	\$1,500
.241(1)(c)	Creditors	\$1,000	\$1,500
.241(1)(f)	Compensation	\$1,000	\$1,500
.241(1)(g)(ii)	Compensation to Business Entity	\$5,000	\$7,500
.241(1)(g)	Bank Interest Paid	\$1,200	\$1,800
.241(1)(h)	Real Property—Acquired	\$5,000	\$7,500
.241(1)(i)	Real Property—Divested	\$5,000	\$7,500
.241(1)(j)	Real Property—Held	\$5,000	\$7,500
.241(1)(k)	Real Property—Business	\$10,000	\$15,000
.241(1)(l)	Food and Beverages	\$50	\$50
.241(2)	Dollar Code A	Up to \$1,999	Up to \$2,999
	Dollar Code B	\$2,000—\$9,999	\$3,000—\$14,999
	Dollar Code C	\$10,000—\$19,999	\$15,000—\$29,999
	Dollar Code D	\$20,000—\$49,999	\$30,000—\$74,999
	Dollar Code E	\$50,000 and up	\$75,000 and up

AMENDATORY SECTION (Amending WSR 96-09-017, filed 4/8/96)

**WAC 390-24-010 Forms for statement of financial affairs.** The official form for statements of financial affairs as required by RCW 42.17.240 is designated "F-1", revised ((11/95)) 11/97. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments must be on 8-1/2" x 11" white paper.

**PUBLIC DISCLOSURE COMMISSION**  
 711 CAPITOL WAY RM 403  
 PO BOX 40908  
 OLYMPIA WA 98504-0908  
 (360) 753-1111

PDC FORM  
**F-1**  
 (11/95)  
**PERSONAL FINANCIAL AFFAIRS STATEMENT**

PDC OFFICE USE  
 P  
M  
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K  
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C  
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I  
V  
E  
D

Refer to instruction manual for detailed assistance and examples.  
 This form includes changes made by Chapter 397, 1995 Session Laws.

**Deadlines:** Incumbent elected and appointed officials—by April 15.  
 Candidates and others—within two weeks of becoming a candidate or being newly appointed to a position.

**SEND REPORT TO PUBLIC DISCLOSURE COMMISSION.**

DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

Last Name	First	Middle Initial	Names of Spouse and Dependents	Political Party if partisan office or pertinent to appointment
Mailing Address				
City	County	Zip + 4		

<b>Filing Status (Check only one box.)</b> <input type="checkbox"/> An elected official or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office	Office Held or Sought
	Office title _____
	County, city, district or agency of the office, name and number: _____
	Position number _____
	Term begins: _____ ends: _____

**1 INCOME** List each employer, or other source of income (Pension, social security, legal judgment) from which you or a family member received \$1,000 or more during the reporting period. (Report interest and dividends in Item 3 on reverse)

Show: Self (S) Spouse (SP) Dependent (D)	Name and Address of Employer or Source of Compensation	Occupation or How Compensation Was Earned	Amount: (Use Code)

Check here  if continued on attached sheet

**2 REAL ESTATE** List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$5,000 in which you or a family member held personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)

Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser		Date and Amount (Use Code) of Payment or Consideration Received	
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given	Mortgage Amount—(Use Code) Original Current
All Other Property Entirely or Partially Owned					

Check here  if continued on attached sheet

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**3 ASSETS / INVESTMENTS—INTEREST / DIVIDENDS**

List bank and savings accounts, insurance policies, stock, bonds and other intangible property held during the reporting period.

A. Name and address of each bank or financial institution in which you or a family member had an account over \$10,000 any time during the report period.	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)
B. Name and address of each insurance company where you or a family member had a policy with a cash or loan value over \$10,000 during the period.			
C. Name and address of each company, association, government agency, etc. in which you or a family member owned or had a financial interest worth over \$1,000. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property.			

Check here  if continued on attached sheet

**4 CREDITORS**

List each creditor you or a family member owed \$1,000 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.

AMOUNT (USE CODE)

Creditor's Name and Address	Terms of Payment	Security Given	Original	Present

Check here  if continued on attached sheet

**5** All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filing your initial report, no F-1 Supplement is required.

Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.

- A. Were you, your spouse or dependents an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity at any time during the reporting period? \_\_\_\_\_ If yes, complete Supplement, Part A.
- B. Did you, your spouse or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? \_\_\_\_\_ If yes, complete Supplement, Part A.
- C. Did you, your spouse or dependents own a business at any time during the reporting period? \_\_\_\_\_ If yes, complete Supplement, Part A.
- D. Did you, your spouse or dependents prepare, promote or oppose state legislation, rules, rates or standards for current or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? \_\_\_\_\_ If yes, complete Supplement, Part B.
- E. Only for Persons Filing Annual Report. Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? \_\_\_\_\_ or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse and/or dependents to travel or to attend a seminar or other training? \_\_\_\_\_ If yes to either or both questions, complete Supplement, Part C.

ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.

- I hold a state elected office or am an executive state officer. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.
- I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.

CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Daytime Telephone: ( ) \_\_\_\_\_



PUBLIC DISCLOSURE COMMISSION  
711 CAPITOL WAY RM 403  
PO BOX 40908  
OLYMPIA WA 98504-0908  
(360) 753-1111

PDC FORM <b>F-1</b> SUPPLEMENT (11/95)	<b>SUPPLEMENT PAGE</b> PERSONAL FINANCIAL AFFAIRS STATEMENT
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PROVIDE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

LAST NAME	FIRST	MIDDLE INITIAL	DATE
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- A OFFICES HELD, BUSINESS INTERESTS:** For each corporation, non-profit organization, association, union, partnership, joint venture or other entity in which you, your spouse or dependents are an officer, director, general partner, trustee, or 10 percent or more owner—provide the following information:
- Legal Name: Report name used on legal documents establishing the entity.
  - Trade or Operating Name: Report name used for business purposes if different from the legal name.
  - Position or Percent of Ownership: The office, title and/or percent of ownership held.
  - Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered.
  - Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.
  - Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$5,000 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.
  - Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.

ENTITY NO. 1 Reporting for: Self \_\_\_\_\_ Spouse \_\_\_\_\_ Dependent \_\_\_\_\_

LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:

Purpose of payments	Amount (actual dollars)
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PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$5,000:

Customer name:	Purpose of payment (amount not required)
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WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$10,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here  if continued on attached sheet

CONTINUE PARTS B AND C ON REVERSE

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PROPOSED

ENTITY NO. 2

Reporting for: Self \_\_\_\_\_ Spouse \_\_\_\_\_ Dependent \_\_\_\_\_

LEGAL NAME:

POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:

Purpose of payments

Amount (actual dollars)

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$5,000:

Customer name:

Purpose of payment (amount not required)

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$10,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here  if continued on attached sheet

**B LOBBYING**

List persons for whom you or any immediate family member lobbied or prepared state legislation or state rules, rates or standards for current or deferred compensation. Do not list pay from government body in which you are an elected official or professional staff member.

Person to Whom Services Rendered

Description of Legislation, Rules, Etc.

Compensation (Use Code)

Check here  if continued on attached sheet

**C FOOD TRAVEL SEMINARS**

Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received

Donor's Name, City and State

Brief Description

Actual Dollar Amount

Value (Use Code)

Check here  if continued on attached sheet



PDC FORM <b>F-1</b> (11/97)	<b>PERSONAL FINANCIAL                  AFFAIRS STATEMENT</b>	PDC OFFICE USE  P M O A R K  R 
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Refer to instruction manual for detailed assistance and examples.  
 This form includes changes made by Chapter 397, 1995 Session Laws.

Deadlines: Incumbent elected and appointed officials—by April 15.  
 Candidates and others—within two weeks of becoming a candidate or being newly appointed to a position.

SEND REPORT TO PUBLIC DISCLOSURE COMMISSION.

DOLLAR CODE	AMOUNT
A	\$1 to \$2,999
B	\$3,000 to \$14,999
C	\$15,000 to \$29,999
D	\$30,000 to \$74,999
E	\$75,000 or more

Last Name	First	Middle Initial	Names of Spouse and Dependents	Political Party If partisan office or pertinent to appointment
Mailing Address				
City	County	Zip + 4		

Filing Status (Check only one box.) <input type="checkbox"/> An elected official or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office	Office Held or Sought
	Office title _____
	County, city, district or agency of the office, name and number: _____
	Position number _____
	Term begins: _____ ends: _____

**1 INCOME** List each employer, or other source of income (Pension, social security, legal judgment) from which you or a family member received \$1,500 or more during the period. (Report interest and dividends in item 3 on reverse)

Show: Self (S) Spouse (SP) Dependent (D)	Name and Address of Employer or Source of Compensation	Occupation or How Compensation Was Earned	Amount (Use Code)

Check here  if continued on attached sheet

**2 REAL ESTATE** List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$7,500 in which you or a family member held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)

Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser	Nature and Amount (Use Code) of Payment or Consideration Received	
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given
				Mortgage Amount—(Use Code) Original   Current
All Other Property Entirely or Partially Owned				

Check here  if continued on attached sheet

PROPOSED

PROPOSED

**3 ASSETS / INVESTMENTS—INTEREST / DIVIDENDS** List bank and savings accounts, insurance policies, stock, bonds and other intangible property held during the reporting period.

A. Name and address of each bank or financial institution in which you or a family member had an account over \$15,000 any time during the report period.	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)
B. Name and address of each insurance company where you or a family member had a policy with a cash or loan value over \$15,000 during the period.			
C. Name and address of each company, association, government agency, etc. in which you or a family member owned or had a financial interest worth over \$1,500. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property.			

Check here  if continued on attached sheet

**4 CREDITORS** List each creditor you or a family member owed \$1,500 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.

Creditor's Name and Address	Terms of Payment	Security Given	AMOUNT (USE CODE)	
			Original	Present

Check here  if continued on attached sheet

**5** All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filing your initial report, no F-1 Supplement is required.

Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.

- Were you, your spouse or dependents an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity at any time during the reporting period? \_\_\_\_\_ If yes, complete Supplement, Part A.
- Did you, your spouse or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? \_\_\_\_\_ If yes, complete Supplement, Part A.
- Did you, your spouse or dependents own a business at any time during the reporting period? \_\_\_\_\_ If yes, complete Supplement, Part A.
- Did you, your spouse or dependents prepare, promote or oppose state legislation, rules, rates or standards for current or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? \_\_\_\_\_ If yes, complete Supplement, Part B.
- Only for Persons Filing Annual Report. Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? \_\_\_\_\_ or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse and/or dependents to travel or to attend a seminar or other training? \_\_\_\_\_ If yes to either or both questions, complete Supplement, Part C.

ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.

I hold a state elected office or am an executive state officer. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.

I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.

**CERTIFICATION:** I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Daytime Telephone: ( ) \_\_\_\_\_



PDC FORM <b>F-1</b> SUPPLEMENT (11/97)	<b>SUPPLEMENT PAGE</b> PERSONAL FINANCIAL AFFAIRS STATEMENT
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PROVIDE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

LAST NAME	FIRST	MIDDLE INITIAL	DATE
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**A OFFICES HELD, BUSINESS INTERESTS:** For each corporation, non-profit organization, association, union, partnership, joint venture or other entity in which you, your spouse or dependents are an officer, director, general partner, trustee, or 10 percent or more owner—provide the following information:

- Legal Name: Report name used on legal documents establishing the entity.
- Trade or Operating Name: Report name used for business purposes if different from the legal name.
- Position or Percent of Ownership: The office, title and/or percent of ownership held.
- Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered.
- Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.
- Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$7,500 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.
- Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.

ENTITY NO. 1 Reporting for: Self \_\_\_\_\_ Spouse \_\_\_\_\_ Dependent \_\_\_\_\_

LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:

Purpose of payments	Amount (actual dollars)
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PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$7,500:

Customer name:	Purpose of payment (amount not required)
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WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$15,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here  if continued on attached sheet

PROPOSED

PROPOSED

ENTITY NO. 2

Reporting for: Self \_\_\_\_\_ Spouse \_\_\_\_\_ Dependent \_\_\_\_\_

LEGAL NAME:

POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:

Purpose of payments

Amount (actual dollars)

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$7,500:

Customer name:

Purpose of payment (amount not required)

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$15,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here  if continued on attached sheet

**B LOBBYING**

List persons for whom you or any immediate family member lobbied or prepared state legislation or state rules, rates or standards for current or deferred compensation. Do not list pay from government body in which you are an elected official or professional staff member.

Person to Whom Services Rendered

Description of Legislation, Rules, Etc.

Compensation (Use Code)

Check here  if continued on attached sheet

**C FOOD TRAVEL SEMINARS**

Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received

Donor's Name, City and State

Brief Description

Actual Dollar Amount

Value (Use Code)

Check here  if continued on attached sheet

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending WSR 96-09-017, filed 4/8/96)

**WAC 390-24-020 Forms for amending statement of financial affairs.** (1) The official form for amending statements of financial affairs as required by RCW 42.17.240 for all persons who have previously filed the form F-1 is designated form "F-1A," revised (~~(11/95)~~) 11/97.

(2) No more than three F-1A forms may be filed to amend a previously submitted statement of financial affairs (form F-1). The form can be used only to update information required on an F-1.

(3) The commission reserves the right to reject amendatory forms and require a new statement of financial affairs (form F-1) at any time the amendments are confusing or create misunderstandings. Authority is delegated to the commission's executive director to make this determination.

(4) Copies of Form F-1A are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments must be on 8-1/2" x 11" white paper.

PROPOSED

PUBLIC DISCLOSURE COMMISSION

711 CAPITOL WAY RM 403  
PO BOX 40908  
OLYMPIA WA 98504-0908  
(360) 753-1111

PDC FORM  
**F-1A**  
(11/95)

**PERSONAL FINANCIAL  
AFFAIRS STATEMENT  
Short Form**

P M  
O A  
R S  
T K  
PDC OFFICE USE

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The F-1A form is designed to simplify reporting for persons who have no changes or only minor changes to an F-1 report previously filed. A complete F-1 form must be filed at least every four years; an F-1A form may be used for no more than three consecutive reports. Deadlines: Incumbent elected and appointed officials—by April 15. Candidates and others—within two weeks of becoming a candidate or being newly appointed to a position.

DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

Last Name	First	Middle Initial	Names of Spouse and Dependents	Political Party <small>If partisan office or pertinent to appointment</small>
Mailing Address				
City	County	Zip + 4		

Filing Status (Check only one box.)

An elected official or state appointed official filing annual report

Final report as an elected official. Term expired \_\_\_\_\_

Candidate running in an election: month \_\_\_\_\_ year \_\_\_\_\_

Newly appointed to an elective office

Newly appointed to a state appointive office

Office Held or Sought

Office title \_\_\_\_\_

County, city, district or agency of the office, name and number: \_\_\_\_\_

Position number \_\_\_\_\_

Term begins: \_\_\_\_\_ ends: \_\_\_\_\_

Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information.

**NO CHANGE REPORT.** I have reviewed my last complete F-1 report dated \_\_\_\_\_ and F-1A reports (if any) dated (1) \_\_\_\_\_ and (2) \_\_\_\_\_. The information disclosed on those reports is accurate for the current reporting period.

**MINOR CHANGE REPORT.** I have reviewed my last complete F-1 report dated \_\_\_\_\_. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers when describing changes. Provide all information required on F-1 report.

Check here  if continued on attached sheet

**FOOD TRAVEL SEMINARS**

Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)

Check here  if continued on attached sheet

**ALL FILERS EXCEPT CANDIDATES.** Check the appropriate box.

I hold a state elected office or am an executive state officer. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.

I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.

**CERTIFICATION:** I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Daytime Telephone: ( ) \_\_\_\_\_

PROPOSED



711 CAPITOL WAY RM 403  
PO BOX 40908  
OLYMPIA WA 98504-0908  
(360) 753-1111

**F-1A**  
(11/97)

**PERSONAL FINANCIAL  
AFFAIRS STATEMENT  
Short Form**

P  
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PDC OFFICE USE

The F-1A form is designed to simplify reporting for persons who have no changes or only minor changes to an F-1 report previously filed. A complete F-1 form must be filed at least every four years; an F-1A form may be used for no more than three consecutive reports. Deadlines: Incumbent elected and appointed officials—by April 15. Candidates and others—within two weeks of becoming a candidate or being newly appointed to a position.

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Last Name	First	Middle Initial	Names of Spouse and Dependents	Political Party if partisan office or pertinent to appointment
Mailing Address				
City	County	Zip + 4		

**Filing Status (Check only one box.)**

- An elected official or state appointed official filing annual report
- Final report as an elected official. Term expired \_\_\_\_\_
- Candidate running in an election: month \_\_\_\_\_ year \_\_\_\_\_
- Newly appointed to an elective office
- Newly appointed to a state appointive office

**Office Held or Sought**

Office title \_\_\_\_\_

County, city, district or agency of the office,  
name and number: \_\_\_\_\_

Position number \_\_\_\_\_

Term begins: \_\_\_\_\_ ends: \_\_\_\_\_

Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information.

- NO CHANGE REPORT.** I have reviewed my last complete F-1 report dated \_\_\_\_\_ and F-1A reports (if any) dated (1) \_\_\_\_\_ and (2) \_\_\_\_\_. The information disclosed on those reports is accurate for the current reporting period.
- MINOR CHANGE REPORT.** I have reviewed my last complete F-1 report dated \_\_\_\_\_. The changes listed below have occurred during the reporting period. Specify F-1 Form item numbers when describing changes. Provide all information required on F-1 report.

Check here  if continued on attached sheet

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1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)

Check here  if continued on attached sheet

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- I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.

**CERTIFICATION:** I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Daytime Telephone: ( ) \_\_\_\_\_

**REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE**

PROPOSED

**WSR 97-19-055  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed September 15, 1997, 10:44 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 97-16-096.

Title of Rule: Chapter 392-121 WAC, Basic education funding—Certificated instructional staff component.

Purpose: Modifies what can be counted as credits for placement on the state-wide salary allocation schedule in response to chapter 90, Laws of 1997. Incorporates standards for internships in chapter 180-83 WAC and degree equivalency in chapter 180-79A WAC.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: RCW 28A.415.023.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation: John Molohon, Superintendent of Public Instruction, Olympia, 753-6708; and Enforcement: Michael L. Bigelow, Superintendent of Public Instruction, Olympia, 753-1718.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will have a minor or negligible economic impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on October 21, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by October 7, 1997, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201, by October 20, 1997.

Date of Intended Adoption: October 22, 1997.

September 15, 1997

Dr. Terry Bergeson  
Superintendent of  
Public Instruction

**AMENDATORY SECTION** (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

**WAC 392-121-245 Definition—Certificated years of experience.** Regardless of the experience factors used by a school district for the purposes of its salary schedule(s), as used in this chapter, the term "certificated years of experience" means the number of years of accumulated full-time and part-time professional education employment prior to the

current reporting school year in the state of Washington, out-of-state, and a foreign country. School districts shall report all certificated years of experience including those beyond the experience limit of the school district's salary schedule.

(1) Professional education employment shall be limited to the following:

(a) Employment in public or private preschools or elementary and secondary schools in positions which require certification where:

(i) Schools include the Centrum education program, the Pacific Science Center education program, and educational centers authorized under chapter 28A.205 RCW;

(ii) Certification means the concurrent public professional education licensing requirements established in the state, province, country, or other governmental unit in which employment occurred;

(b) Employment in public or private vocational-technical schools, technical colleges, community/junior colleges, colleges, and universities in positions comparable to those which require certification in Washington school districts;

(c) Employment in a governmental educational agency with regional administrative responsibilities for preschool, elementary, and/or secondary education including but not limited to an educational service district, office of the superintendent of public instruction, or United States department of education in any professional position including but not limited to C.P.A., architect, business manager, or physician;

(d) Experience in the following areas:

(i) Military, Peace Corps, or Vista service which interrupted professional employment included in (a), (b), or (c) of this subsection; and

(ii) Sabbatical leave.

(e) For nondegreed vocational instructors, up to a maximum of six years of management experience as defined in WAC 180-77-003 acquired after the instructor meets the minimum vocational certification requirements established in WAC ((180-77-040)) 180-77-041 (1)(a). If a degree is obtained while employed in the state of Washington as a nondegreed vocational instructor, the eligible years of management experience pursuant to this subsection reported on Report S-275 prior to the awarding of the degree shall continue to be reported but shall not increase.

(2) Years of full-time and part-time professional education employment prior to the current reporting school year are accumulated as follows:

(a) For each professional education employment which is not employment as a casual substitute pursuant to subsection (1)(a) of this section;

(i) Determine the total number of hours per year for an employee working full-time with each employer;

(ii) Determine the number of hours per year with each employer excluding unpaid leave;

(iii) Calculate the quotient of the hours determined in ((b)(i)) (a)(ii) of this subsection divided by the hours in ((b)(ii)) (a)(i) of this subsection to two decimals for each year.

(b) For professional education employment as a casual substitute pursuant to subsection (1)(a) of this section:

(i) Determine the total number of full-time equivalent substitute days per year;

(ii) Calculate the quotient of full-time equivalent days determined in (b)(i) of this subsection divided by 180 to two decimals for each year.

(c) No more than 1.0 year may be accumulated in any traditional nine-month academic year or any twelve-month period.

(i) Accumulate, for each year, professional education employment calculated in (a)(iii) and (b)(ii) of this subsection.

(ii) Determine the smaller of the result in (c)(i) of this subsection or 1.00 for each year.

(d) Determine certificated years of experience as the accumulation of all years of professional education employment calculated in (c)(ii) of this subsection and report such years to the nearest tenth.

**AMENDATORY SECTION** (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

**WAC 392-121-257 Definition—In-service credits.** As used in this chapter, "in-service credits" means credits determined as follows:

(1) Credits are earned:

(a) After August 31, 1987; and

(b) After the awarding or conferring of the employee's first bachelor's degree.

(2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter.

(3) Credits are earned in either:

(a) A locally approved in-service training program which means a program approved by a school district board of directors, and meeting standards adopted by the state board of education pursuant to the standards in WAC 180-85-200 and the development of which has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040; or

(b) A state approved continuing education program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the state board of education pursuant to chapter 180-85 WAC.

(4) Credits are not earned for the purpose of satisfying the requirements of the employee's next highest degree.

(5) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(6) Credits are not counted as academic credits pursuant to WAC 392-121-255 or nondegree credits pursuant to WAC 392-121-259.

(7) Ten locally approved in-service or state approved continuing education credit hours defined in WAC 180-85-030 equal one in-service credit.

(8) Each forty hours of participation in an approved internship with a business, industry, or government agency pursuant to chapter 180-83 WAC equals one in-service credit.

(a) No more than two in-service credits may be earned as a result of an internship during any calendar-year period.

(b) Each individual is limited to a maximum of fifteen in-service credits earned from internships.

(9) Accumulate credits to the nearest tenth.

**AMENDATORY SECTION** (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

**WAC 392-121-259 Definition—Nondegree credits.** As used in this chapter, "nondegree credits" means credits recognized for nondegreed basic education certificated instructional employees as follows:

(1) Zero credits shall be recognized for persons holding a valid certificate other than a certificate included in subsection (2) or (3) of this section.

(2) Thirty credits shall be recognized for persons holding a valid continuing or standard school nurse certificate.

(3) Persons holding valid vocational certificates as provided for in chapter 180-77 WAC shall accumulate recognized credits as follows:

(a) One credit for each ten clock hours of vocational educator training meeting the requirements of WAC 180-77-003 (2), (9), or ~~((11))~~ (12).

(b) One credit for each one hundred clock hours of occupational experience as defined in WAC 180-77-003(7) such that each calendar year is limited to a maximum of twenty credits.

(c) Clock hours used in determining credits in (a) and (b) of this subsection must be earned after meeting the minimum vocational certification requirements as established in WAC 180-77-041(1).

(4) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(5) Accumulate credits to the nearest tenth.

**AMENDATORY SECTION** (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

**WAC 392-121-262 Definition—Additional criteria for all credits.** Credits earned after September 1, 1995, must satisfy the following criteria in addition to those found in WAC 392-121-255, 392-121-257, and 392-121-259:

(1) At the time credits are recognized by the school district the content of the course must meet at least one of the following:

(a) It is consistent with ~~((the school district's strategic plan for improving student learning;~~

~~((b) It is consistent with))~~ a school-based plan for ~~((improving))~~ mastery of student learning ~~((developed under student learning improvement block grants))~~ goals as referenced in RCW 28A.320.205, the annual school performance report, for the school in which the individual is assigned;

~~((c))~~ (b) It pertains to the individual's current assignment or expected assignment for the following school year;

~~((d))~~ (c) It is necessary for obtaining endorsement as prescribed by the state board of education;

~~((e))~~ (d) It is specifically required for obtaining advanced levels of certification; or

~~((f))~~ (e) It is included in a college or university degree program that pertains to the individual's current assignment or potential future assignment as a certificated instructional staff of the school district, where the potential of the future assignment is agreed upon by the school district and the individual;

(2) Credits which have been determined to meet one or more of the criteria in subsection (1) of this section shall

continue to be recognized in subsequent school years and by subsequent school district employers; and

(3) Credits not recognized in a school year may be recognized in a subsequent school year if there is a change in the qualifying criteria such as a change in state board of education rules, a change in the district's strategic plan, a change in the school-based plan for the school in which the individual is assigned, a change in the individual's assignment, or a change in the individual's employer.

AMENDATORY SECTION (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

**WAC 392-121-280 Placement on LEAP salary allocation documents—Documentation required.** School districts shall have documentation on file and available for review which substantiates each basic education certificated instructional employee's placement on LEAP salary allocation documents. The minimum requirements are as follows:

(1) Districts shall document the date of awarding or conferring of the highest degree including the date upon which the degree was awarded or conferred as recorded on the diploma or transcript from the registrar of the regionally accredited institution of higher education.

(a) If the highest degree is a master's degree, the district shall also document the date of awarding or conferring of the first bachelor's degree.

(b) If the degree was awarded by an institution which does not confer degrees after each term, and all degree requirements were completed at a time other than the date recorded on the diploma or transcript, a written statement from the registrar of the institution verifying a prior completion date shall be adequate documentation.

(c) If the degree program was completed in a country other than the United States documentation must include a written statement of degree equivalency for the appropriate degree from a foreign credentials' evaluation agency approved by the office of superintendent of public instruction.

(2) Districts shall document academic credits by having on file a transcript from the registrar of the regionally accredited institution of higher education granting the credits. For purposes of this subsection:

(a) An academic credit is deemed "earned" at the end of the term for which it appears on the transcript: *Provided*, That a written statement from the registrar of the institution verifying a prior earned date may establish the date a credit was earned;

(b) Washington state community college credits numbered one hundred and above are deemed transferable for purposes of WAC 392-121-255(4) subject to the limitations of that same subsection;

(c) Credits are not deemed "earned" at an institution of higher education which transfers-in credits. Such credits must be documented using a transcript from the initial granting institution and are subject to all the limitations of WAC 392-121-255; and

(d) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district

representative and must be available to the employee's future employers.

(3) Districts shall document in-service credits;

(a) By having on file a document meeting standards established in WAC 180-85-107; and

(b) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(4) Districts shall document nondegree credits.

(a) For vocational educator training credits pursuant to WAC 392-121-259(3) districts shall have on file a document meeting standards established in WAC 180-85-107 and evidence that the training was authorized pursuant to WAC 180-77-003 (2), (9), or ~~((11))~~ (12).

(b) For credits calculated from converted occupational experience pursuant to WAC 392-121-259(3) districts shall have on file documents which provide:

(i) Evidence that the occupational experience meets the requirements of WAC 180-77-003(7);

(ii) Evidence of the individual's actual number of hours of employment for each year including dates of employment; and

(iii) The district calculation of converted credits pursuant to WAC 392-121-259(3).

(c) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(5) Districts shall document certificated years of experience as follows:

(a) For certificated years of experience obtained and reported on Report S-275 prior to the 1994-95 school year districts shall have on file documents that provide evidence of employment including dates of employment.

(b) For certificated years of experience reported on Report S-275 for the first time after the 1993-94 school year districts shall have on file:

(i) The total number of hours per year for an employee working full-time with each employer;

(ii) The number of hours per year and dates of employment with each employer excluding unpaid leave: *Provided*, That documentation of hours in excess of one full-time certificated year of experience in any twelve-month period is not required;

(iii) The quotient of the hours determined in (b)~~((i))~~ (ii) of this subsection divided by the hours in (b)~~((i))~~ (i) of this subsection to two decimals for each year;

(iv) The name and address of the employer;

(v) For those counting out-of-district experience pursuant to WAC 392-121-245(1), evidence whether or not the position required professional education certification pursuant to WAC 392-121-245 (1)~~((b))~~ (a)(ii);

(vi) For those counting experience pursuant to WAC 392-121-245~~((2))~~ (1)(b), a brief description of the previous employment which documents the school district's decision

that the position was comparable to one requiring certification in the Washington school districts;

(vii) For those counting management experience pursuant to WAC 392-121-245(~~(5)~~) (1)(e), evidence that the experience meets the requirements of WAC 180-77-003(6).

(6) Any documentation required by this section may be original or copies of the original: *Provided*, That each copy is subject to school district acceptance or rejection.

(7) The falsification or deliberate misrepresentation, including omission of a material fact concerning degrees, credits, or experience by an education practitioner as defined in WAC 180-87-035 shall be deemed an act of unprofessional conduct pursuant to WAC 180-87-050. In such an event the provisions of chapters 180-86 and 180-87 WAC shall apply.

### WSR 97-19-070

#### PROPOSED RULES

### UTILITIES AND TRANSPORTATION COMMISSION

[Filed September 15, 1997, 3:54 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 97-11-071.

Title of Rule: Amending WAC 480-120-106 to exempt prepaid calling card services from billing requirements. Docket No. UT-961295.

Purpose: Existing rules require a form of bill for all telecommunications services. The rule does not contemplate prepaid calling card services and its requirements are not appropriate for such services.

Statutory Authority for Adoption: RCW 81.01.040.

Summary: See Explanation of Rules below.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve McLellan, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 480-120-106 Form of bills, currently requires a form of bills for all telecommunications services. Due to the specialized nature of prepaid calling card services, providers do not render bills to their customers. The proposed changes to WAC 480-120-106 would exempt prepaid calling card services from the requirements of bill forms.

Proposal Changes the Following Existing Rules: Amends WAC 480-120-106 to exempt prepaid calling card services from billing requirements.

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

adverse effects on business, but rather reduces requirements for service providers.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.05.328 applies, and this rule change is not a significant legislative rule as defined therein.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on October 29, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Pat Valentine by October 23, 1997, TDD (360) 586-8203, or (360) 753-1292.

Submit Written Comments to: Steve McLellan, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, FAX (360) 586-1150, by October 8, 1997.

Date of Intended Adoption: October 29, 1997.

September 12, 1997

Terrence Stapleton  
for Steve McLellan  
Secretary

AMENDATORY SECTION (Amending Order R-345, Docket No. UT-900726, filed 6/18/91, effective 7/19/91)

**WAC 480-120-106 Form of bills.** (1) Except as provided in subsection (2) of this section, bills to subscribers shall be rendered regularly and shall clearly list all charges. Each bill shall indicate the date it becomes delinquent and notice of means by which a subscriber can contact the nearest business office of the utility.

The portion of a bill rendered by the local exchange company on behalf of itself and other companies shall clearly specify the (~~alternate~~) operator service (~~company's~~) provider's billing agent (~~and, where feasible, within ninety days after the effective date of this rule~~), the provider of the (~~alternate~~) operator services and a toll free telephone number the consumer can call to question that portion of the bill and, if appropriate, receive credit. A number may be used on this portion of the bill only if it connects the subscriber with a firm which has full authority to investigate and, if appropriate, to adjust disputed calls including a means to verify that the rates charged are correct. Consumers requesting an address or toll free telephone number of the operator service provider where they can (~~write to~~) question that portion of the bill shall be provided that information.

A local exchange company shall not provide billing and collection services for telecommunications service to any company not properly registered to provide service within the state of Washington, except to a billing agent that certifies to the local exchange carrier that it will submit charges only on behalf of properly registered companies. As a part of this certification the local exchange company shall require that the billing agent provide to it a current list of each telecommunications company for which it bills showing the name (as registered with the commission) and address. This list shall be updated and provided to the local exchange company as changes occur. The local exchange company shall (~~in turn, upon receiving it~~) provide a copy of this list to the commission for its review (~~whenever a carrier is added or deleted~~) upon request.

All bills for telephone service shall identify and set out separately any access or other charges imposed by order of or at the direction of the Federal Communications Commission. In addition, all bills for telephone service within jurisdictions where taxes are applicable will clearly delineate the amount, or the percentage rate at which said tax is computed, which represents municipal occupation, business and excise taxes that have been levied by a municipality against said utility, the effect of which is passed on as a part of the charge for telephone service.

Subscribers requesting by telephone, letter or office visit an itemized statement of all charges shall be furnished same. An itemized statement is meant to include separately, the total for exchange service, mileage charges, taxes, credits, miscellaneous or special services and toll charges, the latter showing at least date, place called and charge for each call. In itemizing the charges of information providers, the utility shall furnish the name, address, telephone number and toll free number, if any, of such providers. Any additional itemization shall be at a filed tariff charge.

Upon a showing of good cause, a subscriber may request to be allowed to pay by a certain date which is not the normally designated payment date. Good cause shall include, but not be limited to, adjustment of the payment schedule to parallel receipt of income. A utility may be exempted from this adjustment requirement by the commission.

(2) Any telecommunication company's prepaid calling card services are exempt from subsection (1) of this section. Any telecommunications company for which an exemption is provided under this section shall provide call detail reports for prepaid calling card services free to customers upon request.

**WSR 97-19-074**  
**PROPOSED RULES**  
**SPOKANE COUNTY AIR**  
**POLLUTION CONTROL AUTHORITY**  
[Filed September 16, 1997, 10:50 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4). Local agencies are not required to meet this.

Title of Rule: Spokane County Air Pollution Control Authority (SCAPCA) Regulation I, Section 6.17 - Standards for Municipal Solid Waste Combustors.

Purpose: To implement federal emission guidelines for municipal solid waste combustors.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.380.

Statute Being Implemented: Chapter 70.94 RCW and 42 U.S.C. 7401 et seq.

Summary: This rule implements federally established emission guidelines (40 CFR Part 60, Subpart Cb) for municipal solid waste combustors.

Reasons Supporting Proposal: If local rules are not adopted, EPA will enforce the federal standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Spokane County Air

Pollution Control Authority, 1101 West College, Room 403, Spokane, WA 99201, (509) 456-4727.

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

Rule is necessary because of federal law, [Public Law 101-549].

Explanation of Rule, its Purpose, and Anticipated Effects: The rule implements federally established emission guidelines for certain municipal solid waste combustors. The federal emission guidelines are codified in 40 CFR Part 60, Subpart Cb. The rule lowers allowable emissions from affected combustors for several pollutants. The rule will affect one facility in Spokane County.

Proposal does not change existing rules.

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

RCW 34.05.328 does not apply to this rule adoption. This is a local agency rule and RCW 34.05.328 has not been voluntarily made applicable to this rule. In addition, this rule implements a federal regulation without material change.

Hearing Location: Spokane County Public Works Building, Hearing Room Lower Level, West 1026 Broadway, Spokane, WA 99201, on November 6, 1997, at 9 a.m.

Submit Written Comments to: Kelle Vigeland, Spokane County Air Pollution Control Authority, 1101 West College, Room 403, Spokane, WA 99201, FAX (509) 459-6828, by November 4, 1997.

Date of Intended Adoption: November 6, 1997.

September 15, 1997

Kelle R. Vigeland  
Environmental Engineer

**NEW SECTION**

**SCAPCA REGULATION I, SECTION 6.17 STANDARDS FOR MUNICIPAL SOLID WASTE COMBUSTOR**

- A. Purpose. This section implements the emission guidelines promulgated by the United States Environmental Protection Agency (EPA) in 40 CFR Part 60, Subpart Cb, establishing standards for the control of certain pollutants emitted from municipal solid waste combustors.
- B. Definitions. The definitions in 40 CFR § 60.31b are adopted by reference except:
  1. The references to § 60.52b(c) in the definitions of maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device temperature are hereby changed to § 60.33b (c)(1)(i) and (ii).
  2. In sections 60.53b, 60.58b, and 60.59b, Administrator means both the administrator of EPA and the Spokane County Air Pollution Control Authority.
- C. Applicability. This section applies to all facilities within Spokane County that are designated facilities as established in 40 CFR § 60.32b(a).
- D. Emission Standards. The following emission standards are adopted by reference. All facilities designated in C.

of this section shall comply with these standards in accordance with the compliance schedule given in J. below.

1. Particulate matter emissions shall not exceed the emission limit in 40 CFR § 60.33b (a)(1)(i).
2. Opacity shall not exceed the emission limit in 40 CFR § 60.33b (a)(1)(iii).
3. Cadmium emissions shall not exceed the emission limit in 40 CFR § 60.33b (a)(2)(i).
4. Lead emissions shall not exceed the emission limit in 40 CFR § 60.33b (a)(2)(iii).
5. Mercury emissions shall not exceed the emission limit in 40 CFR § 60.33b (a)(3).
6. Sulfur dioxide emissions shall not exceed the emission limit in 40 CFR § 60.33b (b)(1)(i).
7. Hydrogen chloride emissions shall not exceed the emission limit in 40 CFR § 60.33b (b)(2)(i).
8. Dioxins/furans emissions shall not exceed the emission limit in 40 CFR § 60.33b (c)(1)(i) or (ii).
9. Nitrogen oxide emissions shall not exceed the emission limits in Table 1 of 40 CFR § 60.33b(d) (24-hour daily arithmetic average).
10. Carbon monoxide emissions shall not exceed the emission levels specified in Table 3 of 40 CFR § 60.34b(a).

**E. Operating Practices.** The operating practices of 40 CFR § 60.53b(b) and (c) are adopted by reference. All facilities designated in C. of this section shall comply with these practices in accordance with the compliance schedule given in J. below.

**F. Operator Training and Certification.** The operator training and certification requirements of 40 CFR § 60.54b(b) are adopted by reference with the following change:

1. A State certification program may only be used to meet the certification requirements if it has been demonstrated to EPA's satisfaction that the State program is equivalent to the American Society of Mechanical Engineers certification program.

All facilities designated in C. of this section shall comply with these requirements in accordance with the compliance schedule given in J. below.

**G. Fugitive Ash Emissions.** The fugitive ash emission requirements of 40 CFR § 60.55b are adopted by reference. All facilities designated in C. of this section shall comply with these requirements in accordance with the compliance schedule given in J. below.

**H. Compliance and Performance Testing.** The compliance and performance testing requirements in 40 CFR § 60.58b are adopted by reference with the following changes:

1. In § 60.58b(c), the reference to § 60.52b (a)(1) and (a)(2) is hereby changed to § 60.33b (a)(1)(i) and (iii).

2. In § 60.58b(d), the reference to § 60.52b(a) is hereby changed to § 60.33b (a)(2)(i) and (iii) and (a)(3).
3. In § 60.58b(d)(1), the reference to § 60.52b(a)(3) and (4) is hereby changed to § 60.33b (a)(2)(i) and (iii).
4. All references to § 60.52b (a)(5) in § 60.58b are hereby changed to § 60.33b (a)(3).
5. In § 60.58b(e), the reference to § 60.52b (b)(1) is hereby changed to § 60.33b (b)(1)(i).
6. In § 60.58b(f), the reference to § 60.52b (b)(2) is hereby changed to § 60.33b (b)(2)(i).
7. All references to § 60.52b(c) in § 60.58b are hereby changed to § 60.33b (c)(1)(i) and (ii).
8. In § 60.58b (g)(5)(iii), the alternate testing schedule for dioxins/furans specified in § 60.58b (g)(5)(iii), as applicable, shall be available to facilities that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to 7 percent oxygen.
9. In § 60.58b(h), the references to § 60.52b(d) are hereby changed to Table 1 of § 60.33b(d).
10. In § 60.58b(i), the reference to § 60.53b is hereby changed to Table 3 of § 60.34b(a) and § 60.53b (b) and (c).
11. In § 60.58b(i), the references to § 60.53b(a) are hereby changed to Table 3 of § 60.34b(a).

All facilities designated in C. of this section shall comply with the compliance and performance testing requirements of this section in accordance with the compliance schedule given in J. below.

**I. Reporting and Recordkeeping.** The reporting and recordkeeping requirements in 40 CFR § 60.59b are adopted by reference with the following changes:

1. § 60.59b (a), (b)(5), and (d)(11) are hereby deleted.
2. In § 60.59b(d), the reference to § 60.52b is hereby changed to § 60.33b.
3. In § 60.58b(d), the reference to § 60.53b is hereby changed to § 60.34b(a) and § 60.53b (b) and (c).

All facilities designated in C. of this section shall comply with the recordkeeping and reporting requirements of this section in accordance with the compliance schedule given in J. below.

**J. Compliance Schedule.** This section shall become effective one year after EPA approval of the State plan required under 40 CFR Part 60, Subparts B and Cb except for the following:

1. The requirement specified in § 60.54b(d) does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers or a state certification plan on or before the date of EPA approval of the State plan required under 40 CFR Part 60, Subparts B and Cb.

2. The owner or operator may request that SCAPCA waive the requirement specified in § 60.54b(d) for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers or a state certification plan on or before the date of EPA approval of the State plan required under 40 CFR Part 60, Subparts B and Cb.
3. The initial training requirements specified in § 60.54b (f)(1) shall be completed no later than 12 months after EPA approval of the State plan required under 40 CFR Part 60, Subparts B and Cb or the date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation whichever is later.
4. The initial performance evaluation/test shall be completed no later than 180 days after the effective date of section.

**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 97-19-076**  
**PROPOSED RULES**  
**CLARK COLLEGE**  
 [Filed September 16, 1997, 10:55 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 97-15-076.

**Title of Rule:** Chapter 132N-122 WAC, Withholding services for outstanding debts.

**Purpose:** Allow college to withhold services from any person who has an outstanding debt with the college.

**Other Identifying Information:** Add new chapter.

**Statutory Authority for Adoption:** Chapter 28B.50 RCW.

**Summary:** Provide policy and procedure for withholding further services to persons having outstanding debts to the college.

**Reasons Supporting Proposal:** Communicates that further services by college may be withheld if person has outstanding debts to the college; provides notification process and brief adjudicative hearing.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Tony Birch, Baird Administration Building, (360) 992-2123.

**Name of Proponent:** Clark College, public.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This rule establishes policy and procedure whereby services may be withheld from any person who has an outstanding debt with the college. It provides for notification that services will be withheld; advises of right to brief adjudicative proceeding if the person believes no debt is owed; and it establishes procedure for a brief adjudicative hearing.

Proposal does not change existing rules.

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

RCW 34.05.328 does not apply to this rule adoption.

**Hearing Location:** Board Room, Baird Administration Building, on October 22, 1997, at 4 p.m.

**Assistance for Persons with Disabilities:** Contact Janelle Farley by October 17, 1997, (360) 992-2101.

**Submit Written Comments to:** Tana Hasart, FAX (360) 992-2871, by October 15, 1997.

**Date of Intended Adoption:** October 22, 1997.

September 8, 1997

Tana L. Hasart

Interim President

**Chapter 132N-122 WAC**  
**WITHHOLDING SERVICES**  
**FOR OUTSTANDING DEBTS**

**NEW SECTION**

**WAC 132N-122-010 Policy.** If any person, including faculty, staff, student or former student, is indebted to the college for an outstanding debt, the college need not provide any further services of any kind to such individual, including but not limited to transmitting files, records, admission to or registration with the college, conferring of degrees, transcripts or other services which have been requested by such person. Further, if the person is an employee of the college, the college shall have the right to offset such outstanding debts against the wages owed to the employee.

**NEW SECTION**

**WAC 132N-122-020 Notification.** (1) Upon receiving a request for services where there is an outstanding debt due the college from the requesting person, the college shall notify the person by certified mail that the services will not be provided since there is an outstanding debt due. The person shall be told that until the debt is satisfied, no such services as are requested will be provided. If the outstanding debt is due the college from an employee, the college shall notify the employee by certified mail addressed to the employee's last known address of the debt owed to the college, the basis of the debt, and the intent to offset it against the wages or other payments due to the employee.

(2) The letter of notification shall also state that the person has a right to a brief adjudicative proceeding before a person designated by the president of the college if he or she believes that no debt is owed. The proceeding must be requested within twenty days of the date of mailing notification that services will be withheld.

**NEW SECTION**

**WAC 132N-122-030 Procedure for brief adjudicative proceeding.** Upon receipt of a request for appeal within twenty days of the initial action, the person designated by the president shall hold the brief adjudicative proceeding concerning whether the individual in fact owes or owed any outstanding debts to the college. After the brief adjudicative proceeding, a decision shall be rendered by the president's designee indicating whether in fact the college is correct in

withholding services for the outstanding debt and/or applying offset for the outstanding debt. If the outstanding debt is found to be owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent to the individual within ten days of the receipt of the appeal.

A review of this decision may be requested of the president or designee within twenty-one days of the decision. Notification of the final decision will be rendered within twenty days of the request for review. The decision of the president or designee shall be final.

**WSR 97-19-077**  
**PROPOSED RULES**  
**CLARK COLLEGE**

[Filed September 16, 1997, 10:57 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 97-15-077.

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

Purpose: To revise and update parking and traffic rules and regulations.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: RCW 28B.50.140(10).

Summary: Correct, modify and improve parking and traffic rules and regulations.

Reasons Supporting Proposal: Necessary for clarification of rules and regulations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tony Birch, Baird Administration Building, (360) 992-2123.

Name of Proponent: Clark College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule provides revised and updated rules and regulations which provide the method of regulating college vehicular, nonvehicular, and pedestrian traffic on property owned, operated, and/or maintained by the college.

Proposal Changes the Following Existing Rules: The proposed changes clarify definitions; increase fines and permit charges; make editorial improvements; add additional parking violations; clarify that extra permits allow only one vehicle at a time on campus; establish brief adjudicative hearing process; and change visitor citations to courtesy notices.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Board Room, Baird Administration Building, on October 22, 1997, at 4 p.m.

Assistance for Persons with Disabilities: Contact Janelle Farley by October 17, 1997, (360) 992-2101.

Submit Written Comments to: Tana Hasart, FAX (360) 992-2871, by October 15, 1997.

Date of Intended Adoption: October 22, 1997.

September 8, 1997

Tana L. Hasart  
Interim President

**AMENDATORY SECTION** (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-310 Authority.** Pursuant to RCW 28B.50.140(10) the board is granted authority to establish rules and regulations for pedestrians and vehicular and nonvehicular traffic over property owned, operated, and/or maintained by the college.

The enforcement of these rules and regulations shall be the responsibility of the security/safety office.

Security officers are authorized to issue parking and traffic citations, impound and/or immobilize vehicles, and control and regulate facilities use, traffic, and parking as prescribed in these rules and regulations.

Any person interfering with a college security officer in the discharge of the provisions of these rules and regulations shall be in violation of RCW 9A.76.020, Obstructing governmental operation, and may be subject to arrest by a peace officer.

Failure by students to abide by these rules and regulations may be considered to be a violation of the code of student conduct (~~((WAC 132N-20-050 (4), (5), (9), (10), (11), (14), and (17)))~~) chapter 132N-120 WAC, as applicable).

**AMENDATORY SECTION** (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-320 Definitions.** College - Clark College, Community College District (~~(No-)~~) 14.

**College property** - Campus property, parking lots, or land owned, leased, controlled or maintained by Clark College.

**Immobilization** - Rendering a vehicle inoperable by use of a wheel-lock device.

**Impoundment** - Removal of a vehicle to a storage facility.

**Pedestrian** - Any person afoot (~~(as defined in RCW 46.04.400)~~) or who is using a wheelchair or a means of conveyance propelled by human power other than a bicycle.

**Student** - Any individual currently registered for classes at the college.

**Vehicular traffic or vehicles** - Those devices defined as "vehicles" in RCW 46.04.670.

**Nonvehicular modes of transportation** - Nonvehicular transportation devices shall include, but not be limited to, (~~(bicycles,)~~) skateboards, snowmobiles, roller skates and roller blades, snow sleds, and scooters.

**AMENDATORY SECTION** (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-330 Liability of the college.** The college assumes no liability for vehicles parking or traveling on college property, nor shall it be held responsible for the loss of goods or property from vehicles parked on college property.

The college, the security/safety office, security officers, or other employees or agents shall not be held liable for any

PROPOSED

damages, claims, or losses occurring to or from vehicles or equipment when rendering motorist assistance, impounding vehicles, or performing any duties as described in these rules and regulations. This section also applies to nonvehicular modes of transportation.

The college provides only limited maintenance to college parking lots during periods of inclement weather. Persons using the college parking lots do so at their own risk. The college will not be responsible for any liability or damage claims arising from weather or other natural disaster-related causes or conditions.

**AMENDATORY SECTION** (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-400 Authorized use of facilities.** Only those vehicles as defined and regulated in RCW 46.04.670 and as defined herein, may be operated in parking lots or in traffic areas by licensed drivers (~~(, as defined in chapter 46.20 RCW)~~). No vehicle, with the exception of nonmotorized bicycles, (~~(motorized or nonmotorized)~~) wheelchair(~~(s)~~) conveyances, and certain maintenance vehicles, may be operated on intracampus property, pathways, or sidewalks without the specific permission of the security/safety office.

**AMENDATORY SECTION** (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-440 Traffic accidents.** Persons involved in traffic accidents on college property are to report the accident to the security/safety office. An officer will be dispatched to investigate and file an accident report. In addition, RCW 46.52.030 requires that accidents on college property involving injury or property damage in excess of five hundred dollars be reported to local law enforcement agencies within twenty-four hours. (~~(State accident report forms are available at the security/safety office.)~~) Security officers are authorized to obtain and share with all parties to an accident information on the insurance coverage of the parties.

Nothing in this section should be interpreted so as to delay the immediate reporting of traffic accidents which involve injury or loss of life to appropriate noncollege authorities.

**AMENDATORY SECTION** (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-450 Traffic offenses.** (~~(The absence of previous warnings or citations will not preclude the imposition of a fine)~~) When safety considerations warrant(-), security officers may issue a citation for any of the following traffic offenses:

- (1) Failure to yield right of way (posted);
- (2) Failure to yield right of way to pedestrian;
- (3) Failure to yield right of way to vehicle;
- (4) Failure to obey one-way directional arrows;
- (5) Failure to yield right of way to emergency vehicle;
- (6) Driving with excessive speed;
- (7) Failure to stop at traffic signal/sign;
- (8) Failure to use due care and caution;
- (9) Driving without lights after dark;

(10) Having a passenger or animal outside of vehicle while in motion;

(11) Driving with an obstructed view;

(12) Driving on shoulder, or sidewalk or intracampus sidewalk or lane without authorization;

(13) Disobeying flagger, peace officer, security officer, fire fighter, or other agent of the college;

(14) Damaging college property including but not limited to landscape and plant material, curbs, sidewalks, utilities, etc.

(15) Driving while under the influence of intoxicants or with an open container of intoxicants.

All traffic offenses carry a (~~(twenty-dollar)~~) fifty-dollar fine.

**AMENDATORY SECTION** (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-460 Bicycles and nonvehicular transportation usage.** Bicycles may be ridden any place where vehicles are permitted. They may also be ridden on campus sidewalks or pathways, though pedestrians always have the right of way. An audible signal shall be used by bicyclists to warn pedestrians of oncoming bicycles. Bicyclists shall not ride in a reckless manner or engage in stunts or dangerous acts, or operate at speeds greater than ten miles per hour or such lower speed as is reasonable and prudent under the circumstances. With the exception of (~~(motorized or nonmotorized)~~) wheelchair(~~(s)~~) conveyances and certain college service vehicles, no other nonvehicular modes of transportation as specified in the preceding "definitions" will be allowed on college property.

**AMENDATORY SECTION** (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-500 Allocation of parking space.** The parking spaces available on college properties shall be assigned by the (~~(security/safety)~~) office of administrative services in a manner which will best attain the objectives of these regulations. The (~~(security/safety office)~~) plant services department is authorized to mark various parking areas on college property with numbers or titles or by posting signs, or marking the pavement.

Open parking - Open parking is limited to those parking areas not otherwise marked as reserved for faculty/staff, physically disabled persons, special use, service vehicle, or visitor. Users of open parking are not required to display a parking permit.

Faculty/staff parking - Faculty, staff and administrators using college owned or leased parking facilities up to 10:00 p.m. during the academic year are to purchase parking permits.

Faculty/staff parking spaces are marked on the pavement with an F/S. Only college employee vehicles displaying a valid parking permit may park in faculty/staff parking spaces. Faculty/staff parking spaces shall be considered open parking zones (~~(after)~~) from 10:00 p.m. ((each day that)) to 7:00 a.m. when the college is in regular session.

Vehicles with approved faculty/staff parking permits are permitted to park in open parking areas only when the designated parking faculty/staff spaces are full.

Visitor parking - All visitors, including guests, salespersons, maintenance or service personnel and all other members of the public, may park on college property in open parking, in designated special use visitor zones, or as directed by the security/safety office.

Use of vehicle as habitation - No vehicle or vehicle trailer may be used as a place of habitation on any college facility without permission from the security/safety office.

Handicapped parking - Physically disabled persons parking zones may be occupied only by vehicles displaying a valid temporary parking permit issued by the college or a valid permanent or temporary permit issued by the state of Washington in compliance with RCW 46.16.381 and 46.16.390. Temporary parking permits are available in health services. Valid parking permits issued by other states will be honored.

Motorcycle parking - Motorcycle parking zones are reserved for motorcycles and motor-driven cycles. These vehicles are not to occupy regular automobile parking spaces or other areas not designed for parking.

Service vehicle parking - Service vehicle parking zones are limited to use by authorized college service or contractor vehicles only.

**AMENDATORY SECTION** (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-550 Illegal parking.** No person shall stop, place, or park a vehicle at any place where official signs, curbs, or pavement markings prohibit parking, or within fifteen feet of a fire hydrant, or at any place for which the vehicle does not have a valid parking permit. Any vehicle not parked in a (~~marked~~) parking stall shall be considered illegally parked.

Drivers who are instructed by a security officer to either move an illegally parked vehicle or not to park in violation of this section, and refuse, will have their vehicle immediately impounded or immobilized.

Security officers may issue citations resulting in fines (~~even if the vehicle has not received a previous warning citation for any violation of these rules and regulations~~) if the vehicle is found in the commission of any of the following parking violations:

- (1) Parking in a faculty/staff parking zone without a valid permit.
- (2) Parking a disabled or inoperable vehicle on campus in excess of twenty-four hours without appropriate permission.
- (3) Occupying more than one parking space.
- (4) Parking in a space not designated for parking.
- (5) Parking in an area not authorized.
- (6) Blocking vehicular or pedestrian traffic.
- (7) Parking within fifteen feet of a fire hydrant.
- (8) Parking in a fire lane, sidewalk, or intracampus avenue.
- (9) Parking in a "No Parking" zone.
- (10) Parking on the grass.
- (11) Parking overnight without security office permission and/or permit.
- (12) Parking of a bicycle illegally.
- (13) Parking in physically disabled persons parking zone without an authorized parking permit.

(14) Use of a vehicle for habitation without permission.

(15) Illegal use of or failure to display permit.

(16) Creating a safety hazard in the opinion of the security officer.

All parking citations carry a (~~ten dollar~~) twenty-dollar fine, with the exception of physically disabled persons parking violations which carry a (~~twenty-dollar~~) fifty-dollar fine.

Illegally parked vehicles which require removal will be done so at the owner's or operator's expense.

**AMENDATORY SECTION** (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-560 Hazardous parking.** No person shall stop, place, or park a vehicle so as to obstruct traffic along or upon any street, firelane, or sidewalk or at any location as described in RCW 46.61.570. Due to the severe risk to public safety created by any vehicle parking in violation of this section, security officers are authorized to cite and immediately impound said vehicle. Security officers will complete a vehicle impound report, including the reason for the impoundment. Removal and impoundment will be at the owner's or operator's expense.

**AMENDATORY SECTION** (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-600 Faculty and staff parking permits.** All college faculty, staff, and administrators using college parking facilities at any time between (~~8:00~~) 7:00 a.m. and 10:00 p.m. (~~during the academic year~~) are to purchase and display a valid parking permit. The fact that an employee may be eligible to park in a physically disabled persons parking zone will not relieve the employee of this requirement. A valid faculty/staff parking permit may not, by itself, constitute authority to park in other parking facilities leased or owned by the college.

**AMENDATORY SECTION** (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-620 Fees for parking permits.** The fees charged by the college for the issuance of permits shall be those established by the board of trustees. Parking permits are issued as a license to park at college facilities.

Fees collected will be utilized for parking operations including parking enforcement, parking lot maintenance, and for those transportation demand management and commute trip reduction activities and programs permitted by law.

Current faculty/staff parking permit fees are (~~five dollars~~) seven dollars and fifty cents per quarter for one vehicle, and (~~six dollars~~) an additional one dollar per quarter for (~~two or more~~) each additional vehicle(s). Permits may be purchased on either a permanent, annual, or quarterly basis. Permits are required for fall, winter, and spring quarters (~~only, and are not required summer quarter~~).

AMENDATORY SECTION (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-630 Parking fee payment.** Faculty and staff can purchase annual ~~((permits by cash or check paid directly to the college or by payroll deduction. Annual))~~ or quarterly parking permits ~~((may be purchased))~~ at either the college bookstore or at the cashier's office in the Baird Administration Building. Annually contracted faculty and staff members may select the payroll deduction plan for payment of the permanent ~~((or annual))~~ permit ~~((only))~~. Those selecting this payment plan must complete a payroll deduction authorization form before issuance of a permit. The form is available in the security/safety office and the personnel services office.

NEW SECTION

**WAC 132N-156-635 Additional permits.** When an additional permit is issued, it is done so under the expressed condition that only one vehicle at a time is being parked on campus. If more than one vehicle is being parked on campus at any one time, full fees must be paid for all vehicles.

AMENDATORY SECTION (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-650 Revocations.** Parking permits are licenses and the property of the college and may be revoked for any of the following reasons:

- (1) The purpose for which the permit was issued changes or no longer exists.
- (2) The permit is used on an unregistered vehicle or by an unauthorized individual.
- (3) A parking permit application form was falsified.
- (4) ~~((Violation of))~~ These parking regulations ~~((occurred))~~ were violated.
- (5) The parking permit was counterfeited or altered or transferred without authorization.
- (6) ~~There has been~~ failure to comply with a specific determination, decision, or directive by college officials.

Appeals of parking permit revocations may be made within twenty days to the ((dean of administrative services)) security/safety manager for a brief adjudicative procedure. Appeals to the dean of administrative services must be filed within ~~((seven))~~ twenty-one days of the date of notice of revocation. The decision of the dean is final.

AMENDATORY SECTION (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-710 Payment of fines.** Persons cited for violations of these rules and regulations may respond either by filing a written appeal with the security/safety manager or by paying a fine within fifteen days of receipt of the citation. All fines are payable to Clark College. Fines can be paid by mail or in person at the cashier's office in the Baird Administration Building. Fines that are mailed must be received within fifteen days of receipt of the citation.

AMENDATORY SECTION (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-720 Reduction in fines.** Fines for parking and traffic offenses will be reduced by ~~((two))~~ five dollars if paid in person within forty-eight hours, excluding weekends and holidays. No reduction will be made on mail-in payments.

AMENDATORY SECTION (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-730 Appeals.** ~~((Visitors, students, faculty, and staff who receive citations for violations of these rules and regulations))~~ Alleged violators may appeal to the security/safety ~~((supervisor))~~ manager for a brief adjudicative procedure within twenty days of the date of the citation. ~~((Upon showing good cause or mitigating circumstances,))~~ The security/safety ((supervisor is authorized to)) manager may dismiss, suspend, impose any lesser fine, and/or ((to)) grant an extension of time ((to comply with)) within which to pay the fine.

~~((If the situation is not resolved satisfactorily, visitors, students, faculty, and staff may appeal in writing to the dean of administrative services.))~~ Appeals ~~((must be submitted and received))~~ of the decision of the security/safety manager are to be submitted to the dean of administrative services without posting of fine within ((fifteen)) twenty-one days ((after the date of the citation)). ((The security/parking advisory committee shall consider each appeal on its merits and shall make)) Written notification of ((each decision of)) the ((committee through the dean of administrative services to the appellant and the security/safety office)) dean's decision shall be made within twenty days of the appeal and shall be final.

~~((The final decision on an appeal of a citation for violations of these rules and regulations is by the security/parking advisory committee.))~~

AMENDATORY SECTION (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-740 Security/parking advisory committee.** The security/parking advisory committee is responsible for advising the security/safety office on security and parking operations. Committee functions include, but are not limited to, the following:

(1) Reviewing parking regulations and fees and recommending their adoption.

(2) ~~((Considering appeals of citations for violations of these rules and regulations, and making written notification of each decision of the committee to the appellant and the security/safety office.~~

~~((3))~~ Reviewing and recommending changes to parking lot configuration and use to improve quality and quantity of parking on campus.

~~((4))~~ (3) Reviewing provisions for security on campus and recommending practices and procedures for the enhancement of security.

The security/parking advisory committee meets as needed, when the college is in session, and consists of the following:

- (a) Dean of administrative services, chair.

- (b) Security/safety supervisor.
- (c) Two faculty members.
- (d) Two classified employees.
- (e) One student.
- (f) ~~((And others as added by the chair))~~ Director of veterans affairs/disabled services/sponsored programs.

**AMENDATORY SECTION** (Amending WSR 93-20-080, filed 10/4/93, effective 11/4/93)

**WAC 132N-156-750 Unpaid fines.** If any fine remains unpaid (~~after fifteen days~~), any or all of the following actions may be taken by the security/safety office.

- (1) A hold may be placed on transcripts.
- (2) Registration for the following quarter may be delayed.
- (3) Parking privileges may be revoked.
- (4) The amount due as a result of fines due and payable may be deducted from paychecks of college employees.
- (5) Outstanding fines may be referred to a collection agency.
- (6) The vehicle may be immobilized or impounded.

If a violator has two or more unpaid fines, his/her vehicle will be impounded or immobilized and held until all outstanding fines are paid.

These procedures will be applicable to all students, faculty, and staff or other persons utilizing college facilities who receive fines for violations of these rules and regulations. Visitors who have received citations for parking violations may consider the citation a courtesy notice if returned to the security/safety office with name, address, and a brief explanation.

**WSR 97-19-081  
PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Order 97-08—Filed September 16, 1997, 4:25 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 97-10-093.

Title of Rule: Chapter 173-160 WAC, Standards for construction and maintenance of wells and chapter 173-162 WAC, Rules and regulations governing the regulation and licensing of well contractors and operators.

Purpose: Chapter 173-160 WAC, Minimum standards for the construction and maintenance of wells, the purpose of this regulation is to establish the minimum standards for the construction of all wells in Washington.

Chapter 173-162 WAC, Rules and regulations governing the regulation and licensing of well contractors and operators, the purpose of this regulation is to establish procedures for the examination, licensing, and regulation of well contractors and drillers.

Statutory Authority for Adoption: Chapter 18.104 RCW.

Statute Being Implemented: Chapter 18.104 RCW.

Summary: Ecology has been directed by the legislature to revise the existing well construction and licensing rules. The revisions will integrate changes to chapter 18.104 RCW

into rules, improve organization, address driller's concerns, and enhance public health and safety.

Reasons Supporting Proposal: The revisions will result in better compliance, reduce the number of questions from drillers regarding regulation interpretation, and reduce the need for enforcement.

Name of Agency Personnel Responsible for Drafting: Richard Szymarek, Olympia, (360) 407-6648; Implementation and Enforcement: Keith Phillips, Olympia, (360) 407-6602.

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 purpose of the rule proposal is to amend two existing regulations pertaining to well construction standards and the professional licensing of well drillers. The standards for well construction (chapter 173-160 WAC) identify specific construction requirements that all wells must meet in order to protect the public health, safety and welfare as well as protection of the ground water resource. The licensing rule (chapter 173-162 WAC) address the administration of the professional licensing of Washington state well drillers. This chapter must be amended to incorporate changes made by the legislature in 1993 to the Water Well Construction Act, chapter 18.104 RCW.

The proposed amendments to both regulations have been developed in concert with a legislatively mandated technical advisory group. Their work, which started in late 1993, has resulted in draft changes to both the licensing and the construction regulations.

Proposal Changes the Following Existing Rules: Chapter 173-160 WAC revisions, changes to the construction regulations were initiated in response to drillers' request to clarify definitions; revise and improve the organization of the regulation; and expand on some of the technical areas within the regulation.

Chapter 173-162 WAC revisions, changes to the licensing regulations include the separation of monitoring well construction from water well construction; increasing the term of license renewal from one to two years; developing a training program for new drillers; adding a requirement for on-site testing which will help to insure adequate experience has been obtained prior to licensing a driller; and requiring that all drillers maintain a level of technical expertise through a continuing education program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Regulatory Fairness Act compliance document, RCW 34.05.328 Compliance document, amending chapters 173-160 and 173-162 WAC.

These two related sets of rule amendments have been reviewed and analyzed for compliance with the statutory requirements cited above. It has been concluded that both are exempt from the requirements of the Regulatory Fairness Act (chapter 19.85 RCW) and from the need for the findings and determinations required in RCW 34.05.328. This document describes the basis for that conclusion.

Chapter 173-160 WAC, Minimum standards for construction and maintenance of wells, the proposed revisions to this rule represent clarification and updating of technical requirements. As such they fall under the exemption from

the Regulatory Fairness Act, and the need for a small business economic impact statement, provided in RCW 19.85.025(2) and 34.05.310 (4)(d). Exemption from RCW 34.05.328 is provided via similar language in subsection (5)(b)(iv) of that section.

Chapter 173-162 WAC, Regulation and licensing of well contractors and operators, the proposed changes to this rule are likewise procedural and clarifying in nature, implement changes authorized in the 1993 amendments to chapter 18.104 RCW, Water well construction, or are minor in their effects upon the regulated community. Many of these arise from the work of the Technical Advisory Group established by RCW 18.104.190 on which the well drilling industry is amply represented. The proposed revisions are summarized below.

(a) Revised licensing requirements and classifications. In addition to creating new classes of resource protection well operator's licenses with equivalent requirements, the requirements for obtaining a new license are changed to require slightly more field experience (approximately two years and seven months compared with two years at present) and thirty-two continuing education credits. (Continuing education will be addressed below.)

However, the revised version of chapter 173-162 WAC provides an alternative path to a new license, called "training completed," that reduces the field experience requirement to 3,600 hours (equivalent to one year and nine months on a forty-hour work week basis), and a new license class called "water well (resource protection well) operator's training license," that provides additional flexibility to those seeking qualifying experience.

License fees remain at the same levels as present. License renewal fees appear to have doubled from \$10 to \$20. However, license terms have also doubled from one year to two years. Hence, the effect is the same.

(b) Continuing education. Qualification requirements for new licenses and license renewals include varying amounts of continuing education. The revised rule includes a mechanism for establishing and assigning credits to continuing education activities. However, it is expected that continuing education will be both readily available, through industry conferences, vendor training classes, Department of Ecology-developed and administered classes and workshops, correspondence courses and the like, and inexpensive. Thus, any additional impacts upon the regulated community are expected to be minor.

In view of the above, it is concluded that these proposed revisions to chapter 173-602 [173-162] WAC are exempt from the requirements of chapter 19.85 RCW and RCW 34.05.328 because they will not impose more than minor costs upon the regulated community or are procedural in nature.

RCW 34.05.328 does not apply to this rule adoption. This is not a significant legislative rule.

Hearing Location: On Wednesday, October 22, at 7:00 - 9:00 p.m., Yakima Arboretum, 401 Arboretum Drive, Yakima, WA 98901; on Thursday, October 23, at 7:00 - 9:00 p.m., Spokane Community College, 1810 North Greene Street, Mailstop 2061, Spokane, WA 99207-5399; on Tuesday, October 28, at 7:00 - 9:00 p.m., Department of Ecology, 300 Desmond Drive, Lacey, WA 98503; and on

Wednesday, October 29, 7:00 - 9:00 p.m., Bellingham Public Library, 210 Central Avenue, Bellingham, WA 98225.

Public Involvement: Public involvement activities will include workshops followed by formal hearings on the rule proposals.

For More Information Contact: Richard Szymarek, (360) 407-6648, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Assistance for Persons with Disabilities: Contact Felicia Curtis by October 1, 1997, TDD (360) 407-6006, or (360) 407-6199.

Submit Written Comments to: Department of Ecology, Attn: Richard Szymarek, P.O. Box 47600, Olympia, WA 98504-7600, FAX (360) 407-7162, by November 10, 1997.

Date of Intended Adoption: December 30, 1997.

September 12, 1997

Daniel Silver  
Deputy Director

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

WAC 173-162-010 What is the purpose(=) of these regulations? These regulations are adopted (~~pursuant to~~) under chapter 18.104 RCW in order to establish procedures for the examination, licensing and regulation of well contractors and operators.

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

WAC 173-162-020 (~~General~~) To whom do these regulations apply? These regulations (~~are applicable~~) apply to all well (~~contractors and operators~~) drillers who are contracting for well construction or constructing wells in the state of Washington.

NEW SECTION

WAC 173-162-025 What are the reasons for suspending or revoking a drilling license? (1) In cases other than those relating to the failure of a licensee to renew a license, the director may suspend or revoke a license issued pursuant to this chapter for any of the following reasons:

(a) For fraud or deception in obtaining the license;

(b) For fraud or deception in reporting under RCW 18.104.050;

(c) For violating the provisions of this chapter, or of any lawful rule or regulation of the department or the department of health.

(2) The director shall immediately suspend any license issued under this chapter if the holder of the license is not in compliance with a support order or a residential or visitation order as determined by the department of social and health services. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

(3) No license shall be suspended for more than six months, except that a suspension under subsection (2) of this section shall continue until the department receives a release

issued by the department of social and health services stating that the person is in compliance with the order.

(4) No person whose license is revoked shall be eligible to apply for a license for one year from the effective date of the final order of revocation.

**AMENDATORY SECTION** (Amending Order 88-58, filed 4/6/88)

**WAC 173-162-030 ((Definitions.)) How are the words and phrases used in this chapter? ((As used in this chapter:**

(1) "Constructing a well" or "construct a well" means and includes boring, digging, drilling, or excavating and installing casing, lining or well screens, whether in the installation of a new well or the alteration of an existing well.

(2) "Department" means department of ecology.

(3) "Director" means director of the department of ecology.

(4) "Drilled well" is a well which is usually excavated by mechanical means such as rotary, cable tool, or auger rigs.

(5) "Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground.

(6) "Dug well" is a well generally excavated with hand tools or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

(7) "Licensee" is any person licensed as a well contractor pursuant to the provisions of this act and these rules.

(8) "Liner" means any casing, screen, or other device inserted into a larger casing, screen, or bore hole as a means of sealing off undesirable material or maintaining the structural integrity of the well.

(9) "Landfill gas extraction well" is a well used to withdraw gas from an unsaturated zone.

(10) "Monitoring well" is a well designed to obtain a representative ground water sample and/or to measure the water level over the screened interval.

(11) "Observation well" is a well designed to measure the depth to the water table. An observation well is screened across the water table and usually is installed in unconfined aquifers.

(12) "Operator" is any person employed by a well contractor or self-employed as a contractor operator for the control and supervision of well construction and for the operation of well construction equipment.

(13) "Piezometer well" is a well designed to measure the hydraulic potential (water level elevation) at a specific point in the subsurface. A piezometer has a short screen that is positioned entirely beneath the water table.

(14) "Resource protection wells" mean monitoring wells, observation wells, piezometers and spill response wells, and eased geotechnical test borings.

(15) "Spill response well" is any well used to capture or recover any spilled or leaked fluid which has the potential to, or has contaminated the ground water.

(16) "Supervision" or "supervising" means being present at the site of well construction and responsible for proper

construction at any and all times well construction equipment is being operated.

(17) "Water supply well" means any well that is used to withdraw, dewater, or recharge ground water.

(18) "Well" means and includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of an excavation is for the location, diversion, artificial recharge or withdrawal of ground water. Well includes water supply well and resource protection well. Well does not mean excavations excluded in WAC 173-160-010(3).

(19) "Well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity engaged in the business of constructing wells.

(20) "Well rig" is any power driven, percussion, rotary, boring, digging, jetting, or augering machine used in the construction of a well. (1) "Abandoned well" means a well that is unused, unmaintained, or is in such disrepair as to be unusable.

(2) "Access port" is a 1/2- to 2-inch tapped hole or tube equipped with a screw cap, which provides access to the inner casing, for measurement of the depth to water surface.

(3) "Annular space" is the space between the surface or outer casing and the inner casing, or the space between the wall of the drilled hole and the casing.

(4) "Aquifer" is a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(5) "Artesian well" is a well tapping an aquifer bounded above and below by confining or impermeable rock or soil layers, or rock or soil layers of distinctly lower permeability than the aquifer itself. The water will rise in the well above the point of initial penetration (above the bottom of the confining or impermeable layer overlying the aquifer). This term includes both flowing and nonflowing wells.

(6) "Artificial gravel pack" is a mixture of gravel or sand placed in the annular space around the well screen. A gravel pack is used to reduce the movement of finer material into the well and provide lateral support to the screen in unstable formations.

(7) "Artificial recharge" is the addition of water to an aquifer by activities of man, such as irrigation or induced infiltration from streams, or injection through wells, trenches, pits, and ponds.

(8) "Bentonite" is a mixture of swelling clay minerals, predominantly sodium montmorillonite.

(9) "Capped well" is a well that is not in use and has a watertight seal or cap installed on top of the casing.

(10) "Casing" is a pipe which is installed in the bore hole to maintain the opening.

(11) "Consolidated formation" means any geologic formation in which the earth materials have become firm and cohesive through natural rock forming processes. Such rocks commonly found in Washington include basalt, granite, sandstone, shale, conglomerate, and limestone. An uncased bore hole will normally remain open in these formations.

(12) "Constructing a well" or "construct a well" means:

(a) Boring, digging, drilling, or excavating a well;  
(b) Installing casing, sheeting, lining, or well screens, in a well; or

(c) Drilling a geotechnical soil boring.

"Constructing a well" or "construct a well" includes the alteration of an existing well.

(13) "Contamination" has the meaning provided in RCW 90.48.020.

(14) "Continuing education unit" is one credit approved by the department for time spent participating in training or instruction in subject areas approved by the department.

(15) "Curbing" is a liner or pipe made of concrete, precast tile or steel installed in dug wells to provide a annular space between the well bore and the liner or pipe for sealing.

(16) "Decommissioning" means to fill or plug a well so that it will not produce water, serve as a channel for movement of water or pollution, or allow the entry of pollutants into the well or aquifers.

(17) "Department" means the department of ecology.

(18) "Dewatering well" means a cased or lined excavation or boring that is intended to withdraw or divert ground water for the purpose of facilitating construction, stabilizing a land slide, or protecting an aquifer.

(19) "Director" means director of the department of ecology.

(20) "Disinfection" or "disinfecting" is the use of chlorine, or other disinfecting agent or process approved by the department, in sufficient concentration and contact time adequate to inactivate coliform or other indicator organisms.

(21) "Domestic water supply" is any water supply which serves a family residence(s).

(22) "Draw down" is the measured difference between the static ground water level and the ground water level induced by pumping.

(23) "Drilled well" is a well in which the hole is usually excavated by mechanical means such as rotary, cable tool, or auger drilling equipment.

(24) "Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground.

(25) "Dug well" is a well generally excavated with hand tools or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

(26) "Filter pack" means clean, well rounded, smooth, uniform, sand or gravel, which is placed in the annulus of the well between the bore hole wall and the well screen to prevent formation material from entering the well.

(27) "Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

(28) "Geotechnical information" means subsurface engineering properties used for the purpose of designing structures such as bridges, buildings, highways, pipelines, or for assessing slope stability.

(29) "Geotechnical soil boring" or "boring" means an uncased well drilled for the purpose of obtaining soil samples to ascertain structural properties of the subsurface. Geotechnical soil boring includes auger borings, rotary borings, cone penetrometer probes and vane shear probes, or any other uncased ground penetration for geotechnical information.

(30) "Ground water" means and includes ground waters as defined in RCW 90.44.035.

(31) "Grout" is a fluid mixture of cement, bentonite, and water used to seal the annular space around or between well casings, or to decommission wells.

(32) "Impermeable" is a descriptive term for earth materials which have a texture or structure that does not permit fluids to perceptibly move into or through its pores or interstices.

(33) "Instrumentation well" means a well in which pneumatic or electric geotechnical or hydrological instrumentation is permanently or periodically installed to measure or monitor subsurface strength and movement. Instrumentation well includes bore hole extensometers, slope indicators, pneumatic or electric pore pressure transducers, and load cells.

(34) "Liner" means any device inserted into a larger casing, screen, or bore hole as a means of maintaining the structural integrity of the well.

(35) "Lysimeter" means a well used to withdraw soil water or pore samples from subsurface soil or rock above the water table for chemical, physical, or biological testing.

(36) "Monitoring well" means a well designed to obtain a representative ground water sample or designed to measure the water level elevations in either clean or contaminated water or soil.

(37) "Nested well" means the installation of more than one cased resource protection well in one bore hole. This does not preclude casing reductions.

(38) "Observation well" means a well designed to measure the depth to the water or water level elevation in either clean or contaminated water or soil.

(39) "Operator" means a person who:

(a) Is employed by a well contractor;

(b) Is licensed under this chapter; or

(c) Who controls, supervises, or oversees the construction of a well or who operates well construction equipment.

(40) "Permeability" is a measure of the ease of which liquids or gas move through a porous material.

(a) For water, this is usually expressed in units of centimeters per second or feet per day. Hydraulic conductivity is a term for water permeability.

(b) Soils and synthetic liners with a water permeability of  $1 \times 10^{-7}$  cm/sec or less may be considered impermeable.

(41) "Piezometer" means a well designed to measure water level elevation at a specific depth beneath the water table.

(42) "Pollution" and "contamination" have the meanings provided in RCW 90.48.020.

(43) "Pressure grouting" is a method of forcing grout into specific portions of a well for sealing purposes.

(44) "PTFE" means polytetrafluoroethylene casing materials such as teflon. The use of the term teflon is not an endorsement for any specific PTFE product.

(45) "Public water supply" is any water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, available to the public for human consumption or domestic use, excluding water supplies serving one single-family residence.

(46) "PVC" means polyvinyl chloride a type of thermo-plastic casing.

(47) "Remediation well" means a well used to withdraw ground water or inject water, air (for air sparging), or other solutions into the subsurface for the purpose of remediating, cleaning up, or controlling potential or actual ground water contamination.

(48) "Resource protection well" means a cased boring used to determine the existence or migration of pollutants within an underground formation. Resource protection wells include monitoring wells, observation wells, piezometers, spill response wells, vapor extraction wells, and instrumentation wells.

(49) "Resource protection well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing resource protection wells or geotechnical soil borings.

(50) "Spill response well" means a well used to capture or recover any spilled or leaked fluid which has the potential to, or has contaminated the ground water.

(51) "Static water level" is the vertical distance from the surface of the ground to the water level in a well when the water level is not effected by pumping or free flow.

(52) "Temporary surface casing" is a length of casing (at least four inches larger in diameter than the nominal size of the permanent casing) which is temporarily installed during well construction to maintain the annular space.

(53) "Test well" is a well (either cased or uncased), constructed to determine the quantity of water available for beneficial uses, identifying underlying rock formations (lithology), and to locate optimum zones to be screened or perforated. If a test well is constructed with the intent to withdraw water for beneficial use, it must be constructed in accordance with the minimum standards for water supply wells, otherwise they shall be constructed in accordance with the minimum standards for resources protection wells. A water right permit, preliminary permit, or temporary permit shall be obtained prior to constructing a test well with an anticipated withdrawal rate or testing rate that exceeds the five thousand gallon per day exemption provided under RCW 90.44.050. A "test well" is a type of "water well."

(54) "Tremie tube" is a small diameter pipe used to place grout, filter pack material, or other well construction materials in a well.

(55) "Unconsolidated formation" means any naturally occurring, loosely cemented or poorly consolidated earth material including such materials as uncompacted gravel, sand, silt and clay. Alluvium, soil, and overburden are terms frequently used to describe such formations.

(56) "Vapor extraction well" means a well used to withdraw gases or vapors from soil, rock, landfill, or ground water or allow air or vapor to enter subsurface soil or rock for the purpose of remediating soil and/or ground water contamination;

(57) "Water well" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of ground water.

(58) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing water wells.

(59) "Well alterations" include, but are not limited to, deepening, hydrofracturing or other operations intended to increase well yields. Well alterations does not include general maintenance, cleaning, and pump replacement.

(60) "Well completion" means that construction has progressed to a point at which the drilling equipment has been removed from the site, and the well can be put to its intended use.

(61) "Well" means water wells, resources protection wells, instrumentation wells, dewatering wells, and geotechnical soil borings. Well does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

(62) "Well contractor" means a resource protection well contractor and a water well contractor.

(63) "Well driller" or "driller" is synonymous with "operator."

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

#### AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

**WAC 173-162-040 ((Compliance—Requirement for licensing—)) How do I comply with licensing requirements? (((1) A well construction operators license is required for all operators.**

**(2) A well construction operators license is required for all well contractors as follows:**

**(a) Every well contractor shall designate one official as "liaison representative" who shall have the full responsibility and authority to act as the contractor's agent in all its dealings with the department. The "liaison representative" shall be licensed.**

**(b) An owner operator who enters contracts on his own behalf is a well contractor and must be licensed. He shall act as his own "liaison agent" in all dealings with the department.**

**(3) An architectural, engineering or other similar type professional consulting firm, general contractor or construction firm and highway or bridge construction firm need not have a licensed well construction operator in its employ; provided that all well construction associated with their various projects is conducted by a duly licensed well contractor.) (1) A water well driller's license is required for all drillers engaged in the constructing or decommissioning of water wells.**

**(2) A water well driller's training license is required for all trainees engaged in constructing or decommissioning water wells under the training program provisions of this chapter.**

**(3) A resource protection well driller's license is required for all drillers engaged in constructing or decommissioning resource protection wells and geotechnical soil borings.**

**(4) A resource protection well driller's training license is required for all trainees engaged in constructing or decommissioning resource protection wells and geotechnical**

soil borings under the training program provisions of this chapter.

(5) General contractors, engineering firms, designers, consulting firms, or other entities need not have a licensed well driller in its employ: *Provided*, That all well construction and decommissioning associated with their various projects and/or contracts is conducted by a licensed well driller licensed under the provisions of this chapter except as provided in WAC 173-162-050.

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

WAC 173-162-050 ((Exemptions;)) **Who is exempt?** ((A well construction operators license shall not be required of:

(1) Any individual who personally drills a well on land which is owned or leased by him or in which he has a beneficial interest as a contract purchaser and is used by the individual for farm or noncommercial domestic use only.

(2) Any individual who performs labor or services for a well contractor in connection with the drilling of a well at the direction and under on-site supervision and control of a licensed operator;)) (1) No license under this chapter shall be required of:

(a) Any individual who personally constructs a well on land which is owned or leased by the individual or in which the individual has a beneficial interest as a contract purchaser and is used by the individual for farm or single-family residential use only.

(b) An individual, except trainees, who performs labor or services for a well contractor in connection with the construction or decommissioning of a well at the direction and under the direct supervision and control of a licensed driller who is present at the construction site.

(c) A person licensed under the provisions of chapter 18.08 or 18.43 RCW if in the performance of duties covered by those licenses.

(2) An individual who constructs or decommissions a well without a license under this subsection shall comply with all other requirements of this chapter and rules adopted by the department. Those requirements include, but are not limited to:

(a) Well construction and decommissioning standards;  
(b) Payment of well construction fees; and  
(c) Notification of well construction required by RCW 18.104.048.

(3) An individual without a license may construct not more than one well every two years under the provisions of this subsection.

#### NEW SECTION

WAC 173-162-055 **What types of drilling licenses are available?** Five types of drilling licenses are available:

- (1) Water well drilling training license.
- (2) Resource protection well drilling training license.
- (3) Resource protection well drilling license.
- (4) Water well drilling license.
- (5) Conditional drilling licenses for water or resource protection well drilling.

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

WAC 173-162-060 ((License required—**Qualifications for licensing.**)) **How do you qualify for each license?** ((A person shall be qualified to receive a license if he:

(1) Has made application to the department and has paid a twenty-five dollar application fee.

(2) Has passed a written examination, except that a person who can establish his illiteracy to the satisfaction of the department shall be entitled to an oral examination in lieu of a written examination.

(3) Has at least two years of field experience with a licensed well driller or one year of field experience and an equivalent of at least one school year of qualifying educational training. The qualifying educational training should include the following studies, in combination with field demonstration and experience for the minimum amount of hours shown:

(a) Ground water geology and hydrology—fifty-five hours;

(b) Well design and construction—fifty-five hours;

(c) Records and business basics—twenty-two hours;

(d) History of methods of drilling—twenty-two hours;

(e) Welding—one hundred ten hours; and

(f) Well drilling experience—four hundred fifty-nine hours.

These criteria must have official documentation by state or nationally approved institutions of higher learning;)) (1) **Training licenses.**

(a) You are qualified to receive either a water or a resource protection training license if you:

(i) Submit a completed application to the department on forms provided by the department and pay the department a twenty-five dollar application fee; and

(ii) Have completed at least six hundred hours of drilling experience working under the direct supervision of a licensed driller who has held a Washington state water and/or resource protection well drilling license for at least three years; and

(iii) Have obtained six continuing education units as approved by the department; and

(iv) Pass a written examination as provided for in RCW 18.104.080; and

(v) Pass an on-site examination by the department; and

(vi) Present a statement by a person or persons licensed under this chapter, other than a trainee, signed under penalty of perjury as provided in RCW 9A.72.085, verifying that:

(A) The applicant has acquired a minimum of six hundred hours of field experience required under this chapter; and

(B) The driller has assumed liability for any and all well construction activities of the applicant while the applicant was gaining his/her six hundred hours of field experience. The driller shall only be liable for work performed under their direct supervision and control; and

(C) A licensed driller, except a trainee, assumes liability for any and all well construction activities of the trainee accomplished under the driller's control and as recorded and initialed by the licensed driller in the trainee's daily drilling log; and

(vii) An applicant who has gained drilling experience under more than one driller shall submit a statement from each driller. It is not necessary to accumulate all qualifying experience under one driller; and

(viii) Field experience for which a statement of verification and liability cannot be obtained, shall not be used as qualifying experience under this section.

All statements shall be entered on forms provided by the department.

(b) A person with either a resource protection or a water well training license may construct only those types of wells for which they are licensed without being under the direct supervision of a licensed driller provided:

(i) A licensed driller is available by radio, telephone, or other means of communication; and

(ii) The licensed driller can reach the drill site within one hour.

(c) As a trainee, you shall maintain a daily drilling log identifying all work accomplished that day. The log shall remain in the possession of the trainee at all times and shall be reviewed and initialed daily by the responsible licensed driller. The drilling log shall be available for review by department and county officials that have received delegated authority as provided in RCW 18.104.043.

(d) The work performed and initialed in this drilling log may be used in your application for a license under the training program completed licensing category of this chapter.

(e) All verifiable work performed by a trainee under the control of a licensed driller may be carried over to subsequent driller(s) who assume liability for the trainee.

## (2) Water well or resource protection well drilling licenses.

A person shall be qualified to receive either a water or resource protection well driller's license if you meet the requirements of one of the following categories:

### (a) New applicant category.

Applicants who have never held a well drilling license qualify if they:

(i) Submit a completed application to the department on forms provided by the department and pay the department a twenty-five dollar application fee; and

(ii) Submit proof that they have the following field experience and educational training:

(A) Five thousand four hundred hours of drilling experience under the direct supervision of a licensed well driller; and

(B) Thirty-two continuing education units; and

(iii) Pass a written examination as provided for in RCW 18.104.080.

Note: The department shall evaluate and approve all field experience and educational training. If your qualifying field experience under this section is from another state, the department may require an on-site examination.

### (b) Training program completed category.

Applicants shall have completed their training program and will be qualified to receive a drilling license if they have:

(i) Submitted a completed application to the department on forms provided by the department and paid the department a twenty-five dollar application fee; and

(ii) Submitted proof of working experience as a licensed trainee under the provisions of this chapter for at least three thousand six hundred hours; and

(iii) Obtained fourteen continuing education units as approved by the department while working under the training program.

### (c) Licensed experience category.

(i) Applicants who have never held a drilling license in Washington qualify if they have:

(A) Submitted a completed application to the department on forms provided by the department and paid the department a twenty-five dollar application fee; and

(B) A valid water well drilling license, or equivalent, in another state and can show proof that the license has been held for a period of three years. The department shall evaluate and approve all experience acquired by out-of-state licensed drillers; and

(C) Obtained thirty-two continuing educational units as approved by the department; and

(D) Passed a written examination as provided for in RCW 18.104.080; and

(E) Passed an on-site examination by the department. The on-site examination may be waived by the department.

(ii) Individuals, other than trainees, whose Washington drilling license has been suspended, revoked, or whose license has been expired for more than thirty calendar days shall apply for a new license. These individuals qualify to receive a license if:

(A) The terms of the order of suspension or revocation have been met; and

(B) They submit a completed application to the department on forms provided by the department and pay the department a twenty-five dollar application fee; and

(C) They have obtained seven continuing educational units for each year or portion of a year the license has been revoked, suspended, or expired; and

(D) They pass a written examination as provided for in RCW 18.104.080; and

(E) They pass an on-site examination by the department; and

(F) The on-site and/or written examination(s) may be waived by the department.

(iii) Proof of drilling experience shall be submitted with the application for license. Proof of drilling experience may include drilling logs, federal or state tax records; employment records; or other records acceptable to the department.

### (3) Conditional license.

(a) A conditional license may be issued to a former licensee to comply with an order to correct a problem with a well. The terms of the license shall detail the extent and limitations placed on the holder. This may include limitations of work to be completed on a specific well, license expiration, and any other limitation set by the department.

(b) A conditional license cannot be issued to a person who has never held a driller's license issued under the provisions of this chapter.

AMENDATORY SECTION (Amending Order DE 73-10, filed 6/29/73)

**WAC 173-162-070 ~~What application((s and)) fees((s)) are required?~~** (~~Applications for license or renewal of license shall be submitted on forms provided by the department.~~

(1) ~~An application fee of twenty-five dollars made payable to the department must be submitted with each application for license.~~

(2) ~~A renewal fee of ten dollars made payable to the department must be submitted with each application for renewal of license.)~~ Application fees are twenty-five dollars for each drilling or training license.

NEW SECTION

**WAC 173-162-075 How often do I need to renew my license?** (1) Licenses issued under this chapter, except a training license, shall be renewed every two years.

(2) A training license shall be valid for a period of two years from the time it was originally issued. A training license cannot be renewed. However, a one-time extension may be granted upon showing of good cause by the trainee. The limit of the extension shall be no longer than twelve months and will be evaluated on a case-by-case basis.

AMENDATORY SECTION (Amending Order DE 73-10, filed 6/29/73)

**WAC 173-162-080 ~~((Examinations—Time and place:)) What are the conditions and cost of renewing a drilling license?~~** (~~Examinations shall be held at such times and places as may be determined by the department, but not later than thirty days after a completed application with appropriate fee has been received and accepted by the department; provided that in the case where an application is received after an examination has been scheduled and there is either insufficient time for the department to duly notify the applicant of the time and place of the examination or the applicant is unable to take the examination at the scheduled time, the thirty day period will start from the scheduled examination date; provided further, however, that if an examination is not taken within ninety days after the initial receipt of the application in the department, the application shall be voided and the application fee forfeited.)~~ (1) Each renewal applicant shall:

(a) Submit a completed application on forms provided by the department; and

(b) Show proof that they successfully completed fourteen continuing education units during the past twenty-four months of the license term; and

(c) Pay a twenty-dollar renewal fee for each license they wish to renew; and

(d) Training licenses will be allowed a one time extension. A twenty-dollar fee will be charged for the extension.

(2) If you fail to submit a completed application for renewal, the license shall expire at the end of its effective term. A complete application includes the submission of the renewal fee and proof of completion of the required continuing education.

(3) If your license has been expired for more than thirty calendar days, you must apply for a new license as provided in this chapter. If your license has been expired for less than thirty calendar days, you may renew your license.

(4) The department may refuse to renew a license if the licensee has not complied with an order issued by the department or has not paid a penalty imposed under RCW 18.104.155, unless the order or penalty is under appeal.

(5) Drillers shall not construct or decommission a well after their license has expired.

NEW SECTION

**WAC 173-162-085 Continuing education.** Ecology, with the assistance of the technical advisory group, shall develop and administer a program for continuing education for the purpose of ensuring continued professional growth and competency of licensed drillers.

**(1) What is continuing education?**

Continuing education is your opportunity to gain additional knowledge into subjects that directly relate to the drilling profession. It is designed to enhance your drilling skills, keep you informed on technological advances, and keep you informed on current state and local regulations. The ultimate goal is to ensure the highest quality of professional drilling. Continuing education is required of every person applying for a drilling license and for every driller renewing a drilling license.

**(2) How do I obtain the required continuing education credit?**

(a) Continuing education may be obtained from a number of sources. The department as well as other state and local agencies may provide continuing education classes. Additionally, private organizations or individuals may also present approved classes for credit.

**(b) The primary ways to receive credits will be:**

(i) Attend and/or successfully complete classes, courses, workshops, or seminars that have been preapproved for credit; and/or

(ii) Have the class, course, workshop, or seminar you plan on attending or have attended evaluated by the technical advisory group and approved by the department for credit; and/or

(iii) Completion of correspondence courses will be considered and evaluated on a case-by-case basis.

**(3) How will credit be assigned?**

(a) The technical advisory group shall evaluate all courses, classes, workshops, or seminars and recommend assignment of continuing education credits. Their evaluation shall be reviewed by the department for approval.

(b) The following criteria shall be utilized to evaluate and assign credit:

(i) Course agenda and how well the subject relates to the business, technical, and/or regulatory aspects of well drilling and to the knowledge, skills, and abilities required in the well drilling profession.

(ii) Subject(s) difficulty.

(iii) Instructor qualifications.

(iv) Student course evaluations may be utilized to assign credit to courses.

PROPOSED

(c) Course sponsors may have their courses preapproved by submitting a request to the department on forms provided by the department.

(d) Individuals planning on attending or who have attended classes, courses, workshops, or seminars that were not preapproved for credit must request a course evaluation and credit approval through the department on forms provided by the department.

(e) All courses, classes, workshops, or seminars must be open to anyone who wants to attend. This does not preclude a provider from imposing reasonable requirements for attendee's such as fees and providing their own safety equipment.

**(4) What types of general topics, workshops or seminars will be accepted?**

(a) General subject areas include: Occupational health and safety; business and office skills; interpersonal skills; technical aspects associated with drilling; and other subject areas approved by the department.

(b) Workshops, seminars, classes, or courses conducted by professional associations, governmental agencies, private businesses, and individuals, may be accepted, provided the subject(s) meets the provisions of this chapter.

**(5) How do I get credit for participating in a continuing education program?**

(a) A person is qualified to receive continuing education credit upon showing proof of attendance at an approved class, course, workshop, or seminar.

(b) Proof includes: Certificates of completion; transcripts; attendance rosters; diplomas; or other documents approved by the department.

**(6) General information on continuing education:**

(a) Credits received during a renewal period that are in excess of the requirements cannot be used for any succeeding years. EXAMPLE: A driller earning 20 continuing educational credits during their two-year renewal period cannot apply the six credits towards a future renewal.

(b) Credits shall not be assigned to courses, workshops, classes, or seminars attended prior to July 1, 1993.

(c) Proof of obtaining continuing education credits must be accepted by the department prior to license renewal or an application being finalized. It is the drillers/trainees responsibility to track and maintain records of their continuing education credits.

**AMENDATORY SECTION** (Amending Order DE 73-10, filed 6/29/73)

~~WAC 173-162-090 ((Examinations—Notification of examinations.)) **When and where are the written examinations given?** ((Upon receipt of a properly completed application, the department shall notify the applicant of the date, time and place of the next scheduled examination. All incomplete application forms will be returned for completion. The applicant should notify the department if the examination schedule cannot be met and the reasons therefor.)) (1) Examinations are held at such times and places as may be determined by the department, but not later than thirty days after the department accepts the completed application package consisting of:~~

~~(a) A completed application form with appropriate fee; and~~

~~(b) Proof of required continuing education; and~~

~~(c) Proof of required drilling experience.~~

~~(2) Upon receipt of a completed application package, the department shall notify you of the date, time and place of the next scheduled written examination. You shall notify the department if you cannot meet the examination schedule. Your notice shall include the reason(s) why you cannot meet the schedule.~~

~~(3) If your application package is received after an examination has been scheduled and there is either insufficient time for the department to notify you of the time and place of the examination or you are unable to take the examination at the scheduled time, the thirty-day period will start from the scheduled examination date.~~

~~(4) However, you must take your written examination within ninety days after your application package is accepted by the department. After ninety days, your application package shall be voided and the application fee forfeited.~~

**NEW SECTION**

**WAC 173-162-095 What should I know about the written examinations?** (1) The written examinations for licenses issued under this chapter are prepared, administered, and evaluated by the department.

(2) The examinations are prepared to test the knowledge and understanding of the following subjects:

(a) Washington ground water laws as they relate to well construction and decommissioning;

(b) Sanitary standards for well drilling and construction of wells;

(c) Types of well construction and decommissioning;

(d) Drilling techniques, tools and equipment;

(e) Geology (including soil and rock description) as it relates to well construction;

(f) Rules and regulations of the department relating to well construction, test pumping, and equipment maintenance;

(g) Preparation of intent forms, well reports, and requests for variances;

(h) Township and range location system as it relates to location of wells;

(i) Basic ground water hydraulics as it relates to well construction and protection of the resource; and

(j) Rules and regulations of the Washington state department of health relating to source approval and source protection of public drinking water systems.

**AMENDATORY SECTION** (Amending Order 88-58, filed 4/6/88)

~~WAC 173-162-100 ((Examinations—Type of examinations.)) **When will I be notified of the results of my written examination?** ((The examinations shall be prepared, administered and evaluated by the department. They shall be broken down into sections including a basic general category and specialist categories including but not necessarily limited to cable tool, rotary, driven and dug well construction technology. The examination shall be prepared to test the knowledge and understanding of the following subjects:~~

~~(1) Washington ground water laws as they relate to well construction;~~

~~(2) Sanitary standards for water well drilling and construction of water wells;~~

~~(3) Types of well construction;~~

~~(4) Drilling tools and equipment;~~

~~(5) Underground geology as it relates to well construction;~~

~~(6) Rules and regulations of the department and the department of social and health services relating to well construction;~~

~~(7) Preparation of well reports;~~

~~(8) Township and range location system as it relates to location of wells; and~~

~~(9) Basic ground water hydraulics as it relates to well construction-))~~ The department shall notify you of your test results within ten days after the examination.

AMENDATORY SECTION (Amending Order DE 73-10, filed 6/29/73)

~~WAC 173-162-120 ((Examinations—Notification of examination results.))~~ What should I know about on-site examinations? ~~((The department shall make a determination of the applicant's qualifications for a license within ten days after the examination and notify said applicant of the results within ten days after such determination-))~~ (1) You must pass the written exam before you can take the on-site exam.

(2) If you are required to take an on-site examination you will receive an authorization form along with the confirmation of your written test results. This form must be submitted to the on-site test provider prior to taking your test. A list of the on-site providers will also be included with your test results.

(3) You will be responsible to select an authorized provider. An exam fee may be charged by the provider.

(4) You and the examiner will schedule a mutually agreed upon time and place for the on-site exam, which shall be no later than ninety days after receipt of your written test results.

(5) You shall notify the department if you cannot meet the examination schedule and the reasons why you cannot meet the schedule. Acceptable reasons for rescheduling exams may include: Weather; availability of testers; or health problems.

(6) Failure to complete the on-site exam within ninety days may result in having to reapply and reschedule another on-site exam.

(7) You and the examiner will arrange for all the equipment, materials, and location for the on-site examination.

(8) The provider shall submit the results of the exam to the department within ten days. The department shall report the exam results to you within twenty days of taking the exam.

#### NEW SECTION

**WAC 173-162-127 What will the on-site test consist of?** The on-site examination shall test the applicants field skills and knowledge in the following areas:

- (1) Safety.
- (2) General knowledge of equipment operation.
- (3) Equipment maintenance.
- (4) Drilling knowledge.

(5) Well development.

(6) Implementation of the construction standards under chapter 173-160 WAC.

(7) Other skills and knowledge as may be required by the department.

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

WAC 173-162-130 ((Licenses—General.)) If I fail an exam, may I take a retest? ~~((It is the intent of the department in its implementation of the licensing phase of the Washington Water Well Construction Act to effect a smooth transition of this requirement into the well construction industry without causing undue hardship on individuals and/or businesses whose livelihood is dependent upon continuing work in this field-))~~ (1) If you fail the written or on-site exam, you shall not be entitled to take the examination, or any parts of the examination for a period of thirty days from the date of your original examination.

(2) If you failed to pass the written exam, you are considered a new applicant in all respects.

(3) If you fail the on-site exam, you will be required to arrange a retest after a thirty-day waiting period. You will not be required to retake the written exam.

(4) The provider may charge a reexamination fee.

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

WAC 173-162-140 ((Licenses—Unconditional license.)) What are the requirements to become an on-site testing provider? ~~((An applicant who has passed the basic general examination and all specialist categories shall be granted a well construction operators license without any restrictions or conditions-))~~ (1) To qualify to be an on-site testing provider you must:

(a) Be a Washington state licensed driller in good standing; and

(b) Have held that Washington state drilling license for a period of five years; and

(c) Not have been issued an order or penalty under chapter 18.104 RCW, except for failure to renew a license; and

(d) Pass an evaluation of your drilling expertise provided by the department; and

(e) Enter a written agreement with the department which will describe the scope, duties, and responsibilities of the on-site testing provider.

(2) All agreements will be evaluated on an annual basis and renewed upon approval of the department.

#### NEW SECTION

**WAC 173-162-165 Grandfather clause—(Expires June 30, 2000.)** (1) If you held a valid driller's license in 1997 issued under this chapter you may apply to renew your license in 1998 by submitting an application, choosing the type (resource or water well) of license, and paying the application fee under this chapter. The term of this license shall be two years.

(2) Following the issuance of the one time "grandfather" license, all subsequent license renewals will require that you to meet all the terms of this chapter.

(3) If you held a valid driller's license before July 1, 1993, you may obtain a resource protection license by:

- (a) Submitting an application; and
- (b) Paying a twenty-five dollar fee; and
- (c) Showing proof of at least 600 hours of resource protection well drilling experience.

(4) Proof of experience shall consist of drilling reports or start notices showing you were the driller of record on at least fifteen resource protection wells. Other proof will be evaluated and approved by the department on a case-by-case basis.

(5) If you were working towards obtaining a drilling license but have acquired less than twelve months of drilling experience prior to the effective date of this chapter, you must request to have your education and experience evaluated by the department. Your request must show proof that you started working towards a drilling license prior to the effective date of this regulation, and that you have been diligently and continuously working towards obtaining a drilling license since you started. Proof shall consist of tax records, pay statements, or other documentation showing that you were under the supervision of a licensed driller.

You may chose to apply your education and experience towards the requirements of any license under this chapter.

(6) For individuals who have obtained at least twelve months of drilling experience under a licensed driller prior to the effective date of this regulation, shall be qualified to receive a drilling license after they have:

- (a) Completed a total of twenty-four months of drilling experience under a licensed driller; and
  - (b) Submitted a complete application to the department; and
  - (c) Paid a twenty-five dollar fee; and
  - (d) Passed a written and on-site exam.
- (7) The on-site exam may be waived by the department.

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

WAC 173-162-190 ((Well contractors—Responsibilities.)) What are the responsibilities of well contractors and their agents? ((The well contractor shall be responsible for appointment of a "liaison representative." Any change of "liaison representative" must be immediately reported to the department in order to assure continuity of communication.))

(1) The well contractor shall be responsible for designating an agent to represent its dealing with the department.

(2) The agent must be a Washington state licensed driller other than a trainee.

(3) The agent shall notify the department of all licensed drillers and trainees who are working for the well contractor.

(4) Notification shall be made within ninety days of enactment of this regulation.

(5) After the initial notification, the agent shall notify the department of all terminations and new hires within thirty days.

(6) The well contractor shall notify the department within thirty days of making any change of agent.

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

WAC 173-162-200 ((Enforcement.)) What are the department of ecology's enforcement options? In enforcement of this chapter, the department of ecology may impose ~~((such))~~ the sanctions ~~((as))~~ that are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190, civil penalties under RCW 90.03.600 and 18.104.155, and criminal penalties under RCW 18.104.160.

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

WAC 173-162-210 ((Appeals.)) Can I appeal enforcement actions? Yes, you can appeal the department of ecology's decision to the pollution control hearings board. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made ~~((pursuant to))~~ under this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-162-170 Retaking examination.

#### ((PART ONE—GENERAL)) REQUIREMENTS THAT APPLY TO ALL WELLS

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

WAC 173-160-010 ((Purpose.)) What is the purpose of this regulation? ((1) These regulations are adopted pursuant to chapter 18.104 RCW, in order to establish minimum standards for the construction of all wells in the state of Washington. These regulations establish minimum construction standards for two classes of wells; water supply wells and resource protection wells. Water supply wells include wells used to appropriate water for beneficial purposes, cased dewatering wells, and test wells. Resource protection wells include: Monitoring wells, observation wells, piezometers, geotechnical test borings, and spill response wells.

(2) Provisions of Part One shall apply to all wells. Provisions of Part Two shall apply to water supply wells. Provisions of Part Three shall apply to resource protection wells.

(3) The following are excluded from these regulations:  
(a) Excavations that are not used to locate, divert, artificially recharge, or withdraw ground water.

(b) Post holes.

(c) Landfill gas extraction wells.

(d) An excavation for the purpose of obtaining or prospecting for oil, natural gas, minerals, products of mining, quarrying, inserting media to repressure oil or natural gas bearing formations, storing petroleum, natural gas, or other products, as provided in chapter 78.52 RCW.

~~(e) Injection wells, such as stormwater disposal or recharge wells regulated in chapter 173-218 WAC.~~

~~(f) Cathodic protection wells.~~

~~(g) Uncased wells used for dewatering purposes in construction work, and other uncased excavations, such as uncased geotechnical test borings. However, the provisions of WAC 173-160-055, 173-160-010(4), and 173-160-420 shall apply.~~

~~(h) Infiltration galleries, trenches, ponds, pits, and sumps.~~

~~(4) Pursuant to chapter 90.48 RCW, those excavations excluded in subsection (3)(a) through (h) of this section shall be constructed and abandoned to ensure protection of the ground water resource and to prevent the contamination of that resource.) (1) These regulations are adopted under chapter 18.104 RCW, to establish minimum standards for the construction and decommissioning of all water and resource protection wells in the state of Washington.~~

~~(2) The following are excluded from these regulations and chapter 173-162 WAC:~~

~~(a) Any excavation that is not intended to locate, divert, artificially recharge, observe, monitor, dewater, or withdraw ground water for agricultural, municipal, industrial, domestic, or commercial use except resource protection wells.~~

~~(b) Any excavation for the purpose of obtaining or prospecting for oil, natural gas, minerals, products of mining, quarrying, inserting media to repressure oil or natural gas bearing formations, storing petroleum, natural gas, or other products, as provided in chapter 78.52 RCW.~~

~~(c) Injection wells regulated in chapter 173-218 WAC.~~

~~(d) Infiltration or exfiltration galleries, trenches, ponds, pits, and sumps.~~

~~(3) Under chapter 90.48 RCW, those excavations excluded in subsection (2)(a) through (d) of this section shall be constructed, maintained, and decommissioned to ensure protection of the ground water resource and to prevent the contamination and waste of that resource.~~

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

**WAC 173-160-020 ((General:)) How do I apply for a variance?** ((The following minimum standards shall apply to all wells constructed in the state of Washington. It is the responsibility of the water well contractor and the property owner to take whatever measures are necessary to guard against waste and contamination of the ground water resources.

(1) It will be necessary in some cases to construct wells with additional requirements beyond the minimum standards. Additional requirements are necessary when the well is constructed in or adjacent to a source of contamination. Sources of contamination include, but are not limited to, the following: Septic systems, lagoons, landfills, hazardous waste sites, salt water intrusion areas, chemical storage areas, and pipelines.

(2) When strict compliance with these regulations is impractical, the well contractor or driller shall make application to the department for approval of comparable alternative specifications (a variance) prior to the work being done. The department shall authorize or deny a variance request within fourteen days of receipt of a written request. In an

emergency, a public health emergency, or in exceptional instances, the department will allow verbal notification to the appropriate regional office, with a written request follow-up:)) (1) When strict compliance is impractical, any person may request a variance to the department from a regulation or regulations. The application for variance must propose a comparable alternative specification that will provide equal or greater human health and resource protection than the minimum standards. Application for a variance shall be made in writing and approved prior to the construction or decommissioning of the well.

(2) The variance application shall contain at least the following information:

(a) Name, address, and phone number of the person requesting the variance;

(b) Address of well site;

(c) 1/4, 1/4, section, township, range;

(d) The specific regulation(s) that cannot be followed;

(e) The comparable alternative specification;

(f) Justification for the request.

(3) The variance application will be evaluated, and a response will be given within fourteen days. In a public health emergency or other exceptional circumstance, verbal notification for a variance may be given. An emergency usually consists of a well failure resulting in a dry well or an unusable well. Driller convenience does not constitute an emergency.

(4) The emergency variance recipient must immediately follow up with a written notification to the department so that a permanent record is made of the variance.

(5) Local health districts or counties with delegated authority may grant variances under the provision chapter 18.104 delegated authority.

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

**WAC 173-160-030 ((Definitions:)) When will this regulation be reviewed?** ((As used in this chapter:

(1) "Abandoned well" is a well which has been filled or plugged so it is rendered unproductive. A properly abandoned well will not produce water nor serve as a channel for movement of water.

(2) "Access port" is a 1/2 to 2 inch tapped hole or tube equipped with a screw cap, which provides access to the inner casing, for measurement of the depth to water surface.

(3) "Annular space" is the space between the surface or outer casing and the inner casing, or the space between the wall of the drilled hole and the casing.

(4) "Aquifer" is a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(5) "Artesian well" is a well tapping an aquifer bounded above and below by impermeable beds or beds of distinctly lower permeability than the aquifer itself. The water will rise in the well above the point of initial penetration (above the bottom of the confining or impermeable layer overlying the aquifer). This term includes both flowing and nonflowing wells.

(6) "Artificial gravel pack" is a mixture of gravel and/or sand placed in the annular space around the well screen. A gravel pack is used to reduce the movement of finer material

into the well reduce the movement of finer material into the well, increase the well yield and provide lateral support to the screen in unstable formations.

(7) "Artificial recharge" is the addition of water to an aquifer by activities of man, such as irrigation or induced infiltration from streams, or injection through wells.

(8) "Bentonite" is a mixture of swelling clay minerals, predominantly sodium montmorillonite.

(9) "Capped well" is a well that is not in use and has a watertight seal or cap installed on top of the casing.

(10) "Casing" is a pipe, generally of metal or plastic, which is installed in the bore hole to maintain the opening.

(11) "Curbing" is a liner or pipe made of concrete, precast tile or steel installed in dug wells to provide a space between the well bore and the liner for sealing.

(12) "Consolidated formation" means any geologic formation in which the earth materials have become firm and coherent through natural rock forming processes. Such rocks commonly found in Washington include basalt, granite, sandstone, shale, conglomerate, and limestone. An uncased drill hole will normally remain open in these formations.

(13) "Contamination" is an impairment of natural ground water quality by biological, chemical, physical, or radiological materials which lower the water quality to a degree which creates a potential hazard to the environment, public health, or interferes with a beneficial use.

(14) "Department" means the department of ecology.

(15) "Disinfection" is the use of chlorine, or other disinfecting agent or process approved by the department, in sufficient concentration and contact time adequate to inactivate coliform or other indicator organisms.

(16) "Domestic water supply" is any water supply serving one or more single family residences.

(17) "Drawdown" is the measured difference between the static water level and the water level induced by pumping.

(18) "Drilled well" is a well in which the hole is usually excavated by mechanical means such as rotary, cable tool, or auger rigs.

(19) "Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground.

(20) "Dug well" is a well generally excavated with hand tools or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

(21) "Filter pack" means clean, well rounded, smooth, uniform, sand or gravel, which is placed in the annulus of the well between the borehole wall and the well screen to prevent formation material from entering the well.

(22) "Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

(23) "Geotechnical test boring" means any temporary eased borehole completed primarily for the purpose of obtaining geologic, or geotechnical data about subsurface soil or rock conditions, and/or for determining ground water levels.

(24) "Grout" is a fluid mixture of cement, bentonite, and water used to seal the annular space around or between well casings, or to fill and seal abandoned wells.

(25) "Impermeable" is a descriptive term for earth materials which have a texture or structure that does not permit fluids to perceptibly move into or through its pores or interstices.

(26) "Licensee" is any person who is licensed as a well contractor pursuant to the provisions of this act and these rules.

(27) "Liner" means any casing, screen, or other device inserted into a larger casing, screen, or open hole as a means of sealing off undesirable material or maintaining the structural integrity of the well.

(28) "Landfill gas extraction well" is a well used to withdraw gas from an unsaturated zone.

(29) "Monitoring well" is a well designed to obtain a representative ground water sample and/or to measure the water level elevation over the screened interval.

(30) "Observation well" is a well designed to measure the depth to the water table. An observation well is screened across the water table and usually is installed in unconfined aquifers.

(31) "Operator" is any person employed by a well contractor or self employed as a contractor operator for the control and supervision of well construction or for the operation of well construction equipment.

(32) "Permeability" means the ease with which a porous material allows liquid or gaseous fluids to flow through it. For water, this is usually expressed in units of centimeters per second and termed hydraulic conductivity. Soils and synthetic liners with a permeability for water of  $1 \times 10^{-7}$  cm/sec or less may be considered impermeable.

(33) "Piezometer well" is a well designed to measure the hydraulic potential (water level elevation) at a specific point in the subsurface. A piezometer has a short screen that is positioned entirely beneath the water table.

(34) "Pressure grouting" is a method of forcing grout into specific portions of a well for sealing purposes.

(35) "PTFE" means polytetrafluoroethylene casing materials (such as teflon) and is not an endorsement for any specific PTFE product.

(36) "Public water supply" is any water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, available to the public for human consumption or domestic use, excluding water supplies serving one single family residence.

(37) "Pudding clay" is a mixture of at least fifty percent bentonite and fine sand material which seals out or retards the movement of water.

(38) "PVC" means polyvinyl chloride a type of thermoplastic casing.

(39) "Resource protection wells" mean monitoring wells, observation wells, piezometers and spill response wells, and eased geotechnical test borings.

(40) "Spill response well" is any well used to capture or recover any spilled or leaked fluid which has the potential to, or has contaminated the ground water.

(41) "Static water level" is the vertical distance from the surface of the ground to the water level in a well when the water level is not effected by pumping or free flow.

(42) "Temporary surface casing" is a length of casing (at least four inches larger in diameter than the permanent

easing) which is temporarily installed during well construction to maintain the annular space.

(43) "Test well" is a well (either cased or uncased), constructed to determine the quantity of water available for beneficial uses identifying underlying rock formations (lithology), and to locate optimum zones to be screened or perforated.

If a test well is constructed with the intent to withdraw water for beneficial use, it must be constructed in accordance with the minimum standards for water supply wells, otherwise they shall be constructed in accordance with the minimum standards for resource protection wells.

(44) "Tremie tube" is a small diameter pipe used to place grout, filter pack material, or other well construction materials in a well.

(45) "Unconsolidated formation" means any naturally occurring, loosely cemented or poorly indurated earth material including such materials as uncompacted gravel, sand, silt and clay. Alluvium, soil, and overburden are terms frequently used to describe such formations.

(46) "Water supply well" means any well that is used to withdraw, dewater, or recharge ground water.

(47) "Well" means and includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of an excavation is for the location, diversion, artificial recharge, or withdrawal of ground water. Well includes water supply well and resource protection well. Well does not mean excavations excluded in WAC 173-160-010(3).

(48) "Well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity engaged in the business of constructing wells.

(49) "Well driller" is synonymous with "operator."

(50) "Well rig" is any power driven, percussive, rotary, boring, digging, jetting or auguring machine used in the construction of a well.) (1) The department of ecology shall initiate review of the rules established in this chapter:

(a) When new information, changing conditions, or statutory modifications make it necessary to consider revisions; or

(b) When statutes require the review of this regulation, whichever comes first.

(2) The technical advisory group (TAG) established under chapter 18.104 RCW shall assist the department in the development and revision of rules.

AMENDATORY SECTION (Amending Order 91-27, filed 11/19/91, effective 12/20/91)

WAC 173-160-040 ((Permit.)) How does this regulation relate to other authorities? ((As provided in RCW 90.44.050, no well shall be constructed if a withdrawal of more than five thousand gallons a day or irrigation of more than one half acre of noncommercial lawn and garden is contemplated, unless an application to appropriate such waters has been made to the department and a permit has been granted.

As provided in WAC 173-548-050, no wells shall be constructed for any purposes in subbasins closed in the Methow water resources regulation, including those exempt from permitting under RCW 90.44.050, unless written approval has been obtained from the department prior to

beginning well construction.)) (1) Nothing in these regulations may be construed to waive any legal requirements of other state agencies or local governmental entities relating to well construction to include prior notification nor may it preclude the adoption of more stringent minimum well construction standards by local government.

(2) Well contractors shall be familiar with all state and local well construction requirements for their job sites prior to initiating construction.

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

WAC 173-160-050 ((Records.)) What are the department's enforcement options? ((1) Every well contractor, within thirty days after completion of a well, is required to submit a complete record on the construction or alteration of the well to the department. This shall apply to all water supply and resource protection wells. The well record shall be made on a form provided by the department, or a reasonable facsimile, as approved by the department.

(2) The water supply and test well record shall include the following information, where applicable, as a minimum: Location of well to at least 1/4, 1/4 section or smallest legal subdivision; intended use of well; the depth, diameter, and general specifications of each well; the depth, thickness and character of each bed, stratum or formation penetrated by each well; and the commercial specifications of all casing, also of each screen or perforated zone in the casing; the tested capacity of each well in gallons per minute; for each nonflowing well, the depth to the static water level, as measured below the land surface, and also the drawdown of the water level at the end of the well capacity test; for each flowing well, the shut in pressure measured above the land surface, or in pounds per square inch at the land surface, and such additional factual information as reasonably may be required by the department.

(3) The well record shall be made on a form provided by the department, or a reasonable facsimile, as approved by the department. The resource protection well record shall include the following information as a minimum: Project name, if appropriate; location of well to at least 1/4, 1/4 section or smallest legal subdivision; land surface datum; well identification number; diameter; depth, and general specifications of each well; the depth thickness and character of each bed, stratum or formation penetrated by each well; and commercial specifications of all casing and screen; as-built diagram; and additional information as required by the department.)) The department may impose the sanctions that are appropriate under authorities vested in it, including but not limited to:

(1) The issuance of regulatory orders under RCW 43-27A.190;

(2) Civil penalties under RCW 90.03.600 and 18.104-155; and

(3) Criminal penalties under RCW 18.104.160.

NEW SECTION

WAC 173-160-061 May I appeal the department's decision? (1) Yes. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made under this chapter are

subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

(2) If you wish to appeal a decision of the department of ecology, you must appeal it before that board.

#### NEW SECTION

**WAC 173-160-071 May I appeal decisions made by delegated authorities?** (1) Yes. Any person who feels aggrieved by a decision made by a local health district or county under delegated authority may appeal the decision to the department of ecology.

(2) The appeal must be made within thirty days of receipt of the decision.

(3) An appeal to the department shall contain at least the following information:

(a) Name, address, and phone number of appealing party;

(b) Copy of the decision under appeal;

(c) A clear statement of what issues are disputed;

(d) A clear statement of what relief the appellant is seeking.

(4) The department will consider the appeal, and either affirm, reverse, or modify the decision of the delegated authority. A written response shall be provided to the applicant and the delegated authority within thirty days of the department's receipt of the appeal.

(5) The department's decision is subject to review by the pollution control hearings board, pursuant to RCW 18.104.130.

### **PART ONE—GENERAL REQUIREMENTS FOR WATER WELL CONSTRUCTION**

#### NEW SECTION

**WAC 173-160-101 What are the general standards that apply to all water wells?** The following minimum standards apply to all water wells constructed and decommissioned in the state of Washington. It is the responsibility and liability of the water well driller who constructs the well, the property owner, and the water well contractor, to take whatever measures are necessary to guard against waste and contamination of the ground water resources.

(1) It is necessary in some cases to construct and decommission wells with additional requirements beyond the minimum standards. Additional requirements may be necessary when the well is constructed or decommissioned in or adjacent to a known, suspected, or potential source of contamination. Sources of contamination include, but are not limited to, the following:

(a) Septic systems, including proposed and reserve sites under a valid septic design: *Provided*, That the design has been approved for installation by a health authority;

(b) Manure, sewage, and industrial lagoons;

(c) Landfills;

(d) Hazardous waste sites;

(e) Sea/salt water intrusion areas;

(f) Chemical storage areas;

(g) Pipelines used to convey materials with contamination potential;

(h) Livestock barns and livestock feed lots; and

(i) Other sources or potential sources of contamination as defined in the department of health's inventory entitled, "*Inventory of Potential Contaminant Sources in Washington's Well head Protection Areas*," dated April 1995 or as revised.

(2) Nothing in these regulations limits the department's authority to approve comparable alternative specifications for well construction as technology in the industry develops or new and comparable methods of construction become known to the department.

#### NEW SECTION

**WAC 173-160-111 What are the definitions of specific words as used in this chapter?** (1) "Abandoned well" means a well that is unused, unmaintained, or is in such disrepair as to be unusable.

(2) "Access port" is a 1/2- to 2-inch tapped hole or tube equipped with a screw cap, which provides access to the inner casing, for measurement of the depth to water surface.

(3) "Annular space" is the space between the surface or outer casing and the inner casing, or the space between the wall of the drilled hole and the casing.

(4) "Aquifer" is a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(5) "Artesian well" is a well tapping an aquifer bounded above and below by confining or impermeable rock or soil layers, or rock or soil layers of distinctly lower permeability than the aquifer itself. The water will rise in the well above the point of initial penetration (above the bottom of the confining or impermeable layer overlying the aquifer). This term includes both flowing and nonflowing wells.

(6) "Artificial gravel pack" is a mixture of gravel or sand placed in the annular space around the well screen. A gravel pack is used to reduce the movement of finer material into the well and provide lateral support to the screen in unstable formations.

(7) "Artificial recharge" is the addition of water to an aquifer by activities of man, such as irrigation or induced infiltration from streams, or injection through wells, trenches, pits, and ponds.

(8) "Bentonite" is a mixture of swelling clay minerals, predominantly sodium montmorillonite.

(9) "Capped well" is a well that is not in use and has a watertight seal or cap installed on top of the casing.

(10) "Casing" is a pipe which is installed in the bore hole to maintain the opening.

(11) "Consolidated formation" means any geologic formation in which the earth materials have become firm and cohesive through natural rock forming processes. Such rocks commonly found in Washington include basalt, granite, sandstone, shale, conglomerate, and limestone. An uncased bore hole will normally remain open in these formations.

(12) "Constructing a well" or "construct a well" means:

(a) Boring, digging, drilling, or excavating a well;

(b) Installing casing, sheeting, lining, or well screens, in a well; or

(c) Drilling a geotechnical soil boring.

"Constructing a well" or "construct a well" includes the alteration of an existing well.

(13) "Contamination" has the meaning provided in RCW 90.48.020.

(14) "Curbing" is a liner or pipe made of concrete, precast tile or steel installed in dug wells to provide an annular space between the well bore and the liner or pipe for sealing.

(15) "Decommissioning" means to fill or plug a well so that it will not produce water, serve as a channel for movement of water or pollution, or allow the entry of pollutants into the well or aquifers.

(16) "Department" means the department of ecology.

(17) "Dewatering well" means a cased or lined excavation or boring that is intended to withdraw or divert ground water for the purpose of facilitating construction, stabilizing a land slide, or protecting an aquifer.

(18) "Director" means director of the department of ecology.

(19) "Disinfection" or "disinfecting" is the use of chlorine, or other disinfecting agent or process approved by the department, in sufficient concentration and contact time adequate to inactivate coliform or other indicator organisms.

(20) "Domestic water supply" is any water supply which serves a family residence(s).

(21) "Draw down" is the measured difference between the static ground water level and the ground water level induced by pumping.

(22) "Drilled well" is a well in which the hole is usually excavated by mechanical means such as rotary, cable tool, or auger drilling equipment.

(23) "Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground.

(24) "Dug well" is a well generally excavated with hand tools or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

(25) "Filter pack" means clean, well rounded, smooth, uniform, sand or gravel, which is placed in the annulus of the well between the bore hole wall and the well screen to prevent formation material from entering the well.

(26) "Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

(27) "Ground water" means and includes ground waters as defined in RCW 90.40.035.

(28) "Grout" is a fluid mixture of cement, bentonite, and water used to seal the annular space around or between well casings, or to decommission wells.

(29) "Impermeable" is a descriptive term for earth materials which have a texture or structure that does not permit fluids to perceptibly move into or through its pores or interstices.

(30) "Liner" means any device inserted into a larger casing, screen, or bore hole as a means of maintaining the structural integrity of the well.

(31) "Permeability" is a measure of the ease of which liquids or gas move through a porous material.

(a) For water, this is usually expressed in units of centimeters per second or feet per day. Hydraulic conductivity is a term for water permeability.

(b) Soils and synthetic liners with a water permeability of  $1 \times 10^{-7}$  cm/sec or less may be considered impermeable.

(32) "Pollution" and "contamination" have the meaning provided in RCW 90.48.020.

(33) "Pressure grouting" is a method of forcing grout into specific portions of a well for sealing purposes.

(34) "PTFE" means polytetrafluoroethylene casing materials such as teflon. The use of the term teflon is not an endorsement for any specific PTFE product.

(35) "Public water supply" is any water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, available to the public for human consumption or domestic use, excluding water supplies serving one single-family residence.

(36) "PVC" means polyvinyl chloride a type of thermo-plastic casing.

(37) "Static water level" is the vertical distance from the surface of the ground to the water level in a well when the water level is not effected by pumping or free flow.

(38) "Temporary surface casing" is a length of casing (at least four inches larger in diameter than the nominal size of the permanent casing) which is temporarily installed during well construction to maintain the annular space.

(39) "Test well" is a well (either cased or uncased), constructed to determine the quantity of water available for beneficial uses, identifying underlying rock formations (lithology), and to locate optimum zones to be screened or perforated. If a test well is constructed with the intent to withdraw water for beneficial use, it must be constructed in accordance with the minimum standards for water supply wells, otherwise they shall be constructed in accordance with the minimum standards for resources protection wells. A water right permit, preliminary permit, or temporary permit shall be obtained prior to constructing a test well with an anticipated withdrawal rate or testing rate that exceeds the five thousand gallon per day exemption provided under RCW 90.44.050. A "test well" is a type of "water well."

(40) "Tremie tube" is a small diameter pipe used to place grout, filter pack material, or other well construction materials in a well.

(41) "Unconsolidated formation" means any naturally occurring, loosely cemented or poorly consolidated earth material including such materials as uncompacted gravel, sand, silt and clay.

Alluvium, soil, and overburden are terms frequently used to describe such formations.

(42) "Water well" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of ground water for agricultural, municipal, industrial, domestic, or commercial use.

(43) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing water wells.

(44) "Well alterations" include, but are not limited to, deepening, hydrofracturing or other operations intended to increase well yields. Well alterations does not include general maintenance, cleaning, and pump replacement.

(45) "Well completion" means that construction has progressed to a point at which the drilling equipment has

been removed from the site, and the well can be put to its intended use.

(46) "Well" means water wells, resources protection wells, instrumentation wells, dewatering wells, and geotechnical soil borings. Well does not mean an excavation made for the purpose of obtaining or prospecting for oil or natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

(47) "Well driller" is synonymous with "operator."

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

#### NEW SECTION

**WAC 173-160-121 What should I know about drilling wells that require water right permits?** (1) As provided in RCW 90.44.050, no well, to include a test well, irrigation well, dewatering well, domestic supply well, resource protection/monitoring well, municipal well, or any other class or category of well may be constructed if a withdrawal of more than five thousand gallons a day for domestic, stock water, or irrigation of more than one-half acre of noncommercial lawn and garden is contemplated, unless an application to appropriate such waters has been made to the department and a water right permit has been granted.

(2) The licensed driller must have a copy of the water right permit or certificate on site at all times.

(3) Every well that requires a permit shall be constructed to meet the provisions of that permit. Provisions may include:

- (a) Limitations on zones of completion.
- (b) Special sealing requirements.
- (c) Special casing and liner requirements.
- (d) Other specific construction and testing details.

(4) As provided in WAC 173-548-050, no water well may be constructed for any purpose in subbasins closed by the Methow water resources regulation:

(a) Including those exempted from permitting under RCW 90.44.050;

(b) Unless written approval has been obtained from the department prior to beginning well construction.

#### NEW SECTION

**WAC 173-160-131 What should the well owner know about water metering?** The department may require water users to measure the quantity of water withdrawn from wells, to record water use, and/or to report the water use information to the department. The department may develop specific metering and reporting requirements at a future date.

#### NEW SECTION

**WAC 173-160-141 What are the requirements regarding water well reports?** (1) Anyone who constructs a well is required to submit a complete report on the construction, alteration, or decommissioning of the well to the department within thirty days after completion of a well.

- (a) This applies to all water wells.

(b) The water well report must be made on a form provided by the department, or a reasonable facsimile of the form, as approved by the department.

(2) Where applicable the water well report includes, at least, the following information:

(a) Owner's name; driller's/trainee's name; driller's/trainee's license number; contractor's registration number, drilling company name;

(b) Tax parcel number;

(c) Well location address;

(d) Location of the well to at least 1/4, 1/4 section or smallest legal subdivision;

(e) Unique well identification tag number;

(f) Construction date;

(g) Start notification number;

(h) Intended use of well;

(i) The well depth, diameter, and general specifications of each well;

(j) Total depth of casing;

(k) Well head elevation;

(l) Drilling method;

(m) Bit diameter;

(n) Seal material, seal location and type of placement used;

(o) Filter pack location; filter pack material used;

(p) The thickness and character of each bed, stratum or formation penetrated by each well including identification of each water bearing zone;

(q) Casing gauge, diameter, stickup, type of material, and length, also of each screened interval or perforated zone in the casing;

(r) The tested capacity of each well in gallons per minute;

(s) For each nonflowing well, the depth to the static water level, as measured below the land surface, and also the duration, pumping rate, and draw down of the water level at the end of the well capacity test;

(t) For each flowing well, the shut-in pressure measured above the land surface, or in pounds per square inch at the land surface; and

(u) Such additional factual information as may be required by the department.

(3) The well report must show the license number and signature of the person who constructed the well. If this is an unlicensed person, not exempted under RCW 18.104.180, the report shall show the license number and signature of the licensed driller who witnessed the drilling. Water well reports for wells constructed by trainees shall have the signature and license number of the trainee and the licensed driller.

(4) If a well report is missing, a new report may be generated. This report shall report all physical components of the well and report all available information in accordance with this section. The report shall be signed by the individual collecting the physical information of the well.

#### NEW SECTION

**WAC 173-160-151 Does the department require prior notice and fees for well constructing, reconstructing, or decommissioning a water well?** (1) Yes. The property owner, owner's agent, or water well driller shall

notify the department of their intent to begin well construction, reconstruction, or decommissioning procedures at least seventy-two hours before starting work.

(2) The notice of intent is submitted on forms provided by the department and must contain the following:

- (a) Well owner's name;
- (b) Well location; street address; county name, 1/4, 1/4 section, township, and range, and tax parcel number;
- (c) Proposed use; (if the intended withdrawal requires a water right permit the permit shall be attached to the notice of intent);
- (d) Approximate start and completion dates;
- (e) Contractor's registration number;
- (f) Driller's/trainee's name and license number; and
- (g) Drilling company's name.

(3) In an emergency, a public health emergency, or in exceptional instances, the department may allow verbal notification to the appropriate regional office, with a start card written notification follow-up and payment of fee submitted within twenty-four hours. An emergency situation may consist of a failing well, or water quality issues which could result in a public health or safety concern.

(4) The notice must be accompanied by the following fees which apply to all newly constructed and reconstructed wells:

(a) The fee for one new water well, other than a dewatering well, with a top casing diameter of less than twelve inches is one hundred dollars.

(b) The fee for one new water well, other than a dewatering well, with a top casing diameter of twelve inches or greater is two hundred dollars.

(c) The combined fee for construction and decommissioning of a dewater well system shall be forty dollars for each two hundred horizontal lineal feet, or portion of horizontal lineal feet, of the dewatering well system.

(d) There is no fee for decommissioning a water well.

(5) If drilling results in an unusable well (dry hole), there is no additional fee for a second attempt, provided:

(a) A subsequent attempt at constructing a new well is made immediately; and

(b) The unusable well(s) is properly decommissioned before drilling equipment leaves the well site.

(6) The department shall be notified of all attempts to construct a well. This notification will be provided on the notice of intent to decommission form and will be submitted within twenty-four hours of the decommissioning. A well report describing the decommissioning process will be submitted to the department in accordance with this chapter.

(7) A new notice of intent and fee shall be required on any follow-up reconstruction after the drilling equipment has left the drill site.

(8) A refund shall be made on any well that has not been constructed provided, a request is made by the person who paid the fee and is submitted to the department within twelve months from the date the notice and fee were received by the department. The refund request must be submitted in writing and a copy of the notice of intent receipt must accompany the request.

#### NEW SECTION

**WAC 173-160-161 How shall each water well be planned and constructed?** Every well must be planned and constructed so that it is:

(1) Adapted to those geologic and ground water conditions known to exist at the well site to insure utilization of any natural protection available;

(2) Designed to facilitate the supplementary construction that may be required to provide a sufficient and safe water supply where obtainable and to conserve ground water;

(3) Capable of yielding, where obtainable, the quantity of water necessary to satisfy the requirements the user has stated are needed and for which the well water is intended to be used.

#### NEW SECTION

**WAC 173-160-171 What are the requirements for the location of the well site and access to the well?** (1) The proposed water well shall be located on high ground that is not subject to flooding.

(2) It shall be protected from a one hundred year flood and from any surface or subsurface drainage capable of impairing the quality of the ground water supply.

(3) All wells shall not be located within certain minimum distances of known, suspected, or potential sources of contamination.

(a) Sources of contamination are defined in health's inventory entitled, "*Inventory of Potential Contaminant Sources in Washington's Well head Protection Areas*," dated April 1995 or as revised.

(b) Minimum set-back distances shall comply with local and state health regulations for group domestic water supply wells and/or other zoning requirements. For example: Wells shall be located at least fifty feet from septic tanks and tight lines, and at least one hundred from drain fields (including proposed drainfields which have been approved by a health authority), sewer lines, sewage or manure lagoons, pipelines carrying waste or contaminants or other known or suspected sources of contamination.

(c) Wells shall not be located within one thousand feet of the property boundary of any solid waste landfill.

(4) In siting a well, the driller shall consider:

(a) All local and state water well construction regulations, policies, and ordinances;

(b) Permeability of the soil or rock;

(c) Adjacent land uses;

(d) Local ground water conditions; and

(e) End use of the well.

(5) When a well is located in an area of known, proposed, or suspected contamination the water well casing and seal shall be impervious to the contaminants.

(6) When a water well is constructed adjacent to a building, it shall be located where the centerline of the well, extended vertically, will clear any projection from the building by at least five feet. Water wells shall not be located in garages or inhabited dwellings.

(7) After construction, the water well driller should strongly emphasize to the well owner, the importance of retaining good accessibility to the well to permit future inspection, maintenance, and decommissioning.

(8) All public water supply wells shall be sited by the department of health or the local health authority.

(a) Before construction begins, site approval must be obtained from the department of health, or the local health authority.

(b) The requirements of the state board of health regulation regarding public water supplies shall apply.

(c) This regulation includes but is not limited to requirements for zones of protection, location of the well, accessibility features, and certain construction requirements.

**NEW SECTION**

**WAC 173-160-181 What are the requirements for preserving the natural barriers to ground water movement between aquifers?** (1) In constructing a water well, care shall be taken to preserve the natural barriers to ground water movement between aquifers.

(2) Care shall be taken to seal aquifers or strata penetrated during drilling operations which might impair water quality or result in cascading water.

(3) Water wells may not interconnect aquifers.

(4) All sealing must be permanent and prevent movement of surface, or ground water into the annular space or open hole.

(5) Sealing shall prevent the upward movement of artesian waters within the annular space around the well casing and prevent the contamination or wasting of ground water.

(6) Sealing shall prevent the movement of ground water either upward or downward from zones that were cased off.

**NEW SECTION**

**WAC 173-160-191 What are the design and construction requirements for completing wells?** (1) You may complete wells with screens, perforated liners or pipe, or open bottom completion. The well driller or designer shall advise the owner or the owner's representative of the most appropriate method of completion.

(2) All well components must be of sufficient strength to withstand the forces to which they are subjected during and after construction.

(3) Water wells must be completed in a manner which prevents the production of sand, silt, or turbid water.

(4) Open bottom completion is appropriate where the withdrawn waters are free of sand, silt and turbidity.

(5) Perforated pipe completion is suitable for a coarse-grained, permeable aquifer where the withdrawn waters are free of sand, silt or turbidity.

(6) Perforations above the static water level are not permitted.

(7) In-place perforations with Star, Mills knife, or similar type perforators are acceptable,

(8) Perforated pipe liners, either saw-cut, torch-cut, mill-slotted, or punched are acceptable.

(9) The use of perforated casing for working casing as the hole is being drilled is prohibited except in those cases where the contractor can, through personal experience in the particular area of drilling, attest to the sufficiency of the preperforated casing in all respects for the specific well being constructed.

(10) Pipe liners may be of steel, plastic or other suitable corrosion-resistant material.

(11) All liners must be of sufficient strength to withstand all forces exerted upon the liner material during installation and operation.

(12) Liners may be used in a natural development or gravel-packed type construction.

(13) The installation of a liner without a gravel pack is prohibited when conditions exist that will result in turbid water.

(14) Well screens and well points must be constructed of compatible corrosion-resistant material.

(a) A neoprene, or grout seal shall be fitted to the top of the well screen assembly.

(b) The bottom of the well screen shall be plugged or capped.

(c) The use of lead packers is prohibited.

(15) The alignment of the permanent casing or liner shall be sufficiently plumb and straight to allow the installation of screens, liners, pumps, and pump columns without binding or having adverse affects on the operation of the installed pumping equipment.

(a) Alignment of the well casing or bore hole shall not deviate from an alignment that would allow a twenty foot test section of pipe to be inserted to the bottom of the well without binding.

(b) The diameter of the test section of pipe shall be one nominal size smaller (per Table 1 in WAC 173-160-201) than the finished casing.

(c) For testing alignment in casing reductions, each section shall be tested separately.

**NEW SECTION**

**WAC 173-160-201 What are the casing and liner requirements?** (1) Proper casing must be installed in all water supply wells.

(2) The casing shall withstand the normal forces which act upon it during and after installation. It shall be resistant to the corrosive effects of the surrounding formations, earth, and water.

(3) All casing for use in potable water supply wells must be manufactured to conform to National Sanitation Foundation (NSF) Standard 14-84, or the most recent revision.

(4) Unless prior approval is obtained from the department, materials for well casings must be either steel casing as shown in Table 1 or plastic casing as shown in Table 2.

(5) Minimum specifications for steel casing and pipe for water wells shown in Table 1.

(6) Steel casing larger than twenty inches shall have a minimum wall thickness of 0.375 inches.

**TABLE 1**  
Minimum Specifications for Steel Casing and Pipe

NOMINAL SIZE (inches)	OUTSIDE DIAMETER (inches)	WALL THICKNESS (inches)	WEIGHT PER FOOT (pounds)
1.25	1.660	0.140	2.27
1.5	1.900	0.145	2.72
2.0	2.375	0.154	3.65
2.5	2.875	0.203	5.79

3.0	3.500	0.216	7.58
3.5	4.000	0.226	9.11
4.0	4.500	0.237	10.79
5.0	5.563	0.258	14.62
6.0	6.625	0.250	17.02
8.0	8.625	0.250	22.36
10	10.750	0.250	28.04
12	12.750	0.250	33.38
14	14.000	0.312	45.61
16	16.000	0.344	62.85
18	18.000	0.375	70.59
20	20.000	0.375	78.60

STEEL CASING

(7) All steel casing materials must be new or, in like-new condition, and be structurally sound.

(a) Casing that has been exposed to a contaminant shall not be used in well construction.

(b) When casing lengths are joined together, they must be connected by watertight weld or screw coupled joints.

(i) Welded joints must be at least as thick as the wall thickness of the well casing and be fully penetrating.

(ii) All steel well casing shall meet or exceed the minimum American Society for Testing and Materials (ASTM) A-53 A or B specification for steel pipe.

PLASTIC CASING

(8) Plastic casing. Plastic, fiberglass, PVC, SR, ABS, or other type of nonmetallic well casing must be manufactured and installed to conform with ANSI/ASTM F 480-81, Standard Dimension Ratio (SDR) 21 or the most recent revision.

(a) SDR is calculated by dividing the outside diameter of the pipe by the wall thickness.

(b) SDR 21 is the minimum requirement; higher pressure rated pipe may be used.

(c) All plastic casing must be installed only in an oversized drill hole without driving. The oversized hole must be a diameter at least 4 inches larger than the outside diameter of the plastic casing or coupling hubs, whichever is larger.

(d) All plastic casing must be new or, in like-new condition and clearly marked by the manufacturer showing nominal size, type of plastic material, SDR, ASTM designation, and National Sanitation Foundation (NSF) seal of approval for use in potable water supplies.

(e) Casing that has been exposed to a contaminant shall not be used in well construction.

(f) Plastic casing joints must be watertight.

(i) Either "bell" type, threaded joints, or coupling hubs are approved.

(ii) Hub couplings must be of material meeting the specifications for plastic casings as stipulated in subsection (2) of this section.

(iii) If joints are secured with solvent cement, it must be done in accordance with manufacturer's directions.

(g) Table 2 is the manufacturer's recommendations for specifications of plastic casing.

TABLE 2  
Minimum Specifications for Plastic Casing

NOMINAL CASING DIAMETER (inches)	MINIMUM THICKNESS (inches)	SDR
2.0	0.13321	21
2.5	0.13721	21
3.0	0.16721	21
3.5	0.19021	21
4.0	0.21421	21
4.5	0.23621	21
5.0	0.26521	21
6.0	0.31621	21
8.0	0.41021	21
10	0.51121	21
12	0.60621	21

LINER PIPE

(9) Liner pipe must consist of steel, in new or like-new condition, being free of pits or breaks; or polyvinyl chloride (PVC), CPVC, type 1120, with SDR 21 (Class 200) or greater wall thickness. All PVC must be clearly marked to identify the type, class, and SDR.

(a) Liner pipe must be of sufficient strength to withstand breakage or collapse when the well is pumped and meet ASTM potable water standards.

(b) When installed, liner pipe shall extend or telescope at least two feet into the lower end of the well casing. If more than one string of liner pipe is installed, each string shall extend or telescope at least eight feet into the adjacent larger diameter liner pipe.

(c) Liner pipe may not be permanently fixed to a well casing below land surface.

(d) Liners may not be used in open hole construction when sand, silt or turbidity will result.

CONCRETE CURBING

(10) The concrete used to make curbing must consist of clean, hard and durable aggregate with not less than five sacks (ninety-four pounds per sack) of portland cement per cubic yard of concrete.

(a) The maximum diameter of aggregate particles may not exceed 1 1/2 inches, but in any case may not exceed 1/5 the minimum width of the casing thickness.

(b) The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) must be approximately 1 1/2 to 1 by volume, but in any case, may not exceed 2 to 1 nor be less than 1 to 2.

(11) The curbing shall be at least six inches thick and free of voids. The walls shall be poured in one continuous operation.

(12) When concrete tile is used to line a well the combined total wall thickness and seal shall be a minimum of six inches.

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**NEW SECTION**

**WAC 173-160-211 What are the recommended well diameters?**

**TABLE 3**  
Recommended Well Diameters

Anticipated Well Yield in gpm	Nominal Size of Pump Bowls in inches	Optimum Size of Well Casing in inches	Smallest Size Of Well in inches
Less than 100	4	6 ID	5 ID
75 to 175	5	8 ID	6 ID
150 to 350	6	10 ID	8 ID
300 to 700	8	12 ID	10 ID
500 to 1000	10	14 OD	12 ID
800 to 1800	12	16 OD	14 OD
1200 to 3000	14	20 OD	16 OD
2000 to 3800	16	24 OD	20 OD
3000 to 6000	20	30 OD	24 OD

**NEW SECTION**

**WAC 173-160-221 What are the standards for sealing materials? (1) Bentonite sealant:**

(a) Bentonite used to prepare slurries for sealing, or decommissioning shall be specifically designed for this purpose. At no time shall grout slurry contain materials that are toxic, polluting, develop odor or color changes, or serve as a micro organism nutrient. All bentonite slurries shall be prepared and installed according to the manufacturer's instructions. All additives must be certified by a recognized certification authority such as NSF. Active solids content (bentonite) shall be twenty percent by weight or greater in all bentonite slurries. The active solids shall be checked by using the following formula:

$$\frac{\text{Weight of bentonite (lbs.)}}{\text{Weight of bentonite (lbs.)} + (\text{gallons of water} \times 8.33 \text{ lbs./gal})} \times 100 = \% \text{ solids}$$

Example:  $\frac{105 \text{ lbs. of bentonite}}{105 \text{ lbs. bentonite} + (50 \text{ gallons of water} \times 8.33 \text{ lbs./gal})} \times 100 = 20\% \text{ solids}$

(b) Unhydrated bentonite—pelletized, granulated, powder, or chip bentonite may be used in the construction of seals or in decommissioning of wells. The bentonite material shall be specifically designed for sealing or decommissioning and be within the industry tolerances for dry western sodium bentonite. Placement of bentonite shall conform to the manufacturer's specifications. All unhydrated bentonite used for sealing or decommissioning must be free of polymers. The pour rate shall be two minutes or slower per fifty-pound bag. A tamping tool may be used during the placement of seals to break up possible bridging and firmly place the material in the annulus. Unhydrated bentonite must be hydrated as it is being placed throughout the sealing or decommissioning operation.

**(2) Cement sealants:**

(a) Neat cement consists of either portland cement types I, II, III, or high-alumina cement mixed with not more than six gallons of potable water per sack of cement (ninety-four pounds per sack).

(b) Neat cement grout consists of neat cement with up to five percent bentonite clay added, by dry weight of the bentonite. Bentonite is added to improve flow qualities and compensate for shrinkage.

(c) Concrete sealants consist of clean, hard and durable aggregate with not less than five sacks (ninety-four pounds per sack) of portland cement per cubic yard of concrete sealant.

(i) The maximum diameter of aggregate particles may not exceed 1 1/2 inches, but in any case may not exceed 1/5 the minimum width of the casing thickness.

(ii) The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) must be approximately 1 1/2 to 1 by volume, but in any case, may not exceed 2 to 1 nor be less than 1 to 2.

(d) Expanding agents, such as aluminum powder, may be used at a rate not exceeding 0.075 ounce (1 level tea-spoon) per sack (ninety-four pounds per sack) of dry cement.

The powder may not contain polishing agents. High-alumina cement and portland cement of any type must not be mixed together.

**(3) Sealing methods:**

(a) When neat cement or cement grout is used in sealing, it shall be placed seventy-two hours before additional drilling takes place, unless special additives are mixed with the neat cement or cement grout that cause it to set in a shorter period of time.

(b) All hydrated sealing materials shall be placed by tremmying the mixture from the bottom of the annular space to the surface in one continuous operation.

(4) This section may not preclude the use of new sealant materials which have been approved by the technical advisory group.

**NEW SECTION**

**WAC 173-160-231 What are the standards for surface seals? (1) All water wells constructed shall have a surface seal which seals the annular space between the bore hole and the permanent surface casing.**

(a) The seal shall be constructed to prevent surface contaminants from reaching the ground water.

(b) The surface seal must have a minimum diameter of four inches larger than the nominal size of the surface casing, to include the outside diameter of the bell, in bell and hub couplings. The seal must extend from land surface to a minimum depth of eighteen feet. Except, the minimum surface seal requirements for driven, jetted, and some dug wells are less than eighteen feet. See the appropriate section for these wells for a detailed description of their sealing requirements.

(2) Sealing material must be placed in an open bore hole with an annular space that is a minimum of four inches greater in diameter than the nominal size of the permanent casing.

(3) The completed surface seal must fully surround the permanent casing, must be evenly distributed, free of voids, and extend to undisturbed or recompacted soil.

(4) After the permanent casing has been set in final position, the annular space shall be filled to land surface with bentonite or cement grout or neat cement. Leaving voids for future installation of equipment such as a pitless adapter is prohibited.

(5) A temporary casing with a minimum length of eighteen feet and a minimum nominal diameter of four inches greater than the permanent casing shall be used in all

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unconsolidated soils such as gravel, sands, or other unstable conditions when the use of drilling fluid or other means of keeping the bore hole open are not employed.

(6) Whenever reconstruction involves permanent surface casing movement; or the existing surface seal is damaged; or a surface seal never existed, the driller shall repair, replace, or install a minimum of eighteen feet of surface seal around the permanent casing.

(7) Wells which cannot meet the one hundred-foot minimum separation from a source or potential source of contamination (except a landfill) but can maintain at least seventy-five feet of separation are required to have a minimum of thirty feet of surface seal. Separation distances of less than seventy-five feet will require approval of the department (a variance). This section does not supersede or suspend any state board of health regulation addressing the size of sanitary control areas for public water supply wells. The department shall be notified of any proposal to site a well between seventy-five feet and one hundred feet away from a known or potential source of contamination. Concurrence by the department shall be obtained prior to the initiation of construction.

#### NEW SECTION

**WAC 173-160-241 What are the requirements for formation sealing?** (1) Unconsolidated formation sealing - Without a significant clay bed - Drilled wells that penetrate an aquifer overlain by unconsolidated formations such as sand and gravel without significant clay beds (at least six feet thick) shall be sealed in accordance with the surface sealing requirements of WAC 173-160-251. See Figure 1A.

(2) Unconsolidated formation sealing - With a significant clay bed - Drilled wells that penetrate an aquifer overlain by clay or other unconsolidated formations such as sand and gravel in which an interbed of clay at least six feet thick is present, shall be sealed to prevent movement of water or contamination in the annular space between the permanent casing and the clay interbed. One of the following methods shall be used to seal the annular space:

(a) A drill hole at least four inches greater in diameter than the nominal size of the permanent well casing shall extend from the land surface to the completed well depth. The annular space shall be filled with bentonite (slurry or unhydrated), cement grout, or neat cement. If bentonite slurry, cement grout, or neat cement is used to seal the annular space it must be placed by either pumping or tremming the seal material from the bottom of the well to land surface. The drill hole shall be kept open through the use of a starter can or any other drilling method that stabilizes the bore hole wall. See Figure 1B.

(b) An upper drill hole at least four inches greater in diameter than the nominal size of the permanent well casing shall extend from land surface a minimum of eighteen feet. A temporary casing with an outside diameter a minimum of four inches larger than the permanent casing (for example, a ten-inch temporary casing for a six-inch permanent casing) shall be installed and remain in place until the upper drill hole has been completely filled with sealant. The upper drill hole shall always contain a minimum of nine feet of sealant throughout the advancement of the permanent casing.

Except, if the temporary casing is removed, the upper drill hole shall be kept full of sealant. See Figure 1C.

(3) Consolidated formations - In drilled wells that penetrate an aquifer, either within or overlain by a consolidated formation, sealing of the casing shall conform with one of the following procedures.

(a) Procedure one - An upper drill hole at least four inches greater in diameter than the nominal size of the permanent well casing shall extend from land surface into a sound, unfractured, consolidated formation. Unperforated permanent casing shall be installed to extend to this same depth and the lower part of the casing shall be driven and sealed into the consolidated formation to establish a water tight seal between the formation and the casing. The remainder of the annular space to land surface shall be filled with cement grout, neat cement, or bentonite.

(i) If the consolidated formation is encountered at a depth less than eighteen feet from land surface, the upper drill hole and permanent casing shall extend to a minimum of eighteen feet from land surface. See Figure 2A.

(ii) If cement grout, neat cement, or bentonite slurry is placed by pumping to seal the entire annulus from the bottom up to land surface, the upper drill hole may be a minimum of two inches larger than the outside diameter of the permanent casing.

(b) Procedure two - An upper drill hole at least four inches greater in diameter than the nominal size of the permanent casing extends from land surface to a depth of at least eighteen feet. An unperforated permanent casing shall be driven into the consolidated formation and sealed in a manner that establishes a water tight seal between the formation and the casing. Throughout the driving of the well casing to the consolidated formation, the annular space between the upper drill hole and the permanent casing shall be kept at least one-half full with unhydrated bentonite, or bentonite slurry. The remainder of the annular space to land surface shall be filled with cement grout, neat cement, or bentonite. See Figure 2B.

(c) If temporary surface casing is used in either of the procedures in (a) or (b) of this subsection, the casing must be a minimum of eighteen feet long and at least four inches larger in diameter than the permanent casing. If a consolidated formation is encountered within the first eighteen feet, the temporary casing may terminate at the interface of the consolidated formation. Withdrawal of the temporary casing must take place simultaneously with proper sealing of the annular space to land surface.

#### NEW SECTION

**WAC 173-160-251 What are the special sealing standards for artesian wells?** (1) When artesian conditions are known or suspected, the driller shall have a written sealing plan prepared prior to initiation of construction. The plan shall identify the type of sealing material that will be used and the method for sealing. The plan shall also contain at least one alternative construction method for sealing and an emergency contingency section which will identify steps to be taken if the ground water flow cannot be controlled.

(2) When artesian water is encountered in the well, an unperforated well casing shall extend into the confining stratum overlying the artesian zone. The casing shall be

sealed into the confining stratum to prevent surface and subsurface leakage from the artesian zone. If the well flows at land surface, it must be equipped with a control valve so flow can be completely stopped.

(3) The well shall be completed with seals, packers or grout that eliminates leakage around the well casing. The driller shall not move the drilling rig from the well site until leakage is completely stopped unless authority for temporary removal is granted by the department, or when loss of life or property is imminent.

#### NEW SECTION

**WAC 173-160-261 How do I seal dug wells?** The surface curbing of all dug wells shall be constructed to effectively seal the annular space between the undisturbed native material of the upper well hole and the concrete tile, steel pipe or liner to a depth of at least eighteen feet or to within three feet of the bottom in dug wells that are less than twenty-one feet in depth. A cap shall be placed on all dug wells. Except during maintenance, the cap shall remain in place. The cap shall prevent entry of pollutants, insects, and mammals into the well. See Figure 3.

#### NEW SECTION

**WAC 173-160-271 What are the special sealing standards for driven wells, jetted wells, and dewatering wells?** (1) Driven wells - An upper hole at least four inches greater in diameter than the permanent casing shall extend a minimum of six feet below land surface. The annular space between the upper oversized drill hole and the permanent casing must be kept at least one-half full with bentonite or bentonite slurry throughout all driving of the pipe. The remaining annular space to land surface shall be filled with cement grout, neat cement, or bentonite. See Figure 4.

(2) Jetted wells - The surface seal in jetted wells shall be constructed to seal the annular space between the permanent casing and undisturbed native soil. The seal shall extend from land surface to at least eighteen feet, or within three feet of the bottom of the well in wells less than twenty-one feet in depth.

(3) Dewatering wells:

(a) Permanent dewatering wells shall be sealed to a depth of eighteen feet or within three feet of the bottom of the well for wells less than twenty-one feet in depth. The minimum annular space requirements, sealing material, and decommissioning procedures of this chapter apply to all permanent dewatering wells.

(b) Temporary dewatering wells - Dewatering wells that are in place less than eighteen months and are less than eighteen feet deep are exempt from the sealing requirements of this chapter. Temporary wells that are installed over eighteen months and that are deeper than eighteen feet must have a minimum of eighteen feet of surface seal and meet the minimum annular space requirements and sealing materials authorized under this chapter.

#### NEW SECTION

**WAC 173-160-281 What are the construction standards for artificial gravel-packed wells?** In gravel-packed wells, the gravel mixture shall be placed around the screen so that bridging or size separation does not occur. The gravel pack must be clean, and chemically stable. All gravel and water used must be disinfected with at least fifty parts per million (ppm) chlorine for a contact time of at least thirty minutes. Rinse water containing chlorine is a pollutant. Chlorine in the rinse water must be allowed to dissipate and the water must be discharged in a safe manner consistent with the intent of the Water Pollution Control Act, chapter 90.48 RCW. See Figure 5.

#### NEW SECTION

**WAC 173-160-291 What are the standards for the upper terminal of water wells?** (1) The watertight casing or curbing of any well shall extend at least six inches above the ground surface. Pit completion is prohibited.

(2) Where the site is subject to flooding, the top of casing must be at least two feet above the estimated water level of a one hundred-year frequency flood.

(3) All wells shall be equipped with an access port that allows for the measurement of the depth to water surface or with a pressure gage that indicates the shut-in pressure of a flowing artesian well. See Figure 6. The access ports and pressure gages or other openings in the cover are sealed or capped to prevent entrance of surface water or foreign material into the well.

(4) Any vent opening, observation ports or air-line equipment shall extend from the upper end of the well by watertight piping to a point at least one foot above ground surface. The terminals of these facilities shall be shielded or sealed to prevent entrance of foreign matter or pollutants.

(5) A pitless adapter, or similar device is permitted on water wells if it is made with fittings approved by the department of health. The connection must be above static water level.

(6) Any person who removes all or part of a surface seal on any well shall repair the seal so that it is brought up to land surface. This person shall meet the licensing requirements of chapter 18.104 RCW.

#### NEW SECTION

**WAC 173-160-301 What are the requirements for temporary capping?** (1) All wells which are not in use, or are temporarily out of service, must be securely capped so that no contamination can enter the well.

(2) Capping must be affixed by solid welds or equal seal to prevent unauthorized access to the well.

(3) Temporary capping alone will not satisfy the decommissioning requirements of this chapter.

#### NEW SECTION

**WAC 173-160-311 What are the well tagging requirements?** (1) It shall be the driller's responsibility to place a well identification tag with a unique identification number on every well that they construct or reconstruct.

(a) The alpha-numeric number shall be recorded on the drilling report in the space provided.

(b) The driller shall remove the well identification tag on all wells they decommission and shall attach the tag to the decommissioning well report.

(2) It shall be the well owner's responsibility to place a well identification tag with a unique identification number on every well they own.

(a) Upon request, the department shall furnish the well owner with a well tag and tagging instructions.

(b) The well owner shall tag their well(s) and submit a completed tagging report to the department.

(3) The well tag shall be permanently attached to the outer well casing and be visible above land surface.

(4) All well identification tags shall be supplied by the department.

(5) It is unlawful for a person to tamper with or remove a well identification tag except during well alteration.

#### NEW SECTION

**WAC 173-160-321 How do I test a well?** (1) Well authorized by appropriation permit - Before being put to use, each well shall be test pumped for yield and draw down. Reports of the test pumping shall be submitted as required in chapter 90.44 RCW. The driller shall be familiar with and meet all testing procedures outlined in the water right permit. The well shall be test pumped at rates equal to or greater than are expected from the well during its normal usage. The test pump for public water supply wells shall be operated continuously for a minimum of four hours, or longer if required by the department of health. The yield and draw down shall be determined following at least four hours of stabilized water level observation. Periodic water level observation should be made during draw down and subsequent recovery periods. Periods of observation shall be more frequent during the onset of the draw down and may decrease in frequency as the draw down or recovery proceeds toward stabilization. A bailer test is not an acceptable substitute for testing wells under permit.

(2) Wells not requiring appropriation permit - Testing of a well that does not require an appropriation permit shall be conducted for a period of at least one hour. The last twenty minutes of the test shall be conducted at a constant rate of withdrawal to achieve a stabilized pumping level. Test pumping under this section can be either by bailer, air lift, or with a pump.

(3) Test data shall be reported to the department on the water well report.

#### NEW SECTION

**WAC 173-160-331 How do I make sure my equipment and the water well are free of contaminants?** (1) All tools, drilling equipment and materials shall be free of contaminants prior to beginning well construction. Contaminants include lubricants, fuel, bacteria that will reduce the well efficiency, and any other item(s) that will be harmful to public health and/or the resource or reduce the life of the water well.

(2) Every new or reconditioned water well, after completion of construction or repair, and before being placed in service, shall be cleared of all foreign materials, and free of contamination.

(3) The well casing shall be swabbed and cleaned to remove oil, grease or joint dope.

(4) All pumping equipment, sand or gravel used in gravel-packed water wells and the well casing shall be thoroughly sluiced with clean water and disinfected with a solution containing at least fifty ppm of chlorine. The chlorine shall not be rinsed off for at least thirty minutes.

(5) Before using the water well, sufficient disinfectant shall be added to the standing water in the well to give a residual of fifty ppm free chlorine. The disinfectant should then be thoroughly mixed with the water in the well and must remain in the well for a period of at least twenty-four hours. After twenty-four hours, a minimum of ten ppm free chlorine residual shall remain in the well. The well shall then be flushed to remove all traces of chlorine and a water sample taken and analyzed for coliform bacteria. If testing indicates a presence of coliform bacteria, more stringent disinfecting methods may be required by the department of health or local health authority.

(6) Chlorine is a pollutant. Allow the chlorine in the rinse to dissipate before discharging the water to surface water. This water shall be discharged in a safe manner consistent with the intent of the Water Pollution Control Act, chapter 90.48 RCW.

#### NEW SECTION

**WAC 173-160-341 How do I ensure the quality of drilling water?** All water introduced into a well for drilling purposes and for mixing sealing materials shall be obtained from a potable water source and have a chlorine residual of not less than 10 ppm free chlorine.

#### NEW SECTION

**WAC 173-160-351 What are the standards for pump installation?** All pumps and pumping equipment and materials must be free of contamination and shall be installed in a manner consistent with the intent and purposes of these regulations.

#### NEW SECTION

**WAC 173-160-361 Who may supervise the use of explosives?** Explosives used for developing or reconditioning any water well must be used under the direct supervision of an individual licensed under chapter 70.74 RCW.

#### NEW SECTION

**WAC 173-160-371 What are the standards for chemical conditioning?** The use of detergents, chlorine, acids or other chemicals in wells for the purpose of increasing or restoring yield, shall be used according to manufacturer's recommendations. Except for routine maintenance and cleaning, a well drilling license is required for all chemical conditioning that alters the condition of the water well.

NEW SECTION

**WAC 173-160-381 What are the standards for decommissioning a well?** Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned. The decommissioning procedure (as prescribed by these regulations) must be recorded and reported as required by the department.

(1) Cased wells. Cased water wells that were not constructed in accordance with these regulations, or wells which are decommissioned to allow the placement of potential sources of contamination within one hundred feet of the well, or for which a drilling report required under WAC 173-160-050 is missing shall be decommissioned in one of the following ways:

(a) Perforate the casing from the bottom to within five feet of the land surface and pressure grout the casing.

(i) Perforations shall be at least four equidistant cuts per row, and one row per foot. Each cut shall be at least one and one-half inches long.

(ii) Apply enough pressure to force the sealing material through the perforations, filling any voids on the outside of the casing.

(iii) The remainder of the casing shall be filled with cement grout, neat cement, or bentonite slurry.

(b) Withdraw the casing and fill the bore hole with cement grout, neat cement, or bentonite as the casing is being withdrawn.

(2) If it can be verified through a field examination and review of the drilling report that a water supply well was constructed in accordance with these regulations and it is not being decommissioned to allow the siting of potential sources of contamination within one hundred feet of the well, it shall be decommissioned by:

(a) Filling the casing from bottom to within five feet of land surface with bentonite, cement grout, or neat cement; and

(b) Welding a metal cap to the top of casing with a water tight weld. The casing may be cut off a maximum of five feet below ground surface.

(3) Uncased wells - Backfill uncased wells with concrete, cement grout, neat cement, or bentonite.

(4) Dug wells - Remove all debris and obstructions that impede decommissioning or that may contaminate the aquifer from within the dug well. Install clean chlorinated sand or pea gravel to a point two feet above static water level. Fill the remainder of the well with concrete or bentonite to the land surface. Dug wells with static levels below twenty feet from land surface may be decommissioned by placing chlorinated sand or pea gravel to the static level and then placing alternating layers of sealing material and chlorinated sand or pea gravel to within twenty feet of land surface. The alternating layers of sand or pea gravel must be a maximum of five feet thick. The minimum thickness of the sealing material layers must be five feet. The remainder of the dug well to a maximum of two feet below ground surface shall be filled with bentonite, neat cement, cement grout, or concrete. Bentonite slurry shall not be used to decommission dug wells.

(5) Sealing material shall be piped directly to the point of application or placed by means of a dump bailer or tremie tube. If cement, cement grout, or neat cement is used to seal below the static-water level in the well, the material shall be placed from the bottom up by methods that avoid segregation or dilution of the material. When used to place grout, the discharge end of the tremie tube shall be submerged in the grout to avoid breaking the seal while filling the annular space.

NEW SECTION

**WAC 173-160-390 Artificial recharge of ground water bodies.** Approval must be obtained from the department before starting any project related to the artificial recharge of ground water bodies.

## PART TWO—GENERAL REQUIREMENTS FOR RESOURCE PROTECTION WELL CONSTRUCTION

NEW SECTION

**WAC 173-160-400 What are the minimum standards for resource protection wells?** The following minimum standards shall apply to all resource protection wells constructed in the state of Washington. It is the responsibility of the resource protection well driller, resource protection well contractor, and the property owner to take whatever measures are necessary to guard against waste and contamination of the ground water resource.

(1) It will be necessary in some cases to construct resource protection wells with additional requirements beyond the minimum standards.

(2) Nothing in this section limits the department's authority to approve comparable alternative specifications for construction as technology in the industry is developed or new methods of construction become known to the department.

NEW SECTION

**WAC 173-160-410 What are the specific definitions for words in this chapter?** This section specifically defines words associated with resource protection wells. To find the definitions of other words, see WAC 173-160-030.

(1) "Cathodic protection well" means a well in which anodes, wiring, backfill, and vent pipes are installed to discharge electricity for the purpose of cathodic or corrosion protection.

(2) "Geotechnical information" means subsurface engineering properties used for the purpose of designing structures such as bridges, buildings, highways, pipelines, or for assessing slope stability samples to ascertain structural properties of the subsurface. Geotechnical soil boring includes auger borings, rotary borings, cone penetrometer probes and vane shear probes, or any other uncased ground penetration for geotechnical information.

(3) "Geotechnical soil boring" or "boring" means an uncased well drilled for the purpose of obtaining soil samples to ascertain structural properties of the subsurface. Geotechnical soil boring includes auger borings, rotary

borings, cone penetrometer probes and vane shear probes, or any other uncased ground penetration for geotechnical information.

(4) "Instrumentation well" means a well in which pneumatic or electric geotechnical or hydrological instrumentation is permanently or periodically installed to measure or monitor subsurface strength and movement. Instrumentation well includes bore hole extensometers, slope indicators, pneumatic or electric pore pressure transducers, and load cells.

(5) "Lysimeter" means a well used to withdraw soil water or pore samples from subsurface soil or rock above the water table for chemical, physical, or biological testing.

(6) "Monitoring well" means a well designed to obtain a representative ground water sample or designed to measure the water level elevations in either clean or contaminated water or soil.

(7) "Nested well" means the installation of more than one cased resource protection well in one bore hole. This does not preclude casing reductions.

(8) "Observation well" means a well designed to measure the depth to the water or water level elevation in either clean or contaminated water or soil.

(9) "Piezometer" means a well designed to measure water level elevation at a specific depth beneath the water table.

(10) "Remediation well" means a well used to withdraw ground water or inject water, air (for air sparging), or other solutions into the subsurface for the purpose of remediating, cleaning up, or controlling potential or actual ground water contamination.

(11) "Resource protection well" means a cased boring used to determine the existence or migration of pollutants within an underground formation. Resource protection wells include monitoring wells, observation wells, piezometers, spill response wells, vapor extraction wells, and instrumentation wells.

(12) "Resource protection well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing resource protection wells or geotechnical soil borings.

(13) "Spill response well" means a well used to capture or recover any spilled or leaked fluid which has the potential to, or has contaminated the ground water.

(14) "Vapor extraction well" means a well used to withdraw gases or vapors from soil, rock, landfill, or ground water or allow air or vapor to enter subsurface soil or rock for the purpose of remediating soil and/or ground water contamination.

(15) "Well driller" or "driller" means a resource protection well contractor or operator and a water well contractor or operator.

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

WAC 173-160-420 ((Abandonment of uncased wells.)) What are the general construction requirements for resource protection wells? ((Uncased wells shall be backfilled with concrete, grout, puddled clay, or high solids bentonite.)) (1) No resource protection well may be used for domestic, industrial, municipal, commercial, or agricultural purposes.

(2) No resource protection well may interconnect aquifers.

(3) Nested wells are prohibited.

(4) Cuttings, development water, and other investigation derived waste shall be managed in a manner consistent with the intent and purposes of the Water Pollution Control Act, chapter 90.48 RCW, the Hazardous Waste Management Act, chapter 70.105 RCW, and implementing regulations.

(5) Well tagging:

(a) It shall be the driller's responsibility to place a well identification tag with a unique identification number on every well that they construct or reconstruct.

(i) The alpha-numeric number shall be recorded on the drilling report in the space provided.

(ii) The driller shall remove the well identification tag on all wells they decommission and shall attach the tag to the decommissioning well report.

(b) It shall be the well owner's responsibility to place a well identification tag with a unique identification number on every well completed prior to the effective date of this regulation.

(i) Upon request, the department shall furnish the well owner with a well tag and tagging instructions.

(ii) The well owner shall tag their well(s) and submit a completed tagging report to the department.

(c) The well tag shall be permanently attached to the outer well casing and be visible above land surface.

(d) All well identification tags shall be supplied by the department.

(e) It is unlawful for a person to tamper with or remove a well identification tag except during well alteration.

(6) All resource protection wells will be sealed in accordance with this chapter regardless of the method of installation. Except, resource protection wells that are properly decommissioned prior to the removal of any drilling equipment from the well location are exempted from the surface sealing requirements of this chapter. Provided the decommissioning process includes the removal of any conduit, tubing, probe, or other items inserted into the ground.

(7) Except as provided in RCW 18.104.180, all construction, reconstruction, and decommissioning shall be done by an individual licensed under the provisions of chapter 173-162 WAC.

(8) A notice of intent to construct or decommission a resource protection well shall be filed with the department a minimum of seventy-two hours prior to initiating construc-

tion or decommissioning of the well(s). A fee must accompany each notice of intent to construct a resource protection well. The fee for constructing or reconstructing each resource protection well is forty dollars. Under some circumstances, it may be necessary to construct more wells than originally anticipated. When additional wells are constructed on a site for which a notice of intent and fee were submitted, a second notice and fee shall be submitted within twenty-four hours after all wells have been completed or as soon as the final number of wells to be constructed is determined, whichever is sooner. Notification to construct multiple wells within the same quarter/quarter section, township, and range may be submitted on one notice form. Provided, a separate fee (forty dollars per well) is attached to each notice. Example: Six wells identified on one notice of intent would be submitted along with a two hundred forty dollar fee.

(9) Resource protection well report.

(a) Every well contractor, is required to submit a complete report on the construction, alteration, or decommissioning of the well to the department within thirty days after completion of a well.

(b) This applies to all resource protection wells.

(c) The resource protection well report must be made on a form provided by the department, or a reasonable facsimile of the form, as approved by the department.

(d) Where applicable the resource protection well report includes, at least, the following information:

(i) Owner's name; driller's/trainee's name; driller's/trainee's license number; contractor's registration number, drilling company name;

(ii) Tax parcel number;

(iii) Well location address;

(iv) Location of the well to at least 1/4, 1/4 section or smallest legal subdivision;

(v) Unique well identification tag number;

(vi) Construction date;

(vii) Start notification number;

(viii) Intended use of well;

(ix) The well depth, diameter, and general specifications of each well;

(x) Total depth of casing;

(xi) Well head elevation;

(xii) Drilling method;

(xiii) Bit diameter;

(xiv) Seal material, seal location and type of placement used;

(xv) Filter pack location; filter pack material used;

(xvi) The thickness and character of each bed, stratum or formation penetrated by each well including identification of each water bearing zone;

(xvii) Casing gauge, diameter, stickup, type of material, and length, also of each screened interval or perforated zone in the casing;

(xviii) The depth to the static water level, as measured below the land surface; and

(xix) Such additional factual information as may be required by the department.

(e) The well report must show the license number and signature of the person who constructed the well. If this is an unlicensed person, exempted under RCW 18.104.180, the report shall show the license number and signature of the licensed individual who witnessed the drilling. Resource protection well reports for wells constructed by trainees shall have the signature and license number of the trainee and licensed driller.

What are the surface protection requirements?

(10) All resource protection wells shall be capped and protected using one of the following methods:

(a) If the well is cased with metal and completed above the ground surface, you must attach a water tight cap with a lock to the top of the casing.

(b) If the well is not cased with metal and completed above the ground surface, you must install a metal protective casing over and around the well. The protective casing shall extend at least six inches above the top of the well casing and be cemented at least two feet into the ground. A cap with lock shall be attached to the top of the protective casing.

(11) You shall protect the well(s) completed above ground from damage by:

(a) Cementing three metal posts, at least three inches in diameter, in a triangular array around the casing and at least two feet from it. Each post shall extend at least three feet above and below the ground surface.

(b) A reinforced concrete pad may be installed to protect against and prevent frost heave. If installed, the concrete pad shall extend to a depth equal to anticipated frost depth. When a concrete pad is used, the well seal may be part of the concrete pad.

(12) If the well is completed below ground surface, a water tight cap with a lock shall be attached to the top of the well casing. A metal monument or equivalent shall be installed over and around the well. The monument shall serve as a protective cover and be installed level with the ground surface and be equipped with a waterproof seal to prevent the inflow of any water or contaminants. Drains will be provided, when feasible, to keep water out of the well and below the well cap. The cover must be designed to withstand the maximum expected loading.

(13) The protective measures may be waived or modified upon written approval from the department (a variance).

(14) If the well is damaged, the well protection measures and casing shall be repaired to meet the requirements of this chapter. If the well is damaged beyond repair, it shall be decommissioned in accordance with WAC 173-160-560.

NEW SECTION

**WAC 173-160-430 What are the minimum casing standards?** The casing may not effect or interfere with the chemical, physical, radiological, or biological constituents of interest. All resource protection well casing shall conform to ASTM Standards, or at least 304 or 316 stainless steel, PTFE, or Schedule 40 PVC casing.

NEW SECTION

**WAC 173-160-440 What are the equipment cleaning standards?** (1) When drilling in known or potential areas of contamination, steam clean the drill rig derrick and all drilling equipment on site before and after well construction. If the equipment is used to drill in radioactive areas, you must develop a decontamination plan and the department must approve that plan prior to the equipment being removed from the drill site.

(2) The casing, screen(s), and filter pack material must be free of contaminants prior to installation.

NEW SECTION

**WAC 173-160-450 What are the well sealing requirements?** (1) All resource protection wells constructed shall have a continuous seal, which seals the annular space between the bore hole and the permanent casing. The seal shall be constructed to prevent interconnection of separate aquifers penetrated by the well, and shall provide casing stability. The seal shall have a minimum diameter of four inches larger than the nominal size of the permanent casing, and shall extend from land surface to the top of the filter pack. See Figure 7.

(2) After the permanent casing has been set in final position, the filter pack (optional) and sealing material shall be placed in the open bore hole annular space that must be a minimum of four inches greater in diameter than the nominal size of the permanent casing. After installing the filter pack (optional) a layer of bentonite shall be placed on top of the filter pack to maintain separation between the seal material and the screened interval. Insure that placement will not disturb the filter pack. The remaining annular space shall be filled to land surface in a continuous operation with bentonite, neat cement, or cement grout. If a cement/bentonite slurry is used as the sealant, it shall be installed with a tremmie tube and pumped from the top of the bentonite plug (above the filter pack) to land surface. Use only potable water to hydrate the mixture.

(3) The completed annular space shall fully surround the permanent casing, be evenly distributed, free of voids, and extend from the permanent casing to undisturbed or recompacted soil.

(4) All sealing materials used shall conform to one of the following minimum requirements:

**(a) Bentonite sealants:**

(i) Bentonite used to prepare slurries for sealing, or decommissioning shall be specifically designed for this

purpose. At no time shall grout slurry contain materials that are toxic, polluting, develop odor or color changes, or serve as a micro organism nutrient. All bentonite slurries shall be prepared and installed according to the manufacture's instructions. All additives must be certified by a recognized certification authority such as NSF. Active solids content (bentonite) shall be twenty percent by weight or greater in all bentonite slurries.

(ii) Unhydrated bentonite—pelletized, granulated, powder, or chip bentonite may be used in the construction of seals or in decommissioning of wells. The bentonite material shall be specifically designed for sealing or decommissioning and be within the industry tolerances for dry western sodium bentonite. Placement of bentonite shall conform to the manufacturer's specifications. All unhydrated bentonite used for sealing or decommissioning must be free of polymers. The pour rate shall be two minutes or slower per fifty-pound bag. A tamping tool may be used during the placement of seals to break up possible bridging and firmly place the material in the annulus. Unhydrated bentonite must be hydrated as it is being placed throughout the sealing or decommissioning operation.

**(b) Cement sealants:**

(i) Neat cement consists of either portland cement types I, II, III, or high-alumina cement mixed with not more than six gallons of potable water per sack of cement (ninety-four pounds per sack).

(ii) Neat cement grout consists of neat cement with up to five percent bentonite clay added, by dry weight of the bentonite. Bentonite is be added to improve flow qualities and compensate for shrinkage.

(iii) Concrete sealants consist of clean, hard and durable aggregate with not less than five sacks (ninety-four pounds per sack) of portland cement per cubic yard of concrete sealant.

(A) The maximum diameter of aggregate particles may not exceed 1 1/2 inches, but in any case may not exceed 1/5 the minimum width of the casing thickness.

(B) The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) must be approximately 1 1/2 to 1 by volume, but in any case, may not exceed 2 to 1 nor be less than 1 to 2.

(iv) Expanding agents, such as aluminum powder, may be used at a rate not exceeding 0.075 ounce (1 level teaspoon) per sack (ninety-four pounds per sack) of dry cement. The powder may not contain polishing agents. High-alumina cement and portland cement of any type must not be mixed together.

(5) This section may not preclude the use of new sealant materials which have been approved by the technical advisory group.

NEW SECTION

**WAC 173-160-460 What is the decommissioning process for resource protection wells?** (1) Resource protection wells that were not constructed in accordance with these regulations, or for which a drilling report required under this section is missing shall be decommissioned in one of the following ways:

(a) Perforate the casing from the bottom to land surface and pressure grout the casing.

(i) Perforations shall be at least four equidistant cuts per row, and one row per foot. Each cut shall be at least one and one-half inches long.

(ii) Apply enough pressure to force the sealing material through the perforations, filling any voids on the outside of the casing.

(iii) The remainder of the casing shall be filled with cement grout, neat cement, or bentonite slurry.

(b) Withdraw the casing and fill the bore hole with cement grout, neat cement, or bentonite as the casing is being withdrawn.

(2) If it can be verified through a field examination and review of the drilling report that the resource protection well was constructed in accordance with these regulations, it shall be decommissioned by:

(a) Filling the casing from bottom to land surface with bentonite, cement grout, or neat cement; and

(b) Placing a cap on the casing.

NEW SECTION

WAC 173-160-990 Well construction illustrations.

PROPOSED

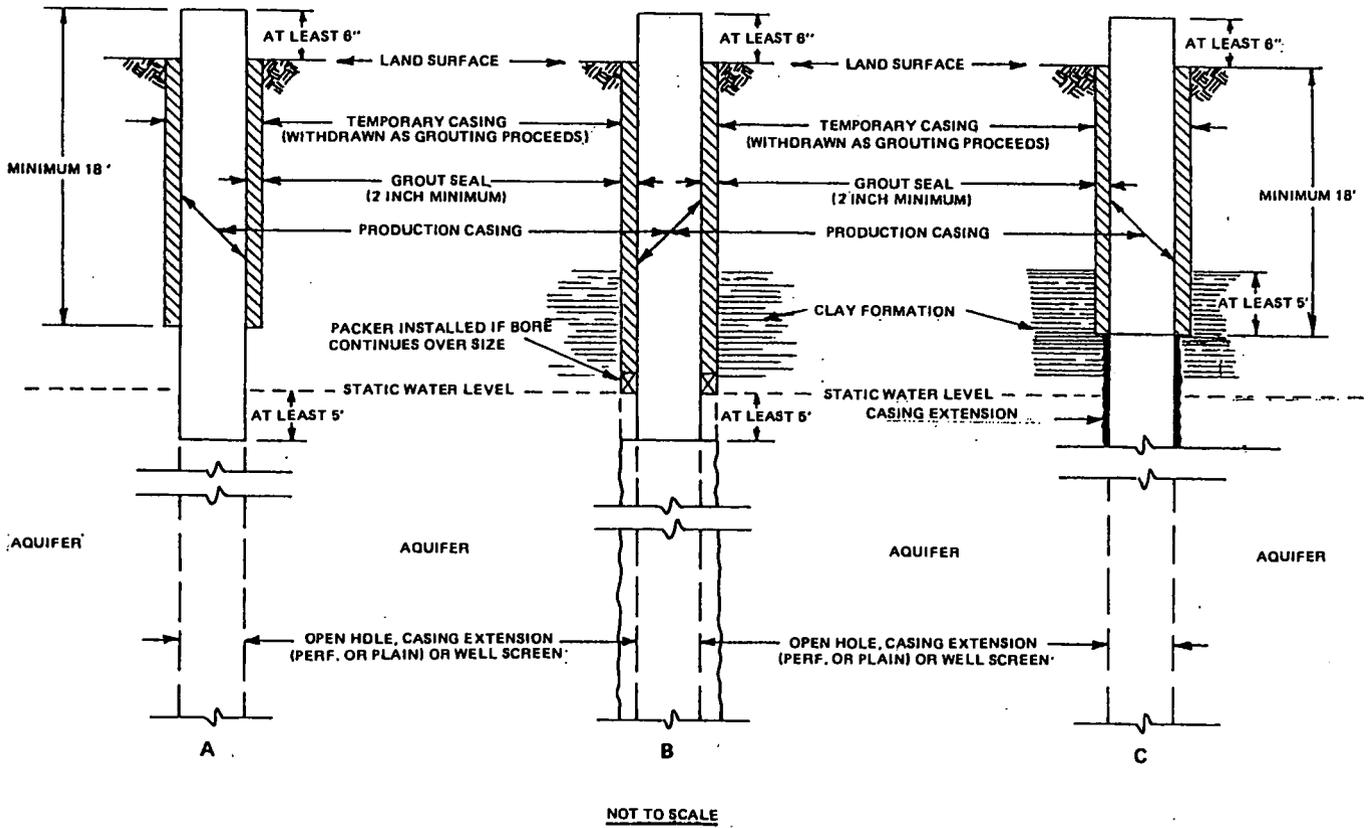
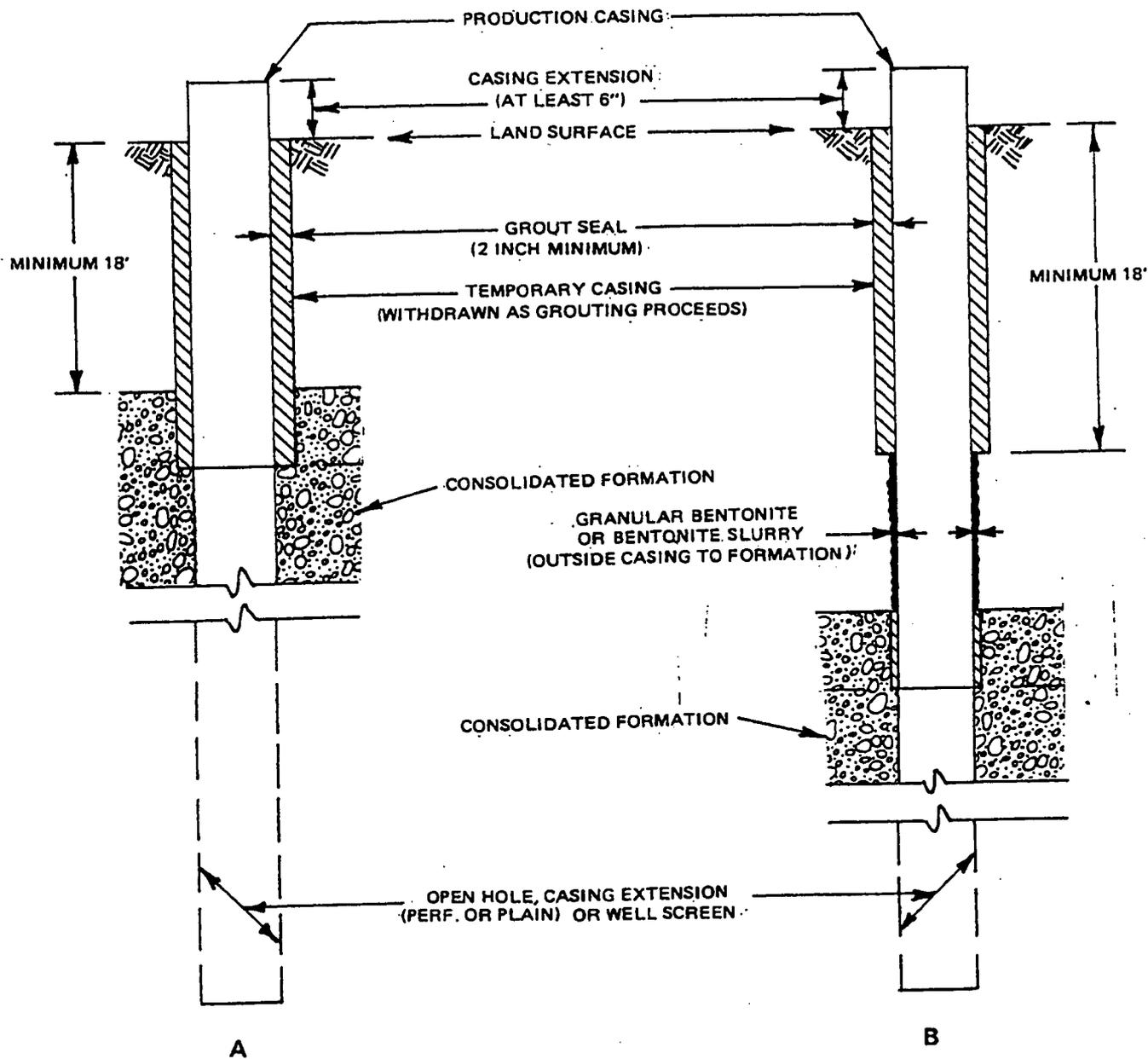


Figure 1. SEALING OF UNCONSOLIDATED FORMATIONS

PROPOSED



NOT TO SCALE

Figure 2. SEALING OF CONSOLIDATED FORMATIONS.

PROPOSED

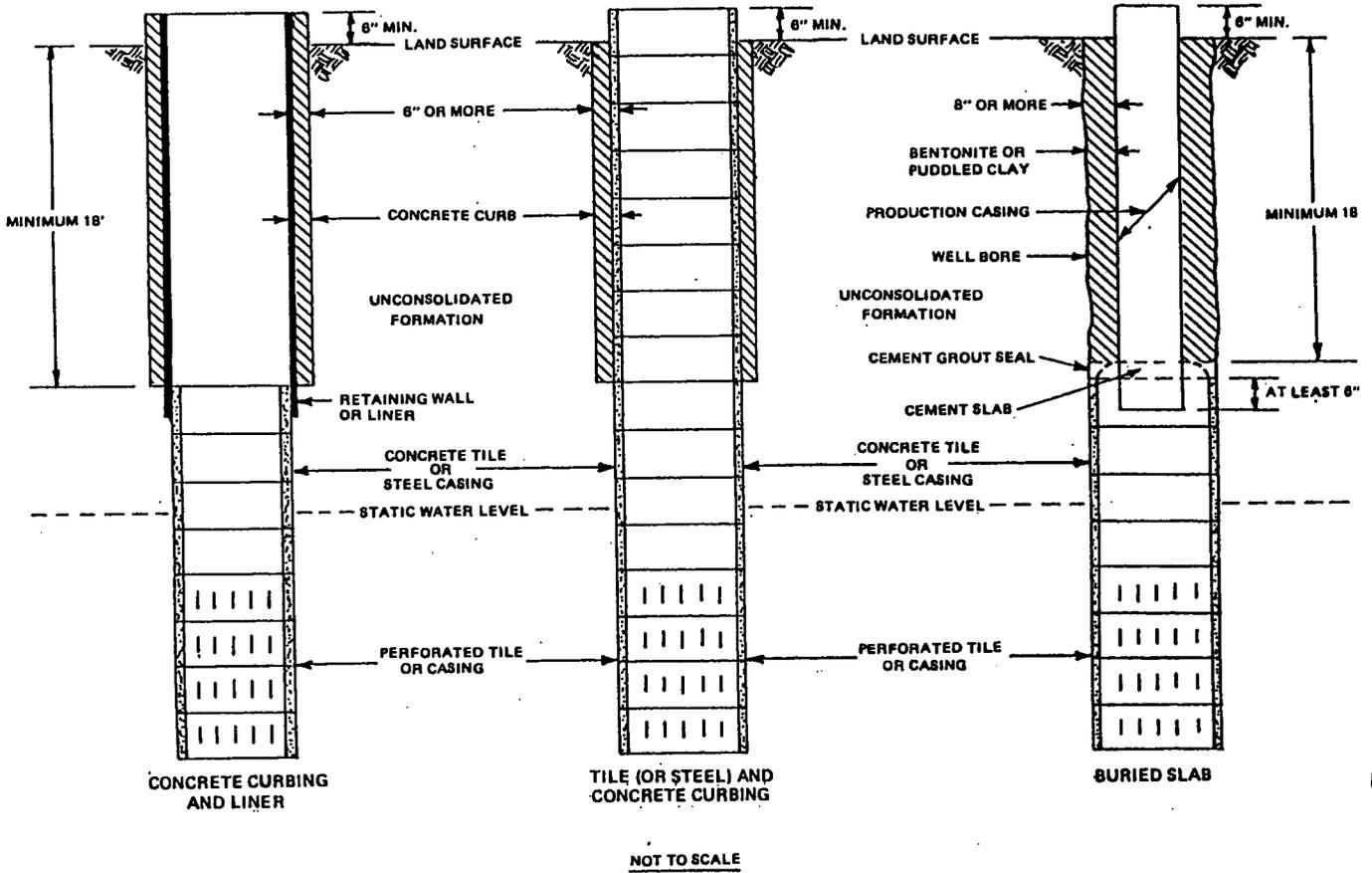
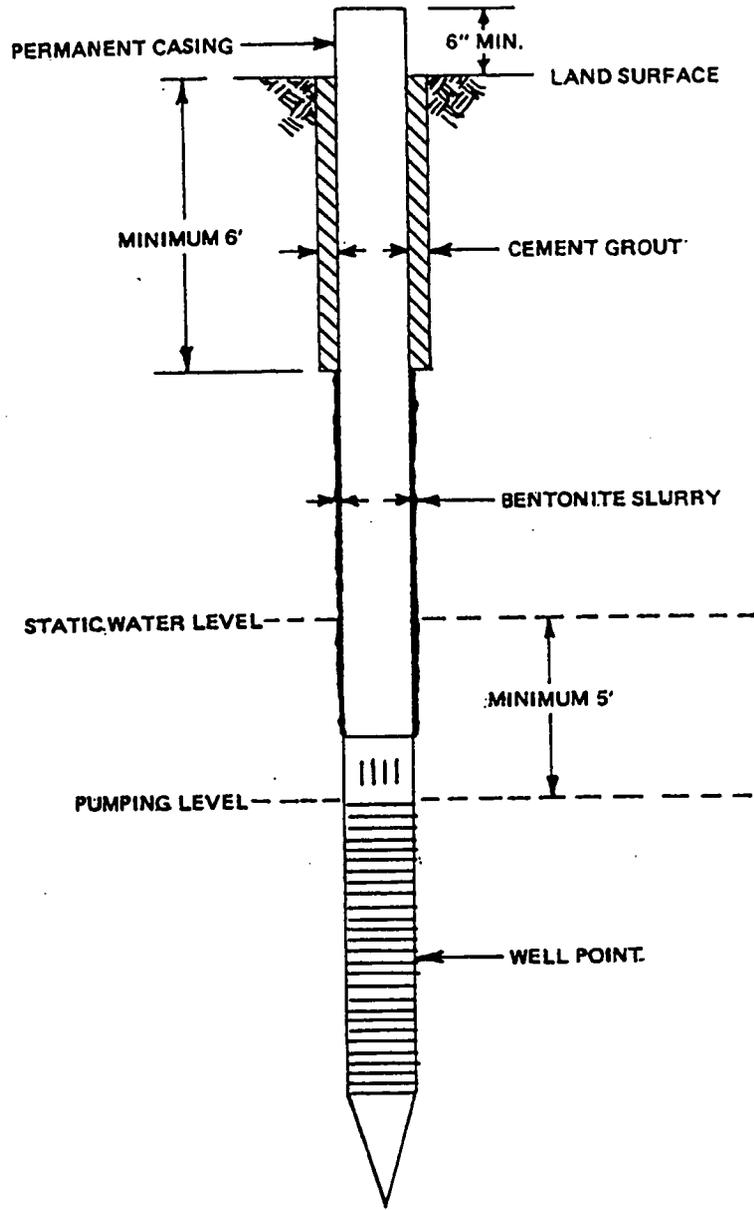


Figure 3. SEALING OF DUG WELLS

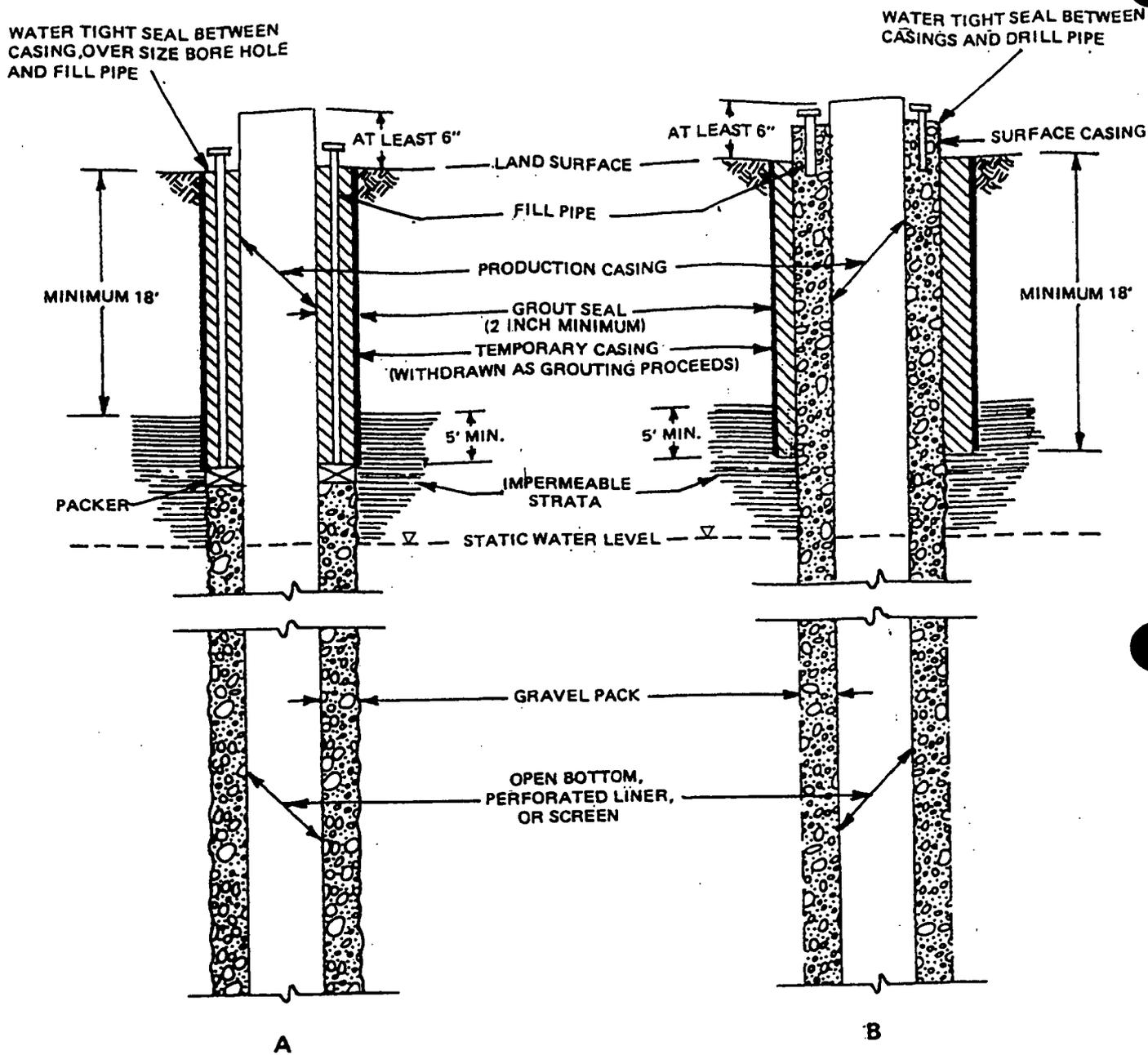
PROPOSED



NOT TO SCALE

**Figure 4. SEALING OF DRIVEN AND JETTED WELLS .**

PROPOSED

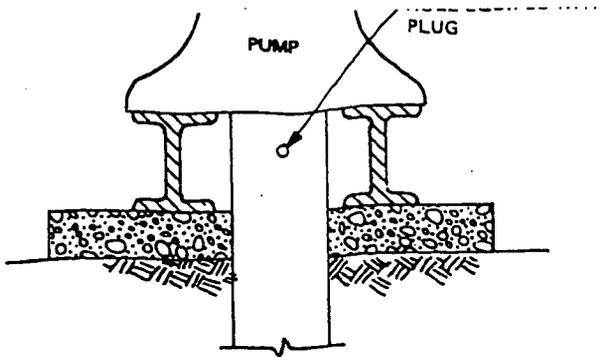


NOT TO SCALE

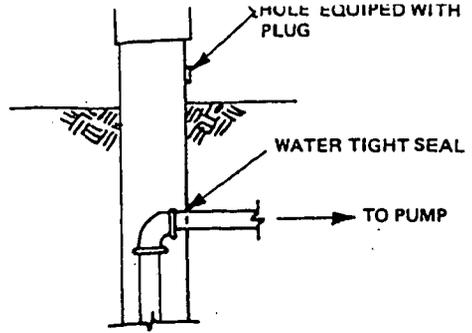
A—WELL CONSTRUCTED WITH TEMPORARY SURFACE CASING.  
 B—WELL CONSTRUCTED WITH PERMANENT SURFACE CASING.

Figure 5. SEALING OF GRAVEL-PACKED WELLS

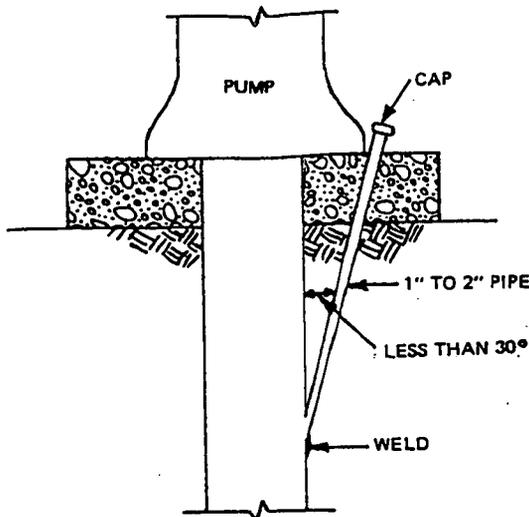
PROPOSED



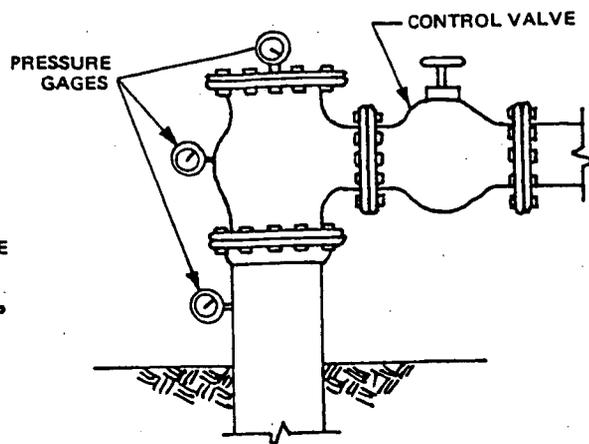
ACCESS PORT FOR MEASURING DEVICE



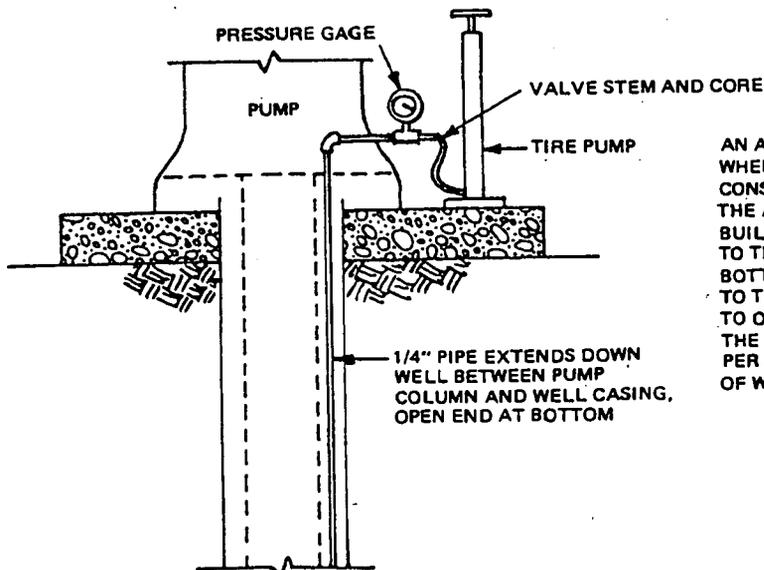
ACCESS PORT FOR MEASURING DEVICE



ACCESS PORT FOR MEASURING DEVICE



POSSIBLE LOCATIONS FOR PRESSURE GAGES ON AN ARTESIAN WELL



AN AIR LINE INSTALLATION IS RECOMMENDED WHERE THE WATER LEVEL LIES AT A CONSIDERABLE DEPTH BELOW LAND SURFACE. THE AMOUNT OF AIR PRESSURE THAT CAN BE BUILT UP INSIDE THE AIR LINE WILL BE EQUAL TO THE DEPTH OF WATER STANDING ABOVE THE BOTTOM OF THE AIR LINE. THE EXACT DEPTH TO THE BOTTOM OF THE AIR LINE IS REQUIRED TO OBTAIN AN ACCURATE MEASUREMENT OF THE WATER LEVEL IN THE WELL. ONE POUND PER SQUARE INCH PRESSURE EQUALS 2.31 FEET OF WATER.

Figure 6. SUGGESTED METHODS FOR INSTALLING PRESSURE GAGES AND AIR LINES FOR MEASURING WATER LEVELS IN WELLS

PROPOSED

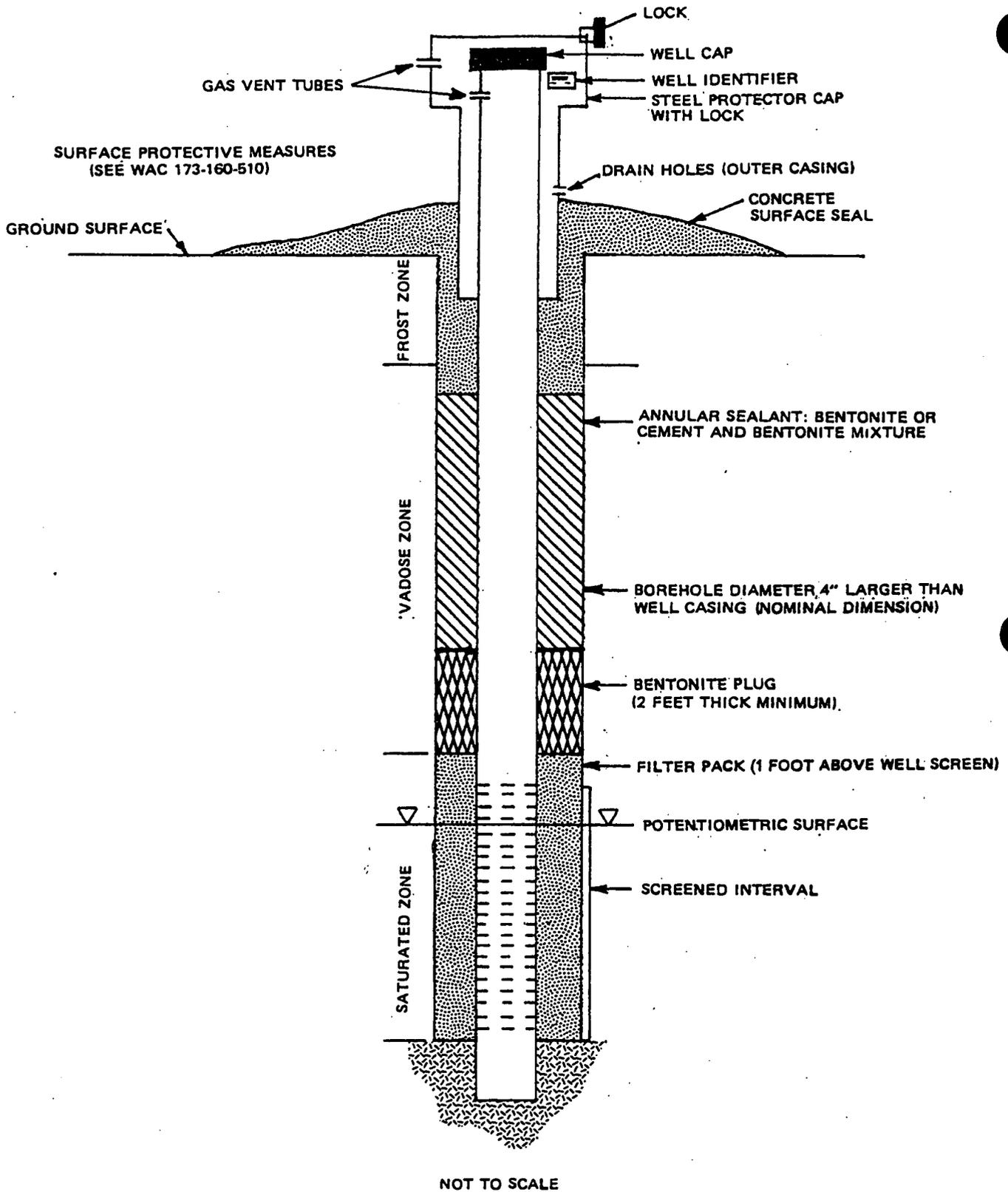


Figure 7. GENERAL RESOURCE PROTECTION WELL—CROSS SECTION.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 173-160-055	Well construction notification (start card).
WAC 173-160-065	Design and construction.
WAC 173-160-075	Design and construction—Sealing of casing—General.
WAC 173-160-085	Capping.
WAC 173-160-095	Relationship to other authorities.
WAC 173-160-105	Comparable construction standards.
WAC 173-160-115	Enforcement.
WAC 173-160-125	Appeals.
WAC 173-160-135	Regulation review.
WAC 173-160-205	Location of well site and access requirements.
WAC 173-160-215	Design and construction—Well completion—General.
WAC 173-160-225	Design and construction—Casing.
WAC 173-160-235	Recommended well diameters.
WAC 173-160-245	Design and construction—Sealing materials.
WAC 173-160-255	Design and construction—Sealing of consolidated formations.
WAC 173-160-265	Sealing of unconsolidated formations without significant clay beds.
WAC 173-160-275	Sealing of unconsolidated formations with clay beds.
WAC 173-160-285	Special sealing standards for artesian wells.
WAC 173-160-295	Artificial gravel-packed wells—General.
WAC 173-160-305	Sealing of artificial gravel-packed wells.
WAC 173-160-315	Sealing of dug wells.
WAC 173-160-325	Special standards for driven or jetted wells.
WAC 173-160-335	Upper terminal of well.
WAC 173-160-345	Testing of well.
WAC 173-160-355	Testing of well—Access port or pressure gage.
WAC 173-160-365	Disinfection.
WAC 173-160-375	Quality of drilling water.
WAC 173-160-385	Pump installation.
WAC 173-160-395	Explosives.
WAC 173-160-405	Chemical conditioning.
WAC 173-160-415	Abandonment of wells.
WAC 173-160-425	Abandonment of wells—Abandonment of drilled or jetted wells.
WAC 173-160-435	Abandonment of wells—Abandonment of gravel-packed wells.

WAC 173-160-445	Abandonment of wells—Abandonment of artesian wells.
WAC 173-160-455	Abandonment of wells—Abandonment of dug wells.
WAC 173-160-465	Abandonment of wells—Plugging of test wells.
WAC 173-160-475	Artificial recharge of ground-water bodies.
WAC 173-160-500	Design and construction—General.
WAC 173-160-510	Design and construction—Surface protective measures.
WAC 173-160-520	Design and construction—Casing.
WAC 173-160-530	Design and construction—Cleaning.
WAC 173-160-540	Design and construction—Well screen, filter pack, and development.
WAC 173-160-550	Design and construction—Well seals.
WAC 173-160-560	Abandonment of resource protection wells.

**WSR 97-19-082**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
 [Filed September 16, 1997, 4:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-18-003 dated August 21, 1997.

Title of Rule: WAC 230-04-202 Fees—Bona fide charitable/nonprofit organizations, 230-04-203 Fees—Commercial stimulant and other business organizations, and 230-04-204 Fees—Individuals.

Purpose: Increase license fees per Initiative 601.

Statutory Authority for Adoption: RCW 9.46.070(5).

Summary: License fees are increased for different types of licenses held by commercial establishments, nonprofit organizations and individuals.

Reasons Supporting Proposal: Licensing fees need to be adjusted to reflect cost of regulating charitable/nonprofits, commercial establishments, and individuals.

Name of Agency Personnel Responsible for Drafting: Soojin Kim, Lacey, (360) 438-7654 ext. 310; Implementation: Ben Bishop, Lacey, (360) 438-7654 ext. 302; and Enforcement: Carrie Tellefson, Lacey, (360) 438-7654 ext. 373.

Name of Proponent: Staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: License fee increases apply to the following license types among others: Amusement games, bingo group, card games, fund-raising

event, punchboards/pull tab, raffles, combination license, separate premises bingo, permits, among others. Fee increases apply to the following individuals: Charitable or nonprofit gambling manager, commercial gambling manager, distributor's or gambling services supplier representative, manufacturer's representative, and public card room employee.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Shilo Inn, 707 Ocean Shores Boulevard N.E., Ocean Shores, WA 98569, (360) 298-4600, on November 14, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by November 1, 1997, TDD (360) 438-7638, or (360) 438-7654 ext. 302.

Submit Written Comments to: Soojin Kim, Mailstop 42400, Olympia, Washington 98504-2400, FAX (360) 438-8652, by October 31, 1997.

Date of Intended Adoption: November 14, 1997.

September 16, 1997

Soojin Kim

Rules and Policy Coordinator

**AMENDATORY SECTION** (Amending WSR 97-14-012, filed 6/20/97, effective 7/21/97)

**WAC 230-04-202 Fees—Bona fide charitable/nonprofit organizations.** Bona fide charitable and nonprofit organizations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	SEE
<b>1. AMUSEMENT GAMES</b>	(Fee based on annual gross gambling receipts)	
* Class A	Premises only	(( <del>\$52</del> ) \$ 54
Class B	Up to \$10,000	(( <del>\$52</del> ) \$ 54
Class C	Up to \$25,000	(( <del>\$276</del> ) \$ 287
Class D	Up to \$50,000	(( <del>\$443</del> ) \$ 460
Class E	Over \$50,000	(( <del>\$772</del> ) \$ 803
* Allows a charitable or nonprofit organization to enter into a contract with Class "B" or above commercial amusement game licensee to locate and operate amusement games on their premises.		
<b>2. BINGO GROUP</b>	(Fee based on annual gross gambling receipts)	
Class A	Up to \$ 15,000	(( <del>\$52</del> ) \$ 54
Class B	Up to \$ 50,000	(( <del>\$164</del> ) \$ 167
Class C	Up to \$ 100,000	(( <del>\$329</del> ) \$ 342
Class D	Up to \$ 250,000	(( <del>\$886</del> ) \$ 921
Class E	Up to \$ 500,000	(( <del>\$1,492</del> ) \$ 1,552
Class F	Up to \$1,000,000	(( <del>\$2,996</del> ) \$ 3,117

Class G	Up to \$1,500,000	(( <del>\$4,324</del> ) \$ 4,499
Class H	Up to \$2,000,000	(( <del>\$5,776</del> ) \$ 6,009
Class I	Up to \$2,500,000	(( <del>\$7,216</del> ) \$ 7,508
Class J	Up to \$3,000,000	(( <del>\$8,658</del> ) \$ 9,008
Class K	Up to \$3,500,000	(( <del>\$9,712</del> ) \$10,105
Class L	Up to \$4,000,000	(( <del>\$11,102</del> ) \$11,551
Class M and above	Over \$4,000,000	(( <del>\$12,492</del> ) \$12,997

3. CARD GAMES		
Class A	General (Fee to play charged)	(( <del>\$553</del> ) \$ 575
Class B	Limited card games - hearts, rummy, mahjongg, pitch, pinochle, and cribbage (Fee to play charged)	(( <del>\$164</del> ) \$ 167
Class C	Tournament only - no more than ten consecutive days per tournament	(( <del>\$52</del> ) \$ 54
Class D	General (No fee to play charged)	(( <del>\$52</del> ) \$ 54

4. FUND-RAISING EVENT		
Class A	One event - not more than 24 consecutive hours	(( <del>\$329</del> ) \$ 342
Class B	One event - not more than 72 consecutive hours	(( <del>\$553</del> ) \$ 575
Class C	Additional participant in joint event (not lead organization)	(( <del>\$164</del> ) \$ 167
Class D	Fund-Raising Event Equipment Distributor - rents or leases, equipment for fund-raising event or recreational gaming activity for no more than ten times per year*	(( <del>\$219</del> ) \$ 227
Class E	Fund-Raising Event Equipment Distributor - rents or leases equipment for fund-raising event or recreational gaming activity more than ten times per year.	(( <del>\$553</del> ) \$ 575

\* Charitable and nonprofit organizations licensed to conduct fund-raising events may rent their equipment up to four occasions during the term of the license without getting licensed as a distributor.

5. PUNCHBOARDS/ PULL TABS			
	(Fee based on annual gross gambling receipts)		VARIANCE*
Class A	Up to \$ 50,000	\$ 5,000	(( <del>\$527</del> ) \$ 548
Class B	Up to \$ 100,000	\$ 5,000	(( <del>\$940</del> ) \$ 978
Class C	Up to \$ 200,000	\$10,000	(( <del>\$1,774</del> ) \$ 1,845
Class D	Up to \$ 300,000	\$10,000	(( <del>\$2,578</del> ) \$ 2,682
Class E	Up to \$ 400,000	\$10,000	(( <del>\$3,330</del> ) \$ 3,464
Class F	Up to \$ 500,000	\$10,000	(( <del>\$4,020</del> ) \$ 4,182
Class G	Up to \$ 600,000	\$10,000	(( <del>\$4,658</del> ) \$ 4,846
Class H	Up to \$ 700,000	\$10,000	(( <del>\$5,242</del> ) \$ 5,454
Class I	Up to \$ 800,000	\$10,000	(( <del>\$5,776</del> ) \$ 6,009
Class J	Up to \$1,000,000	\$20,000	(( <del>\$6,548</del> ) \$ 6,813
Class K	Up to \$1,250,000	\$25,000	(( <del>\$7,268</del> ) \$ 7,562

Class L	Up to \$1,500,000	\$25,000	<del>(\$7,938)</del> <u>\$ 8,259</u>
Class M	Up to \$1,750,000	\$25,000	<del>(\$8,490)</del> <u>\$ 8,833</u>
Class N	Up to \$2,000,000	\$25,000	<del>(\$8,992)</del> <u>\$ 9,356</u>
Class O	Over \$2,000,000	Nonapplicable	<del>(\$9,880)</del> <u>\$10,280</u>

\* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: *Provided*, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

**6. RAFFLES** (Fee based on annual gross gambling receipts)

Class A	Up to \$ 5,000	<del>(\$—52)</del> <u>\$ 54</u>
Class B	Up to \$10,000	<del>(\$—164)</del> <u>\$ 167</u>
Class C	Up to \$25,000	<del>(\$—329)</del> <u>\$ 342</u>
Class D	Up to \$50,000	<del>(\$—553)</del> <u>\$ 575</u>
Class E	Up to \$75,000	<del>(\$—886)</del> <u>\$ 921</u>
Class F	Over \$75,000	<del>(\$—1,326)</del> <u>\$ 1,379</u>

**7. COMBINATION LICENSE**

CLASS A	Allows gross gambling receipts of up to \$25,000 from bingo, \$7,500 from raffles, and \$7,500 from amusement games, not to exceed \$30,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	<del>(\$—100)</del> <u>\$ 104</u>
CLASS B	Allows gross gambling receipts of up to \$60,000 from bingo, \$15,000 from raffles, and \$15,000 from amusement games, not to exceed \$75,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	<del>(\$—260)</del> <u>\$ 270</u>
CLASS C	Allows gross gambling receipts of up to \$125,000 from bingo, \$30,000 from raffles, and \$30,000 from amusement games, not to exceed \$150,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	<del>(\$—600)</del> <u>\$ 624</u>

**8. SEPARATE PREMISES**

BINGO	Per occasion (see WAC 230-04-300)	<del>(\$—26)</del> <u>\$ 27</u>
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**9. PERMITS**

AGRICULTURAL FAIR-BINGO RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-04-191)	<del>(\$—26)</del> <u>\$ 27</u>
	(See WAC 230-25-330 and 230-02-505)	<del>(\$—52)</del> <u>\$ 54</u>

**10. CHANGES**

NAME	(See WAC 230-04-310)	<del>(\$—26)</del> <u>\$ 27</u>
LOCATION	(See WAC 230-04-320)	<del>(\$—26)</del> <u>\$ 27</u>
FRE	(Date or time) (See WAC 230-04-325)	<del>(\$—26)</del> <u>\$ 27</u>
LICENSE CLASS	(See WAC 230-04-260)	<del>(\$—26)</del> <u>\$ 27</u>
DUPLICATE LICENSE	(See WAC 230-04-290)	<del>(\$—26)</del> <u>\$ 27</u>

**11. SPECIAL FEES**

INVESTIGATION	(See WAC 230-04-240)	As required
REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-08-017)	<del>(\$—26)</del> <u>\$ 27</u>
EXCEEDING LICENSE CLASS REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-04-260)	As required
	(See WAC 230-12-315)	As required

**12. SIX-MONTH PAYMENT PLAN** (See WAC 230-04-190) ~~(\$—26)~~ \$ 27

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

**AMENDATORY SECTION** (Amending WSR 97-14-012, filed 6/20/97, effective 7/21/97)

**WAC 230-04-203 Fees—Commercial stimulant and other business organizations.** All persons seeking to operate gambling activities at business locations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
<b>1. CARD GAMES</b>		
Class B	Limited card games - hearts, rummy, pitch, pinochle, mahjongg, and/or cribbage (Fee to play charged)	<del>(\$—164)</del> <u>\$ 167</u>
Class C	Tournament only, no more than ten consecutive days per tournament.	<del>(\$—164)</del> <u>\$ 167</u>
Class D	General (No fee to play charged)	<del>(\$—52)</del> <u>\$ 54</u>
Class E	General (Fee to play charged)	
E-1	One table only	<del>(\$—386)</del> <u>\$ 401</u>
E-2	Up to two tables	<del>(\$—663)</del> <u>\$ 689</u>
E-3	Up to three tables	<del>(\$—1,106)</del> <u>\$1,150</u>

PROPOSED

E-4	Up to four tables	<del>(\$2,214)</del>
		<u>\$2,303</u>
E-5	Up to five tables	<del>(\$3,330)</del>
		<u>\$3,464</u>

\* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: *Provided*, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

**2. COMMERCIAL AMUSEMENT**

(Fee based on annual gross gambling receipts)

**GAMES**

* Class A	Premises only	** <del>(\$276/\$126)</del>
		<u>\$287/\$131</u>
Class B	Up to \$ 50,000	<del>(\$ 386)</del>
		<u>\$ 401</u>
Class C	Up to \$ 100,000	<del>(\$ 992)</del>
		<u>\$1,032</u>
Class D	Up to \$ 250,000	<del>(\$2,214)</del>
		<u>\$2,303</u>
Class E	Up to \$ 500,000	<del>(\$3,884)</del>
		<u>\$4,041</u>
Class F	Up to \$1,000,000	<del>(\$6,662)</del>
		<u>\$6,931</u>
Class G	Over \$1,000,000	<del>(\$8,334)</del>
		<u>\$8,671</u>

\* Allows a business that is qualified under WAC 230-04-138 (1)(f), (g), (h), (i), or (j) to enter into a contract with a class "B" or above commercial amusement game licensee to locate and operate amusement games upon their premises.

\*\* Provides for a fee reduction of \$150 when: Renewing an annual license; applying for an additional license(s) at the same premises; and/or applying for multiple licenses at the same premises.

**3. PUNCHBOARDS/**

**PULL TABS**

(Fee based on annual gross gambling receipts)

**VARIANCE\***

Class A	Up to \$50,000	\$ 5,000	<del>(\$ 527)</del>
			<u>\$ 548</u>
Class B	Up to \$100,000	\$ 5,000	<del>(\$ 940)</del>
			<u>\$ 978</u>
Class C	Up to \$200,000	\$10,000	<del>(\$1,774)</del>
			<u>\$ 1,845</u>
Class D	Up to \$300,000	\$10,000	<del>(\$2,578)</del>
			<u>\$ 2,682</u>
Class E	Up to \$400,000	\$10,000	<del>(\$3,330)</del>
			<u>\$ 3,464</u>
Class F	Up to \$500,000	\$10,000	<del>(\$4,020)</del>
			<u>\$ 4,182</u>
Class G	Up to \$600,000	\$10,000	<del>(\$4,658)</del>
			<u>\$ 4,846</u>
Class H	Up to \$700,000	\$10,000	<del>(\$5,242)</del>
			<u>\$ 5,454</u>
Class I	Up to \$800,000	\$10,000	<del>(\$5,776)</del>
			<u>\$ 6,009</u>
Class J	Up to \$1,000,000	\$20,000	<del>(\$6,548)</del>
			<u>\$ 6,813</u>
Class K	Up to \$1,250,000	\$25,000	<del>(\$7,268)</del>
			<u>\$ 7,562</u>
Class L	Up to \$1,500,000	\$25,000	<del>(\$7,938)</del>
			<u>\$ 8,259</u>
Class M	Up to \$1,750,000	\$25,000	<del>(\$8,490)</del>
			<u>\$ 8,833</u>
Class N	Up to \$2,000,000	\$25,000	<del>(\$8,992)</del>
			<u>\$ 9,356</u>
Class O	Over \$2,000,000	Nonapplicable	<del>(\$9,880)</del>
			<u>\$10,280</u>

**4. DISTRIBUTOR**

(Fee based on annual gross sales of gambling related supplies and equipment)

(a) Class A	Nonpunchboard/pull tab only	<del>(\$ 553)</del>
		<u>\$ 575</u>
Class B	Up to \$ 250,000	<del>(\$1,106)</del>
		<u>\$1,150</u>
Class C	Up to \$ 500,000	<del>(\$1,660)</del>
		<u>\$1,727</u>
Class D	Up to \$1,000,000	<del>(\$2,214)</del>
		<u>\$2,303</u>
Class E	Up to \$2,500,000	<del>(\$2,882)</del>
		<u>\$2,998</u>
Class F	Over \$2,500,000	<del>(\$3,550)</del>
		<u>\$3,693</u>

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification.

**(b) FUND-RAISING**

**EVENT EQUIPMENT DISTRIBUTOR**

Class A	Rents or leases equipment for fund-raising event or recreational gaming activity up to 10 times per year.	<del>(\$219)</del> <u>\$227</u>
Class B	Rents or leases equipment for fund-raising event or recreational gaming activity more than 10 times per year.	<del>(\$553)</del> <u>\$575</u>

**5. MANUFACTURER**

(Fee based on annual gross sales of gambling related supplies and equipment)

Class A	Machines only	<del>(\$ 553)</del>
		<u>\$ 575</u>
Class B	Up to \$ 250,000	<del>(\$1,106)</del>
		<u>\$1,150</u>
Class C	Up to \$ 500,000	<del>(\$1,660)</del>
		<u>\$1,727</u>
Class D	Up to \$1,000,000	<del>(\$2,214)</del>
		<u>\$2,303</u>
Class E	Up to \$2,500,000	<del>(\$2,882)</del>
		<u>\$2,998</u>
Class F	Over \$2,500,000	<del>(\$3,550)</del>
		<u>\$3,693</u>

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification, quality control inspection for additional activities or product lines, and renewal of licenses when travel cost is incurred to complete the investigation.

**6. PERMITS**

**AGRICULTURAL FAIR/ SPECIAL PROPERTY BINGO**

Class A	One location and event only	<del>(\$ 26)</del>
	(See WAC 230-04-191)	<u>\$ 27</u>
Class B	Annual permit for specified	<del>(\$161)</del>

PROPOSED

	different events and locations (See WAC 230-04-193)	\$167
RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-02-505 and 230-25-330)	<del>(\$52)</del> \$ 54

7. CHANGES

NAME	(See WAC 230-04-310)	<del>(\$26)</del> \$27
LOCATION	(See WAC 230-04-320)	<del>(\$26)</del> \$27
BUSINESS	(Same owners)	<del>(\$52)</del> \$54
CLASSIFICATION LICENSE CLASS	(See WAC 230-04-340) (See WAC 230-04-260) New class fee, less previous fee paid, plus	<del>(\$26)</del> \$27
DUPLICATE LICENSE	(See WAC 230-04-290)	<del>(\$26)</del> \$27
OWNERSHIP OF STOCK LICENSE TRANSFERS	(See WAC 230-04-340) (See WAC 230-04-125, 230-04-340, and 230-04-350)	<del>(\$52)</del> \$54

8. SPECIAL FEES

INVESTIGATION IDENTIFICATION AND INSPECTION SERVICES STAMPS	(See WAC 230-04-240)	As required
QUALITY CONTROL INSPECTION FEES	(See WAC 230-08-017)	As required
REPLACEMENT OF IDENTIFICATION STAMPS	(See WAC 230-30-030)	As required
EXCEEDING LICENSE CLASS REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-30-017)	As required
SPECIAL SALES PERMITS	(See WAC 230-04-260)	As required
	(See WAC 230-12-315)	As required
	(See WAC 230-04-115)	As required

9. SIX-MONTH PAYMENT PLAN	(See WAC 230-04-190)	<del>(\$26)</del> \$27
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**AMENDATORY SECTION** (Amending Order 304, filed 11/21/96, effective 1/1/97)

**WAC 230-04-204 Fees—Individuals.** Individuals shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
<b>1. CHARITABLE OR NONPROFIT GAMBLING MANAGER</b>		
	Original	<del>(\$164)</del> \$167
	Renewal	<del>(\$78)</del> \$81
	Change of Employer	<del>(\$78)</del> \$81
<b>2. COMMERCIAL GAMBLING MANAGER</b>		
	Original	<del>(\$164)</del> \$167
	Renewal	<del>(\$78)</del> \$81
	Change of Employer	<del>(\$78)</del> \$81
<b>3. DISTRIBUTOR'S OR GAMBLING SERVICES SUPPLIER REPRESENTATIVE</b>		
	Original	<del>(\$249)</del> \$227
	Renewal	<del>(\$135)</del> \$140
	Change of Employer	<del>(\$52)</del>
<b>4. MANUFACTURER'S REPRESENTATIVE</b>		
	Original	<del>(\$249)</del> \$227
	Renewal	<del>(\$135)</del> \$140
<b>5. PUBLIC CARD ROOM EMPLOYEE</b>		
	<u>CLASS A</u>	
	Original	<del>(\$164)</del> \$167
	Renewal	<del>(\$78)</del> \$81
	<u>CLASS B*</u>	
	Original, in-state	\$217
	Original, out-of-state	\$271
	Renewal	\$135
* <u>SUPPORTS CARD ROOMS HAVING SPECIAL APPROVED ACTIVITIES AS SPECIFIED IN WAC 230-04-203(1)</u>		
<u>CLASS B EMPLOYEES WILL BE REQUIRED TO SUBMIT FINGERPRINTS WITH THEIR APPLICATIONS</u>		
<b>6. OTHER FEES</b>		
CHANGE OF NAME	(See WAC 230-04-310)	<del>(\$26)</del> \$27
DUPLICATE LICENSE	(See WAC 230-04-290)	<del>(\$26)</del> \$27
REPLACEMENT		
OUT-OF-STATE RECORDS INQUIRY	(See WAC 230-04-240)	As required

WSR 97-19-086  
PROPOSED RULES  
DEPARTMENT OF AGRICULTURE  
[Filed September 17, 1997, 9:30 a.m.]

Original Notice.  
Preproposal statement of inquiry was filed as WSR 96-02-037.

PROPOSED

**Title of Rule:** Rules relating to ginseng management.

**Purpose:** To establish rules for the ginseng management program.

**Statutory Authority for Adoption:** Chapter 15.17 RCW.

**Statute Being Implemented:** Chapter 15.17 RCW.

**Summary:** To establish rules for: (1) Ginseng certification for foreign export, (2) registration of ginseng growers and dealers, (3) recordkeeping and storage of ginseng by growers and dealers, (4) certify recordkeeping and commerce of wild ginseng in compliance with United States Fish and Wildlife Service, 50 CFR Part 23, and (5) establish a fee schedule for services related to the certification of ginseng.

**Name of Agency Personnel Responsible for Drafting:** Mary Toohey, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907; **Implementation and Enforcement:** Tom Wessels, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1922.

**Name of Proponent:** Northwest Ginseng Growers Association, Don Hoogesteger, President, private.

**Rule is necessary because of federal law,** 50 CFR Part 23.

**Explanation of Rule, its Purpose, and Anticipated Effects:** The ginseng industry requested these rules to facilitate the foreign export of cultivated ginseng. United States Fish and Wildlife Service requires states to have certification programs to protect wild ginseng (*Panax quinquefolius*) which is protected by federal law and is indigenous only to states east of the Mississippi River. Ginseng, a multi-year crop, has only been cultivated in commercial quantities in this state for five years. It is now ready for marketing overseas, and a state certification program is necessary to allow growers and dealers to export the product.

**Proposal does not change existing rules.**

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule must be in place and accepted by the United States Fish and Wildlife Service in order for the ginseng industry to export their products. Without these rules, the Washington ginseng industry will suffer significant economic loss through lack of access to foreign markets.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

**Hearing Location:** George C. Marshall House, West Parlor, 1301 Officers' Row, Vancouver, WA, (360) 693-3103, on November 4, 1997, at 1:00 p.m. - 5:00 p.m.

**Assistance for Persons with Disabilities:** Contact Cathy Jensen by October 27, 1997, TDD (360) 902-1996, or (360) 902-1976.

**Submit Written Comments to:** Mary Toohey, FAX (360) 902-2094, by November 4, 1997.

**Date of Intended Adoption:** November 18, 1997.

September 17, 1997

Mary A. Martin Toohey  
Assistant Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 97-20 issue of the Register.

**WSR 97-19-090**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed September 17, 1997, 10:32 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 97-02-096.

**Title of Rule:** Chiropractic office visits, special services and general instructions.

**Purpose:** Repeal WAC 296-23-190 and 296-23-210, update the department's fee schedule for chiropractic services.

**Statutory Authority for Adoption:** RCW 51.04.020, 51.04.030, 51.36.080, and 51.36.110.

**Statute Being Implemented:** RCW 51.04.020, 51.04.030, 51.36.080, and 51.36.110.

**Summary:** (1) Repeal WAC 296-23-190 General instructions—Chiropractic, information in WAC 296-23-190 duplicates information contained in chapter 296-20 WAC, General instructions.

(2) Repeal WAC 296-23-210 Chiropractic office visits and special services, the office visit definitions contained in this WAC are not consistent with the definitions contained in current procedural terminology (CPT).

**Reasons Supporting Proposal:** This proposal eliminates duplications in rule and maintains the Department of Labor and Industries' responsibility to update its fee schedule and payment rates for chiropractic services.

**Name of Agency Personnel Responsible for Drafting:** Diane Reus, Tumwater, (360) 902-5021; **Implementation and Enforcement:** Gary Moore, Director, Tumwater, (360) 902-4200.

**Name of Proponent:** Diane Reus, Medical Program Specialist, Health Services Analysis, Department of Labor and Industries, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** Repealing WAC 296-23-190 reduces duplication in department rules. Repealing WAC 296-23-210 deletes office visit definitions that are inconsistent with the definitions contained in current procedural terminology (CPT).

The proposed chiropractic fee schedule changes allow chiropractors to use a limited range of evaluation and management codes for new and established patients and consultations. The department has developed new complexity based [on] the Department of Labor and Industries local codes for manipulation services. The policy objectives for changes to the chiropractic fee schedule changes include:

- Improving consistency of chiropractic reimbursement methods and policies with other payers,
- Maintaining the Department of Labor and Industries' responsibility to prudently manage payments for chiropractic services,
- Improving the equity of provider reimbursement,

- Reducing administrative complexity for chiropractors and the department, and
- Maintaining access to quality chiropractic care for eligible workers.

Proposal Changes the Following Existing Rules: This proposal: (1) Repeals WAC 296-23-190. WAC 296-23-190 duplicates information contained in chapter 296-20 WAC, General instructions.

(2) Repeals WAC 296-23-210. The department proposes to transition chiropractors to a range of codes in the resource based relative value scale (RBRVS) fee schedule for evaluation and management services. This allows chiropractors to bill and be paid for evaluation and management services using similar codes (3 levels) and descriptions as other attending physicians. The current office visit definitions contained in WAC are being repealed because they are not consistent with the evaluation and management office visit descriptions contained in current procedural terminology (CPT).

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Regulatory Fairness Act, chapter 19.85 RCW, requires that a small business economic impact statement be prepared if a proposed rule has the potential of placing a proportionally higher economic impact on small businesses. Since the proposed amendments will result in an increase in payments to chiropractors, the department is not required to prepare a small business impact.

RCW 34.05.328 does not apply to this rule adoption. The proposed changes are not a significant change to existing department policy. The department is required to periodically change and make available a fee schedule of the maximum charges to be made by any physician, surgeon, chiropractor, hospital or other health care provider.

Hearing Location: Department of Labor and Industries, Auditorium, 7273 Linderson Way S.W., Tumwater, WA 98502, on October 21, 1997, at 9 a.m.

Assistance for Persons with Disabilities: Contact Diane Reus at (360) 902-5021, by October 14, 1997.

Submit Written Comments to: Diane Reus, FAX (360) 902-4249, by October 31, 1997.

Date of Intended Adoption: November 26, 1997.

September 16, 1997

Gary Moore

Director

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-23-190 General instructions—Chiropractic.

WAC 296-23-210 Chiropractic office visits and special services.

**WSR 97-19-095**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed September 17, 1997, 11:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-15-139 and 97-15-140.

Title of Rule: Chapter 296-17 WAC, Manual of rules, classifications, rates, and rating system for workers' compensation insurance.

Purpose: Amend risk classification premium base rates, and experience rating and retrospective rating tables to reflect updated loss experience and provide a 5% overall rate reduction effective January 1, 1998. This proposal specifically amends WAC 296-17-855, 296-17-875, 296-17-880, 296-17-885, 296-17-890, 296-17-895, 296-17-919, 296-17-91901, 296-17-91902, 296-17-91903, 296-17-91904, 296-17-91905, and 296-17-920.

Statutory Authority for Adoption: RCW 51.16.035 Base rates, 51.32.073 Supplemental pension, and 51.04.020(1) General authority.

Statute Being Implemented: RCW 51.16.035 and 51.32.073.

Summary: Proposal establishes premium rates for workers' compensation insurance classifications for calendar year 1998 and modifications to the related experience rating and retrospective rating plans. WAC 296-17-855 Experience modification, 296-17-875 Table I Primary losses for selected claim values, 296-17-880 Table II "B" and "W" values, 296-17-885 Table III Expected loss rates and D ratios, 296-17-890 Table IV Maximum experience modifications, 296-17-895 Base rate table by class of industry, 296-17-919 Retrospective rating plans A, A1, A2, A3, and B, and 296-17-920 Assessment for supplemental pension fund.

Reasons Supporting Proposal: Insurance base rates and experience rating tables are being modified to reflect changes in loss data associated with the classification and rating plan from the previous 1997 rating period. Washington law provides that rates should be adjusted annually to reflect the hazards of each industry and in accordance with the rating plan. Similarly the rating plan is revised to recognize changes within industry groups. A five percent reduction in overall premium rates is also proposed reflecting low medical inflation, reduction of long term disability claims and better than expected performance of state fund investments.

Name of Agency Personnel Responsible for Drafting: Bill White, Bill Vasek and Frank Romero, Tumwater, 902-5014/5015; Implementation: Douglas Connell and Kathy Kimbel, Tumwater, 902-4209/4739; and Enforcement: Kathy Kimbel and Doug Mathers, Tumwater, 902-4209/4750.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this proposal is to establish 1998 premium rates

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and experience rating parameters for calendar year 1998. Washington law (RCW 51.16.035 and 51.32.073) requires the Department of Labor and Industries to adjust rates to ensure solvency of the accident, medical aid and supplemental pension funds. RCW 51.16.035 also provides that premium rates charged to industry vary by degree of hazard. The Department of Labor and Industries is proposing to adjust each industry risk classification to reflect more current loss experience. In addition, the Department of Labor and Industries is proposing an overall reduction in workers' compensation insurance premium rates of five percent beginning January 1, 1998.

Proposal Changes the Following Existing Rules: Overall premium levels will be reduced five percent. Rates for each industry classification will reflect updated loss experience as well as the overall rate reduction. Industries such as vineyards, mechanized logging and bakeries that had improved loss experience will see greater reductions. Other industries such as shipbuilding and coin-operated laundries will see their premium rates increase as a result of worsening loss experience.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.025(2) exempts rules covered by RCW 34.05.310 (4)(f).

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.328 (5)(b)(vi) provides an exemption for rules that set rates or fees pursuant to legislative standards. RCW 51.16.035 requires the Department of Labor and Industries to set premium rates according to legislative standards.

Hearing Location: On November 3, 1997, at 10:00 a.m., First Floor Auditorium, Tumwater Labor and Industries Office Building, 7273 Linderson Way S.W., Tumwater, WA; and on November 6, 1997, at 10:00 a.m., Conference Room #4, Spokane Labor and Industries Office Building, 901 North Monroe, Suite 100, Spokane, WA.

Assistance for Persons with Disabilities: Contact Ken Woehl by October 27, 1997, TDD (360) 902-4775, or 902-4776.

Submit Written Comments to: Department of Labor and Industries, Douglas Connell, Assistant Director for Insurance Services, P.O. Box 4100, Olympia, WA, FAX (360) 902-4729, by October 31, 1997.

Date of Intended Adoption: November 27, 1997.

September 10, 1997

Gary Moore  
Director

AMENDATORY SECTION (Amending WSR 96-24-063, filed 11/29/96, effective 1/1/97)

**WAC 296-17-855 Experience modification.** The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the losses which would be expected for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance, due consideration

being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification shall be calculated from the formula:

$$\text{MODIFICATION} = \frac{A_p + W A_e + (1-W) E_e + B}{E + B}$$

The components  $A_p$ ,  $W A_e$ , and  $(1-W) E_e$  are values which shall be charged against an employer's experience record. The component,  $E$ , shall be the expected value of these charges for an average employer reporting the same exposures in each classification. The meaning and function of each symbol in the formula is specified below.

" $A_p$ " signifies "primary actual losses." For each claim the primary actual loss is defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation at its full value. For each claim in excess of ~~((\\$10,102))~~ \\$10,195 the primary actual loss shall be determined from the formula:

$$\text{PRIMARY LOSS} = \frac{((\del{25,256})) \underline{25,487}}{\text{Total loss} + ((\del{15,154})) \underline{15,292}} \times \text{total loss}$$

Primary actual losses for selected claim values are shown in Table I. For each claim less than ~~((\\$10,102))~~ \\$10,195 the full value of the claim shall be considered a primary loss.

" $A_e$ " signifies "excess actual losses." For each claim the excess actual loss is defined as that portion of the claim which is not considered completely rateable for all employers. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss.

" $W$ " signifies "W value." For each employer, the  $W$  value determines the portion of the actual excess losses which shall be included in the calculation of his experience modification, due consideration being given to the volume of his experience. This amount is represented by the symbol " $W A_e$ " in the experience modification formula.  $W$  values are set forth in Table II.

" $E$ " signifies "expected losses." An employer's expected losses shall be determined by multiplying his reported exposure in each classification during the experience period by the classification expected loss rate. Expected loss rates are set forth in Table III.

" $E_e$ " signifies "expected excess losses." Expected losses in each classification shall be multiplied by the classification "D-Ratio" to obtain "expected primary losses." Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses. Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual losses. This charge is represented by " $(1-W) E_e$ " in the experience modification formula. D-Ratios are set forth in Table III.

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"B" signifies "B value" or "ballast." In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element (B value) shall be added to both actual and expected losses. B values are set forth in Table II.

AMENDATORY SECTION (Amending WSR 96-24-063, filed 11/29/96, effective 1/1/97)

**WAC 296-17-875 Table I.**

**Primary Losses for Selected Claim Values**

CLAIM VALUE	PRIMARY LOSS
<del>(10,102</del>	<del>10,102</del>
<del>11,693</del>	<del>11,000</del>
<del>13,718</del>	<del>12,000</del>
<del>16,073</del>	<del>13,000</del>
<del>18,848</del>	<del>14,000</del>
<del>26,195</del>	<del>16,000</del>
<del>37,592</del>	<del>18,000</del>
<del>57,662</del>	<del>20,000</del>
<del>102,389</del>	<del>22,000</del>
<del>155,864*</del>	<del>23,018</del>
<del>252,560**</del>	<del>23,826)</del>
<u>10,195</u>	<u>10,195</u>
<u>11,611</u>	<u>11,000</u>
<u>13,606</u>	<u>12,000</u>
<u>15,920</u>	<u>13,000</u>
<u>18,637</u>	<u>14,000</u>
<u>25,790</u>	<u>16,000</u>
<u>36,765</u>	<u>18,000</u>
<u>55,739</u>	<u>20,000</u>
<u>96,479</u>	<u>22,000</u>
<u>161,286*</u>	<u>23,280</u>
<u>254,870**</u>	<u>24,044</u>

\* Average death value

\*\* Maximum claim value

AMENDATORY SECTION (Amending WSR 96-24-063, filed 11/29/96, effective 1/1/97)

**WAC 296-17-880 Table II.**

**(("B" and "W" Values**

**Maximum Claim Value = \$252,560**

**Average Death Value = \$155,864**

Expected Losses	B	W	
<del>5,471 &amp; Under</del>	<del>47,652</del>	<del>0.00</del>	
<del>5,472</del>	<del>11,025</del>	<del>47,175</del>	<del>0.01</del>
<del>11,026</del>	<del>16,662</del>	<del>46,699</del>	<del>0.02</del>
<del>16,663</del>	<del>22,384</del>	<del>46,222</del>	<del>0.03</del>
<del>22,385</del>	<del>28,194</del>	<del>45,746</del>	<del>0.04</del>
<del>28,195</del>	<del>34,093</del>	<del>45,269</del>	<del>0.05</del>
<del>34,094</del>	<del>40,084</del>	<del>44,793</del>	<del>0.06</del>

<del>40,085</del>	<del>46,169</del>	<del>44,316</del>	<del>0.07</del>
<del>46,170</del>	<del>52,351</del>	<del>43,840</del>	<del>0.08</del>
<del>52,352</del>	<del>58,633</del>	<del>43,363</del>	<del>0.09</del>
<del>58,634</del>	<del>65,016</del>	<del>42,887</del>	<del>0.10</del>
<del>65,017</del>	<del>71,503</del>	<del>42,410</del>	<del>0.11</del>
<del>71,504</del>	<del>78,099</del>	<del>41,934</del>	<del>0.12</del>
<del>78,100</del>	<del>84,804</del>	<del>41,457</del>	<del>0.13</del>
<del>84,805</del>	<del>91,622</del>	<del>40,981</del>	<del>0.14</del>
<del>91,623</del>	<del>98,557</del>	<del>40,504</del>	<del>0.15</del>
<del>98,558</del>	<del>105,612</del>	<del>40,028</del>	<del>0.16</del>
<del>105,613</del>	<del>112,789</del>	<del>39,551</del>	<del>0.17</del>
<del>112,790</del>	<del>120,093</del>	<del>39,075</del>	<del>0.18</del>
<del>120,094</del>	<del>127,527</del>	<del>38,598</del>	<del>0.19</del>
<del>127,528</del>	<del>135,095</del>	<del>38,122</del>	<del>0.20</del>
<del>135,096</del>	<del>142,800</del>	<del>37,645</del>	<del>0.21</del>
<del>142,801</del>	<del>150,647</del>	<del>37,169</del>	<del>0.22</del>
<del>150,648</del>	<del>158,640</del>	<del>36,692</del>	<del>0.23</del>
<del>158,641</del>	<del>166,784</del>	<del>36,216</del>	<del>0.24</del>
<del>166,785</del>	<del>175,082</del>	<del>35,739</del>	<del>0.25</del>
<del>175,083</del>	<del>183,540</del>	<del>35,262</del>	<del>0.26</del>
<del>183,541</del>	<del>192,163</del>	<del>34,786</del>	<del>0.27</del>
<del>192,164</del>	<del>200,955</del>	<del>34,309</del>	<del>0.28</del>
<del>200,956</del>	<del>209,922</del>	<del>33,833</del>	<del>0.29</del>
<del>209,923</del>	<del>219,070</del>	<del>33,356</del>	<del>0.30</del>
<del>219,071</del>	<del>228,404</del>	<del>32,880</del>	<del>0.31</del>
<del>228,405</del>	<del>237,931</del>	<del>32,403</del>	<del>0.32</del>
<del>237,932</del>	<del>247,657</del>	<del>31,927</del>	<del>0.33</del>
<del>247,658</del>	<del>257,589</del>	<del>31,450</del>	<del>0.34</del>
<del>257,590</del>	<del>267,733</del>	<del>30,974</del>	<del>0.35</del>
<del>267,734</del>	<del>278,096</del>	<del>30,497</del>	<del>0.36</del>
<del>278,097</del>	<del>288,687</del>	<del>30,021</del>	<del>0.37</del>
<del>288,688</del>	<del>299,513</del>	<del>29,544</del>	<del>0.38</del>
<del>299,514</del>	<del>310,583</del>	<del>29,068</del>	<del>0.39</del>
<del>310,584</del>	<del>321,905</del>	<del>28,591</del>	<del>0.40</del>
<del>321,906</del>	<del>333,488</del>	<del>28,115</del>	<del>0.41</del>
<del>333,489</del>	<del>345,342</del>	<del>27,638</del>	<del>0.42</del>
<del>345,343</del>	<del>357,477</del>	<del>27,162</del>	<del>0.43</del>
<del>357,478</del>	<del>369,904</del>	<del>26,685</del>	<del>0.44</del>
<del>369,905</del>	<del>382,633</del>	<del>26,209</del>	<del>0.45</del>
<del>382,634</del>	<del>395,676</del>	<del>25,732</del>	<del>0.46</del>
<del>395,677</del>	<del>409,046</del>	<del>25,256</del>	<del>0.47</del>
<del>409,047</del>	<del>422,755</del>	<del>24,779</del>	<del>0.48</del>
<del>422,756</del>	<del>436,816</del>	<del>24,303</del>	<del>0.49</del>
<del>436,817</del>	<del>451,245</del>	<del>23,826</del>	<del>0.50</del>
<del>451,246</del>	<del>466,056</del>	<del>23,349</del>	<del>0.51</del>
<del>466,057</del>	<del>481,266</del>	<del>22,873</del>	<del>0.52</del>
<del>481,267</del>	<del>496,890</del>	<del>22,396</del>	<del>0.53</del>
<del>496,891</del>	<del>512,947</del>	<del>21,920</del>	<del>0.54</del>
<del>512,948</del>	<del>529,456</del>	<del>21,443</del>	<del>0.55</del>
<del>529,457</del>	<del>546,437</del>	<del>20,967</del>	<del>0.56</del>
<del>546,438</del>	<del>563,909</del>	<del>20,490</del>	<del>0.57</del>
<del>563,910</del>	<del>581,898</del>	<del>20,014</del>	<del>0.58</del>
<del>581,899</del>	<del>600,424</del>	<del>19,537</del>	<del>0.59</del>
<del>600,425</del>	<del>619,515</del>	<del>19,061</del>	<del>0.60</del>
<del>619,516</del>	<del>639,197</del>	<del>18,584</del>	<del>0.61</del>
<del>639,198</del>	<del>659,498</del>	<del>18,108</del>	<del>0.62</del>

PROPOSED

659,499	680,450	17,631	0.63	72,158	-	78,813	42,317	0.12
680,451	702,084	17,155	0.64	78,814	-	85,579	41,837	0.13
702,085	724,435	16,678	0.65	85,580	-	92,460	41,356	0.14
724,436	747,540	16,202	0.66	92,461	-	99,459	40,875	0.15
747,541	771,439	15,725	0.67	99,460	-	106,578	40,394	0.16
771,440	796,175	15,249	0.68	106,579	-	113,821	39,913	0.17
796,176	821,793	14,772	0.69	113,822	-	121,191	39,432	0.18
821,794	848,343	14,296	0.70	121,192	-	128,693	38,951	0.19
848,344	875,876	13,819	0.71	128,694	-	136,330	38,470	0.20
875,877	904,449	13,343	0.72	136,331	-	144,106	37,990	0.21
904,450	934,125	12,866	0.73	144,107	-	152,025	37,509	0.22
934,126	964,969	12,390	0.74	152,026	-	160,091	37,028	0.23
964,970	997,051	11,913	0.75	160,092	-	168,309	36,547	0.24
997,052	1,030,451	11,436	0.76	168,310	-	176,683	36,066	0.25
1,030,452	1,065,252	10,960	0.77	176,684	-	185,219	35,585	0.26
1,065,253	1,101,546	10,483	0.78	185,220	-	193,920	35,104	0.27
1,101,547	1,139,431	10,007	0.79	193,921	-	202,793	34,623	0.28
1,139,432	1,179,016	9,530	0.80	202,794	-	211,842	34,142	0.29
1,179,017	1,220,421	9,054	0.81	211,843	-	221,074	33,662	0.30
1,220,422	1,263,774	8,577	0.82	221,075	-	230,494	33,181	0.31
1,263,775	1,309,220	8,101	0.83	230,495	-	240,108	32,700	0.32
1,309,221	1,356,913	7,624	0.84	240,109	-	249,923	32,219	0.33
1,356,914	1,407,028	7,148	0.85	249,924	-	259,945	31,738	0.34
1,407,029	1,459,755	6,671	0.86	259,946	-	270,182	31,257	0.35
1,459,756	1,515,307	6,195	0.87	270,183	-	280,640	30,776	0.36
1,515,308	1,573,919	5,718	0.88	280,641	-	291,328	30,295	0.37
1,573,920	1,635,852	5,242	0.89	291,329	-	302,253	29,815	0.38
1,635,853	1,701,401	4,765	0.90	302,254	-	313,424	29,334	0.39
1,701,402	1,770,894	4,289	0.91	313,425	-	324,849	28,853	0.40
1,770,895	1,844,699	3,812	0.92	324,850	-	336,538	28,372	0.41
1,844,700	1,923,236	3,336	0.93	336,539	-	348,501	27,891	0.42
1,923,237	2,006,977	2,859	0.94	348,502	-	360,747	27,410	0.43
2,006,978	2,096,461	2,383	0.95	360,748	-	373,287	26,929	0.44
2,096,462	2,192,301	1,906	0.96	373,288	-	386,133	26,448	0.45
2,192,302	2,295,206	1,430	0.97	386,134	-	399,295	25,968	0.46
2,295,207	2,405,990	953	0.98	399,296	-	412,787	25,487	0.47
2,405,991	2,525,599	477	0.99	412,788	-	426,621	25,006	0.48
2,525,600 & Over		0	1.00))	426,622	-	440,812	24,525	0.49
				440,813	-	455,373	24,044	0.50
				455,374	-	470,319	23,563	0.51
				470,320	-	485,668	23,082	0.52
				485,669	-	501,435	22,601	0.53
				501,436	-	517,639	22,120	0.54
				517,640	-	534,299	21,640	0.55
				534,300	-	551,434	21,159	0.56
				551,435	-	569,067	20,678	0.57
				569,068	-	587,220	20,197	0.58
				587,221	-	605,916	19,716	0.59
				605,917	-	625,182	19,235	0.60
				625,183	-	645,043	18,754	0.61
				645,044	-	665,531	18,273	0.62
				665,532	-	686,674	17,793	0.63
				686,675	-	708,505	17,312	0.64
				708,506	-	731,061	16,831	0.65
				731,062	-	754,377	16,350	0.66
				754,378	-	778,495	15,869	0.67

**"B" and "W" Values**

Maximum Claim Value = \$254,870

Average Death Value = \$161,286

Expected Losses

B      W

5,521 & Under		48,088	0.00
5,522	-	47,607	0.01
11,127	-	47,126	0.02
16,815	-	46,645	0.03
22,590	-	46,164	0.04
28,452	-	45,684	0.05
34,406	-	45,203	0.06
40,452	-	44,722	0.07
46,593	-	44,241	0.08
52,831	-	43,760	0.09
59,170	-	43,279	0.10
65,611	-	42,798	0.11

PROPOSED

<u>778,496</u>	-	<u>803,458</u>	<u>15,388</u>	<u>0.68</u>
<u>803,459</u>	-	<u>829,310</u>	<u>14,907</u>	<u>0.69</u>
<u>829,311</u>	-	<u>856,102</u>	<u>14,426</u>	<u>0.70</u>
<u>856,103</u>	-	<u>883,887</u>	<u>13,946</u>	<u>0.71</u>
<u>883,888</u>	-	<u>912,722</u>	<u>13,465</u>	<u>0.72</u>
<u>912,723</u>	-	<u>942,669</u>	<u>12,984</u>	<u>0.73</u>
<u>942,670</u>	-	<u>973,795</u>	<u>12,503</u>	<u>0.74</u>
<u>973,796</u>	-	<u>1,006,171</u>	<u>12,022</u>	<u>0.75</u>
<u>1,006,172</u>	-	<u>1,039,876</u>	<u>11,541</u>	<u>0.76</u>
<u>1,039,877</u>	-	<u>1,074,996</u>	<u>11,060</u>	<u>0.77</u>
<u>1,074,997</u>	-	<u>1,111,621</u>	<u>10,579</u>	<u>0.78</u>
<u>1,111,622</u>	-	<u>1,149,853</u>	<u>10,098</u>	<u>0.79</u>
<u>1,149,854</u>	-	<u>1,189,800</u>	<u>9,618</u>	<u>0.80</u>
<u>1,189,801</u>	-	<u>1,231,583</u>	<u>9,137</u>	<u>0.81</u>
<u>1,231,584</u>	-	<u>1,275,333</u>	<u>8,656</u>	<u>0.82</u>
<u>1,275,334</u>	-	<u>1,321,194</u>	<u>8,175</u>	<u>0.83</u>
<u>1,321,195</u>	-	<u>1,369,324</u>	<u>7,694</u>	<u>0.84</u>
<u>1,369,325</u>	-	<u>1,419,897</u>	<u>7,213</u>	<u>0.85</u>
<u>1,419,898</u>	-	<u>1,473,107</u>	<u>6,732</u>	<u>0.86</u>
<u>1,473,108</u>	-	<u>1,529,167</u>	<u>6,251</u>	<u>0.87</u>
<u>1,529,168</u>	-	<u>1,588,314</u>	<u>5,771</u>	<u>0.88</u>
<u>1,588,315</u>	-	<u>1,650,814</u>	<u>5,290</u>	<u>0.89</u>
<u>1,650,815</u>	-	<u>1,716,963</u>	<u>4,809</u>	<u>0.90</u>
<u>1,716,964</u>	-	<u>1,787,091</u>	<u>4,328</u>	<u>0.91</u>
<u>1,787,092</u>	-	<u>1,861,572</u>	<u>3,847</u>	<u>0.92</u>
<u>1,861,573</u>	-	<u>1,940,827</u>	<u>3,366</u>	<u>0.93</u>
<u>1,940,828</u>	-	<u>2,025,334</u>	<u>2,885</u>	<u>0.94</u>
<u>2,025,335</u>	-	<u>2,115,635</u>	<u>2,404</u>	<u>0.95</u>
<u>2,115,636</u>	-	<u>2,212,353</u>	<u>1,924</u>	<u>0.96</u>
<u>2,212,354</u>	-	<u>2,316,199</u>	<u>1,443</u>	<u>0.97</u>
<u>2,316,200</u>	-	<u>2,427,996</u>	<u>962</u>	<u>0.98</u>
<u>2,427,997</u>	-	<u>2,548,699</u>	<u>481</u>	<u>0.99</u>
<u>2,548,700 &amp; Over</u>			<u>0</u>	<u>1.00</u>

<del>0214</del>	<del>1.1784</del>	<del>1.1053</del>	<del>0.9764</del>	<del>0.429</del>
<del>0217</del>	<del>1.2530</del>	<del>1.1728</del>	<del>1.0366</del>	<del>0.399</del>
<del>0219</del>	<del>1.1585</del>	<del>1.0850</del>	<del>0.9586</del>	<del>0.401</del>
<del>0301</del>	<del>0.6089</del>	<del>0.5731</del>	<del>0.5084</del>	<del>0.503</del>
<del>0302</del>	<del>1.7847</del>	<del>1.6695</del>	<del>1.4723</del>	<del>0.385</del>
<del>0303</del>	<del>1.4640</del>	<del>1.3720</del>	<del>1.2105</del>	<del>0.408</del>
<del>0306</del>	<del>0.8855</del>	<del>0.8301</del>	<del>0.7341</del>	<del>0.434</del>
<del>0307</del>	<del>0.6878</del>	<del>0.6464</del>	<del>0.5723</del>	<del>0.483</del>
<del>0308</del>	<del>0.5725</del>	<del>0.5398</del>	<del>0.4785</del>	<del>0.526</del>
<del>0403</del>	<del>1.3860</del>	<del>1.2996</del>	<del>1.1507</del>	<del>0.439</del>
<del>0502</del>	<del>1.2787</del>	<del>1.1980</del>	<del>1.0572</del>	<del>0.413</del>
<del>0504</del>	<del>1.2799</del>	<del>1.1971</del>	<del>1.0587</del>	<del>0.390</del>
<del>0506</del>	<del>4.0357</del>	<del>3.7696</del>	<del>3.3288</del>	<del>0.372</del>
<del>0507</del>	<del>2.9949</del>	<del>2.8074</del>	<del>2.4829</del>	<del>0.417</del>
<del>0508</del>	<del>2.8507</del>	<del>2.6546</del>	<del>2.3415</del>	<del>0.338</del>
<del>0509</del>	<del>1.5982</del>	<del>1.4929</del>	<del>1.3201</del>	<del>0.375</del>
<del>0510</del>	<del>1.2730</del>	<del>1.1950</del>	<del>1.0568</del>	<del>0.447</del>
<del>0511</del>	<del>0.9721</del>	<del>0.9148</del>	<del>0.8094</del>	<del>0.500</del>
<del>0512</del>	<del>1.4489</del>	<del>1.3603</del>	<del>1.2018</del>	<del>0.450</del>
<del>0513</del>	<del>0.6525</del>	<del>0.6129</del>	<del>0.5415</del>	<del>0.456</del>
<del>0514</del>	<del>1.3050</del>	<del>1.2273</del>	<del>1.0858</del>	<del>0.482</del>
<del>0515</del>	<del>2.6616</del>	<del>2.4916</del>	<del>2.1981</del>	<del>0.395</del>
<del>0516</del>	<del>1.2730</del>	<del>1.1950</del>	<del>1.0568</del>	<del>0.447</del>
<del>0517</del>	<del>1.5260</del>	<del>1.4353</del>	<del>1.2710</del>	<del>0.479</del>
<del>0518</del>	<del>1.4716</del>	<del>1.3764</del>	<del>1.2154</del>	<del>0.395</del>
<del>0519</del>	<del>1.6168</del>	<del>1.5149</del>	<del>1.3422</del>	<del>0.422</del>
<del>0520</del>	<del>1.4464</del>	<del>1.3553</del>	<del>1.1955</del>	<del>0.408</del>
<del>0521</del>	<del>1.2799</del>	<del>1.1971</del>	<del>1.0587</del>	<del>0.390</del>
<del>0601</del>	<del>0.6021</del>	<del>0.5656</del>	<del>0.5005</del>	<del>0.466</del>
<del>0602</del>	<del>0.3713</del>	<del>0.3505</del>	<del>0.3098</del>	<del>0.536</del>
<del>0603</del>	<del>0.8638</del>	<del>0.8075</del>	<del>0.7132</del>	<del>0.383</del>
<del>0604</del>	<del>1.1783</del>	<del>1.1063</del>	<del>0.9811</del>	<del>0.463</del>
<del>0606</del>	<del>0.2687</del>	<del>0.2543</del>	<del>0.2256</del>	<del>0.596</del>
<del>0607</del>	<del>0.2976</del>	<del>0.2801</del>	<del>0.2486</del>	<del>0.524</del>
<del>0608</del>	<del>0.2907</del>	<del>0.2730</del>	<del>0.2426</del>	<del>0.475</del>
<del>0701</del>	<del>1.9696</del>	<del>1.8321</del>	<del>1.6135</del>	<del>0.323</del>
<del>0803</del>	<del>0.3234</del>	<del>0.3052</del>	<del>0.2704</del>	<del>0.548</del>
<del>0901</del>	<del>1.4027</del>	<del>1.3150</del>	<del>1.1626</del>	<del>0.435</del>
<del>1002</del>	<del>0.7054</del>	<del>0.6653</del>	<del>0.5894</del>	<del>0.527</del>
<del>1003</del>	<del>0.6900</del>	<del>0.6489</del>	<del>0.5749</del>	<del>0.489</del>
<del>1004</del>	<del>0.4821</del>	<del>0.4526</del>	<del>0.4008</del>	<del>0.459</del>
<del>1005</del>	<del>5.2102</del>	<del>4.8664</del>	<del>4.2966</del>	<del>0.362</del>
<del>1007</del>	<del>0.3235</del>	<del>0.3044</del>	<del>0.2692</del>	<del>0.486</del>
<del>1101</del>	<del>0.4965</del>	<del>0.4684</del>	<del>0.4157</del>	<del>0.543</del>
<del>1102</del>	<del>1.1535</del>	<del>1.0827</del>	<del>0.9573</del>	<del>0.435</del>
<del>1103</del>	<del>0.5573</del>	<del>0.5259</del>	<del>0.4654</del>	<del>0.515</del>
<del>1104</del>	<del>0.4551</del>	<del>0.4291</del>	<del>0.3816</del>	<del>0.539</del>
<del>1105</del>	<del>0.5827</del>	<del>0.5505</del>	<del>0.4876</del>	<del>0.548</del>
<del>1106</del>	<del>0.2458</del>	<del>0.2318</del>	<del>0.2064</del>	<del>0.562</del>
<del>1108</del>	<del>0.3931</del>	<del>0.3699</del>	<del>0.3289</del>	<del>0.527</del>
<del>1109</del>	<del>0.6887</del>	<del>0.6484</del>	<del>0.5765</del>	<del>0.517</del>
<del>1301</del>	<del>0.3528</del>	<del>0.3322</del>	<del>0.2948</del>	<del>0.501</del>
<del>1303</del>	<del>0.1605</del>	<del>0.1514</del>	<del>0.1342</del>	<del>0.544</del>
<del>1304</del>	<del>0.0207</del>	<del>0.0194</del>	<del>0.0173</del>	<del>0.529</del>
<del>1305</del>	<del>0.3587</del>	<del>0.3376</del>	<del>0.2997</del>	<del>0.505</del>
<del>1401</del>	<del>0.5354</del>	<del>0.5034</del>	<del>0.4468</del>	<del>0.475</del>

AMENDATORY SECTION (Amending WSR 96-24-063, filed 11/29/96, effective 1/1/97)

**WAC 296-17-885 Table III.**

**((Expected Loss Rates and D-Ratios  
Expected Loss Rates in Dollars Per Worker Hour  
for Indicated Fiscal Year**

<b>Class</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>D-Ratio</b>
0101	1.2800	1.1967	1.0579	0.380
0102	1.2530	1.1728	1.0366	0.399
0103	1.4924	1.4048	1.2393	0.472
0104	1.6908	1.5711	1.3904	0.323
0105	1.2171	1.1452	1.0131	0.470
0106	1.2800	1.1967	1.0579	0.380
0107	1.1631	1.0888	0.9615	0.406
0108	0.8261	0.7739	0.6840	0.418
0112	0.7557	0.7066	0.6249	0.391
0201	2.7370	2.5519	2.2568	0.342
0202	2.8937	2.7119	2.3922	0.423
0210	0.9989	0.9334	0.8250	0.374
0212	0.9989	0.9334	0.8250	0.374

1404	0.4873	0.4596	0.4069	0.520	3501	0.8208	0.7709	0.6829	0.443
1405	0.4112	0.3850	0.3423	0.445	3503	0.2858	0.2699	0.2408	0.574
1501	0.3599	0.3396	0.3007	0.531	3506	0.7896	0.7424	0.6544	0.470
1507	0.2976	0.2813	0.2493	0.574	3509	0.3557	0.3370	0.2990	0.608
1701	1.5074	1.4056	1.2420	0.357	3510	0.3837	0.3621	0.3216	0.563
1702	1.5701	1.4658	1.2957	0.365	3511	0.5386	0.5082	0.4510	0.542
1703	0.2951	0.2775	0.2455	0.480	3512	0.3458	0.3263	0.2908	0.575
1704	0.7128	0.6678	0.5916	0.414	3513	0.3859	0.3643	0.3235	0.563
1801	0.8041	0.7516	0.6654	0.400	3602	0.1088	0.1027	0.0915	0.584
1802	0.9492	0.8917	0.7883	0.449	3603	0.4102	0.3870	0.3444	0.559
2002	0.5109	0.4820	0.4280	0.549	3604	1.1972	1.1312	1.0022	0.558
2004	0.5519	0.5220	0.4630	0.582	3605	0.4208	0.3968	0.3517	0.530
2005	0.3012	0.2836	0.2523	0.540	3701	0.2408	0.2266	0.2012	0.504
2007	0.4302	0.4050	0.3595	0.500	3702	0.4060	0.3835	0.3396	0.553
2008	0.2473	0.2325	0.2064	0.500	3707	0.5136	0.4823	0.4300	0.445
2009	0.3012	0.2836	0.2523	0.540	3708	0.3512	0.3311	0.2943	0.549
2101	0.5561	0.5235	0.4639	0.492	3802	0.1654	0.1562	0.1388	0.567
2102	0.3910	0.3692	0.3280	0.565	3808	0.3032	0.2849	0.2528	0.488
2104	0.2347	0.2218	0.1973	0.586	3901	0.1673	0.1580	0.1403	0.573
2105	0.4801	0.4528	0.4005	0.523	3902	0.3657	0.3450	0.3067	0.552
2106	0.2999	0.2819	0.2507	0.511	3903	1.0742	1.0093	0.8989	0.500
2201	0.2325	0.2192	0.1942	0.508	3905	0.1519	0.1434	0.1280	0.603
2202	0.5230	0.4949	0.4391	0.591	3906	0.4332	0.4084	0.3623	0.527
2203	0.2920	0.2758	0.2451	0.576	3909	0.1710	0.1615	0.1436	0.571
2204	0.1149	0.1083	0.0959	0.508	4002	0.7233	0.6831	0.6033	0.524
2401	0.3804	0.3578	0.3185	0.503	4101	0.2060	0.1944	0.1726	0.550
2903	0.5946	0.5613	0.4984	0.556	4103	0.2575	0.2447	0.2172	0.659
2904	0.6668	0.6269	0.5569	0.487	4107	0.1407	0.1327	0.1179	0.557
2905	0.4326	0.4086	0.3630	0.569	4108	0.1500	0.1410	0.1252	0.504
2906	0.2964	0.2789	0.2472	0.515	4109	0.2060	0.1944	0.1727	0.555
2907	0.4612	0.4352	0.3862	0.544	4201	0.3412	0.3224	0.2844	0.528
2908	0.8685	0.8183	0.7251	0.513	4301	0.6367	0.5988	0.5322	0.506
2909	0.4363	0.4114	0.3653	0.546	4302	0.5175	0.4882	0.4315	0.516
3101	0.7334	0.6858	0.6078	0.396	4304	0.5975	0.5637	0.5001	0.533
3102	0.2408	0.2266	0.2012	0.504	4305	0.7827	0.7385	0.6530	0.526
3103	0.6995	0.6558	0.5809	0.437	4401	0.4019	0.3770	0.3352	0.457
3104	0.4480	0.4219	0.3727	0.486	4402	0.6111	0.5755	0.5115	0.539
3105	0.7205	0.6795	0.6020	0.525	4404	0.3818	0.3586	0.3186	0.492
3303	0.2197	0.2067	0.1838	0.534	4501	0.1296	0.1218	0.1085	0.526
3304	0.5140	0.4845	0.4305	0.539	4502	0.0380	0.0358	0.0319	0.548
3309	0.3633	0.3429	0.3047	0.542	4504	0.0854	0.0807	0.0720	0.622
3401	0.3527	0.3318	0.2943	0.503	4601	0.5598	0.5276	0.4685	0.521
3402	0.4301	0.4049	0.3591	0.507	4802	0.2012	0.1896	0.1685	0.528
3403	0.1911	0.1790	0.1589	0.450	4803	0.1932	0.1824	0.1623	0.565
3404	0.4046	0.3815	0.3387	0.544	4804	0.4665	0.4405	0.3917	0.569
3405	0.2502	0.2353	0.2085	0.506	4805	0.2857	0.2688	0.2388	0.515
3406	0.2147	0.2026	0.1802	0.572	4806	0.0553	0.0519	0.0462	0.501
3407	0.2936	0.2773	0.2458	0.552	4808	0.4038	0.3797	0.3364	0.483
3408	0.0950	0.0894	0.0795	0.513	4809	0.2237	0.2114	0.1879	0.584
3409	0.0907	0.0856	0.0762	0.574	4810	0.1344	0.1267	0.1130	0.568
3410	0.2226	0.2115	0.1885	0.610	4811	0.2189	0.2062	0.1836	0.544
3411	0.3527	0.3318	0.2943	0.503	4812	0.2848	0.2683	0.2382	0.529
3412	0.3355	0.3158	0.2798	0.510	4813	0.1937	0.1821	0.1620	0.489
3413	0.4605	0.4329	0.3842	0.496	4900	0.4603	0.4315	0.3821	0.438
3414	0.3993	0.3755	0.3330	0.497	4901	0.0446	0.0422	0.0373	0.555
3415	0.3949	0.3719	0.3297	0.520	4902	0.0625	0.0591	0.0524	0.576

<del>4903</del>	<del>0.0483</del>	<del>0.0456</del>	<del>0.0405</del>	<del>0.555</del>	<del>6405</del>	<del>0.5009</del>	<del>0.4716</del>	<del>0.4183</del>	<del>0.516</del>
<del>4904</del>	<del>0.0233</del>	<del>0.0220</del>	<del>0.0195</del>	<del>0.599</del>	<del>6406</del>	<del>0.0698</del>	<del>0.0660</del>	<del>0.0587</del>	<del>0.599</del>
<del>4905</del>	<del>0.2424</del>	<del>0.2294</del>	<del>0.2044</del>	<del>0.620</del>	<del>6407</del>	<del>0.1945</del>	<del>0.1836</del>	<del>0.1633</del>	<del>0.569</del>
<del>4906</del>	<del>0.0687</del>	<del>0.0648</del>	<del>0.0576</del>	<del>0.565</del>	<del>6408</del>	<del>0.3065</del>	<del>0.2899</del>	<del>0.2571</del>	<del>0.584</del>
<del>4907</del>	<del>0.0574</del>	<del>0.0541</del>	<del>0.0480</del>	<del>0.520</del>	<del>6409</del>	<del>0.4760</del>	<del>0.4476</del>	<del>0.3972</del>	<del>0.496</del>
<del>4908</del>	<del>0.1080</del>	<del>0.1016</del>	<del>0.0916</del>	<del>0.625</del>	<del>6410</del>	<del>0.1444</del>	<del>0.1360</del>	<del>0.1210</del>	<del>0.546</del>
<del>4909</del>	<del>0.0497</del>	<del>0.0467</del>	<del>0.0421</del>	<del>0.592</del>	<del>6501</del>	<del>0.0876</del>	<del>0.0831</del>	<del>0.0737</del>	<del>0.605</del>
<del>4910</del>	<del>0.3544</del>	<del>0.3337</del>	<del>0.2966</del>	<del>0.525</del>	<del>6502</del>	<del>0.0256</del>	<del>0.0241</del>	<del>0.0215</del>	<del>0.550</del>
<del>5001</del>	<del>3.9937</del>	<del>3.7310</del>	<del>3.2927</del>	<del>0.366</del>	<del>6503</del>	<del>0.0608</del>	<del>0.0569</del>	<del>0.0505</del>	<del>0.471</del>
<del>5002</del>	<del>0.4456</del>	<del>0.4207</del>	<del>0.3727</del>	<del>0.545</del>	<del>6504</del>	<del>0.3789</del>	<del>0.3576</del>	<del>0.3189</del>	<del>0.575</del>
<del>5003</del>	<del>1.2979</del>	<del>1.2145</del>	<del>1.0726</del>	<del>0.393</del>	<del>6505</del>	<del>0.0926</del>	<del>0.0870</del>	<del>0.0777</del>	<del>0.523</del>
<del>5004</del>	<del>1.3465</del>	<del>1.2644</del>	<del>1.1219</del>	<del>0.462</del>	<del>6506</del>	<del>0.0766</del>	<del>0.0721</del>	<del>0.0643</del>	<del>0.543</del>
<del>5005</del>	<del>1.1147</del>	<del>1.0421</del>	<del>0.9210</del>	<del>0.376</del>	<del>6508</del>	<del>0.3200</del>	<del>0.3017</del>	<del>0.2683</del>	<del>0.540</del>
<del>5006</del>	<del>1.2305</del>	<del>1.1539</del>	<del>1.0182</del>	<del>0.410</del>	<del>6509</del>	<del>0.2202</del>	<del>0.2077</del>	<del>0.1851</del>	<del>0.553</del>
<del>5101</del>	<del>0.7276</del>	<del>0.6893</del>	<del>0.6119</del>	<del>0.609</del>	<del>6601</del>	<del>0.1749</del>	<del>0.1648</del>	<del>0.1468</del>	<del>0.561</del>
<del>5103</del>	<del>0.6340</del>	<del>0.5987</del>	<del>0.5323</del>	<del>0.573</del>	<del>6602</del>	<del>0.4126</del>	<del>0.3891</del>	<del>0.3456</del>	<del>0.542</del>
<del>5106</del>	<del>0.6929</del>	<del>0.6525</del>	<del>0.5798</del>	<del>0.527</del>	<del>6603</del>	<del>0.2847</del>	<del>0.2683</del>	<del>0.2386</del>	<del>0.558</del>
<del>5108</del>	<del>0.5099</del>	<del>0.4788</del>	<del>0.4253</del>	<del>0.491</del>	<del>6604</del>	<del>0.0583</del>	<del>0.0547</del>	<del>0.0489</del>	<del>0.486</del>
<del>5109</del>	<del>0.6044</del>	<del>0.5673</del>	<del>0.5025</del>	<del>0.465</del>	<del>6605</del>	<del>0.2950</del>	<del>0.2792</del>	<del>0.2490</del>	<del>0.640</del>
<del>5201</del>	<del>0.2853</del>	<del>0.2689</del>	<del>0.2383</del>	<del>0.528</del>	<del>6607</del>	<del>0.1285</del>	<del>0.1215</del>	<del>0.1083</del>	<del>0.603</del>
<del>5204</del>	<del>0.8519</del>	<del>0.7996</del>	<del>0.7089</del>	<del>0.462</del>	<del>6608</del>	<del>0.2588</del>	<del>0.2435</del>	<del>0.2154</del>	<del>0.479</del>
<del>5206</del>	<del>0.4603</del>	<del>0.4315</del>	<del>0.3821</del>	<del>0.438</del>	<del>6620</del>	<del>0.7771</del>	<del>0.7414</del>	<del>0.6586</del>	<del>0.736</del>
<del>5207</del>	<del>0.1477</del>	<del>0.1397</del>	<del>0.1246</del>	<del>0.633</del>	<del>6704</del>	<del>0.1107</del>	<del>0.1043</del>	<del>0.0928</del>	<del>0.556</del>
<del>5208</del>	<del>0.7520</del>	<del>0.7066</del>	<del>0.6267</del>	<del>0.489</del>	<del>6705</del>	<del>0.6842</del>	<del>0.6462</del>	<del>0.5766</del>	<del>0.604</del>
<del>5209</del>	<del>0.6054</del>	<del>0.5712</del>	<del>0.5064</del>	<del>0.537</del>	<del>6706</del>	<del>0.3495</del>	<del>0.3289</del>	<del>0.2936</del>	<del>0.552</del>
<del>5301</del>	<del>0.0290</del>	<del>0.0274</del>	<del>0.0243</del>	<del>0.576</del>	<del>6707</del>	<del>1.5106</del>	<del>1.4281</del>	<del>1.2710</del>	<del>0.594</del>
<del>5305</del>	<del>0.0400</del>	<del>0.0379</del>	<del>0.0338</del>	<del>0.613</del>	<del>6708</del>	<del>5.5220</del>	<del>5.1628</del>	<del>4.6249</del>	<del>0.449</del>
<del>5306</del>	<del>0.0439</del>	<del>0.0413</del>	<del>0.0368</del>	<del>0.537</del>	<del>6709</del>	<del>0.1630</del>	<del>0.1541</del>	<del>0.1375</del>	<del>0.629</del>
<del>5307</del>	<del>0.2932</del>	<del>0.2765</del>	<del>0.2449</del>	<del>0.533</del>	<del>6801</del>	<del>0.2149</del>	<del>0.2027</del>	<del>0.1797</del>	<del>0.555</del>
<del>6103</del>	<del>0.0618</del>	<del>0.0584</del>	<del>0.0523</del>	<del>0.633</del>	<del>6802</del>	<del>0.3708</del>	<del>0.3499</del>	<del>0.3120</del>	<del>0.607</del>
<del>6104</del>	<del>0.2345</del>	<del>0.2216</del>	<del>0.1970</del>	<del>0.576</del>	<del>6803</del>	<del>0.7758</del>	<del>0.7192</del>	<del>0.6338</del>	<del>0.316</del>
<del>6105</del>	<del>0.1688</del>	<del>0.1589</del>	<del>0.1412</del>	<del>0.522</del>	<del>6804</del>	<del>0.1759</del>	<del>0.1664</del>	<del>0.1476</del>	<del>0.591</del>
<del>6107</del>	<del>0.1083</del>	<del>0.1019</del>	<del>0.0909</del>	<del>0.573</del>	<del>6809</del>	<del>3.9298</del>	<del>3.7002</del>	<del>3.3204</del>	<del>0.601</del>
<del>6108</del>	<del>0.4293</del>	<del>0.4056</del>	<del>0.3608</del>	<del>0.580</del>	<del>6901</del>	<del>0.0337</del>	<del>0.0316</del>	<del>0.0289</del>	<del>0.682</del>
<del>6109</del>	<del>0.0603</del>	<del>0.0568</del>	<del>0.0505</del>	<del>0.521</del>	<del>6902</del>	<del>0.6957</del>	<del>0.6507</del>	<del>0.5741</del>	<del>0.385</del>
<del>6110</del>	<del>0.3972</del>	<del>0.3753</del>	<del>0.3329</del>	<del>0.560</del>	<del>6903</del>	<del>3.5749</del>	<del>3.3130</del>	<del>2.9424</del>	<del>0.327</del>
<del>6201</del>	<del>0.2553</del>	<del>0.2403</del>	<del>0.2130</del>	<del>0.507</del>	<del>6904</del>	<del>0.2025</del>	<del>0.1916</del>	<del>0.1698</del>	<del>0.584</del>
<del>6202</del>	<del>0.5490</del>	<del>0.5155</del>	<del>0.4579</del>	<del>0.471</del>	<del>6905</del>	<del>0.2509</del>	<del>0.2370</del>	<del>0.2103</del>	<del>0.576</del>
<del>6203</del>	<del>0.0736</del>	<del>0.0696</del>	<del>0.0620</del>	<del>0.641</del>	<del>6906</del>	<del>0.1207</del>	<del>0.1130</del>	<del>0.1036</del>	<del>0.669</del>
<del>6204</del>	<del>0.1509</del>	<del>0.1422</del>	<del>0.1268</del>	<del>0.575</del>	<del>6907</del>	<del>1.0080</del>	<del>0.9512</del>	<del>0.8417</del>	<del>0.519</del>
<del>6205</del>	<del>0.1892</del>	<del>0.1790</del>	<del>0.1591</del>	<del>0.600</del>	<del>6908</del>	<del>0.3721</del>	<del>0.3508</del>	<del>0.3115</del>	<del>0.540</del>
<del>6206</del>	<del>0.1650</del>	<del>0.1560</del>	<del>0.1386</del>	<del>0.584</del>	<del>6909</del>	<del>0.0905</del>	<del>0.0856</del>	<del>0.0762</del>	<del>0.597</del>
<del>6207</del>	<del>1.1657</del>	<del>1.0990</del>	<del>0.9820</del>	<del>0.565</del>	<del>7101</del>	<del>0.0274</del>	<del>0.0257</del>	<del>0.0228</del>	<del>0.481</del>
<del>6208</del>	<del>0.2526</del>	<del>0.2373</del>	<del>0.2124</del>	<del>0.551</del>	<del>7102</del>	<del>3.5295</del>	<del>3.3189</del>	<del>2.9836</del>	<del>0.574</del>
<del>6209</del>	<del>0.2251</del>	<del>0.2120</del>	<del>0.1890</del>	<del>0.562</del>	<del>7103</del>	<del>0.2742</del>	<del>0.2580</del>	<del>0.2287</del>	<del>0.493</del>
<del>6301</del>	<del>0.1192</del>	<del>0.1118</del>	<del>0.0991</del>	<del>0.445</del>	<del>7104</del>	<del>0.0256</del>	<del>0.0241</del>	<del>0.0215</del>	<del>0.549</del>
<del>6302</del>	<del>0.1496</del>	<del>0.1404</del>	<del>0.1250</del>	<del>0.491</del>	<del>7105</del>	<del>0.0257</del>	<del>0.0242</del>	<del>0.0216</del>	<del>0.558</del>
<del>6303</del>	<del>0.0667</del>	<del>0.0626</del>	<del>0.0557</del>	<del>0.498</del>	<del>7106</del>	<del>0.1488</del>	<del>0.1397</del>	<del>0.1241</del>	<del>0.488</del>
<del>6304</del>	<del>0.1658</del>	<del>0.1565</del>	<del>0.1396</del>	<del>0.582</del>	<del>7107</del>	<del>0.2509</del>	<del>0.2365</del>	<del>0.2100</del>	<del>0.525</del>
<del>6305</del>	<del>0.0665</del>	<del>0.0628</del>	<del>0.0559</del>	<del>0.579</del>	<del>7108</del>	<del>0.1844</del>	<del>0.1740</del>	<del>0.1552</del>	<del>0.590</del>
<del>6306</del>	<del>0.2522</del>	<del>0.2380</del>	<del>0.2113</del>	<del>0.553</del>	<del>7109</del>	<del>0.1771</del>	<del>0.1666</del>	<del>0.1485</del>	<del>0.529</del>
<del>6308</del>	<del>0.0449</del>	<del>0.0424</del>	<del>0.0376</del>	<del>0.554</del>	<del>7110</del>	<del>0.3002</del>	<del>0.2817</del>	<del>0.2495</del>	<del>0.447</del>
<del>6309</del>	<del>0.1209</del>	<del>0.1141</del>	<del>0.1016</del>	<del>0.568</del>	<del>7111</del>	<del>0.4125</del>	<del>0.3880</del>	<del>0.3446</del>	<del>0.488</del>
<del>6402</del>	<del>0.2506</del>	<del>0.2371</del>	<del>0.2102</del>	<del>0.581</del>	<del>7112</del>	<del>0.5709</del>	<del>0.5370</del>	<del>0.4762</del>	<del>0.501</del>
<del>6403</del>	<del>0.1825</del>	<del>0.1722</del>	<del>0.1533</del>	<del>0.555</del>	<del>7113</del>	<del>0.5794</del>	<del>0.5440</del>	<del>0.4821</del>	<del>0.478</del>
<del>6404</del>	<del>0.1526</del>	<del>0.1442</del>	<del>0.1284</del>	<del>0.596</del>	<del>7114</del>	<del>0.7171</del>	<del>0.6781</del>	<del>0.6041</del>	<del>0.610</del>

<del>7115</del>	<del>0.5147</del>	<del>0.4848</del>	<del>0.4305</del>	<del>0.537</del>
<del>7116</del>	<del>0.5027</del>	<del>0.4721</del>	<del>0.4191</del>	<del>0.472</del>
<del>7117</del>	<del>1.2005</del>	<del>1.1344</del>	<del>1.0082</del>	<del>0.544</del>
<del>7118</del>	<del>2.2188</del>	<del>2.0856</del>	<del>1.8508</del>	<del>0.508</del>
<del>7119</del>	<del>1.8274</del>	<del>1.7219</del>	<del>1.5244</del>	<del>0.513</del>
<del>7120</del>	<del>5.1132</del>	<del>4.7857</del>	<del>4.2553</del>	<del>0.438</del>
<del>7121</del>	<del>5.3351</del>	<del>5.0025</del>	<del>4.4398</del>	<del>0.449</del>
<del>7201</del>	<del>0.8856</del>	<del>0.8361</del>	<del>0.7380</del>	<del>0.511</del>
<del>7202</del>	<del>0.0440</del>	<del>0.0413</del>	<del>0.0367</del>	<del>0.483</del>
<del>7203</del>	<del>0.1154</del>	<del>0.1085</del>	<del>0.0970</del>	<del>0.552</del>
<del>7204</del>	<del>0.0000</del>	<del>0.0000</del>	<del>0.0000</del>	<del>0.500</del>
<del>7301</del>	<del>0.4910</del>	<del>0.4628</del>	<del>0.4097</del>	<del>0.510</del>
<del>7302</del>	<del>0.5760</del>	<del>0.5421</del>	<del>0.4828</del>	<del>0.528</del>
<del>7307</del>	<del>0.5743</del>	<del>0.5415</del>	<del>0.4814</del>	<del>0.544</del>
<del>7308</del>	<del>0.1685</del>	<del>0.1596</del>	<del>0.1421</del>	<del>0.640</del>
<del>7309</del>	<del>0.1630</del>	<del>0.1541</del>	<del>0.1375</del>	<del>0.629))</del>

<u>0515</u>	<u>2.7116</u>	<u>2.3891</u>	<u>2.0829</u>	<u>0.402</u>
<u>0516</u>	<u>1.2892</u>	<u>1.1370</u>	<u>0.9950</u>	<u>0.449</u>
<u>0517</u>	<u>1.5096</u>	<u>1.3317</u>	<u>1.1680</u>	<u>0.488</u>
<u>0518</u>	<u>1.4979</u>	<u>1.3207</u>	<u>1.1524</u>	<u>0.396</u>
<u>0519</u>	<u>1.6772</u>	<u>1.4826</u>	<u>1.3009</u>	<u>0.433</u>
<u>0520</u>	<u>1.4701</u>	<u>1.2937</u>	<u>1.1265</u>	<u>0.408</u>
<u>0521</u>	<u>1.2647</u>	<u>1.1175</u>	<u>0.9785</u>	<u>0.404</u>
<u>0601</u>	<u>0.5630</u>	<u>0.4953</u>	<u>0.4329</u>	<u>0.503</u>
<u>0602</u>	<u>0.3797</u>	<u>0.3333</u>	<u>0.2911</u>	<u>0.541</u>
<u>0603</u>	<u>0.8188</u>	<u>0.7230</u>	<u>0.6323</u>	<u>0.400</u>
<u>0604</u>	<u>1.1120</u>	<u>0.9837</u>	<u>0.8652</u>	<u>0.470</u>
<u>0606</u>	<u>0.2746</u>	<u>0.2416</u>	<u>0.2122</u>	<u>0.601</u>
<u>0607</u>	<u>0.3141</u>	<u>0.2767</u>	<u>0.2427</u>	<u>0.532</u>
<u>0608</u>	<u>0.2793</u>	<u>0.2472</u>	<u>0.2180</u>	<u>0.506</u>
<u>0701</u>	<u>1.8706</u>	<u>1.6468</u>	<u>1.4293</u>	<u>0.339</u>
<u>0803</u>	<u>0.3210</u>	<u>0.2824</u>	<u>0.2474</u>	<u>0.555</u>
<u>0804</u>	<u>0.6590</u>	<u>0.5816</u>	<u>0.5089</u>	<u>0.426</u>
<u>0901</u>	<u>1.4979</u>	<u>1.3207</u>	<u>1.1524</u>	<u>0.396</u>
<u>1002</u>	<u>0.7089</u>	<u>0.6245</u>	<u>0.5478</u>	<u>0.535</u>
<u>1003</u>	<u>0.7050</u>	<u>0.6217</u>	<u>0.5454</u>	<u>0.503</u>
<u>1004</u>	<u>0.4723</u>	<u>0.4170</u>	<u>0.3658</u>	<u>0.465</u>
<u>1005</u>	<u>5.4160</u>	<u>4.7851</u>	<u>4.1820</u>	<u>0.365</u>
<u>1007</u>	<u>0.3238</u>	<u>0.2849</u>	<u>0.2490</u>	<u>0.495</u>
<u>1101</u>	<u>0.5043</u>	<u>0.4445</u>	<u>0.3904</u>	<u>0.545</u>
<u>1102</u>	<u>1.1467</u>	<u>1.0110</u>	<u>0.8843</u>	<u>0.446</u>
<u>1103</u>	<u>0.5765</u>	<u>0.5076</u>	<u>0.4447</u>	<u>0.517</u>
<u>1104</u>	<u>0.4306</u>	<u>0.3808</u>	<u>0.3361</u>	<u>0.550</u>
<u>1105</u>	<u>0.6303</u>	<u>0.5548</u>	<u>0.4863</u>	<u>0.539</u>
<u>1106</u>	<u>0.2653</u>	<u>0.2348</u>	<u>0.2076</u>	<u>0.560</u>
<u>1108</u>	<u>0.3894</u>	<u>0.3438</u>	<u>0.3026</u>	<u>0.542</u>
<u>1109</u>	<u>0.7059</u>	<u>0.6237</u>	<u>0.5497</u>	<u>0.539</u>
<u>1301</u>	<u>0.3668</u>	<u>0.3237</u>	<u>0.2844</u>	<u>0.518</u>
<u>1303</u>	<u>0.1586</u>	<u>0.1396</u>	<u>0.1224</u>	<u>0.553</u>
<u>1304</u>	<u>0.0206</u>	<u>0.0181</u>	<u>0.0160</u>	<u>0.540</u>
<u>1305</u>	<u>0.3648</u>	<u>0.3222</u>	<u>0.2834</u>	<u>0.513</u>
<u>1401</u>	<u>0.5168</u>	<u>0.4571</u>	<u>0.4025</u>	<u>0.490</u>
<u>1404</u>	<u>0.4942</u>	<u>0.4347</u>	<u>0.3806</u>	<u>0.531</u>
<u>1405</u>	<u>0.3820</u>	<u>0.3384</u>	<u>0.2984</u>	<u>0.471</u>
<u>1501</u>	<u>0.3563</u>	<u>0.3134</u>	<u>0.2745</u>	<u>0.542</u>
<u>1507</u>	<u>0.3100</u>	<u>0.2726</u>	<u>0.2391</u>	<u>0.574</u>
<u>1701</u>	<u>0.6740</u>	<u>0.5962</u>	<u>0.5236</u>	<u>0.435</u>
<u>1702</u>	<u>1.5412</u>	<u>1.3618</u>	<u>1.1908</u>	<u>0.379</u>
<u>1703</u>	<u>0.2958</u>	<u>0.2606</u>	<u>0.2280</u>	<u>0.486</u>
<u>1704</u>	<u>0.6740</u>	<u>0.5962</u>	<u>0.5236</u>	<u>0.435</u>
<u>1801</u>	<u>0.8102</u>	<u>0.7167</u>	<u>0.6285</u>	<u>0.399</u>
<u>1802</u>	<u>0.8688</u>	<u>0.7662</u>	<u>0.6711</u>	<u>0.467</u>
<u>2002</u>	<u>0.5156</u>	<u>0.4550</u>	<u>0.4003</u>	<u>0.553</u>
<u>2004</u>	<u>0.5744</u>	<u>0.5053</u>	<u>0.4436</u>	<u>0.594</u>
<u>2005</u>	<u>0.3048</u>	<u>0.2694</u>	<u>0.2375</u>	<u>0.547</u>
<u>2007</u>	<u>0.4205</u>	<u>0.3714</u>	<u>0.3267</u>	<u>0.505</u>
<u>2008</u>	<u>0.2465</u>	<u>0.2177</u>	<u>0.1913</u>	<u>0.514</u>
<u>2009</u>	<u>0.3048</u>	<u>0.2694</u>	<u>0.2375</u>	<u>0.547</u>
<u>2101</u>	<u>0.5388</u>	<u>0.4754</u>	<u>0.4175</u>	<u>0.506</u>
<u>2102</u>	<u>0.3938</u>	<u>0.3476</u>	<u>0.3062</u>	<u>0.555</u>
<u>2104</u>	<u>0.2363</u>	<u>0.2086</u>	<u>0.1840</u>	<u>0.591</u>
<u>2105</u>	<u>0.5279</u>	<u>0.4637</u>	<u>0.4055</u>	<u>0.546</u>

Expected Loss Rates and D-Ratios  
for Indicated Fiscal Year

Expected Loss Rates in Dollars Per Worker Hour

<u>Class</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>D-Ratio</u>
<u>0101</u>	<u>1.2466</u>	<u>1.1000</u>	<u>0.9613</u>	<u>0.403</u>
<u>0102</u>	<u>1.1733</u>	<u>1.0355</u>	<u>0.9056</u>	<u>0.399</u>
<u>0103</u>	<u>1.4475</u>	<u>1.2718</u>	<u>1.1087</u>	<u>0.485</u>
<u>0104</u>	<u>0.8593</u>	<u>0.7578</u>	<u>0.6622</u>	<u>0.424</u>
<u>0105</u>	<u>1.1912</u>	<u>1.0501</u>	<u>0.9203</u>	<u>0.487</u>
<u>0106</u>	<u>1.2466</u>	<u>1.1000</u>	<u>0.9613</u>	<u>0.380</u>
<u>0107</u>	<u>1.0964</u>	<u>0.9653</u>	<u>0.8420</u>	<u>0.434</u>
<u>0108</u>	<u>0.8593</u>	<u>0.7578</u>	<u>0.6622</u>	<u>0.424</u>
<u>0109</u>	<u>1.4979</u>	<u>1.3207</u>	<u>1.1524</u>	<u>0.396</u>
<u>0112</u>	<u>0.6590</u>	<u>0.5816</u>	<u>0.5089</u>	<u>0.426</u>
<u>0201</u>	<u>2.5760</u>	<u>2.2771</u>	<u>1.9911</u>	<u>0.363</u>
<u>0202</u>	<u>2.5760</u>	<u>2.2771</u>	<u>1.9911</u>	<u>0.363</u>
<u>0210</u>	<u>0.8654</u>	<u>0.7638</u>	<u>0.6678</u>	<u>0.409</u>
<u>0212</u>	<u>0.8654</u>	<u>0.7638</u>	<u>0.6678</u>	<u>0.409</u>
<u>0214</u>	<u>1.0974</u>	<u>0.9666</u>	<u>0.8443</u>	<u>0.449</u>
<u>0217</u>	<u>1.1733</u>	<u>1.0355</u>	<u>0.9056</u>	<u>0.417</u>
<u>0219</u>	<u>1.0422</u>	<u>0.9203</u>	<u>0.8053</u>	<u>0.412</u>
<u>0301</u>	<u>0.6237</u>	<u>0.5505</u>	<u>0.4839</u>	<u>0.513</u>
<u>0302</u>	<u>1.7171</u>	<u>1.5135</u>	<u>1.3198</u>	<u>0.391</u>
<u>0303</u>	<u>1.5225</u>	<u>1.3399</u>	<u>1.1675</u>	<u>0.421</u>
<u>0306</u>	<u>0.8816</u>	<u>0.7766</u>	<u>0.6783</u>	<u>0.447</u>
<u>0307</u>	<u>0.6672</u>	<u>0.5875</u>	<u>0.5141</u>	<u>0.496</u>
<u>0308</u>	<u>0.5334</u>	<u>0.4696</u>	<u>0.4121</u>	<u>0.557</u>
<u>0403</u>	<u>1.3217</u>	<u>1.1666</u>	<u>1.0224</u>	<u>0.453</u>
<u>0502</u>	<u>1.2872</u>	<u>1.1329</u>	<u>0.9871</u>	<u>0.421</u>
<u>0504</u>	<u>1.2647</u>	<u>1.1175</u>	<u>0.9785</u>	<u>0.404</u>
<u>0506</u>	<u>3.9607</u>	<u>3.4963</u>	<u>3.0532</u>	<u>0.379</u>
<u>0507</u>	<u>2.8965</u>	<u>2.5584</u>	<u>2.2412</u>	<u>0.424</u>
<u>0508</u>	<u>2.8356</u>	<u>2.5017</u>	<u>2.1792</u>	<u>0.347</u>
<u>0509</u>	<u>1.5018</u>	<u>1.3261</u>	<u>1.1599</u>	<u>0.402</u>
<u>0510</u>	<u>1.2892</u>	<u>1.1370</u>	<u>0.9950</u>	<u>0.449</u>
<u>0511</u>	<u>1.0237</u>	<u>0.9002</u>	<u>0.7867</u>	<u>0.509</u>
<u>0512</u>	<u>1.3688</u>	<u>1.2046</u>	<u>1.0513</u>	<u>0.461</u>
<u>0513</u>	<u>0.6329</u>	<u>0.5566</u>	<u>0.4860</u>	<u>0.482</u>
<u>0514</u>	<u>1.2710</u>	<u>1.1202</u>	<u>0.9815</u>	<u>0.492</u>

PROPOSED

<u>2106</u>	<u>0.3014</u>	<u>0.2667</u>	<u>0.2353</u>	<u>0.517</u>	<u>3902</u>	<u>0.3633</u>	<u>0.3208</u>	<u>0.2825</u>	<u>0.547</u>
<u>2201</u>	<u>0.2273</u>	<u>0.2005</u>	<u>0.1762</u>	<u>0.519</u>	<u>3903</u>	<u>1.0603</u>	<u>0.9402</u>	<u>0.8316</u>	<u>0.511</u>
<u>2202</u>	<u>0.5107</u>	<u>0.4489</u>	<u>0.3938</u>	<u>0.600</u>	<u>3905</u>	<u>0.1525</u>	<u>0.1349</u>	<u>0.1194</u>	<u>0.607</u>
<u>2203</u>	<u>0.3018</u>	<u>0.2659</u>	<u>0.2338</u>	<u>0.594</u>	<u>3906</u>	<u>0.3943</u>	<u>0.3478</u>	<u>0.3058</u>	<u>0.541</u>
<u>2204</u>	<u>0.1559</u>	<u>0.1375</u>	<u>0.1209</u>	<u>0.519</u>	<u>3909</u>	<u>0.1621</u>	<u>0.1431</u>	<u>0.1262</u>	<u>0.588</u>
<u>2401</u>	<u>0.3539</u>	<u>0.3135</u>	<u>0.2773</u>	<u>0.533</u>	<u>4002</u>	<u>0.7520</u>	<u>0.6600</u>	<u>0.5758</u>	<u>0.528</u>
<u>2903</u>	<u>0.5758</u>	<u>0.5080</u>	<u>0.4472</u>	<u>0.566</u>	<u>4101</u>	<u>0.2046</u>	<u>0.1803</u>	<u>0.1586</u>	<u>0.562</u>
<u>2904</u>	<u>0.6928</u>	<u>0.6136</u>	<u>0.5410</u>	<u>0.484</u>	<u>4103</u>	<u>0.2494</u>	<u>0.2190</u>	<u>0.1924</u>	<u>0.664</u>
<u>2905</u>	<u>0.4317</u>	<u>0.3803</u>	<u>0.3345</u>	<u>0.594</u>	<u>4107</u>	<u>0.1324</u>	<u>0.1167</u>	<u>0.1028</u>	<u>0.572</u>
<u>2906</u>	<u>0.2980</u>	<u>0.2626</u>	<u>0.2302</u>	<u>0.529</u>	<u>4108</u>	<u>0.1480</u>	<u>0.1308</u>	<u>0.1152</u>	<u>0.510</u>
<u>2907</u>	<u>0.4653</u>	<u>0.4105</u>	<u>0.3609</u>	<u>0.545</u>	<u>4109</u>	<u>0.2034</u>	<u>0.1796</u>	<u>0.1581</u>	<u>0.561</u>
<u>2908</u>	<u>0.8630</u>	<u>0.7608</u>	<u>0.6674</u>	<u>0.507</u>	<u>4201</u>	<u>0.3554</u>	<u>0.3113</u>	<u>0.2710</u>	<u>0.544</u>
<u>2909</u>	<u>0.4054</u>	<u>0.3576</u>	<u>0.3147</u>	<u>0.562</u>	<u>4301</u>	<u>0.6614</u>	<u>0.5853</u>	<u>0.5165</u>	<u>0.519</u>
<u>3101</u>	<u>0.6780</u>	<u>0.5998</u>	<u>0.5266</u>	<u>0.427</u>	<u>4302</u>	<u>0.4942</u>	<u>0.4344</u>	<u>0.3799</u>	<u>0.525</u>
<u>3102</u>	<u>0.2260</u>	<u>0.1997</u>	<u>0.1759</u>	<u>0.517</u>	<u>4304</u>	<u>0.6057</u>	<u>0.5343</u>	<u>0.4697</u>	<u>0.539</u>
<u>3103</u>	<u>0.7195</u>	<u>0.6365</u>	<u>0.5592</u>	<u>0.437</u>	<u>4305</u>	<u>0.7998</u>	<u>0.7028</u>	<u>0.6141</u>	<u>0.530</u>
<u>3104</u>	<u>0.4508</u>	<u>0.3965</u>	<u>0.3463</u>	<u>0.488</u>	<u>4401</u>	<u>0.3882</u>	<u>0.3442</u>	<u>0.3039</u>	<u>0.468</u>
<u>3105</u>	<u>0.7006</u>	<u>0.6165</u>	<u>0.5405</u>	<u>0.548</u>	<u>4402</u>	<u>0.6103</u>	<u>0.5387</u>	<u>0.4741</u>	<u>0.552</u>
<u>3303</u>	<u>0.2227</u>	<u>0.1967</u>	<u>0.1732</u>	<u>0.547</u>	<u>4404</u>	<u>0.3688</u>	<u>0.3263</u>	<u>0.2876</u>	<u>0.505</u>
<u>3304</u>	<u>0.5016</u>	<u>0.4432</u>	<u>0.3906</u>	<u>0.552</u>	<u>4501</u>	<u>0.1274</u>	<u>0.1128</u>	<u>0.0997</u>	<u>0.538</u>
<u>3309</u>	<u>0.3570</u>	<u>0.3151</u>	<u>0.2776</u>	<u>0.560</u>	<u>4502</u>	<u>0.0383</u>	<u>0.0339</u>	<u>0.0298</u>	<u>0.550</u>
<u>3401</u>	<u>0.3418</u>	<u>0.3016</u>	<u>0.2648</u>	<u>0.510</u>	<u>4504</u>	<u>0.0867</u>	<u>0.0766</u>	<u>0.0676</u>	<u>0.632</u>
<u>3402</u>	<u>0.4031</u>	<u>0.3552</u>	<u>0.3118</u>	<u>0.537</u>	<u>4601</u>	<u>0.5595</u>	<u>0.4944</u>	<u>0.4354</u>	<u>0.526</u>
<u>3403</u>	<u>0.1857</u>	<u>0.1644</u>	<u>0.1446</u>	<u>0.463</u>	<u>4802</u>	<u>0.2025</u>	<u>0.1791</u>	<u>0.1579</u>	<u>0.531</u>
<u>3404</u>	<u>0.3917</u>	<u>0.3453</u>	<u>0.3035</u>	<u>0.562</u>	<u>4803</u>	<u>0.1855</u>	<u>0.1640</u>	<u>0.1448</u>	<u>0.576</u>
<u>3405</u>	<u>0.2299</u>	<u>0.2026</u>	<u>0.1777</u>	<u>0.530</u>	<u>4804</u>	<u>0.4761</u>	<u>0.4200</u>	<u>0.3698</u>	<u>0.574</u>
<u>3406</u>	<u>0.2135</u>	<u>0.1884</u>	<u>0.1659</u>	<u>0.574</u>	<u>4805</u>	<u>0.2793</u>	<u>0.2469</u>	<u>0.2176</u>	<u>0.520</u>
<u>3407</u>	<u>0.3115</u>	<u>0.2740</u>	<u>0.2401</u>	<u>0.565</u>	<u>4806</u>	<u>0.0522</u>	<u>0.0462</u>	<u>0.0408</u>	<u>0.514</u>
<u>3408</u>	<u>0.0995</u>	<u>0.0880</u>	<u>0.0775</u>	<u>0.523</u>	<u>4808</u>	<u>0.4093</u>	<u>0.3614</u>	<u>0.3173</u>	<u>0.480</u>
<u>3409</u>	<u>0.0928</u>	<u>0.0818</u>	<u>0.0721</u>	<u>0.590</u>	<u>4809</u>	<u>0.2254</u>	<u>0.1986</u>	<u>0.1748</u>	<u>0.595</u>
<u>3410</u>	<u>0.1967</u>	<u>0.1738</u>	<u>0.1537</u>	<u>0.600</u>	<u>4810</u>	<u>0.1321</u>	<u>0.1172</u>	<u>0.1038</u>	<u>0.555</u>
<u>3411</u>	<u>0.3418</u>	<u>0.3016</u>	<u>0.2648</u>	<u>0.510</u>	<u>4811</u>	<u>0.2125</u>	<u>0.1879</u>	<u>0.1659</u>	<u>0.570</u>
<u>3412</u>	<u>0.3437</u>	<u>0.3026</u>	<u>0.2650</u>	<u>0.530</u>	<u>4812</u>	<u>0.2853</u>	<u>0.2515</u>	<u>0.2212</u>	<u>0.544</u>
<u>3413</u>	<u>0.4775</u>	<u>0.4211</u>	<u>0.3697</u>	<u>0.520</u>	<u>4813</u>	<u>0.1782</u>	<u>0.1581</u>	<u>0.1400</u>	<u>0.498</u>
<u>3414</u>	<u>0.4405</u>	<u>0.3891</u>	<u>0.3419</u>	<u>0.497</u>	<u>4900</u>	<u>0.4339</u>	<u>0.3829</u>	<u>0.3355</u>	<u>0.452</u>
<u>3415</u>	<u>0.4609</u>	<u>0.4069</u>	<u>0.3575</u>	<u>0.503</u>	<u>4901</u>	<u>0.0440</u>	<u>0.0387</u>	<u>0.0340</u>	<u>0.557</u>
<u>3501</u>	<u>0.7988</u>	<u>0.7061</u>	<u>0.6203</u>	<u>0.454</u>	<u>4902</u>	<u>0.0648</u>	<u>0.0570</u>	<u>0.0500</u>	<u>0.590</u>
<u>3503</u>	<u>0.2687</u>	<u>0.2380</u>	<u>0.2111</u>	<u>0.593</u>	<u>4903</u>	<u>0.0509</u>	<u>0.0449</u>	<u>0.0393</u>	<u>0.562</u>
<u>3506</u>	<u>0.8200</u>	<u>0.7196</u>	<u>0.6256</u>	<u>0.469</u>	<u>4904</u>	<u>0.0239</u>	<u>0.0211</u>	<u>0.0187</u>	<u>0.594</u>
<u>3509</u>	<u>0.3517</u>	<u>0.3092</u>	<u>0.2716</u>	<u>0.616</u>	<u>4905</u>	<u>0.2529</u>	<u>0.2235</u>	<u>0.1975</u>	<u>0.605</u>
<u>3510</u>	<u>0.3807</u>	<u>0.3355</u>	<u>0.2949</u>	<u>0.566</u>	<u>4906</u>	<u>0.0701</u>	<u>0.0617</u>	<u>0.0542</u>	<u>0.571</u>
<u>3511</u>	<u>0.5319</u>	<u>0.4692</u>	<u>0.4128</u>	<u>0.552</u>	<u>4907</u>	<u>0.0562</u>	<u>0.0497</u>	<u>0.0438</u>	<u>0.531</u>
<u>3512</u>	<u>0.3386</u>	<u>0.2993</u>	<u>0.2645</u>	<u>0.593</u>	<u>4908</u>	<u>0.1076</u>	<u>0.0961</u>	<u>0.0863</u>	<u>0.642</u>
<u>3513</u>	<u>0.3869</u>	<u>0.3414</u>	<u>0.3004</u>	<u>0.559</u>	<u>4909</u>	<u>0.0489</u>	<u>0.0438</u>	<u>0.0392</u>	<u>0.604</u>
<u>3602</u>	<u>0.1113</u>	<u>0.0982</u>	<u>0.0866</u>	<u>0.596</u>	<u>4910</u>	<u>0.3542</u>	<u>0.3129</u>	<u>0.2757</u>	<u>0.534</u>
<u>3603</u>	<u>0.4156</u>	<u>0.3669</u>	<u>0.3234</u>	<u>0.572</u>	<u>5001</u>	<u>4.0070</u>	<u>3.5355</u>	<u>3.0856</u>	<u>0.379</u>
<u>3604</u>	<u>1.1753</u>	<u>1.0337</u>	<u>0.9064</u>	<u>0.578</u>	<u>5002</u>	<u>0.4430</u>	<u>0.3897</u>	<u>0.3414</u>	<u>0.554</u>
<u>3605</u>	<u>0.4184</u>	<u>0.3686</u>	<u>0.3235</u>	<u>0.540</u>	<u>5003</u>	<u>1.2631</u>	<u>1.1147</u>	<u>0.9740</u>	<u>0.402</u>
<u>3701</u>	<u>0.2260</u>	<u>0.1997</u>	<u>0.1759</u>	<u>0.517</u>	<u>5004</u>	<u>1.2376</u>	<u>1.0952</u>	<u>0.9642</u>	<u>0.472</u>
<u>3702</u>	<u>0.3842</u>	<u>0.3378</u>	<u>0.2960</u>	<u>0.573</u>	<u>5005</u>	<u>0.9987</u>	<u>0.8821</u>	<u>0.7716</u>	<u>0.394</u>
<u>3707</u>	<u>0.5050</u>	<u>0.4501</u>	<u>0.4002</u>	<u>0.456</u>	<u>5006</u>	<u>1.2562</u>	<u>1.1066</u>	<u>0.9658</u>	<u>0.425</u>
<u>3708</u>	<u>0.3737</u>	<u>0.3297</u>	<u>0.2901</u>	<u>0.550</u>	<u>5101</u>	<u>0.7334</u>	<u>0.6452</u>	<u>0.5671</u>	<u>0.617</u>
<u>3801</u>	<u>0.1642</u>	<u>0.1450</u>	<u>0.1278</u>	<u>0.563</u>	<u>5103</u>	<u>0.6624</u>	<u>0.5843</u>	<u>0.5146</u>	<u>0.582</u>
<u>3802</u>	<u>0.1642</u>	<u>0.1450</u>	<u>0.1278</u>	<u>0.563</u>	<u>5106</u>	<u>0.6624</u>	<u>0.5843</u>	<u>0.5146</u>	<u>0.582</u>
<u>3808</u>	<u>0.3183</u>	<u>0.2809</u>	<u>0.2465</u>	<u>0.503</u>	<u>5108</u>	<u>0.5017</u>	<u>0.4432</u>	<u>0.3900</u>	<u>0.531</u>
<u>3901</u>	<u>0.1525</u>	<u>0.1349</u>	<u>0.1194</u>	<u>0.607</u>	<u>5109</u>	<u>0.5959</u>	<u>0.5257</u>	<u>0.4607</u>	<u>0.476</u>

<u>5201</u>	<u>0.2822</u>	<u>0.2485</u>	<u>0.2177</u>	<u>0.540</u>	<u>6607</u>	<u>0.1287</u>	<u>0.1136</u>	<u>0.1002</u>	<u>0.603</u>
<u>5204</u>	<u>0.8022</u>	<u>0.7086</u>	<u>0.6223</u>	<u>0.474</u>	<u>6608</u>	<u>0.2548</u>	<u>0.2244</u>	<u>0.1965</u>	<u>0.495</u>
<u>5206</u>	<u>0.4339</u>	<u>0.3829</u>	<u>0.3355</u>	<u>0.452</u>	<u>6620</u>	<u>1.0541</u>	<u>0.9282</u>	<u>0.8149</u>	<u>0.569</u>
<u>5207</u>	<u>0.1491</u>	<u>0.1316</u>	<u>0.1163</u>	<u>0.640</u>	<u>6704</u>	<u>0.1058</u>	<u>0.0934</u>	<u>0.0825</u>	<u>0.566</u>
<u>5208</u>	<u>0.7399</u>	<u>0.6524</u>	<u>0.5725</u>	<u>0.519</u>	<u>6705</u>	<u>0.6722</u>	<u>0.5947</u>	<u>0.5265</u>	<u>0.611</u>
<u>5209</u>	<u>0.6211</u>	<u>0.5473</u>	<u>0.4802</u>	<u>0.537</u>	<u>6706</u>	<u>0.3468</u>	<u>0.3074</u>	<u>0.2723</u>	<u>0.568</u>
<u>5301</u>	<u>0.0287</u>	<u>0.0253</u>	<u>0.0223</u>	<u>0.569</u>	<u>6707</u>	<u>1.4847</u>	<u>1.3105</u>	<u>1.1563</u>	<u>0.601</u>
<u>5305</u>	<u>0.0421</u>	<u>0.0371</u>	<u>0.0327</u>	<u>0.628</u>	<u>6708</u>	<u>5.5467</u>	<u>4.9618</u>	<u>4.4312</u>	<u>0.456</u>
<u>5306</u>	<u>0.0416</u>	<u>0.0367</u>	<u>0.0324</u>	<u>0.552</u>	<u>6709</u>	<u>0.1673</u>	<u>0.1478</u>	<u>0.1307</u>	<u>0.640</u>
<u>5307</u>	<u>0.3032</u>	<u>0.2668</u>	<u>0.2338</u>	<u>0.541</u>	<u>6801</u>	<u>0.2157</u>	<u>0.1898</u>	<u>0.1665</u>	<u>0.564</u>
<u>6103</u>	<u>0.0635</u>	<u>0.0562</u>	<u>0.0498</u>	<u>0.631</u>	<u>6802</u>	<u>0.3797</u>	<u>0.3354</u>	<u>0.2963</u>	<u>0.609</u>
<u>6104</u>	<u>0.2394</u>	<u>0.2111</u>	<u>0.1859</u>	<u>0.593</u>	<u>6803</u>	<u>0.7304</u>	<u>0.6441</u>	<u>0.5599</u>	<u>0.339</u>
<u>6105</u>	<u>0.1706</u>	<u>0.1507</u>	<u>0.1326</u>	<u>0.528</u>	<u>6804</u>	<u>0.1877</u>	<u>0.1652</u>	<u>0.1449</u>	<u>0.596</u>
<u>6107</u>	<u>0.1027</u>	<u>0.0910</u>	<u>0.0806</u>	<u>0.592</u>	<u>6809</u>	<u>4.2268</u>	<u>3.7523</u>	<u>3.3374</u>	<u>0.605</u>
<u>6108</u>	<u>0.4194</u>	<u>0.3705</u>	<u>0.3269</u>	<u>0.581</u>	<u>6901</u>	<u>0.0370</u>	<u>0.0335</u>	<u>0.0308</u>	<u>0.716</u>
<u>6109</u>	<u>0.0618</u>	<u>0.0546</u>	<u>0.0481</u>	<u>0.517</u>	<u>6902</u>	<u>0.7066</u>	<u>0.6231</u>	<u>0.5437</u>	<u>0.395</u>
<u>6110</u>	<u>0.3668</u>	<u>0.3235</u>	<u>0.2844</u>	<u>0.555</u>	<u>6903</u>	<u>3.6518</u>	<u>3.2407</u>	<u>2.8433</u>	<u>0.334</u>
<u>6201</u>	<u>0.2646</u>	<u>0.2332</u>	<u>0.2044</u>	<u>0.512</u>	<u>6904</u>	<u>0.1990</u>	<u>0.1745</u>	<u>0.1527</u>	<u>0.603</u>
<u>6202</u>	<u>0.5467</u>	<u>0.4842</u>	<u>0.4269</u>	<u>0.483</u>	<u>6905</u>	<u>0.2501</u>	<u>0.2199</u>	<u>0.1929</u>	<u>0.590</u>
<u>6203</u>	<u>0.0710</u>	<u>0.0626</u>	<u>0.0555</u>	<u>0.656</u>	<u>6906</u>	<u>0.1165</u>	<u>0.1058</u>	<u>0.0972</u>	<u>0.683</u>
<u>6204</u>	<u>0.1423</u>	<u>0.1258</u>	<u>0.1113</u>	<u>0.593</u>	<u>6907</u>	<u>0.9630</u>	<u>0.8477</u>	<u>0.7430</u>	<u>0.533</u>
<u>6205</u>	<u>0.1930</u>	<u>0.1702</u>	<u>0.1501</u>	<u>0.590</u>	<u>6908</u>	<u>0.4092</u>	<u>0.3609</u>	<u>0.3172</u>	<u>0.545</u>
<u>6206</u>	<u>0.1614</u>	<u>0.1424</u>	<u>0.1254</u>	<u>0.595</u>	<u>6909</u>	<u>0.0889</u>	<u>0.0785</u>	<u>0.0691</u>	<u>0.593</u>
<u>6207</u>	<u>1.2029</u>	<u>1.0678</u>	<u>0.9488</u>	<u>0.578</u>	<u>7101</u>	<u>0.0268</u>	<u>0.0237</u>	<u>0.0210</u>	<u>0.490</u>
<u>6208</u>	<u>0.2575</u>	<u>0.2291</u>	<u>0.2038</u>	<u>0.553</u>	<u>7102</u>	<u>3.4640</u>	<u>3.0938</u>	<u>2.7727</u>	<u>0.585</u>
<u>6209</u>	<u>0.2290</u>	<u>0.2026</u>	<u>0.1791</u>	<u>0.569</u>	<u>7103</u>	<u>0.2711</u>	<u>0.2391</u>	<u>0.2096</u>	<u>0.504</u>
<u>6301</u>	<u>0.1219</u>	<u>0.1078</u>	<u>0.0947</u>	<u>0.436</u>	<u>7104</u>	<u>0.0229</u>	<u>0.0202</u>	<u>0.0178</u>	<u>0.604</u>
<u>6302</u>	<u>0.1477</u>	<u>0.1309</u>	<u>0.1157</u>	<u>0.506</u>	<u>7105</u>	<u>0.0229</u>	<u>0.0202</u>	<u>0.0178</u>	<u>0.618</u>
<u>6303</u>	<u>0.0635</u>	<u>0.0561</u>	<u>0.0495</u>	<u>0.517</u>	<u>7106</u>	<u>0.1301</u>	<u>0.1149</u>	<u>0.1011</u>	<u>0.551</u>
<u>6304</u>	<u>0.1759</u>	<u>0.1556</u>	<u>0.1375</u>	<u>0.602</u>	<u>7107</u>	<u>0.2250</u>	<u>0.1985</u>	<u>0.1749</u>	<u>0.583</u>
<u>6305</u>	<u>0.0680</u>	<u>0.0601</u>	<u>0.0530</u>	<u>0.592</u>	<u>7108</u>	<u>0.1743</u>	<u>0.1540</u>	<u>0.1362</u>	<u>0.645</u>
<u>6306</u>	<u>0.2471</u>	<u>0.2180</u>	<u>0.1917</u>	<u>0.557</u>	<u>7109</u>	<u>0.1508</u>	<u>0.1334</u>	<u>0.1179</u>	<u>0.594</u>
<u>6308</u>	<u>0.0451</u>	<u>0.0398</u>	<u>0.0350</u>	<u>0.568</u>	<u>7110</u>	<u>0.2580</u>	<u>0.2274</u>	<u>0.1992</u>	<u>0.505</u>
<u>6309</u>	<u>0.1218</u>	<u>0.1077</u>	<u>0.0951</u>	<u>0.577</u>	<u>7111</u>	<u>0.3597</u>	<u>0.3179</u>	<u>0.2801</u>	<u>0.543</u>
<u>6402</u>	<u>0.2459</u>	<u>0.2165</u>	<u>0.1903</u>	<u>0.584</u>	<u>7112</u>	<u>0.5052</u>	<u>0.4451</u>	<u>0.3909</u>	<u>0.560</u>
<u>6403</u>	<u>0.1775</u>	<u>0.1570</u>	<u>0.1389</u>	<u>0.562</u>	<u>7113</u>	<u>0.5133</u>	<u>0.4519</u>	<u>0.3963</u>	<u>0.550</u>
<u>6404</u>	<u>0.1588</u>	<u>0.1403</u>	<u>0.1239</u>	<u>0.586</u>	<u>7114</u>	<u>0.6847</u>	<u>0.6032</u>	<u>0.5324</u>	<u>0.666</u>
<u>6405</u>	<u>0.4947</u>	<u>0.4365</u>	<u>0.3835</u>	<u>0.515</u>	<u>7115</u>	<u>0.4596</u>	<u>0.4048</u>	<u>0.3558</u>	<u>0.598</u>
<u>6406</u>	<u>0.0645</u>	<u>0.0570</u>	<u>0.0502</u>	<u>0.635</u>	<u>7116</u>	<u>0.4297</u>	<u>0.3794</u>	<u>0.3339</u>	<u>0.541</u>
<u>6407</u>	<u>0.1999</u>	<u>0.1765</u>	<u>0.1557</u>	<u>0.567</u>	<u>7117</u>	<u>0.9950</u>	<u>0.8765</u>	<u>0.7718</u>	<u>0.605</u>
<u>6408</u>	<u>0.2902</u>	<u>0.2552</u>	<u>0.2239</u>	<u>0.590</u>	<u>7118</u>	<u>1.7351</u>	<u>1.5296</u>	<u>1.3446</u>	<u>0.569</u>
<u>6409</u>	<u>0.4775</u>	<u>0.4211</u>	<u>0.3697</u>	<u>0.520</u>	<u>7119</u>	<u>1.6187</u>	<u>1.4225</u>	<u>1.2455</u>	<u>0.567</u>
<u>6410</u>	<u>0.1479</u>	<u>0.1308</u>	<u>0.1155</u>	<u>0.543</u>	<u>7120</u>	<u>4.2908</u>	<u>3.8002</u>	<u>3.3528</u>	<u>0.500</u>
<u>6501</u>	<u>0.0941</u>	<u>0.0827</u>	<u>0.0726</u>	<u>0.618</u>	<u>7121</u>	<u>4.5012</u>	<u>3.9769</u>	<u>3.4986</u>	<u>0.508</u>
<u>6502</u>	<u>0.0259</u>	<u>0.0229</u>	<u>0.0202</u>	<u>0.545</u>	<u>7201</u>	<u>0.8716</u>	<u>0.7651</u>	<u>0.6676</u>	<u>0.523</u>
<u>6503</u>	<u>0.0605</u>	<u>0.0534</u>	<u>0.0467</u>	<u>0.480</u>	<u>7202</u>	<u>0.0395</u>	<u>0.0350</u>	<u>0.0308</u>	<u>0.498</u>
<u>6504</u>	<u>0.3565</u>	<u>0.3157</u>	<u>0.2797</u>	<u>0.593</u>	<u>7203</u>	<u>0.1122</u>	<u>0.0997</u>	<u>0.0886</u>	<u>0.565</u>
<u>6505</u>	<u>0.0912</u>	<u>0.0810</u>	<u>0.0718</u>	<u>0.540</u>	<u>7204</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.0000</u>	<u>0.500</u>
<u>6506</u>	<u>0.0750</u>	<u>0.0663</u>	<u>0.0586</u>	<u>0.548</u>	<u>7301</u>	<u>0.4802</u>	<u>0.4233</u>	<u>0.3712</u>	<u>0.510</u>
<u>6508</u>	<u>0.3045</u>	<u>0.2695</u>	<u>0.2380</u>	<u>0.543</u>	<u>7302</u>	<u>0.5918</u>	<u>0.5235</u>	<u>0.4621</u>	<u>0.541</u>
<u>6509</u>	<u>0.2308</u>	<u>0.2042</u>	<u>0.1806</u>	<u>0.562</u>	<u>7307</u>	<u>0.5426</u>	<u>0.4792</u>	<u>0.4226</u>	<u>0.569</u>
<u>6601</u>	<u>0.1683</u>	<u>0.1490</u>	<u>0.1319</u>	<u>0.565</u>	<u>7308</u>	<u>0.1941</u>	<u>0.1712</u>	<u>0.1512</u>	<u>0.651</u>
<u>6602</u>	<u>0.4087</u>	<u>0.3609</u>	<u>0.3177</u>	<u>0.541</u>	<u>7309</u>	<u>0.1673</u>	<u>0.1478</u>	<u>0.1307</u>	<u>0.640</u>
<u>6603</u>	<u>0.2921</u>	<u>0.2580</u>	<u>0.2271</u>	<u>0.558</u>					
<u>6604</u>	<u>0.0566</u>	<u>0.0503</u>	<u>0.0446</u>	<u>0.499</u>					
<u>6605</u>	<u>0.2883</u>	<u>0.2539</u>	<u>0.2242</u>	<u>0.692</u>					

**Expected Loss Rates in Dollars Per Sq. Ft. of Wallboard Installed**

Class	1994	1995	1996	D-Ratio
0522	0.0195	0.0172	0.0150	0.402
0523	0.0123	0.0108	0.0094	0.408
0524	0.0116	0.0102	0.0089	0.402
0525	0.0081	0.0071	0.0062	0.408
0526	0.0075	0.0066	0.0058	0.408
0527	0.0005	0.0005	0.0004	0.408
0528	0.0019	0.0017	0.0015	0.402
0529	0.0013	0.0011	0.0010	0.402
0530	0.0176	0.0155	0.0135	0.402
0531	0.0114	0.0101	0.0088	0.408
0532	0.0008	0.0007	0.0006	0.408
0533	0.0029	0.0026	0.0022	0.402
0534	0.0019	0.0017	0.0015	0.402
7900	0.0129	0.0113	0.0099	0.402
7901	0.0081	0.0071	0.0062	0.408

15,607	17,118	0.65
17,119	18,804	0.64
18,805	20,686	0.63
20,687	22,791	0.62
22,792	25,151	0.61
25,152 & Over		0.60))

**Maximum experience modifications for firms with no compensable accidents:**

Expected Loss Range	Maximum Experience Modification
2,412 & Lower	0.90
2,413 - 2,581	0.89
2,582 - 2,763	0.88
2,764 - 2,961	0.87
2,962 - 3,175	0.86
3,176 - 3,408	0.85
3,409 - 3,661	0.84
3,662 - 3,935	0.83
3,936 - 4,235	0.82
4,236 - 4,561	0.81
4,562 - 4,917	0.80
4,918 - 5,305	0.79
5,306 - 5,730	0.78
5,731 - 6,195	0.77
6,196 - 6,705	0.76
6,706 - 7,265	0.75
7,266 - 7,879	0.74
7,880 - 8,555	0.73
8,556 - 9,300	0.72
9,301 - 10,122	0.71
10,123 - 11,029	0.70
11,030 - 12,033	0.69
12,034 - 13,145	0.68
13,146 - 14,378	0.67
14,379 - 15,749	0.66
15,750 - 17,275	0.65
17,276 - 18,976	0.64
18,977 - 20,875	0.63
20,876 - 23,000	0.62
23,001 - 25,381	0.61
25,382 & Higher	0.60

AMENDATORY SECTION (Amending WSR 96-24-063, filed 11/29/96, effective 1/1/97)

**WAC 296-17-890 Table IV.**

**(Maximum experience modifications for firms with no compensable accidents:**

Expected Loss Range	Maximum Experience Modification
2,390 & Under	0.90
2,391 - 2,557	0.89
2,558 - 2,738	0.88
2,739 - 2,934	0.87
2,935 - 3,146	0.86
3,147 - 3,377	0.85
3,378 - 3,627	0.84
3,628 - 3,900	0.83
3,901 - 4,196	0.82
4,197 - 4,520	0.81
4,521 - 4,872	0.80
4,873 - 5,257	0.79
5,258 - 5,678	0.78
5,679 - 6,139	0.77
6,140 - 6,645	0.76
6,646 - 7,199	0.75
7,200 - 7,808	0.74
7,809 - 8,478	0.73
8,479 - 9,216	0.72
9,217 - 10,030	0.71
10,031 - 10,929	0.70
10,930 - 11,924	0.69
11,925 - 13,026	0.68
13,027 - 14,248	0.67
14,249 - 15,606	0.66

AMENDATORY SECTION (Amending WSR 96-24-063, filed 11/29/96, effective 1/1/97)

**WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry.** Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

PROPOSED

((Base Rates Effective  
January 1, 1997

Class	Accident Fund	Medical Aid Fund
0101	1.5284	0.6576
0103	1.8039	0.7776
0104	2.0738	0.8005
0105	1.3518	0.7237
0107	1.4288	0.5714
0108	0.9797	0.4344
0112	0.8968	0.3928
0201	3.2960	1.3652
0202	3.6474	1.3598
0210	1.2042	0.5030
0212	1.2042	0.5030
0214	1.4072	0.6157
0217	1.4957	0.6481
0219	1.3834	0.6005
0301	0.6216	0.4050
0302	2.2789	0.8065
0303	1.8192	0.7072
0306	1.0362	0.4780
0307	0.7634	0.4078
0308	0.5925	0.3773
0403	1.5506	0.8034
0502	1.5907	0.6157
0504	1.5084	0.6745
0506	5.0289	1.9040
0507	3.4581	1.6503
0508	3.7671	1.1583
0509	1.9145	0.8131
0510	1.4680	0.7083
0511	1.0935	0.5687
0512	1.7165	0.7717
0513	0.7723	0.3488
0514	1.4660	0.7626
0515	3.3477	1.2473
0516	1.4680	0.7083
0517	1.6604	0.9330
0518	1.8200	0.7101
0519	1.7768	0.9583
0520	1.8128	0.6863
0521	1.5084	0.6745
0601	0.6813	0.3460
0602	0.4181	0.2200
0603	1.0580	0.4234
0604	1.2431	0.7449
0606	0.2621	0.1922
0607	0.3019	0.1996
0608	0.2823	0.2027
0701	2.7323	0.6956
0803	0.3437	0.2072
0901	1.6513	0.7497
1002	0.7443	0.4545

1003	0.7438	0.4271
1004	0.5316	0.2868
1005	6.4948	2.4545
1007	0.3643	0.1886
1101	0.4926	0.3441
1102	1.3327	0.6391
1103	0.6001	0.3503
1104	0.4197	0.3391
1105	0.6101	0.3816
1106	0.2163	0.1915
1108	0.3756	0.2809
1109	0.6495	0.4996
1301	0.3557	0.2384
1303	0.1684	0.1043
1304	0.0194	0.0151
1305	0.3575	0.2451
1401	0.5395	0.3599
1404	0.5237	0.3065
1405	0.4108	0.2745
1501	0.3832	0.2297
1507	0.3022	0.2027
1701	1.8764	0.7061
1702	1.9066	0.7767
1703	0.3302	0.1731
1704	0.7850	0.4207
1801	0.9256	0.4395
1802	1.0978	0.5272
2002	0.4980	0.3612
2004	0.5489	0.3856
2007	0.4285	0.2943
2008	0.2526	0.1637
2009	0.2830	0.2197
2101	0.5825	0.3586
2102	0.3718	0.2843
2104	0.2126	0.1794
2105	0.5291	0.2919
2106	0.2841	0.2154
2201	0.2432	0.1509
2202	0.5131	0.3715
2203	0.2722	0.2167
2204	0.1201	0.0746
2401	0.3463	0.2843
2903	0.5752	0.4247
2904	0.6545	0.4614
2905	0.4105	0.3155
2906	0.3172	0.1859
2907	0.4576	0.3201
2908	0.9132	0.5596
2909	0.4257	0.3077
3101	0.8156	0.4235
3102	0.2382	0.1658
3103	0.7741	0.4115
3104	0.5196	0.2506
3105	0.7566	0.4667
3303	0.2110	0.1562
3304	0.4966	0.3656

PROPOSED

<del>3309</del>	<del>0.3414</del>	<del>0.2669</del>	<del>4601</del>	<del>0.5431</del>	<del>0.3957</del>
<del>3402</del>	<del>0.4472</del>	<del>0.2799</del>	<del>4802</del>	<del>0.1898</del>	<del>0.1463</del>
<del>3403</del>	<del>0.1985</del>	<del>0.1220</del>	<del>4803</del>	<del>0.1724</del>	<del>0.1489</del>
<del>3404</del>	<del>0.4016</del>	<del>0.2799</del>	<del>4804</del>	<del>0.4302</del>	<del>0.3499</del>
<del>3405</del>	<del>0.2677</del>	<del>0.1564</del>	<del>4805</del>	<del>0.2774</del>	<del>0.2007</del>
<del>3406</del>	<del>0.2002</del>	<del>0.1590</del>	<del>4806</del>	<del>0.0516</del>	<del>0.0402</del>
<del>3407</del>	<del>0.2991</del>	<del>0.1982</del>	<del>4808</del>	<del>0.4348</del>	<del>0.2501</del>
<del>3408</del>	<del>0.0913</del>	<del>0.0675</del>	<del>4809</del>	<del>0.2100</del>	<del>0.1655</del>
<del>3409</del>	<del>0.0824</del>	<del>0.0689</del>	<del>4810</del>	<del>0.1133</del>	<del>0.1086</del>
<del>3410</del>	<del>0.1878</del>	<del>0.1829</del>	<del>4811</del>	<del>0.1989</del>	<del>0.1650</del>
<del>3411</del>	<del>0.3682</del>	<del>0.2278</del>	<del>4812</del>	<del>0.2839</del>	<del>0.1955</del>
<del>3412</del>	<del>0.3603</del>	<del>0.2097</del>	<del>4813</del>	<del>0.1788</del>	<del>0.1426</del>
<del>3413</del>	<del>0.4701</del>	<del>0.3048</del>	<del>4900</del>	<del>0.5158</del>	<del>0.2659</del>
<del>3414</del>	<del>0.4171</del>	<del>0.2575</del>	<del>4901</del>	<del>0.0466</del>	<del>0.0293</del>
<del>3415</del>	<del>0.4110</del>	<del>0.2574</del>	<del>4902</del>	<del>0.0641</del>	<del>0.0421</del>
<del>3501</del>	<del>0.8851</del>	<del>0.5045</del>	<del>4903</del>	<del>0.0488</del>	<del>0.0328</del>
<del>3503</del>	<del>0.2247</del>	<del>0.2443</del>	<del>4904</del>	<del>0.0210</del>	<del>0.0179</del>
<del>3506</del>	<del>0.9924</del>	<del>0.3799</del>	<del>4905</del>	<del>0.1993</del>	<del>0.2016</del>
<del>3509</del>	<del>0.3422</del>	<del>0.2589</del>	<del>4906</del>	<del>0.0683</del>	<del>0.0476</del>
<del>3510</del>	<del>0.3757</del>	<del>0.2705</del>	<del>4907</del>	<del>0.0558</del>	<del>0.0404</del>
<del>3511</del>	<del>0.5356</del>	<del>0.3728</del>	<del>4908</del>	<del>0.0545</del>	<del>0.1144</del>
<del>3512</del>	<del>0.2977</del>	<del>0.2751</del>	<del>4909</del>	<del>0.0273</del>	<del>0.0509</del>
<del>3513</del>	<del>0.3756</del>	<del>0.2738</del>	<del>4910</del>	<del>0.3391</del>	<del>0.2535</del>
<del>3602</del>	<del>0.0986</del>	<del>0.0830</del>	<del>5001</del>	<del>5.0373</del>	<del>1.8388</del>
<del>3603</del>	<del>0.3695</del>	<del>0.3134</del>	<del>5002</del>	<del>0.4688</del>	<del>0.2893</del>
<del>3604</del>	<del>1.2415</del>	<del>0.7937</del>	<del>5003</del>	<del>1.5822</del>	<del>0.6453</del>
<del>3605</del>	<del>0.4361</del>	<del>0.2770</del>	<del>5004</del>	<del>1.3848</del>	<del>0.8786</del>
<del>3701</del>	<del>0.2382</del>	<del>0.1658</del>	<del>5005</del>	<del>1.3375</del>	<del>0.5676</del>
<del>3702</del>	<del>0.4290</del>	<del>0.2627</del>	<del>5006</del>	<del>1.5086</del>	<del>0.6119</del>
<del>3707</del>	<del>0.4295</del>	<del>0.4103</del>	<del>5101</del>	<del>0.6913</del>	<del>0.5363</del>
<del>3708</del>	<del>0.3372</del>	<del>0.2517</del>	<del>5103</del>	<del>0.5860</del>	<del>0.4745</del>
<del>3802</del>	<del>0.1553</del>	<del>0.1219</del>	<del>5106</del>	<del>0.6678</del>	<del>0.4921</del>
<del>3808</del>	<del>0.3120</del>	<del>0.1984</del>	<del>5108</del>	<del>0.5160</del>	<del>0.3395</del>
<del>3901</del>	<del>0.1596</del>	<del>0.1214</del>	<del>5109</del>	<del>0.6670</del>	<del>0.3593</del>
<del>3902</del>	<del>0.3435</del>	<del>0.2686</del>	<del>5201</del>	<del>0.3027</del>	<del>0.1820</del>
<del>3903</del>	<del>0.9691</del>	<del>0.8072</del>	<del>5204</del>	<del>0.9110</del>	<del>0.5287</del>
<del>3905</del>	<del>0.1228</del>	<del>0.1271</del>	<del>5206</del>	<del>0.5158</del>	<del>0.2659</del>
<del>3906</del>	<del>0.4369</del>	<del>0.2940</del>	<del>5207</del>	<del>0.1201</del>	<del>0.1239</del>
<del>3909</del>	<del>0.1552</del>	<del>0.1300</del>	<del>5208</del>	<del>0.7899</del>	<del>0.4796</del>
<del>4002</del>	<del>0.8271</del>	<del>0.4193</del>	<del>5209</del>	<del>0.6225</del>	<del>0.4031</del>
<del>4101</del>	<del>0.2006</del>	<del>0.1458</del>	<del>5301</del>	<del>0.0274</del>	<del>0.0213</del>
<del>4103</del>	<del>0.2373</del>	<del>0.1974</del>	<del>5305</del>	<del>0.0351</del>	<del>0.0316</del>
<del>4107</del>	<del>0.1310</del>	<del>0.1041</del>	<del>5306</del>	<del>0.0408</del>	<del>0.0322</del>
<del>4108</del>	<del>0.1463</del>	<del>0.1043</del>	<del>5307</del>	<del>0.3128</del>	<del>0.1864</del>
<del>4109</del>	<del>0.1959</del>	<del>0.1495</del>	<del>6103</del>	<del>0.0463</del>	<del>0.0548</del>
<del>4201</del>	<del>0.4054</del>	<del>0.1867</del>	<del>6104</del>	<del>0.2150</del>	<del>0.1771</del>
<del>4301</del>	<del>0.6134</del>	<del>0.4503</del>	<del>6105</del>	<del>0.1661</del>	<del>0.1172</del>
<del>4302</del>	<del>0.5830</del>	<del>0.3055</del>	<del>6107</del>	<del>0.0909</del>	<del>0.0872</del>
<del>4304</del>	<del>0.5936</del>	<del>0.4136</del>	<del>6108</del>	<del>0.3895</del>	<del>0.3273</del>
<del>4305</del>	<del>0.8727</del>	<del>0.4694</del>	<del>6109</del>	<del>0.0583</del>	<del>0.0427</del>
<del>4401</del>	<del>0.3919</del>	<del>0.2777</del>	<del>6110</del>	<del>0.3924</del>	<del>0.2782</del>
<del>4402</del>	<del>0.5856</del>	<del>0.4370</del>	<del>6201</del>	<del>0.2685</del>	<del>0.1638</del>
<del>4404</del>	<del>0.3788</del>	<del>0.2604</del>	<del>6202</del>	<del>0.5482</del>	<del>0.3709</del>
<del>4501</del>	<del>0.1189</del>	<del>0.0963</del>	<del>6203</del>	<del>0.0602</del>	<del>0.0614</del>
<del>4502</del>	<del>0.0360</del>	<del>0.0276</del>	<del>6204</del>	<del>0.1293</del>	<del>0.1202</del>
<del>4504</del>	<del>0.0707</del>	<del>0.0705</del>	<del>6205</del>	<del>0.1727</del>	<del>0.1443</del>

PROPOSED

<del>6206</del>	<del>0.1497</del>	<del>0.1259</del>
<del>6207</del>	<del>0.8884</del>	<del>1.0118</del>
<del>6208</del>	<del>0.1935</del>	<del>0.2164</del>
<del>6209</del>	<del>0.1951</del>	<del>0.1771</del>
<del>6301</del>	<del>0.1276</del>	<del>0.0736</del>
<del>6302</del>	<del>0.1365</del>	<del>0.1108</del>
<del>6303</del>	<del>0.0638</del>	<del>0.0472</del>
<del>6304</del>	<del>0.1513</del>	<del>0.1494</del>
<del>6305</del>	<del>0.0614</del>	<del>0.0532</del>
<del>6306</del>	<del>0.2458</del>	<del>0.1785</del>
<del>6308</del>	<del>0.0494</del>	<del>0.0364</del>
<del>6309</del>	<del>0.1278</del>	<del>0.1114</del>
<del>6402</del>	<del>0.2659</del>	<del>0.1886</del>
<del>6403</del>	<del>0.1685</del>	<del>0.1489</del>
<del>6404</del>	<del>0.1429</del>	<del>0.1333</del>
<del>6405</del>	<del>0.5141</del>	<del>0.3315</del>
<del>6406</del>	<del>0.0645</del>	<del>0.0599</del>
<del>6407</del>	<del>0.1780</del>	<del>0.1466</del>
<del>6408</del>	<del>0.3057</del>	<del>0.2137</del>
<del>6409</del>	<del>0.4860</del>	<del>0.3151</del>
<del>6410</del>	<del>0.1317</del>	<del>0.1083</del>
<del>6501</del>	<del>0.0838</del>	<del>0.0641</del>
<del>6502</del>	<del>0.0226</del>	<del>0.0198</del>
<del>6503</del>	<del>0.0680</del>	<del>0.0352</del>
<del>6504</del>	<del>0.3109</del>	<del>0.3130</del>
<del>6505</del>	<del>0.0761</del>	<del>0.0753</del>
<del>6506</del>	<del>0.0714</del>	<del>0.0613</del>
<del>6508</del>	<del>0.2942</del>	<del>0.2392</del>
<del>6509</del>	<del>0.1907</del>	<del>0.1739</del>
<del>6601</del>	<del>0.1507</del>	<del>0.1383</del>
<del>6602</del>	<del>0.4000</del>	<del>0.2930</del>
<del>6603</del>	<del>0.2668</del>	<del>0.2088</del>
<del>6604</del>	<del>0.0510</del>	<del>0.0448</del>
<del>6605</del>	<del>0.2375</del>	<del>0.2494</del>
<del>6607</del>	<del>0.1124</del>	<del>0.1015</del>
<del>6608</del>	<del>0.2879</del>	<del>0.1536</del>
<del>6614</del>	<del>372.0000*</del>	<del>217.0000*</del>
<del>6615</del>	<del>278.0000*</del>	<del>161.0000*</del>
<del>6616</del>	<del>34.0000*</del>	<del>20.0000*</del>
<del>6617</del>	<del>28.0000*</del>	<del>16.0000*</del>
<del>6618</del>	<del>94.0000*</del>	<del>55.0000*</del>
<del>6620</del>	<del>0.6810</del>	<del>0.6322</del>
<del>6704</del>	<del>0.1022</del>	<del>0.0824</del>
<del>6705</del>	<del>0.5533</del>	<del>0.5731</del>
<del>6706</del>	<del>0.2891</del>	<del>0.2844</del>
<del>6707</del>	<del>1.3310</del>	<del>1.1849</del>
<del>6708</del>	<del>4.1011</del>	<del>4.7507</del>
<del>6709</del>	<del>0.1314</del>	<del>0.1374</del>
<del>6801</del>	<del>0.2204</del>	<del>0.1435</del>
<del>6802</del>	<del>0.3132</del>	<del>0.2999</del>
<del>6803</del>	<del>1.1025</del>	<del>0.2476</del>
<del>6804</del>	<del>0.1739</del>	<del>0.1235</del>
<del>6809</del>	<del>2.5413</del>	<del>3.7493</del>
<del>6901</del>	<del>0.0000</del>	<del>0.0484</del>
<del>6902</del>	<del>0.8800</del>	<del>0.3206</del>
<del>6903</del>	<del>4.0921</del>	<del>1.8944</del>

<del>6904</del>	<del>0.2104</del>	<del>0.1349</del>
<del>6905</del>	<del>0.2511</del>	<del>0.1734</del>
<del>6906</del>	<del>0.0000</del>	<del>0.1734</del>
<del>6907</del>	<del>1.0926</del>	<del>0.6283</del>
<del>6908</del>	<del>0.3666</del>	<del>0.2592</del>
<del>6909</del>	<del>0.0823</del>	<del>0.0691</del>
<del>7101</del>	<del>0.0252</del>	<del>0.0201</del>
<del>7102</del>	<del>2.0668</del>	<del>3.5188</del>
<del>7103</del>	<del>0.2902</del>	<del>0.1744</del>
<del>7104</del>	<del>0.0223</del>	<del>0.0200</del>
<del>7105</del>	<del>0.0232</del>	<del>0.0195</del>
<del>7106</del>	<del>0.1506</del>	<del>0.0992</del>
<del>7107</del>	<del>0.2428</del>	<del>0.1779</del>
<del>7108</del>	<del>0.1549</del>	<del>0.1495</del>
<del>7109</del>	<del>0.1552</del>	<del>0.1371</del>
<del>7110</del>	<del>0.3306</del>	<del>0.1785</del>
<del>7111</del>	<del>0.4028</del>	<del>0.2875</del>
<del>7112</del>	<del>0.5938</del>	<del>0.3703</del>
<del>7113</del>	<del>0.6320</del>	<del>0.3506</del>
<del>7114</del>	<del>0.6055</del>	<del>0.5832</del>
<del>7115</del>	<del>0.5147</del>	<del>0.3519</del>
<del>7116</del>	<del>0.5109</del>	<del>0.3328</del>
<del>7117</del>	<del>1.0937</del>	<del>0.9112</del>
<del>7118</del>	<del>2.2986</del>	<del>1.4431</del>
<del>7119</del>	<del>1.9808</del>	<del>1.1324</del>
<del>7120</del>	<del>5.0889</del>	<del>3.4241</del>
<del>7121</del>	<del>5.5421</del>	<del>3.4196</del>
<del>7201</del>	<del>1.0292</del>	<del>0.4999</del>
<del>7202</del>	<del>0.0431</del>	<del>0.0304</del>
<del>7203</del>	<del>0.0875</del>	<del>0.0996</del>
<del>7204</del>	<del>0.0000</del>	<del>0.0000</del>
<del>7301</del>	<del>0.5272</del>	<del>0.3083</del>
<del>7302</del>	<del>0.5139</del>	<del>0.4399</del>
<del>7307</del>	<del>0.5336</del>	<del>0.4249</del>
<del>7308</del>	<del>0.1417</del>	<del>0.1383</del>
<del>7309</del>	<del>0.1314</del>	<del>0.1374))</del>

Base Rates Effective  
January 1, 1998

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
<u>0101</u>	<u>1.6071</u>	<u>0.4584</u>
<u>0103</u>	<u>1.8351</u>	<u>0.5549</u>
<u>0104</u>	<u>1.0933</u>	<u>0.3245</u>
<u>0105</u>	<u>1.3874</u>	<u>0.5243</u>
<u>0107</u>	<u>1.4267</u>	<u>0.3972</u>
<u>0108</u>	<u>1.0933</u>	<u>0.3245</u>
<u>0112</u>	<u>0.8229</u>	<u>0.2575</u>
<u>0201</u>	<u>3.3774</u>	<u>0.9111</u>
<u>0202</u>	<u>3.3774</u>	<u>0.9111</u>
<u>0210</u>	<u>1.1029</u>	<u>0.3252</u>
<u>0212</u>	<u>1.1029</u>	<u>0.3252</u>
<u>0214</u>	<u>1.3827</u>	<u>0.4230</u>
<u>0217</u>	<u>1.4818</u>	<u>0.4490</u>
<u>0219</u>	<u>1.3064</u>	<u>0.4042</u>

<u>0301</u>	<u>0.6772</u>	<u>0.3016</u>	<u>1507</u>	<u>0.3343</u>	<u>0.1518</u>
<u>0302</u>	<u>2.3045</u>	<u>0.5805</u>	<u>1701</u>	<u>0.7855</u>	<u>0.2945</u>
<u>0303</u>	<u>2.0291</u>	<u>0.5249</u>	<u>1702</u>	<u>1.9988</u>	<u>0.5581</u>
<u>0306</u>	<u>1.1146</u>	<u>0.3373</u>	<u>1703</u>	<u>0.3545</u>	<u>0.1245</u>
<u>0307</u>	<u>0.7917</u>	<u>0.2849</u>	<u>1704</u>	<u>0.7855</u>	<u>0.2945</u>
<u>0308</u>	<u>0.5771</u>	<u>0.2602</u>	<u>1801</u>	<u>0.9945</u>	<u>0.3244</u>
<u>0403</u>	<u>1.5775</u>	<u>0.5574</u>	<u>1802</u>	<u>1.0362</u>	<u>0.3682</u>
<u>0502</u>	<u>1.7171</u>	<u>0.4424</u>	<u>2002</u>	<u>0.5301</u>	<u>0.2663</u>
<u>0504</u>	<u>1.5798</u>	<u>0.4930</u>	<u>2004</u>	<u>0.5979</u>	<u>0.2937</u>
<u>0506</u>	<u>5.2406</u>	<u>1.3770</u>	<u>2007</u>	<u>0.4532</u>	<u>0.2051</u>
<u>0507</u>	<u>3.5434</u>	<u>1.1731</u>	<u>2008</u>	<u>0.2661</u>	<u>0.1199</u>
<u>0508</u>	<u>3.9663</u>	<u>0.8627</u>	<u>2009</u>	<u>0.3035</u>	<u>0.1626</u>
<u>0509</u>	<u>1.9123</u>	<u>0.5650</u>	<u>2101</u>	<u>0.5968</u>	<u>0.2541</u>
<u>0510</u>	<u>1.5777</u>	<u>0.5226</u>	<u>2102</u>	<u>0.3980</u>	<u>0.2070</u>
<u>0511</u>	<u>1.2325</u>	<u>0.4282</u>	<u>2104</u>	<u>0.2239</u>	<u>0.1329</u>
<u>0512</u>	<u>1.7355</u>	<u>0.5221</u>	<u>2105</u>	<u>0.6125</u>	<u>0.2346</u>
<u>0513</u>	<u>0.7873</u>	<u>0.2504</u>	<u>2106</u>	<u>0.3038</u>	<u>0.1583</u>
<u>0514</u>	<u>1.4829</u>	<u>0.5566</u>	<u>2201</u>	<u>0.2459</u>	<u>0.1104</u>
<u>0515</u>	<u>3.6223</u>	<u>0.9275</u>	<u>2202</u>	<u>0.5350</u>	<u>0.2594</u>
<u>0516</u>	<u>1.5777</u>	<u>0.5226</u>	<u>2203</u>	<u>0.3038</u>	<u>0.1599</u>
<u>0517</u>	<u>1.7320</u>	<u>0.6778</u>	<u>2204</u>	<u>0.1687</u>	<u>0.0757</u>
<u>0518</u>	<u>1.9875</u>	<u>0.5183</u>	<u>2401</u>	<u>0.3349</u>	<u>0.1985</u>
<u>0519</u>	<u>1.9882</u>	<u>0.7142</u>	<u>2903</u>	<u>0.5826</u>	<u>0.3029</u>
<u>0520</u>	<u>1.9963</u>	<u>0.4853</u>	<u>2904</u>	<u>0.7225</u>	<u>0.3505</u>
<u>0521</u>	<u>1.5798</u>	<u>0.4930</u>	<u>2905</u>	<u>0.4304</u>	<u>0.2309</u>
<u>0601</u>	<u>0.6761</u>	<u>0.2363</u>	<u>2906</u>	<u>0.3346</u>	<u>0.1380</u>
<u>0602</u>	<u>0.4525</u>	<u>0.1620</u>	<u>2907</u>	<u>0.4882</u>	<u>0.2348</u>
<u>0603</u>	<u>1.0471</u>	<u>0.3055</u>	<u>2908</u>	<u>0.9739</u>	<u>0.3970</u>
<u>0604</u>	<u>1.2275</u>	<u>0.5245</u>	<u>2909</u>	<u>0.4137</u>	<u>0.2111</u>
<u>0606</u>	<u>0.2819</u>	<u>0.1426</u>	<u>3101</u>	<u>0.7987</u>	<u>0.2912</u>
<u>0607</u>	<u>0.3494</u>	<u>0.1473</u>	<u>3102</u>	<u>0.2363</u>	<u>0.1142</u>
<u>0608</u>	<u>0.2859</u>	<u>0.1445</u>	<u>3103</u>	<u>0.8335</u>	<u>0.3169</u>
<u>0701</u>	<u>2.7641</u>	<u>0.4866</u>	<u>3104</u>	<u>0.5547</u>	<u>0.1819</u>
<u>0803</u>	<u>0.3574</u>	<u>0.1508</u>	<u>3105</u>	<u>0.7748</u>	<u>0.3320</u>
<u>0901</u>	<u>1.9875</u>	<u>0.5183</u>	<u>3303</u>	<u>0.2273</u>	<u>0.1156</u>
<u>1002</u>	<u>0.7837</u>	<u>0.3358</u>	<u>3304</u>	<u>0.4970</u>	<u>0.2693</u>
<u>1003</u>	<u>0.7984</u>	<u>0.3224</u>	<u>3309</u>	<u>0.3577</u>	<u>0.1899</u>
<u>1004</u>	<u>0.5504</u>	<u>0.2067</u>	<u>3402</u>	<u>0.4396</u>	<u>0.1940</u>
<u>1005</u>	<u>7.1440</u>	<u>1.8946</u>	<u>3403</u>	<u>0.2054</u>	<u>0.0871</u>
<u>1007</u>	<u>0.3916</u>	<u>0.1343</u>	<u>3404</u>	<u>0.4086</u>	<u>0.1991</u>
<u>1101</u>	<u>0.5399</u>	<u>0.2486</u>	<u>3405</u>	<u>0.2559</u>	<u>0.1077</u>
<u>1102</u>	<u>1.4183</u>	<u>0.4572</u>	<u>3406</u>	<u>0.2107</u>	<u>0.1149</u>
<u>1103</u>	<u>0.6601</u>	<u>0.2607</u>	<u>3407</u>	<u>0.3416</u>	<u>0.1495</u>
<u>1104</u>	<u>0.4163</u>	<u>0.2370</u>	<u>3408</u>	<u>0.1010</u>	<u>0.0519</u>
<u>1105</u>	<u>0.7044</u>	<u>0.2947</u>	<u>3409</u>	<u>0.0901</u>	<u>0.0509</u>
<u>1106</u>	<u>0.2475</u>	<u>0.1509</u>	<u>3410</u>	<u>0.1772</u>	<u>0.1156</u>
<u>1108</u>	<u>0.4014</u>	<u>0.1999</u>	<u>3411</u>	<u>0.3785</u>	<u>0.1609</u>
<u>1109</u>	<u>0.7135</u>	<u>0.3709</u>	<u>3412</u>	<u>0.3913</u>	<u>0.1565</u>
<u>1301</u>	<u>0.3972</u>	<u>0.1783</u>	<u>3413</u>	<u>0.5270</u>	<u>0.2261</u>
<u>1303</u>	<u>0.1747</u>	<u>0.0756</u>	<u>3414</u>	<u>0.4856</u>	<u>0.2085</u>
<u>1304</u>	<u>0.0206</u>	<u>0.0109</u>	<u>3415</u>	<u>0.5075</u>	<u>0.2187</u>
<u>1305</u>	<u>0.3898</u>	<u>0.1799</u>	<u>3501</u>	<u>0.9144</u>	<u>0.3594</u>
<u>1401</u>	<u>0.5514</u>	<u>0.2549</u>	<u>3503</u>	<u>0.2242</u>	<u>0.1679</u>
<u>1404</u>	<u>0.5673</u>	<u>0.2228</u>	<u>3506</u>	<u>1.0939</u>	<u>0.2832</u>
<u>1405</u>	<u>0.4040</u>	<u>0.1894</u>	<u>3509</u>	<u>0.3560</u>	<u>0.1857</u>
<u>1501</u>	<u>0.4020</u>	<u>0.1644</u>	<u>3510</u>	<u>0.3964</u>	<u>0.1940</u>

<u>3511</u>	<u>0.5503</u>	<u>0.2730</u>	<u>4908</u>	<u>0.0572</u>	<u>0.0847</u>
<u>3512</u>	<u>0.3069</u>	<u>0.1978</u>	<u>4909</u>	<u>0.0286</u>	<u>0.0371</u>
<u>3513</u>	<u>0.3961</u>	<u>0.2007</u>	<u>4910</u>	<u>0.3621</u>	<u>0.1836</u>
<u>3602</u>	<u>0.1061</u>	<u>0.0622</u>	<u>5001</u>	<u>5.3508</u>	<u>1.3677</u>
<u>3603</u>	<u>0.4065</u>	<u>0.2264</u>	<u>5002</u>	<u>0.4919</u>	<u>0.2089</u>
<u>3604</u>	<u>1.2653</u>	<u>0.5772</u>	<u>5003</u>	<u>1.6322</u>	<u>0.4623</u>
<u>3605</u>	<u>0.4585</u>	<u>0.2005</u>	<u>5004</u>	<u>1.3436</u>	<u>0.5964</u>
<u>3701</u>	<u>0.2363</u>	<u>0.1142</u>	<u>5005</u>	<u>1.2765</u>	<u>0.3733</u>
<u>3702</u>	<u>0.4202</u>	<u>0.1849</u>	<u>5006</u>	<u>1.6270</u>	<u>0.4598</u>
<u>3707</u>	<u>0.4514</u>	<u>0.2969</u>	<u>5101</u>	<u>0.7303</u>	<u>0.3937</u>
<u>3708</u>	<u>0.3857</u>	<u>0.1919</u>	<u>5103</u>	<u>0.6538</u>	<u>0.3576</u>
<u>3802</u>	<u>0.1629</u>	<u>0.0881</u>	<u>5106</u>	<u>0.6538</u>	<u>0.3576</u>
<u>3808</u>	<u>0.3562</u>	<u>0.1478</u>	<u>5108</u>	<u>0.5240</u>	<u>0.2536</u>
<u>3901</u>	<u>0.1317</u>	<u>0.0926</u>	<u>5109</u>	<u>0.6986</u>	<u>0.2587</u>
<u>3902</u>	<u>0.3682</u>	<u>0.1905</u>	<u>5201</u>	<u>0.3163</u>	<u>0.1312</u>
<u>3903</u>	<u>1.0189</u>	<u>0.5842</u>	<u>5204</u>	<u>0.9080</u>	<u>0.3662</u>
<u>3905</u>	<u>0.1317</u>	<u>0.0926</u>	<u>5206</u>	<u>0.5219</u>	<u>0.1808</u>
<u>3906</u>	<u>0.4147</u>	<u>0.1984</u>	<u>5207</u>	<u>0.1289</u>	<u>0.0907</u>
<u>3909</u>	<u>0.1542</u>	<u>0.0907</u>	<u>5208</u>	<u>0.8234</u>	<u>0.3465</u>
<u>4002</u>	<u>0.9145</u>	<u>0.3110</u>	<u>5209</u>	<u>0.6803</u>	<u>0.2976</u>
<u>4101</u>	<u>0.2127</u>	<u>0.1045</u>	<u>5301</u>	<u>0.0287</u>	<u>0.0152</u>
<u>4103</u>	<u>0.2408</u>	<u>0.1385</u>	<u>5305</u>	<u>0.0390</u>	<u>0.0242</u>
<u>4107</u>	<u>0.1317</u>	<u>0.0708</u>	<u>5306</u>	<u>0.0412</u>	<u>0.0223</u>
<u>4108</u>	<u>0.1555</u>	<u>0.0741</u>	<u>5307</u>	<u>0.3396</u>	<u>0.1413</u>
<u>4109</u>	<u>0.2049</u>	<u>0.1074</u>	<u>6103</u>	<u>0.0529</u>	<u>0.0397</u>
<u>4201</u>	<u>0.4422</u>	<u>0.1418</u>	<u>6104</u>	<u>0.2333</u>	<u>0.1312</u>
<u>4301</u>	<u>0.6635</u>	<u>0.3496</u>	<u>6105</u>	<u>0.1800</u>	<u>0.0854</u>
<u>4302</u>	<u>0.5826</u>	<u>0.2142</u>	<u>6107</u>	<u>0.0883</u>	<u>0.0624</u>
<u>4304</u>	<u>0.6394</u>	<u>0.3038</u>	<u>6108</u>	<u>0.3969</u>	<u>0.2358</u>
<u>4305</u>	<u>0.9470</u>	<u>0.3447</u>	<u>6109</u>	<u>0.0641</u>	<u>0.0315</u>
<u>4401</u>	<u>0.3995</u>	<u>0.1990</u>	<u>6110</u>	<u>0.3812</u>	<u>0.1874</u>
<u>4402</u>	<u>0.6263</u>	<u>0.3155</u>	<u>6201</u>	<u>0.3014</u>	<u>0.1201</u>
<u>4404</u>	<u>0.3812</u>	<u>0.1883</u>	<u>6202</u>	<u>0.5730</u>	<u>0.2749</u>
<u>4501</u>	<u>0.1231</u>	<u>0.0700</u>	<u>6203</u>	<u>0.0591</u>	<u>0.0444</u>
<u>4502</u>	<u>0.0387</u>	<u>0.0201</u>	<u>6204</u>	<u>0.1284</u>	<u>0.0834</u>
<u>4504</u>	<u>0.0767</u>	<u>0.0517</u>	<u>6205</u>	<u>0.1867</u>	<u>0.1063</u>
<u>4601</u>	<u>0.5782</u>	<u>0.2869</u>	<u>6206</u>	<u>0.1564</u>	<u>0.0889</u>
<u>4802</u>	<u>0.2047</u>	<u>0.1064</u>	<u>6207</u>	<u>0.9751</u>	<u>0.7654</u>
<u>4803</u>	<u>0.1743</u>	<u>0.1049</u>	<u>6208</u>	<u>0.2087</u>	<u>0.1632</u>
<u>4804</u>	<u>0.4751</u>	<u>0.2542</u>	<u>6209</u>	<u>0.2111</u>	<u>0.1314</u>
<u>4805</u>	<u>0.2870</u>	<u>0.1439</u>	<u>6301</u>	<u>0.1426</u>	<u>0.0529</u>
<u>4806</u>	<u>0.0517</u>	<u>0.0279</u>	<u>6302</u>	<u>0.1442</u>	<u>0.0800</u>
<u>4808</u>	<u>0.4642</u>	<u>0.1864</u>	<u>6303</u>	<u>0.0651</u>	<u>0.0327</u>
<u>4809</u>	<u>0.2239</u>	<u>0.1211</u>	<u>6304</u>	<u>0.1710</u>	<u>0.1155</u>
<u>4810</u>	<u>0.1173</u>	<u>0.0783</u>	<u>6305</u>	<u>0.0656</u>	<u>0.0402</u>
<u>4811</u>	<u>0.2001</u>	<u>0.1199</u>	<u>6306</u>	<u>0.2547</u>	<u>0.1272</u>
<u>4812</u>	<u>0.3017</u>	<u>0.1426</u>	<u>6308</u>	<u>0.0521</u>	<u>0.0267</u>
<u>4813</u>	<u>0.1716</u>	<u>0.0981</u>	<u>6309</u>	<u>0.1348</u>	<u>0.0829</u>
<u>4900</u>	<u>0.5219</u>	<u>0.1808</u>	<u>6402</u>	<u>0.2712</u>	<u>0.1362</u>
<u>4901</u>	<u>0.0489</u>	<u>0.0207</u>	<u>6403</u>	<u>0.1718</u>	<u>0.1067</u>
<u>4902</u>	<u>0.0687</u>	<u>0.0324</u>	<u>6404</u>	<u>0.1604</u>	<u>0.0994</u>
<u>4903</u>	<u>0.0548</u>	<u>0.0249</u>	<u>6405</u>	<u>0.5424</u>	<u>0.2360</u>
<u>4904</u>	<u>0.0228</u>	<u>0.0134</u>	<u>6406</u>	<u>0.0622</u>	<u>0.0406</u>
<u>4905</u>	<u>0.2252</u>	<u>0.1500</u>	<u>6407</u>	<u>0.1950</u>	<u>0.1090</u>
<u>4906</u>	<u>0.0737</u>	<u>0.0353</u>	<u>6408</u>	<u>0.3073</u>	<u>0.1456</u>
<u>4907</u>	<u>0.0574</u>	<u>0.0292</u>	<u>6409</u>	<u>0.5270</u>	<u>0.2261</u>

<u>6410</u>	<u>0.1438</u>	<u>0.0806</u>
<u>6501</u>	<u>0.0962</u>	<u>0.0491</u>
<u>6502</u>	<u>0.0253</u>	<u>0.0141</u>
<u>6503</u>	<u>0.0728</u>	<u>0.0252</u>
<u>6504</u>	<u>0.3039</u>	<u>0.2187</u>
<u>6505</u>	<u>0.0798</u>	<u>0.0545</u>
<u>6506</u>	<u>0.0737</u>	<u>0.0441</u>
<u>6508</u>	<u>0.2925</u>	<u>0.1685</u>
<u>6509</u>	<u>0.2135</u>	<u>0.1322</u>
<u>6601</u>	<u>0.1525</u>	<u>0.0981</u>
<u>6602</u>	<u>0.4193</u>	<u>0.2114</u>
<u>6603</u>	<u>0.2957</u>	<u>0.1532</u>
<u>6604</u>	<u>0.0523</u>	<u>0.0323</u>
<u>6605</u>	<u>0.2417</u>	<u>0.1805</u>
<u>6607</u>	<u>0.1198</u>	<u>0.0735</u>
<u>6608</u>	<u>0.2993</u>	<u>0.1107</u>
<u>6614</u>	<u>399.0000*</u>	<u>460.0000*</u>
<u>6615</u>	<u>147.0000*</u>	<u>167.0000*</u>
<u>6616</u>	<u>125.0000*</u>	<u>144.0000*</u>
<u>6617</u>	<u>44.0000*</u>	<u>50.0000*</u>
<u>6618</u>	<u>70.0000*</u>	<u>79.0000*</u>
<u>6620</u>	<u>1.1163</u>	<u>0.5271</u>
<u>6704</u>	<u>0.1026</u>	<u>0.0580</u>
<u>6705</u>	<u>0.5747</u>	<u>0.4118</u>
<u>6706</u>	<u>0.3038</u>	<u>0.2076</u>
<u>6707</u>	<u>1.3843</u>	<u>0.8472</u>
<u>6708</u>	<u>4.4763</u>	<u>3.5090</u>
<u>6709</u>	<u>0.1414</u>	<u>0.1035</u>
<u>6801</u>	<u>0.2337</u>	<u>0.1047</u>
<u>6802</u>	<u>0.3428</u>	<u>0.2222</u>
<u>6803</u>	<u>1.0538</u>	<u>0.2027</u>
<u>6804</u>	<u>0.1957</u>	<u>0.0956</u>
<u>6809</u>	<u>3.2414</u>	<u>2.7886</u>
<u>6901</u>	<u>0.0000</u>	<u>0.0399</u>
<u>6902</u>	<u>0.9373</u>	<u>0.2451</u>
<u>6903</u>	<u>4.6292</u>	<u>1.3618</u>
<u>6904</u>	<u>0.2188</u>	<u>0.0954</u>
<u>6905</u>	<u>0.2642</u>	<u>0.1256</u>
<u>6906</u>	<u>0.0000</u>	<u>0.1256</u>
<u>6907</u>	<u>1.0827</u>	<u>0.4467</u>
<u>6908</u>	<u>0.4326</u>	<u>0.2047</u>
<u>6909</u>	<u>0.0866</u>	<u>0.0487</u>
<u>7101</u>	<u>0.0264</u>	<u>0.0144</u>
<u>7102</u>	<u>2.1732</u>	<u>2.5468</u>
<u>7103</u>	<u>0.3091</u>	<u>0.1232</u>
<u>7104</u>	<u>0.0204</u>	<u>0.0135</u>
<u>7105</u>	<u>0.0210</u>	<u>0.0132</u>
<u>7106</u>	<u>0.1334</u>	<u>0.0673</u>
<u>7107</u>	<u>0.2202</u>	<u>0.1226</u>
<u>7108</u>	<u>0.1487</u>	<u>0.1072</u>
<u>7109</u>	<u>0.1350</u>	<u>0.0890</u>
<u>7110</u>	<u>0.2958</u>	<u>0.1160</u>
<u>7111</u>	<u>0.3619</u>	<u>0.1902</u>
<u>7112</u>	<u>0.5361</u>	<u>0.2518</u>
<u>7113</u>	<u>0.5638</u>	<u>0.2450</u>
<u>7114</u>	<u>0.5968</u>	<u>0.4148</u>

<u>7115</u>	<u>0.4644</u>	<u>0.2423</u>
<u>7116</u>	<u>0.4441</u>	<u>0.2204</u>
<u>7117</u>	<u>0.9669</u>	<u>0.5481</u>
<u>7118</u>	<u>1.7933</u>	<u>0.8898</u>
<u>7119</u>	<u>1.8051</u>	<u>0.7607</u>
<u>7120</u>	<u>4.3722</u>	<u>2.2248</u>
<u>7121</u>	<u>4.8163</u>	<u>2.2131</u>
<u>7201</u>	<u>1.0637</u>	<u>0.3586</u>
<u>7202</u>	<u>0.0414</u>	<u>0.0199</u>
<u>7203</u>	<u>0.0914</u>	<u>0.0709</u>
<u>7204</u>	<u>0.0000</u>	<u>0.0000</u>
<u>7301</u>	<u>0.5428</u>	<u>0.2204</u>
<u>7302</u>	<u>0.5759</u>	<u>0.3230</u>
<u>7307</u>	<u>0.5278</u>	<u>0.2969</u>
<u>7308</u>	<u>0.1680</u>	<u>0.1181</u>
<u>7309</u>	<u>0.1414</u>	<u>0.1035</u>

\* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

**AMENDATORY SECTION** (Amending WSR 97-12-011, filed 5/27/97, effective 7/1/97)

**WAC 296-17-89502 Industrial insurance accident fund, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications.** The base rates as set forth below are for classifications whose premium rates are based on units other than hours worked.

((Base Rates Effective April 1, 1997

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>	<u>Supplemental Pension Fund</u>
<u>0522</u>	<u>0.0242</u>	<u>0.0090</u>	<u>0.0003</u>
<u>0523</u>	<u>0.0151</u>	<u>0.0059</u>	<u>0.0003</u>
<u>0524</u>	<u>0.0145</u>	<u>0.0054</u>	<u>0.0003</u>
<u>0525</u>	<u>0.0100</u>	<u>0.0039</u>	<u>0.0003</u>
<u>0526</u>	<u>0.0093</u>	<u>0.0036</u>	<u>0.0003</u>
<u>0527</u>	<u>0.0007</u>	<u>0.0003</u>	<u>0.0001</u>
<u>0528</u>	<u>0.0024</u>	<u>0.0009</u>	<u>0.0001</u>
<u>0529</u>	<u>0.0015</u>	<u>0.0006</u>	<u>0.0001</u>
<u>0530</u>	<u>0.0218</u>	<u>0.0081</u>	<u>0.0003</u>
<u>0531</u>	<u>0.0141</u>	<u>0.0055</u>	<u>0.0003</u>
<u>0532</u>	<u>0.0010</u>	<u>0.0004</u>	<u>0.0001</u>
<u>0533</u>	<u>0.0036</u>	<u>0.0014</u>	<u>0.0001</u>
<u>0534</u>	<u>0.0024</u>	<u>0.0009</u>	<u>0.0001</u> ))

Base Rates Effective January 1, 1998

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>	<u>Supplemental Pension Fund</u>
<u>0524</u>	<u>0.0155</u>	<u>0.0040</u>	<u>0.0004</u>
<u>0526</u>	<u>0.0102</u>	<u>0.0025</u>	<u>0.0004</u>
<u>0527</u>	<u>0.0007</u>	<u>0.0002</u>	<u>0.0001</u>
<u>0528</u>	<u>0.0025</u>	<u>0.0007</u>	<u>0.0001</u>
<u>0529</u>	<u>0.0017</u>	<u>0.0004</u>	<u>0.0001</u>

PROPOSED

<u>0530</u>	<u>0.0236</u>	<u>0.0059</u>	<u>0.0004</u>
<u>0531</u>	<u>0.0155</u>	<u>0.0038</u>	<u>0.0004</u>
<u>0532</u>	<u>0.0011</u>	<u>0.0003</u>	<u>0.0001</u>
<u>0533</u>	<u>0.0038</u>	<u>0.0011</u>	<u>0.0001</u>
<u>0534</u>	<u>0.0025</u>	<u>0.0007</u>	<u>0.0001</u>

<del>25</del>	<del>242,374</del>	<del>270,316</del>
<del>24</del>	<del>270,317</del>	<del>303,030</del>
<del>23</del>	<del>303,031</del>	<del>341,590</del>
<del>22</del>	<del>341,591</del>	<del>386,658</del>
<del>21</del>	<del>386,659</del>	<del>440,604</del>
<del>20</del>	<del>440,605</del>	<del>505,744</del>
<del>19</del>	<del>505,745</del>	<del>583,734</del>
<del>18</del>	<del>583,735</del>	<del>679,866</del>
<del>17</del>	<del>679,867</del>	<del>799,779</del>
<del>16</del>	<del>799,780</del>	<del>948,153</del>
<del>15</del>	<del>948,154</del>	<del>1,211,228</del>
<del>14</del>	<del>1,211,229</del>	<del>1,547,295</del>
<del>13</del>	<del>1,547,296</del>	<del>1,976,608</del>
<del>12</del>	<del>1,976,609</del>	<del>2,525,038</del>
<del>11</del>	<del>2,525,039</del>	<del>3,225,611</del>
<del>10</del>	<del>3,225,612</del>	<del>4,636,707</del>
<del>9</del>	<del>4,636,708</del>	<del>6,804,961</del>
<del>8</del>	<del>6,804,962</del>	<del>9,675,304</del>
<del>7</del>	<del>9,675,305</del>	<del>14,255,796</del>
<del>6</del>	<del>14,255,797</del>	<del>22,171,963</del>
<del>5</del>	<del>22,171,964</del>	<del>34,999,999</del>
<del>4</del>	<del>35,000,000</del>	<del>&amp; Over))</del>

AMENDATORY SECTION (Amending WSR 96-24-063, filed 11/29/96, effective 1/1/97)

**WAC 296-17-919 Table I.**

((RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B  
STANDARD PREMIUM SIZE RANGES  
Effective January 1, 1997

<u>Size</u>	<u>Standard</u>
<u>Group</u>	<u>Premium</u>
<u>Number</u>	<u>Range</u>
<del>63</del>	<del>\$ 3,676 - \$ 4,442</del>
<del>62</del>	<del>4,443 - 5,332</del>
<del>61</del>	<del>5,333 - 6,345</del>
<del>60</del>	<del>6,346 - 7,509</del>
<del>59</del>	<del>7,510 - 8,837</del>
<del>58</del>	<del>8,838 - 10,334</del>
<del>57</del>	<del>10,335 - 12,035</del>
<del>56</del>	<del>12,036 - 13,963</del>
<del>55</del>	<del>13,964 - 16,114</del>
<del>54</del>	<del>16,115 - 18,538</del>
<del>53</del>	<del>18,539 - 21,265</del>
<del>52</del>	<del>21,266 - 23,592</del>
<del>51</del>	<del>23,593 - 25,600</del>
<del>50</del>	<del>25,601 - 27,552</del>
<del>49</del>	<del>27,553 - 29,684</del>
<del>48</del>	<del>29,685 - 32,040</del>
<del>47</del>	<del>32,041 - 34,645</del>
<del>46</del>	<del>34,646 - 37,508</del>
<del>45</del>	<del>37,509 - 40,691</del>
<del>44</del>	<del>40,692 - 44,237</del>
<del>43</del>	<del>44,238 - 48,157</del>
<del>42</del>	<del>48,158 - 52,548</del>
<del>41</del>	<del>52,549 - 57,480</del>
<del>40</del>	<del>57,481 - 62,972</del>
<del>39</del>	<del>62,973 - 69,177</del>
<del>38</del>	<del>69,178 - 76,209</del>
<del>37</del>	<del>76,210 - 84,109</del>
<del>36</del>	<del>84,110 - 92,520</del>
<del>35</del>	<del>92,521 - 101,772</del>
<del>34</del>	<del>101,773 - 111,949</del>
<del>33</del>	<del>111,950 - 123,144</del>
<del>32</del>	<del>123,145 - 135,459</del>
<del>31</del>	<del>135,460 - 148,323</del>
<del>30</del>	<del>148,324 - 162,512</del>
<del>29</del>	<del>162,513 - 178,683</del>
<del>28</del>	<del>178,684 - 196,973</del>
<del>27</del>	<del>196,974 - 218,024</del>
<del>26</del>	<del>218,025 - 242,373</del>

RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B  
STANDARD PREMIUM SIZE RANGES  
Effective January 1, 1998

<u>Size</u>	<u>Standard</u>
<u>Group</u>	<u>Premium</u>
<u>Number</u>	<u>Range</u>
<u>63</u>	<u>\$ 3,389 - \$ 4,095</u>
<u>62</u>	<u>4,096 - 4,916</u>
<u>61</u>	<u>4,917 - 5,850</u>
<u>60</u>	<u>5,851 - 6,923</u>
<u>59</u>	<u>6,924 - 8,148</u>
<u>58</u>	<u>8,149 - 9,528</u>
<u>57</u>	<u>9,529 - 11,096</u>
<u>56</u>	<u>11,097 - 12,874</u>
<u>55</u>	<u>12,875 - 14,857</u>
<u>54</u>	<u>14,858 - 17,092</u>
<u>53</u>	<u>17,093 - 19,606</u>
<u>52</u>	<u>19,607 - 21,752</u>
<u>51</u>	<u>21,753 - 23,603</u>
<u>50</u>	<u>23,604 - 25,403</u>
<u>49</u>	<u>25,404 - 27,369</u>
<u>48</u>	<u>27,370 - 29,541</u>
<u>47</u>	<u>29,542 - 31,943</u>
<u>46</u>	<u>31,944 - 34,582</u>
<u>45</u>	<u>34,583 - 37,517</u>
<u>44</u>	<u>37,518 - 40,786</u>
<u>43</u>	<u>40,787 - 44,401</u>
<u>42</u>	<u>44,402 - 48,449</u>
<u>41</u>	<u>48,450 - 52,996</u>
<u>40</u>	<u>52,997 - 58,060</u>
<u>39</u>	<u>58,061 - 63,781</u>
<u>38</u>	<u>63,782 - 70,265</u>

PROPOSED

<u>37</u>	<u>70,266</u>	-	<u>77,548</u>	<u>20</u>	<u>406,238</u>	-	<u>466,296</u>
<u>36</u>	<u>77,549</u>	-	<u>85,303</u>	<u>19</u>	<u>466,297</u>	-	<u>538,203</u>
<u>35</u>	<u>85,304</u>	-	<u>93,834</u>	<u>18</u>	<u>538,204</u>	-	<u>626,836</u>
<u>34</u>	<u>93,835</u>	-	<u>103,217</u>	<u>17</u>	<u>626,837</u>	-	<u>737,396</u>
<u>33</u>	<u>103,218</u>	-	<u>113,539</u>	<u>16</u>	<u>737,397</u>	-	<u>874,197</u>
<u>32</u>	<u>113,540</u>	-	<u>124,893</u>	<u>15</u>	<u>874,198</u>	-	<u>1,116,752</u>
<u>31</u>	<u>124,894</u>	-	<u>136,754</u>	<u>14</u>	<u>1,116,753</u>	-	<u>1,426,606</u>
<u>30</u>	<u>136,755</u>	-	<u>149,836</u>	<u>13</u>	<u>1,426,607</u>	-	<u>1,822,433</u>
<u>29</u>	<u>149,837</u>	-	<u>164,746</u>	<u>12</u>	<u>1,822,434</u>	-	<u>2,328,085</u>
<u>28</u>	<u>164,747</u>	-	<u>181,609</u>	<u>11</u>	<u>2,328,086</u>	-	<u>2,974,013</u>
<u>27</u>	<u>181,610</u>	-	<u>201,018</u>	<u>10</u>	<u>2,974,014</u>	-	<u>4,275,044</u>
<u>26</u>	<u>201,019</u>	-	<u>223,468</u>	<u>9</u>	<u>4,275,045</u>	-	<u>6,274,174</u>
<u>25</u>	<u>223,469</u>	-	<u>249,231</u>	<u>8</u>	<u>6,274,175</u>	-	<u>8,920,630</u>
<u>24</u>	<u>249,232</u>	-	<u>279,394</u>	<u>7</u>	<u>8,920,631</u>	-	<u>13,143,844</u>
<u>23</u>	<u>279,395</u>	-	<u>314,946</u>	<u>6</u>	<u>13,143,845</u>	-	<u>20,442,550</u>
<u>22</u>	<u>314,947</u>	-	<u>356,499</u>	<u>5</u>	<u>20,442,551</u>	-	<u>32,269,999</u>
<u>21</u>	<u>356,500</u>	-	<u>406,237</u>	<u>4</u>	<u>32,270,000</u>	-	<u>&amp; Over</u>

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AMENDATORY SECTION (Amending WSR 96-24-063, filed 11/29/96, effective 1/1/97)

**WAC 296-17-91901 Table II.**

RETROSPECTIVE RATING PLAN A  
 BASIC PREMIUM RATIOS  
 LOSS CONVERSION FACTOR = .729  
 Effective January 1, (~~1997~~) 1998

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
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Size  
Group

63	.907	.856	.820	.791	.766	.745	.725	.708	.692	.677	.649	.625	.602	.563
62	.902	.850	.813	.783	.757	.735	.715	.698	.681	.666	.638	.612	.590	.550
61	.897	.844	.805	.774	.748	.726	.705	.687	.670	.654	.625	.600	.577	.536
60	.892	.838	.798	.766	.739	.716	.695	.676	.658	.642	.613	.587	.563	.522
59	.888	.831	.790	.758	.730	.706	.684	.665	.647	.630	.600	.574	.550	.508
58	.883	.825	.783	.749	.720	.696	.674	.654	.635	.618	.588	.561	.537	.495
57	.878	.818	.775	.740	.711	.686	.663	.643	.624	.607	.576	.548	.524	.482
56	.872	.810	.766	.731	.701	.675	.652	.631	.612	.594	.563	.535	.511	.468
55	.865	.802	.757	.721	.690	.664	.640	.619	.599	.582	.550	.522	.497	.455
54	.858	.794	.747	.710	.679	.652	.628	.607	.587	.569	.537	.509	.484	.442
53	.851	.785	.738	.700	.668	.641	.616	.595	.575	.556	.524	.496	.471	.429
52	.843	.776	.728	.690	.657	.629	.605	.582	.562	.544	.511	.483	.458	.417
51	.836	.767	.718	.679	.646	.618	.592	.570	.550	.531	.498	.470	.446	.405
50	.828	.758	.708	.668	.634	.605	.580	.557	.537	.518	.485	.457	.432	.392
49	.821	.748	.697	.656	.622	.593	.567	.544	.524	.505	.472	.444	.419	.379
48	.813	.739	.686	.645	.610	.581	.555	.531	.511	.492	.459	.431	.406	.367
47	.804	.729	.675	.633	.598	.568	.542	.519	.498	.479	.446	.418	.394	.355
46	.796	.718	.663	.620	.584	.554	.528	.505	.484	.465	.433	.406	.382	.344
45	.787	.707	.650	.607	.571	.541	.514	.491	.471	.452	.420	.394	.371	.334
44	.778	.695	.638	.594	.557	.527	.501	.478	.458	.440	.408	.382	.360	.324
43	.768	.683	.625	.580	.544	.514	.488	.465	.445	.427	.396	.371	.349	.314
42	.758	.671	.612	.567	.530	.500	.474	.451	.431	.413	.383	.357	.336	.301
41	.748	.659	.599	.554	.517	.486	.460	.437	.417	.399	.368	.343	.322	.288
40	.737	.647	.586	.540	.503	.472	.446	.423	.403	.385	.355	.330	.309	.276
39	.726	.635	.573	.526	.489	.458	.432	.409	.389	.372	.342	.317	.296	.264
38	.714	.622	.560	.513	.476	.445	.418	.396	.376	.359	.329	.305	.284	.252
37	.702	.608	.546	.499	.462	.431	.405	.383	.363	.346	.317	.293	.273	.242
36	.688	.594	.532	.485	.448	.417	.392	.369	.350	.333	.304	.281	.262	.231
35	.673	.578	.516	.469	.433	.402	.377	.355	.336	.320	.292	.269	.250	.221

34	.657	.562	.500	.454	.418	.388	.363	.342	.323	.307	.280	.258	.240	.211
33	.640	.546	.484	.439	.403	.374	.349	.329	.310	.295	.268	.247	.229	.202
32	.623	.529	.468	.424	.389	.360	.336	.316	.298	.283	.257	.237	.220	.193
31	.607	.512	.452	.408	.373	.345	.322	.302	.285	.270	.246	.226	.210	.185
30	.589	.495	.435	.392	.358	.331	.308	.289	.273	.259	.235	.216	.201	.178
29	.571	.478	.419	.377	.344	.317	.295	.277	.261	.247	.225	.207	.193	.171
28	.553	.461	.403	.361	.329	.303	.282	.264	.248	.235	.213	.195	.181	.160
27	.537	.446	.388	.346	.314	.288	.267	.248	.233	.219	.197	.179	.165	.143
26	.521	.430	.373	.331	.299	.273	.252	.234	.218	.205	.183	.165	.151	.129
25	.504	.414	.358	.317	.285	.259	.238	.220	.205	.192	.170	.152	.138	.117
24	.482	.394	.339	.300	.269	.245	.225	.208	.194	.181	.161	.145	.132	.113
23	.460	.374	.321	.283	.254	.231	.213	.197	.184	.172	.153	.138	.127	.109
22	.437	.355	.304	.268	.241	.219	.201	.187	.174	.163	.146	.132	.121	.105
21	.414	.336	.288	.254	.228	.208	.191	.177	.166	.156	.139	.127	.117	.102
20	.394	.318	.272	.239	.214	.194	.179	.166	.155	.145	.130	.119	.110	.096
19	.377	.301	.254	.222	.198	.179	.164	.152	.142	.133	.120	.109	.101	.089
18	.358	.283	.238	.207	.184	.166	.152	.140	.131	.123	.110	.101	.094	.083
17	.339	.266	.222	.192	.171	.154	.140	.130	.121	.114	.103	.094	.088	.079
16	.320	.249	.208	.179	.159	.143	.131	.121	.113	.106	.096	.088	.083	.075
15	.303	.234	.194	.168	.148	.134	.122	.113	.106	.100	.091	.084	.079	.072
14	.293	.220	.180	.157	.141	.128	.117	.109	.103	.097	.089	.082	.078	.071
13	.281	.204	.167	.148	.133	.122	.112	.105	.099	.094	.086	.081	.076	.070
12	.269	.187	.156	.139	.126	.116	.108	.101	.096	.091	.084	.079	.075	.069
11	.254	.167	.145	.130	.119	.110	.103	.097	.092	.088	.082	.077	.073	.068
10	.238	.150	.135	.122	.113	.105	.098	.093	.089	.085	.079	.075	.072	.067
9	.219	.138	.125	.115	.106	.100	.094	.089	.085	.082	.077	.073	.071	.066
8	.197	.127	.116	.107	.100	.094	.090	.086	.082	.079	.075	.072	.069	.065
7	.170	.117	.108	.100	.094	.089	.085	.082	.079	.077	.073	.070	.068	.064
6	.137	.107	.100	.094	.089	.085	.081	.078	.076	.074	.071	.068	.066	.064
5	.105	.098	.092	.087	.083	.080	.077	.075	.073	.071	.068	.066	.065	.063
4	.096	.089	.084	.081	.078	.076	.074	.072	.070	.068	.066	.065	.064	.063

**AMENDATORY SECTION** (Amending WSR 96-24-063, filed 11/29/96, effective 1/1/97)

**WAC 296-17-91902 Table III.**

RETROSPECTIVE RATING PLAN B  
BASIC PREMIUM RATIOS  
AND LOSS CONVERSION FACTORS  
Effective January 1, ((1997)) 1998

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
<b>Size Group</b>														
63 Basic Premium Ratio	.993	.986	.979	.972	.965	.958	.951	.944	.938	.931	.917	.903	.889	.861
Loss Conversion Factor	.007	.014	.021	.028	.035	.042	.049	.056	.062	.069	.083	.097	.111	.139
62 Basic Premium Ratio	.992	.985	.977	.970	.962	.954	.947	.939	.931	.924	.909	.893	.878	.848
Loss Conversion Factor	.008	.015	.023	.030	.038	.046	.053	.061	.069	.076	.091	.107	.122	.152
61 Basic Premium Ratio	.992	.983	.975	.967	.959	.950	.942	.934	.926	.917	.901	.884	.868	.835
Loss Conversion Factor	.008	.017	.025	.033	.041	.050	.058	.066	.074	.083	.099	.116	.132	.165
60 Basic Premium Ratio	.991	.982	.973	.964	.955	.946	.937	.928	.919	.910	.892	.874	.856	.819
Loss Conversion Factor	.009	.018	.027	.036	.045	.054	.063	.072	.081	.090	.108	.126	.144	.181
59 Basic Premium Ratio	.990	.980	.971	.961	.951	.941	.931	.921	.912	.902	.882	.862	.843	.803
Loss Conversion Factor	.010	.020	.029	.039	.049	.059	.069	.079	.088	.098	.118	.138	.157	.197
58 Basic Premium Ratio	.989	.979	.968	.957	.947	.936	.926	.915	.904	.894	.872	.851	.830	.787
Loss Conversion Factor	.011	.021	.032	.043	.053	.064	.074	.085	.096	.106	.128	.149	.170	.213
57 Basic Premium Ratio	.989	.977	.966	.954	.943	.931	.920	.908	.897	.886	.863	.840	.817	.771
Loss Conversion Factor	.011	.023	.034	.046	.057	.069	.080	.092	.103	.114	.137	.160	.183	.229

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56	Basic Premium Ratio	.988	.976	.963	.951	.939	.927	.914	.902	.890	.878	.853	.829	.805	.756
	Loss Conversion Factor	.012	.024	.037	.049	.061	.073	.086	.098	.110	.122	.147	.171	.195	.244
55	Basic Premium Ratio	.987	.974	.961	.948	.935	.922	.909	.896	.883	.870	.844	.818	.792	.741
	Loss Conversion Factor	.013	.026	.039	.052	.065	.078	.091	.104	.117	.130	.156	.182	.208	.259
54	Basic Premium Ratio	.986	.972	.959	.945	.931	.917	.904	.890	.876	.862	.835	.807	.780	.724
	Loss Conversion Factor	.014	.028	.041	.055	.069	.083	.096	.110	.124	.138	.165	.193	.220	.276
53	Basic Premium Ratio	.985	.971	.956	.941	.927	.912	.898	.883	.868	.854	.824	.795	.766	.707
	Loss Conversion Factor	.015	.029	.044	.059	.073	.088	.102	.117	.132	.146	.176	.205	.234	.293
52	Basic Premium Ratio	.984	.969	.953	.938	.922	.907	.891	.876	.860	.845	.814	.783	.752	.690
	Loss Conversion Factor	.016	.031	.047	.062	.078	.093	.109	.124	.140	.155	.186	.217	.248	.310
51	Basic Premium Ratio	.983	.967	.950	.934	.917	.901	.884	.868	.851	.835	.802	.769	.735	.669
	Loss Conversion Factor	.017	.033	.050	.066	.083	.099	.116	.132	.149	.165	.198	.231	.265	.331
50	Basic Premium Ratio	.982	.965	.947	.929	.911	.894	.876	.858	.841	.823	.787	.752	.717	.646
	Loss Conversion Factor	.018	.035	.053	.071	.089	.106	.124	.142	.159	.177	.213	.248	.283	.354
49	Basic Premium Ratio	.981	.962	.943	.924	.905	.886	.867	.848	.829	.810	.772	.734	.696	.621
	Loss Conversion Factor	.019	.038	.057	.076	.095	.114	.133	.152	.171	.190	.228	.266	.304	.379
48	Basic Premium Ratio	.980	.959	.939	.919	.898	.878	.858	.837	.817	.797	.756	.716	.675	.594
	Loss Conversion Factor	.020	.041	.061	.081	.102	.122	.142	.163	.183	.203	.244	.284	.325	.406
47	Basic Premium Ratio	.978	.957	.935	.913	.891	.870	.848	.826	.805	.783	.740	.696	.653	.566
	Loss Conversion Factor	.022	.043	.065	.087	.109	.130	.152	.174	.195	.217	.260	.304	.347	.434
46	Basic Premium Ratio	.977	.954	.931	.908	.885	.862	.839	.816	.793	.770	.724	.677	.631	.539
	Loss Conversion Factor	.023	.046	.069	.092	.115	.138	.161	.184	.207	.230	.276	.323	.369	.461
45	Basic Premium Ratio	.976	.951	.927	.902	.878	.854	.829	.805	.780	.756	.707	.658	.609	.512
	Loss Conversion Factor	.024	.049	.073	.098	.122	.146	.171	.195	.220	.244	.293	.342	.391	.488
44	Basic Premium Ratio	.974	.948	.922	.897	.871	.845	.819	.793	.767	.742	.690	.638	.587	.483
	Loss Conversion Factor	.026	.052	.078	.103	.129	.155	.181	.207	.233	.258	.310	.362	.413	.517
43	Basic Premium Ratio	.973	.945	.918	.891	.863	.836	.809	.781	.754	.727	.672	.617	.562	.453
	Loss Conversion Factor	.027	.055	.082	.109	.137	.164	.191	.219	.246	.273	.328	.383	.438	.547
42	Basic Premium Ratio	.970	.941	.911	.881	.852	.822	.792	.763	.733	.703	.644	.585	.525	.406
	Loss Conversion Factor	.030	.059	.089	.119	.148	.178	.208	.237	.267	.297	.356	.415	.475	.594
41	Basic Premium Ratio	.968	.935	.903	.870	.838	.806	.773	.741	.708	.676	.611	.546	.481	.352
	Loss Conversion Factor	.032	.065	.097	.130	.162	.194	.227	.259	.292	.324	.389	.454	.519	.648
40	Basic Premium Ratio	.965	.929	.894	.859	.823	.788	.753	.718	.682	.647	.576	.506	.435	.294
	Loss Conversion Factor	.035	.071	.106	.141	.177	.212	.247	.282	.318	.353	.424	.494	.565	.706
39	Basic Premium Ratio	.962	.923	.885	.847	.808	.770	.732	.693	.655	.616	.540	.463	.386	.233
	Loss Conversion Factor	.038	.077	.115	.153	.192	.230	.268	.307	.345	.384	.460	.537	.614	.767
38	Basic Premium Ratio	.958	.917	.875	.834	.792	.751	.709	.668	.626	.585	.502	.419	.336	.170
	Loss Conversion Factor	.042	.083	.125	.166	.208	.249	.291	.332	.374	.415	.498	.581	.664	.830
37	Basic Premium Ratio	.955	.910	.865	.820	.776	.731	.686	.641	.596	.551	.461	.371	.282	.102
	Loss Conversion Factor	.045	.090	.135	.180	.224	.269	.314	.359	.404	.449	.539	.629	.718	.898
36	Basic Premium Ratio	.951	.903	.854	.806	.757	.709	.660	.612	.563	.514	.417	.320	.223	.029
	Loss Conversion Factor	.049	.097	.146	.194	.243	.291	.340	.388	.437	.486	.583	.680	.777	.971
35	Basic Premium Ratio	.947	.895	.842	.789	.736	.684	.631	.578	.525	.473	.367	.262	.156	.000
	Loss Conversion Factor	.053	.105	.158	.211	.264	.316	.369	.422	.475	.527	.633	.738	.844	.987
34	Basic Premium Ratio	.943	.886	.829	.771	.714	.657	.600	.543	.486	.428	.314	.200	.085	.000
	Loss Conversion Factor	.057	.114	.171	.229	.286	.343	.400	.457	.514	.572	.686	.800	.915	.969
33	Basic Premium Ratio	.938	.876	.814	.752	.690	.628	.567	.505	.443	.381	.257	.133	.009	.000
	Loss Conversion Factor	.062	.124	.186	.248	.310	.372	.433	.495	.557	.619	.743	.867	.991	.953
32	Basic Premium Ratio	.933	.866	.799	.732	.665	.598	.531	.463	.396	.329	.195	.061	.000	.000
	Loss Conversion Factor	.067	.134	.201	.268	.335	.402	.469	.537	.604	.671	.805	.939	.984	.939
31	Basic Premium Ratio	.927	.854	.781	.707	.634	.561	.488	.415	.342	.268	.122	.000	.000	.000
	Loss Conversion Factor	.073	.146	.219	.293	.366	.439	.512	.585	.658	.732	.878	.994	.965	.925

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30	Basic Premium Ratio	.920	.840	.760	.680	.600	.520	.440	.360	.280	.200	.040	.000	.000	.000
	Loss Conversion Factor	.080	.160	.240	.320	.400	.480	.560	.640	.720	.800	.960	.975	.949	.913
29	Basic Premium Ratio	.913	.826	.739	.651	.564	.477	.390	.303	.216	.128	.000	.000	.000	.000
	Loss Conversion Factor	.087	.174	.261	.349	.436	.523	.610	.697	.784	.872	.990	.958	.935	.902
28	Basic Premium Ratio	.904	.807	.711	.615	.519	.422	.326	.230	.134	.037	.000	.000	.000	.000
	Loss Conversion Factor	.096	.193	.289	.385	.481	.578	.674	.770	.866	.963	.969	.940	.918	.887
27	Basic Premium Ratio	.892	.785	.677	.570	.462	.355	.247	.140	.032	.000	.000	.000	.000	.000
	Loss Conversion Factor	.108	.215	.323	.430	.538	.645	.753	.860	.968	.983	.946	.918	.897	.868
26	Basic Premium Ratio	.881	.761	.642	.522	.403	.283	.164	.044	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.119	.239	.358	.478	.597	.717	.836	.956	.983	.960	.925	.899	.879	.851
25	Basic Premium Ratio	.868	.736	.604	.472	.340	.208	.075	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.132	.264	.396	.528	.660	.792	.925	.987	.961	.940	.907	.883	.864	.838
24	Basic Premium Ratio	.852	.705	.557	.409	.261	.114	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.148	.295	.443	.591	.739	.886	.992	.964	.941	.922	.893	.872	.855	.832
23	Basic Premium Ratio	.835	.669	.504	.338	.173	.008	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.165	.331	.496	.662	.827	.992	.969	.944	.924	.907	.881	.862	.848	.827
22	Basic Premium Ratio	.814	.628	.442	.256	.070	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.186	.372	.558	.744	.930	.978	.949	.927	.909	.894	.871	.854	.841	.823
21	Basic Premium Ratio	.790	.579	.369	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.210	.421	.631	.841	.990	.957	.932	.912	.896	.882	.862	.847	.835	.818
20	Basic Premium Ratio	.758	.516	.274	.032	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.242	.484	.726	.968	.966	.936	.913	.895	.881	.869	.851	.837	.827	.812
19	Basic Premium Ratio	.720	.439	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.280	.561	.841	.979	.942	.915	.894	.878	.865	.854	.838	.826	.817	.805
18	Basic Premium Ratio	.672	.344	.016	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.328	.656	.984	.954	.920	.896	.877	.863	.851	.842	.827	.817	.810	.799
17	Basic Premium Ratio	.617	.234	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.383	.766	.977	.932	.902	.879	.863	.850	.839	.831	.819	.810	.803	.794
16	Basic Premium Ratio	.550	.100	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.450	.900	.953	.913	.885	.865	.851	.839	.830	.823	.812	.804	.798	.790
15	Basic Premium Ratio	.477	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.523	.992	.932	.896	.872	.854	.841	.831	.822	.816	.806	.799	.794	.788
14	Basic Premium Ratio	.414	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.586	.973	.912	.881	.861	.846	.834	.825	.818	.812	.804	.797	.793	.787
13	Basic Premium Ratio	.344	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.656	.953	.889	.867	.851	.838	.828	.821	.814	.809	.801	.796	.791	.786
12	Basic Premium Ratio	.256	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.744	.931	.874	.856	.842	.831	.823	.816	.810	.806	.799	.794	.790	.785
11	Basic Premium Ratio	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.841	.906	.860	.846	.834	.825	.818	.812	.807	.803	.796	.792	.788	.784
10	Basic Premium Ratio	.042	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.958	.879	.848	.836	.827	.819	.813	.807	.803	.800	.794	.790	.787	.783
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.982	.850	.838	.828	.820	.813	.808	.803	.800	.797	.792	.788	.786	.782
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.952	.838	.828	.820	.813	.808	.803	.800	.796	.794	.790	.787	.784	.781
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.917	.828	.820	.813	.807	.803	.799	.796	.793	.791	.788	.785	.783	.780
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.876	.818	.812	.806	.802	.798	.795	.792	.790	.788	.785	.783	.782	.779
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.826	.809	.804	.800	.797	.794	.791	.789	.787	.786	.783	.782	.780	.778

4	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.815	.800	.797	.794	.792	.790	.788	.786	.785	.784	.782	.781	.779

AMENDATORY SECTION (Amending WSR 96-24-063, filed 11/29/96, effective 1/1/97)

**WAC 296-17-91903 Table IV.**

RETROSPECTIVE RATING PLAN A1  
 MINIMUM PREMIUM RATIOS  
 BASIC PREMIUM RATIO = .058  
 LOSS CONVERSION FACTOR = .729  
 Effective January 1, (~~1997~~) 1998

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
<u>Size Group</u>														
63	.987	.975	.963	.951	.940	.928	.918	.907	.897	.887	.868	.850	.833	.801
62	.987	.974	.961	.949	.938	.926	.915	.904	.894	.884	.864	.845	.828	.795
61	.986	.973	.960	.948	.936	.924	.912	.901	.890	.880	.860	.841	.823	.789
60	.986	.972	.959	.946	.933	.921	.909	.898	.887	.876	.855	.836	.817	.783
59	.985	.971	.958	.944	.931	.919	.907	.895	.883	.872	.851	.831	.812	.777
58	.985	.970	.956	.943	.929	.917	.904	.892	.880	.869	.847	.826	.807	.771
57	.985	.970	.955	.941	.927	.914	.901	.889	.877	.865	.843	.822	.802	.765
56	.984	.969	.954	.939	.925	.912	.899	.886	.874	.862	.839	.818	.797	.760
55	.984	.968	.953	.938	.924	.910	.896	.884	.871	.859	.836	.814	.793	.756
54	.983	.967	.951	.936	.922	.908	.894	.881	.868	.856	.832	.810	.790	.752
53	.983	.966	.950	.935	.920	.906	.892	.878	.866	.853	.829	.807	.786	.748
52	.982	.965	.949	.933	.918	.904	.890	.876	.863	.850	.826	.804	.783	.744
51	.982	.965	.948	.932	.917	.902	.887	.874	.860	.847	.823	.800	.779	.740
50	.982	.964	.947	.930	.915	.899	.885	.871	.857	.844	.819	.796	.775	.735
49	.981	.963	.946	.929	.913	.897	.882	.868	.854	.841	.816	.792	.770	.731
48	.981	.962	.945	.927	.911	.895	.880	.866	.852	.838	.812	.789	.767	.727
47	.980	.962	.944	.926	.910	.894	.878	.864	.849	.836	.810	.786	.764	.723
46	.980	.961	.943	.925	.909	.893	.877	.863	.848	.835	.809	.785	.763	.723
45	.980	.961	.942	.925	.908	.892	.877	.862	.848	.834	.808	.784	.762	.722
44	.980	.960	.942	.924	.907	.891	.876	.861	.847	.833	.808	.784	.762	.722
43	.980	.960	.941	.924	.907	.891	.875	.861	.846	.833	.807	.784	.762	.722
42	.979	.959	.940	.922	.905	.888	.872	.857	.843	.829	.803	.779	.757	.717
41	.978	.958	.938	.920	.902	.885	.869	.853	.839	.825	.798	.774	.751	.710
40	.978	.957	.937	.918	.899	.882	.866	.850	.835	.820	.793	.768	.745	.704
39	.977	.956	.935	.916	.897	.879	.863	.846	.831	.816	.789	.764	.741	.699
38	.977	.955	.934	.914	.895	.877	.860	.843	.828	.813	.785	.760	.736	.694
37	.976	.954	.933	.912	.893	.875	.857	.841	.825	.810	.782	.756	.732	.690
36	.976	.953	.932	.911	.891	.873	.855	.838	.822	.807	.779	.753	.729	.686
35	.976	.953	.931	.910	.890	.871	.854	.837	.821	.805	.777	.751	.727	.684
34	.975	.952	.930	.909	.889	.870	.852	.835	.819	.804	.775	.749	.725	.683
33	.975	.951	.929	.908	.888	.869	.851	.834	.818	.802	.774	.748	.724	.682
32	.975	.951	.929	.907	.887	.868	.850	.833	.817	.802	.773	.747	.724	.682
31	.975	.951	.928	.907	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
30	.974	.950	.927	.906	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
29	.974	.950	.927	.906	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
28	.974	.949	.926	.904	.883	.864	.846	.828	.812	.797	.769	.744	.721	.682
27	.973	.947	.922	.899	.877	.857	.837	.819	.802	.785	.754	.727	.701	.657
26	.972	.945	.919	.895	.872	.851	.830	.811	.792	.775	.742	.712	.685	.636
25	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
24	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
23	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
22	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
21	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
20	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
19	.970	.941	.915	.891	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620

PROPOSED

18	.969	.940	.912	.887	.864	.843	.823	.804	.785	.766	.732	.701	.672	.620
17	.968	.938	.911	.885	.862	.840	.820	.801	.784	.766	.732	.701	.672	.620
16	.968	.937	.910	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
15	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
14	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
13	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
12	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
11	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
10	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
9	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
8	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
7	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
6	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
5	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
4	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620

AMENDATORY SECTION (Amending WSR 96-24-063, filed 11/29/96, effective 1/1/97)

**WAC 296-17-91904 Table V.**

RETROSPECTIVE RATING PLAN A2  
 MINIMUM PREMIUM RATIOS  
 AND BASIC PREMIUM RATIOS  
 LOSS CONVERSION FACTOR = .729  
 Effective January 1, (~~1997~~) 1998

Maximum Premium Ratio: 1.05 1.10 1.15 1.20 1.25 1.30 1.35 1.40 1.45 1.50 1.60 1.70 1.80 2.00

Size Group

63	Basic Premium Ratio	.483	.457	.439	.425	.412	.402	.392	.383	.375	.368	.354	.342	.330	.311
	Minimum Premium Ratio	.979	.960	.943	.927	.912	.898	.884	.871	.859	.846	.823	.802	.782	.745
62	Basic Premium Ratio	.480	.454	.436	.421	.408	.397	.387	.378	.370	.362	.348	.335	.324	.304
	Minimum Premium Ratio	.978	.959	.941	.925	.909	.894	.880	.867	.854	.841	.818	.796	.775	.738
61	Basic Premium Ratio	.478	.451	.432	.416	.403	.392	.382	.373	.364	.356	.342	.329	.318	.297
	Minimum Premium Ratio	.977	.957	.939	.922	.906	.891	.876	.862	.849	.836	.811	.789	.768	.730
60	Basic Premium Ratio	.475	.448	.428	.412	.399	.387	.377	.367	.358	.350	.336	.323	.311	.290
	Minimum Premium Ratio	.976	.955	.936	.919	.902	.886	.871	.857	.843	.830	.805	.781	.760	.721
59	Basic Premium Ratio	.473	.445	.424	.408	.394	.382	.371	.362	.353	.344	.329	.316	.304	.283
	Minimum Premium Ratio	.975	.954	.934	.916	.898	.882	.867	.852	.837	.824	.798	.774	.752	.713
58	Basic Premium Ratio	.471	.442	.421	.404	.389	.377	.366	.356	.347	.338	.323	.310	.298	.277
	Minimum Premium Ratio	.974	.952	.931	.912	.895	.878	.862	.847	.832	.818	.792	.767	.745	.704
57	Basic Premium Ratio	.468	.438	.417	.399	.385	.372	.361	.351	.341	.333	.317	.303	.291	.270
	Minimum Premium Ratio	.973	.950	.929	.909	.891	.874	.857	.842	.827	.813	.786	.761	.738	.697
56	Basic Premium Ratio	.465	.434	.412	.395	.380	.367	.355	.345	.335	.326	.311	.297	.285	.263
	Minimum Premium Ratio	.972	.948	.926	.906	.887	.870	.853	.837	.822	.807	.780	.755	.731	.690
55	Basic Premium Ratio	.462	.430	.408	.390	.374	.361	.349	.339	.329	.320	.304	.290	.278	.257
	Minimum Premium Ratio	.971	.946	.924	.903	.884	.866	.849	.832	.817	.802	.774	.749	.725	.683
54	Basic Premium Ratio	.458	.426	.403	.384	.369	.355	.343	.333	.323	.314	.298	.284	.271	.250
	Minimum Premium Ratio	.970	.945	.922	.900	.880	.862	.844	.827	.812	.797	.768	.743	.719	.677
53	Basic Premium Ratio	.455	.422	.398	.379	.363	.350	.337	.327	.317	.307	.291	.277	.265	.244
	Minimum Premium Ratio	.969	.943	.919	.897	.877	.858	.840	.823	.807	.792	.763	.737	.713	.671
52	Basic Premium Ratio	.451	.417	.393	.374	.358	.344	.332	.320	.310	.301	.285	.271	.258	.238
	Minimum Premium Ratio	.968	.941	.917	.895	.874	.854	.836	.819	.803	.787	.758	.732	.709	.666
51	Basic Premium Ratio	.447	.413	.388	.369	.352	.338	.325	.314	.304	.295	.278	.264	.252	.232
	Minimum Premium Ratio	.967	.939	.914	.891	.870	.851	.832	.815	.798	.782	.753	.727	.703	.660

PROPOSED

50	Basic Premium Ratio	.443	.408	.383	.363	.346	.332	.319	.308	.298	.288	.272	.258	.245	.225
	Minimum Premium Ratio	.966	.937	.912	.888	.867	.846	.828	.810	.793	.777	.747	.721	.697	.654
49	Basic Premium Ratio	.440	.403	.378	.357	.340	.326	.313	.301	.291	.282	.265	.251	.239	.219
	Minimum Premium Ratio	.965	.935	.909	.885	.863	.842	.823	.805	.788	.772	.742	.715	.690	.647
48	Basic Premium Ratio	.436	.399	.372	.352	.334	.320	.307	.295	.285	.275	.259	.245	.232	.213
	Minimum Premium Ratio	.964	.933	.907	.882	.860	.839	.819	.801	.783	.767	.737	.710	.685	.641
47	Basic Premium Ratio	.431	.394	.367	.346	.328	.313	.300	.289	.278	.269	.252	.238	.226	.207
	Minimum Premium Ratio	.962	.931	.904	.879	.856	.835	.816	.797	.780	.763	.733	.706	.681	.637
46	Basic Premium Ratio	.427	.388	.361	.339	.321	.306	.293	.282	.271	.262	.246	.232	.220	.201
	Minimum Premium Ratio	.961	.929	.901	.876	.853	.832	.812	.793	.776	.760	.729	.702	.678	.635
45	Basic Premium Ratio	.423	.383	.354	.333	.315	.300	.286	.275	.265	.255	.239	.226	.215	.196
	Minimum Premium Ratio	.960	.927	.899	.873	.850	.829	.809	.790	.773	.757	.727	.700	.675	.633
44	Basic Premium Ratio	.418	.377	.348	.326	.308	.293	.280	.268	.258	.249	.233	.220	.209	.191
	Minimum Premium Ratio	.958	.925	.897	.871	.848	.826	.806	.788	.771	.754	.725	.698	.674	.631
43	Basic Premium Ratio	.413	.371	.342	.319	.301	.286	.273	.262	.252	.243	.227	.215	.204	.186
	Minimum Premium Ratio	.957	.924	.895	.869	.846	.824	.804	.786	.768	.752	.723	.696	.672	.630
42	Basic Premium Ratio	.408	.365	.335	.313	.294	.279	.266	.255	.245	.236	.221	.208	.197	.180
	Minimum Premium Ratio	.956	.921	.892	.865	.842	.820	.799	.781	.763	.747	.716	.690	.666	.623
41	Basic Premium Ratio	.403	.359	.329	.306	.288	.272	.259	.248	.238	.229	.213	.201	.190	.173
	Minimum Premium Ratio	.954	.919	.889	.862	.837	.815	.794	.775	.757	.740	.710	.683	.659	.616
40	Basic Premium Ratio	.398	.353	.322	.299	.281	.265	.252	.241	.231	.222	.207	.194	.184	.167
	Minimum Premium Ratio	.953	.917	.886	.858	.833	.810	.789	.770	.752	.735	.704	.677	.651	.609
39	Basic Premium Ratio	.392	.347	.316	.292	.274	.258	.245	.234	.224	.215	.200	.188	.177	.161
	Minimum Premium Ratio	.951	.914	.883	.855	.829	.806	.785	.765	.747	.730	.699	.671	.646	.603
38	Basic Premium Ratio	.386	.340	.309	.286	.267	.252	.238	.227	.217	.209	.194	.182	.171	.155
	Minimum Premium Ratio	.950	.913	.880	.852	.826	.802	.781	.761	.743	.725	.694	.666	.641	.598
37	Basic Premium Ratio	.380	.333	.302	.279	.260	.245	.232	.221	.211	.202	.188	.176	.166	.150
	Minimum Premium Ratio	.949	.911	.878	.849	.823	.800	.778	.757	.739	.722	.690	.661	.636	.593
36	Basic Premium Ratio	.373	.326	.295	.272	.253	.238	.225	.214	.204	.196	.181	.170	.160	.145
	Minimum Premium Ratio	.948	.909	.876	.847	.821	.797	.775	.755	.736	.718	.687	.658	.634	.590
35	Basic Premium Ratio	.366	.318	.287	.264	.246	.230	.218	.207	.197	.189	.175	.164	.154	.140
	Minimum Premium Ratio	.947	.908	.874	.845	.818	.795	.773	.752	.734	.716	.685	.656	.632	.588
34	Basic Premium Ratio	.358	.310	.279	.256	.238	.223	.211	.200	.191	.183	.169	.158	.149	.135
	Minimum Premium Ratio	.946	.906	.873	.844	.817	.793	.771	.751	.732	.714	.683	.655	.630	.587
33	Basic Premium Ratio	.349	.302	.271	.249	.231	.216	.204	.194	.184	.177	.163	.153	.144	.130
	Minimum Premium Ratio	.945	.906	.872	.842	.816	.792	.770	.750	.732	.714	.683	.655	.630	.588
32	Basic Premium Ratio	.341	.294	.263	.241	.224	.209	.197	.187	.178	.171	.158	.148	.139	.126
	Minimum Premium Ratio	.945	.905	.872	.842	.816	.792	.770	.750	.732	.714	.683	.655	.631	.589
31	Basic Premium Ratio	.333	.285	.255	.233	.216	.202	.190	.180	.172	.164	.152	.142	.134	.122
	Minimum Premium Ratio	.944	.904	.870	.841	.814	.790	.769	.749	.730	.714	.683	.656	.633	.591
30	Basic Premium Ratio	.324	.277	.247	.225	.208	.195	.183	.174	.166	.159	.147	.137	.130	.118
	Minimum Premium Ratio	.943	.902	.869	.840	.814	.790	.769	.748	.730	.713	.683	.658	.634	.595
29	Basic Premium Ratio	.315	.268	.239	.218	.201	.188	.177	.168	.160	.153	.142	.133	.126	.115
	Minimum Premium Ratio	.942	.902	.868	.839	.813	.790	.769	.749	.731	.715	.685	.659	.637	.599
28	Basic Premium Ratio	.306	.260	.231	.210	.194	.181	.170	.161	.153	.147	.136	.127	.120	.109
	Minimum Premium Ratio	.942	.901	.867	.838	.811	.788	.766	.747	.729	.711	.681	.655	.632	.593
27	Basic Premium Ratio	.298	.252	.223	.202	.186	.173	.163	.153	.146	.139	.128	.119	.112	.101
	Minimum Premium Ratio	.940	.898	.864	.833	.806	.781	.758	.738	.718	.700	.668	.640	.614	.571
26	Basic Premium Ratio	.290	.244	.216	.195	.179	.166	.155	.146	.138	.132	.121	.112	.105	.094
	Minimum Premium Ratio	.939	.896	.860	.829	.801	.775	.752	.731	.711	.691	.657	.627	.599	.553
25	Basic Premium Ratio	.281	.236	.208	.188	.172	.159	.148	.139	.132	.125	.114	.105	.098	.088
	Minimum Premium Ratio	.938	.895	.858	.826	.797	.771	.747	.725	.704	.685	.650	.619	.592	.542

PROPOSED

24	Basic Premium Ratio	.270	.226	.199	.179	.164	.152	.142	.133	.126	.120	.110	.102	.095	.086
	Minimum Premium Ratio	.938	.894	.858	.827	.798	.773	.749	.729	.708	.689	.655	.625	.600	.551
23	Basic Premium Ratio	.259	.216	.190	.171	.156	.145	.136	.128	.121	.115	.106	.098	.093	.084
	Minimum Premium Ratio	.938	.895	.860	.829	.802	.777	.753	.733	.714	.697	.663	.636	.608	.564
22	Basic Premium Ratio	.248	.207	.181	.163	.150	.139	.130	.123	.116	.111	.102	.095	.090	.082
	Minimum Premium Ratio	.938	.896	.862	.832	.805	.781	.760	.739	.722	.704	.674	.648	.622	.580
21	Basic Premium Ratio	.236	.197	.173	.156	.143	.133	.125	.118	.112	.107	.099	.093	.088	.080
	Minimum Premium Ratio	.940	.899	.865	.836	.811	.787	.766	.747	.730	.714	.685	.659	.636	.599
20	Basic Premium Ratio	.226	.188	.165	.149	.136	.126	.119	.112	.107	.102	.094	.089	.084	.077
	Minimum Premium Ratio	.939	.898	.865	.835	.810	.788	.766	.748	.730	.715	.689	.662	.642	.607
19	Basic Premium Ratio	.218	.180	.156	.140	.128	.119	.111	.105	.100	.096	.089	.084	.080	.074
	Minimum Premium Ratio	.937	.894	.860	.830	.804	.781	.761	.742	.724	.708	.680	.655	.633	.597
18	Basic Premium Ratio	.208	.171	.148	.133	.121	.112	.105	.099	.095	.091	.084	.080	.076	.071
	Minimum Premium Ratio	.935	.892	.857	.826	.800	.777	.756	.737	.718	.703	.677	.651	.631	.594
17	Basic Premium Ratio	.199	.162	.140	.125	.115	.106	.099	.094	.090	.086	.081	.076	.073	.069
	Minimum Premium Ratio	.934	.891	.856	.826	.798	.775	.755	.736	.717	.703	.673	.653	.631	.592
16	Basic Premium Ratio	.189	.154	.133	.119	.109	.101	.095	.090	.086	.082	.077	.073	.071	.067
	Minimum Premium Ratio	.934	.890	.855	.825	.798	.775	.754	.736	.719	.706	.679	.658	.633	.598
15	Basic Premium Ratio	.181	.146	.126	.113	.103	.096	.090	.086	.082	.079	.075	.071	.069	.065
	Minimum Premium Ratio	.933	.889	.855	.826	.801	.778	.759	.739	.724	.710	.682	.663	.641	.613
14	Basic Premium Ratio	.176	.139	.119	.108	.100	.093	.088	.084	.081	.078	.074	.070	.068	.065
	Minimum Premium Ratio	.924	.878	.850	.821	.796	.775	.755	.737	.720	.706	.679	.663	.642	.608
13	Basic Premium Ratio	.170	.131	.113	.103	.096	.090	.085	.082	.079	.076	.072	.070	.067	.064
	Minimum Premium Ratio	.915	.868	.844	.818	.793	.772	.754	.735	.719	.706	.682	.656	.643	.612
12	Basic Premium Ratio	.164	.123	.107	.099	.092	.087	.083	.080	.077	.075	.071	.069	.067	.064
	Minimum Premium Ratio	.904	.860	.839	.812	.791	.770	.751	.732	.718	.702	.680	.655	.637	.606
11	Basic Premium Ratio	.156	.113	.102	.094	.089	.084	.081	.078	.075	.073	.070	.068	.066	.063
	Minimum Premium Ratio	.892	.859	.834	.811	.786	.768	.747	.730	.718	.704	.678	.655	.638	.612
10	Basic Premium Ratio	.148	.104	.097	.090	.086	.082	.078	.076	.074	.072	.069	.067	.065	.063
	Minimum Premium Ratio	.876	.858	.829	.807	.782	.762	.748	.728	.712	.699	.676	.654	.640	.605
9	Basic Premium Ratio	.139	.098	.092	.087	.082	.079	.076	.074	.072	.070	.068	.066	.065	.062
	Minimum Premium Ratio	.856	.853	.825	.800	.782	.761	.744	.727	.712	.702	.674	.654	.631	.612
8	Basic Premium Ratio	.106	.093	.087	.083	.079	.076	.074	.072	.070	.069	.067	.065	.064	.062
	Minimum Premium Ratio	.855	.846	.823	.798	.779	.761	.741	.725	.713	.697	.671	.654	.633	.604
7	Basic Premium Ratio	.097	.088	.083	.079	.076	.074	.072	.070	.069	.068	.066	.064	.063	.061
	Minimum Premium Ratio	.855	.840	.818	.797	.777	.756	.738	.725	.707	.691	.668	.655	.636	.613
6	Basic Premium Ratio	.089	.083	.079	.076	.074	.072	.070	.068	.067	.066	.065	.063	.062	.061
	Minimum Premium Ratio	.855	.836	.814	.792	.768	.749	.735	.725	.709	.696	.664	.656	.640	.602
5	Basic Premium Ratio	.082	.078	.075	.073	.071	.069	.068	.067	.066	.065	.063	.062	.062	.061
	Minimum Premium Ratio	.855	.833	.811	.787	.767	.752	.732	.714	.700	.689	.677	.658	.624	.586
4	Basic Premium Ratio	.077	.074	.071	.070	.068	.067	.066	.065	.064	.063	.062	.062	.061	.061
	Minimum Premium Ratio	.855	.830	.811	.782	.767	.752	.729	.714	.700	.689	.677	.658	.624	.586

AMENDATORY SECTION (Amending WSR 96-24-063, filed 11/29/96, effective 1/1/97)

**WAC 296-17-91905 Table VI.**

RETROSPECTIVE RATING PLAN A3  
 MINIMUM PREMIUM RATIOS  
 AND BASIC PREMIUM RATIOS  
 LOSS CONVERSION FACTOR = .729  
 Effective January 1, (~~1997~~) 1998

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
<b>Size Group</b>														
63 Basic Premium Ratio	.818	.762	.722	.692	.666	.642	.622	.603	.586	.571	.543	.517	.495	.458
63 Minimum Premium Ratio	.947	.916	.892	.871	.853	.837	.822	.808	.795	.782	.759	.738	.718	.682
62 Basic Premium Ratio	.814	.760	.719	.687	.659	.636	.616	.596	.578	.562	.534	.509	.486	.448
62 Minimum Premium Ratio	.945	.912	.887	.866	.848	.831	.815	.801	.788	.775	.751	.729	.709	.673
61 Basic Premium Ratio	.813	.754	.713	.680	.652	.628	.606	.587	.570	.553	.524	.497	.475	.437
61 Minimum Premium Ratio	.942	.909	.883	.861	.842	.825	.809	.794	.780	.767	.743	.721	.700	.663
60 Basic Premium Ratio	.811	.749	.705	.672	.644	.618	.597	.577	.558	.543	.513	.486	.464	.425
60 Minimum Premium Ratio	.939	.905	.879	.856	.836	.819	.802	.787	.773	.759	.734	.712	.690	.653
59 Basic Premium Ratio	.805	.744	.699	.664	.634	.608	.586	.567	.549	.532	.501	.475	.452	.413
59 Minimum Premium Ratio	.937	.901	.874	.851	.831	.813	.796	.780	.765	.751	.726	.703	.681	.643
58 Basic Premium Ratio	.802	.737	.691	.655	.626	.599	.577	.557	.538	.521	.490	.464	.441	.403
58 Minimum Premium Ratio	.934	.898	.870	.846	.825	.807	.789	.773	.758	.744	.718	.694	.672	.633
57 Basic Premium Ratio	.796	.731	.685	.647	.618	.591	.568	.547	.528	.511	.480	.454	.431	.392
57 Minimum Premium Ratio	.932	.894	.865	.841	.819	.800	.782	.766	.751	.736	.710	.685	.663	.624
56 Basic Premium Ratio	.794	.725	.678	.640	.609	.581	.558	.537	.518	.501	.470	.443	.421	.382
56 Minimum Premium Ratio	.928	.890	.860	.835	.813	.794	.776	.759	.743	.728	.701	.677	.654	.614
55 Basic Premium Ratio	.790	.721	.671	.632	.601	.573	.550	.527	.509	.490	.460	.433	.411	.371
55 Minimum Premium Ratio	.925	.885	.855	.830	.807	.787	.768	.752	.735	.721	.693	.668	.645	.606
54 Basic Premium Ratio	.787	.714	.666	.626	.592	.565	.541	.518	.499	.481	.450	.423	.400	.363
54 Minimum Premium Ratio	.921	.881	.849	.823	.801	.780	.761	.744	.728	.713	.685	.660	.637	.597
53 Basic Premium Ratio	.784	.709	.659	.617	.585	.555	.532	.509	.489	.472	.440	.414	.391	.353
53 Minimum Premium Ratio	.917	.876	.844	.818	.794	.774	.754	.737	.721	.705	.677	.652	.629	.589
52 Basic Premium Ratio	.780	.704	.651	.610	.577	.548	.522	.501	.481	.463	.431	.405	.382	.345
52 Minimum Premium Ratio	.913	.871	.839	.812	.788	.767	.748	.729	.713	.697	.669	.644	.621	.581
51 Basic Premium Ratio	.775	.698	.644	.602	.567	.539	.514	.491	.471	.454	.422	.396	.372	.336
51 Minimum Premium Ratio	.909	.866	.833	.806	.782	.760	.740	.722	.705	.689	.661	.635	.613	.573
50 Basic Premium Ratio	.769	.690	.634	.593	.557	.529	.502	.480	.460	.442	.411	.384	.362	.325
50 Minimum Premium Ratio	.905	.861	.828	.799	.775	.752	.733	.714	.697	.681	.652	.627	.604	.564
49 Basic Premium Ratio	.763	.682	.626	.583	.548	.519	.493	.470	.450	.432	.400	.374	.352	.316
49 Minimum Premium Ratio	.901	.856	.822	.793	.768	.745	.725	.706	.689	.673	.644	.618	.595	.555
48 Basic Premium Ratio	.756	.674	.617	.574	.538	.509	.482	.460	.439	.422	.390	.365	.342	.307
48 Minimum Premium Ratio	.897	.851	.816	.786	.761	.738	.718	.699	.682	.665	.636	.610	.587	.547
47 Basic Premium Ratio	.750	.665	.607	.564	.528	.498	.472	.449	.429	.411	.381	.355	.333	.298
47 Minimum Premium Ratio	.892	.846	.810	.780	.754	.731	.710	.692	.674	.658	.628	.602	.579	.539
46 Basic Premium Ratio	.741	.654	.596	.552	.516	.485	.460	.437	.418	.400	.370	.345	.323	.289
46 Minimum Premium Ratio	.888	.840	.803	.773	.747	.724	.703	.684	.666	.650	.621	.596	.573	.534
45 Basic Premium Ratio	.731	.643	.585	.540	.503	.473	.448	.426	.406	.389	.360	.335	.315	.282
45 Minimum Premium Ratio	.884	.834	.796	.766	.740	.717	.696	.677	.660	.643	.614	.589	.567	.528
44 Basic Premium Ratio	.722	.633	.573	.528	.493	.463	.437	.415	.396	.379	.350	.326	.306	.274
44 Minimum Premium Ratio	.879	.828	.790	.759	.732	.709	.689	.670	.653	.637	.608	.583	.561	.523

PROPOSED

43	Basic Premium Ratio	.712	.622	.562	.517	.481	.451	.426	.405	.386	.370	.341	.318	.298	.267
	Minimum Premium Ratio	.874	.822	.783	.752	.726	.703	.682	.663	.646	.630	.602	.578	.556	.518
42	Basic Premium Ratio	.703	.612	.551	.506	.470	.440	.415	.394	.375	.358	.330	.307	.288	.257
	Minimum Premium Ratio	.869	.815	.776	.745	.718	.694	.673	.654	.637	.621	.593	.568	.547	.509
41	Basic Premium Ratio	.696	.602	.541	.495	.458	.429	.403	.382	.363	.347	.319	.296	.277	.247
	Minimum Premium Ratio	.863	.809	.769	.737	.710	.686	.665	.645	.628	.612	.583	.559	.537	.499
40	Basic Premium Ratio	.686	.592	.530	.484	.448	.418	.392	.371	.352	.336	.308	.286	.267	.237
	Minimum Premium Ratio	.858	.802	.762	.729	.701	.677	.656	.637	.619	.603	.574	.549	.527	.490
39	Basic Premium Ratio	.677	.581	.520	.473	.437	.407	.382	.360	.342	.325	.298	.275	.257	.228
	Minimum Premium Ratio	.852	.796	.754	.721	.693	.669	.648	.628	.610	.594	.566	.541	.519	.482
38	Basic Premium Ratio	.668	.571	.509	.463	.426	.396	.372	.350	.332	.315	.288	.266	.248	.220
	Minimum Premium Ratio	.846	.789	.747	.714	.686	.661	.639	.620	.602	.586	.557	.533	.510	.473
37	Basic Premium Ratio	.659	.562	.499	.453	.416	.387	.362	.340	.322	.306	.279	.257	.240	.212
	Minimum Premium Ratio	.839	.781	.740	.706	.678	.653	.631	.612	.594	.578	.550	.525	.503	.466
36	Basic Premium Ratio	.649	.551	.488	.442	.405	.376	.351	.330	.312	.297	.270	.249	.231	.204
	Minimum Premium Ratio	.832	.774	.732	.698	.670	.645	.624	.604	.586	.570	.542	.517	.496	.459
35	Basic Premium Ratio	.635	.538	.475	.429	.393	.365	.340	.320	.302	.286	.260	.240	.223	.196
	Minimum Premium Ratio	.825	.766	.724	.690	.662	.637	.616	.596	.579	.563	.535	.510	.489	.453
34	Basic Premium Ratio	.623	.525	.463	.418	.382	.354	.330	.309	.292	.277	.252	.231	.215	.189
	Minimum Premium Ratio	.816	.757	.715	.682	.654	.629	.608	.589	.571	.556	.528	.504	.483	.447
33	Basic Premium Ratio	.610	.513	.451	.406	.371	.343	.320	.300	.283	.268	.244	.224	.208	.183
	Minimum Premium Ratio	.808	.749	.707	.674	.646	.622	.600	.582	.564	.549	.521	.498	.477	.442
32	Basic Premium Ratio	.597	.501	.440	.395	.361	.334	.311	.291	.274	.260	.236	.217	.201	.177
	Minimum Premium Ratio	.799	.740	.699	.666	.638	.614	.593	.575	.558	.543	.515	.492	.472	.438
31	Basic Premium Ratio	.582	.486	.425	.382	.348	.321	.299	.280	.264	.250	.226	.208	.193	.171
	Minimum Premium Ratio	.791	.732	.690	.658	.630	.606	.586	.567	.551	.536	.510	.487	.467	.434
30	Basic Premium Ratio	.567	.471	.412	.369	.336	.309	.288	.269	.254	.240	.218	.201	.187	.165
	Minimum Premium Ratio	.782	.723	.681	.649	.622	.599	.579	.561	.545	.530	.504	.482	.463	.430
29	Basic Premium Ratio	.551	.457	.398	.356	.324	.299	.277	.260	.245	.232	.210	.194	.180	.160
	Minimum Premium Ratio	.773	.714	.673	.642	.615	.592	.572	.555	.539	.524	.499	.477	.459	.427
28	Basic Premium Ratio	.537	.444	.386	.344	.313	.287	.266	.249	.234	.221	.200	.184	.171	.151
	Minimum Premium Ratio	.764	.705	.665	.633	.606	.584	.564	.546	.530	.516	.491	.470	.451	.421
27	Basic Premium Ratio	.524	.431	.373	.332	.300	.275	.254	.236	.221	.208	.187	.170	.157	.136
	Minimum Premium Ratio	.755	.697	.655	.623	.596	.573	.552	.534	.518	.502	.476	.453	.433	.400
26	Basic Premium Ratio	.510	.418	.361	.320	.288	.263	.242	.224	.209	.196	.175	.158	.145	.124
	Minimum Premium Ratio	.747	.688	.646	.613	.586	.562	.541	.523	.505	.490	.463	.439	.418	.383
25	Basic Premium Ratio	.497	.405	.348	.307	.276	.251	.230	.213	.198	.185	.164	.147	.134	.114
	Minimum Premium Ratio	.738	.679	.638	.605	.577	.553	.531	.512	.495	.479	.451	.427	.405	.369
24	Basic Premium Ratio	.476	.386	.331	.292	.262	.238	.218	.202	.188	.176	.157	.141	.129	.111
	Minimum Premium Ratio	.727	.669	.628	.596	.569	.546	.525	.506	.490	.474	.447	.423	.402	.367
23	Basic Premium Ratio	.454	.368	.315	.277	.249	.226	.208	.192	.179	.168	.150	.136	.124	.107
	Minimum Premium Ratio	.716	.659	.619	.588	.561	.539	.519	.501	.485	.469	.443	.420	.400	.365
22	Basic Premium Ratio	.434	.351	.300	.264	.237	.216	.198	.184	.172	.161	.144	.131	.120	.104
	Minimum Premium Ratio	.704	.649	.611	.580	.555	.533	.513	.496	.480	.465	.439	.417	.397	.363
21	Basic Premium Ratio	.414	.335	.286	.252	.226	.206	.190	.176	.165	.155	.139	.126	.117	.102
	Minimum Premium Ratio	.693	.640	.603	.573	.548	.527	.508	.491	.476	.461	.436	.414	.395	.361
20	Basic Premium Ratio	.394	.318	.271	.238	.214	.194	.178	.166	.155	.145	.130	.119	.110	.096
	Minimum Premium Ratio	.683	.631	.595	.566	.541	.520	.502	.485	.470	.456	.431	.410	.391	.358
19	Basic Premium Ratio	.377	.301	.254	.222	.198	.179	.164	.152	.142	.133	.120	.109	.101	.089
	Minimum Premium Ratio	.674	.621	.585	.557	.533	.513	.494	.478	.464	.450	.426	.405	.387	.355
18	Basic Premium Ratio	.358	.283	.238	.207	.184	.166	.152	.140	.131	.123	.110	.101	.094	.083
	Minimum Premium Ratio	.664	.612	.575	.547	.524	.505	.488	.472	.458	.445	.421	.401	.383	.352

17	Basic Premium Ratio	.339	.266	.222	.192	.171	.154	.140	.130	.121	.114	.103	.094	.088	.079
	Minimum Premium Ratio	.654	.602	.567	.539	.517	.497	.480	.466	.453	.440	.418	.398	.380	.350
16	Basic Premium Ratio	.320	.249	.208	.179	.159	.143	.131	.121	.113	.106	.096	.088	.083	.075
	Minimum Premium Ratio	.644	.593	.559	.532	.510	.491	.475	.461	.448	.436	.414	.395	.378	.348
15	Basic Premium Ratio	.303	.234	.194	.168	.148	.134	.122	.113	.106	.100	.091	.084	.079	.072
	Minimum Premium Ratio	.635	.586	.552	.526	.504	.486	.470	.457	.445	.433	.412	.393	.376	.346
14	Basic Premium Ratio	.293	.220	.180	.157	.141	.128	.117	.109	.103	.097	.089	.082	.078	.071
	Minimum Premium Ratio	.630	.579	.545	.521	.501	.483	.468	.455	.443	.432	.411	.392	.375	.346
13	Basic Premium Ratio	.281	.204	.167	.148	.133	.122	.112	.105	.099	.094	.086	.081	.076	.070
	Minimum Premium Ratio	.624	.571	.538	.516	.497	.480	.465	.453	.441	.430	.409	.391	.374	.345
12	Basic Premium Ratio	.269	.187	.156	.139	.126	.116	.108	.101	.096	.091	.084	.079	.075	.069
	Minimum Premium Ratio	.618	.562	.533	.512	.493	.477	.463	.451	.440	.429	.408	.390	.374	.345
11	Basic Premium Ratio	.254	.167	.145	.130	.119	.110	.103	.097	.092	.088	.082	.077	.073	.068
	Minimum Premium Ratio	.611	.552	.527	.507	.490	.474	.461	.449	.438	.427	.407	.389	.373	.344
10	Basic Premium Ratio	.238	.150	.135	.122	.113	.105	.098	.093	.089	.085	.079	.075	.072	.067
	Minimum Premium Ratio	.603	.544	.522	.503	.487	.472	.458	.447	.436	.426	.406	.388	.372	.344
9	Basic Premium Ratio	.219	.138	.125	.115	.106	.100	.094	.089	.085	.082	.077	.073	.071	.066
	Minimum Premium Ratio	.593	.538	.517	.500	.483	.469	.456	.445	.434	.424	.405	.387	.372	.343
8	Basic Premium Ratio	.197	.127	.116	.107	.100	.094	.090	.086	.082	.079	.075	.072	.069	.065
	Minimum Premium Ratio	.582	.532	.513	.496	.480	.466	.454	.443	.433	.423	.404	.387	.371	.343
7	Basic Premium Ratio	.170	.117	.108	.100	.094	.089	.085	.082	.079	.077	.073	.070	.068	.064
	Minimum Premium Ratio	.569	.527	.509	.492	.477	.464	.452	.441	.431	.422	.403	.386	.370	.342
6	Basic Premium Ratio	.137	.107	.100	.094	.089	.085	.081	.078	.076	.074	.071	.068	.066	.064
	Minimum Premium Ratio	.552	.522	.505	.489	.475	.462	.450	.439	.430	.420	.402	.385	.369	.342
5	Basic Premium Ratio	.105	.098	.092	.087	.083	.080	.077	.075	.073	.071	.068	.066	.065	.063
	Minimum Premium Ratio	.536	.518	.501	.486	.472	.459	.448	.438	.428	.419	.400	.384	.369	.342
4	Basic Premium Ratio	.104	.089	.085	.081	.078	.075	.073	.072	.070	.068	.066	.065	.064	.062
	Minimum Premium Ratio	.532	.513	.497	.483	.469	.457	.446	.436	.427	.417	.399	.383	.368	.342

**AMENDATORY SECTION** (Amending WSR 96-24-063, filed 11/29/96, effective 1/1/97)

**WAC 296-17-920 Assessment for supplemental pension fund.** The amount of ~~((+8.6))~~ 22.8 mills (~~(((8.0186))~~ \$.0228) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

**WSR 97-19-102**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Management Services Administration)  
 (Institutions and Public Assistance)  
 [Filed September 17, 1997, 11:28 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 97-15-131.

Title of Rule: The following rules are proposed for repeal: WAC 275-30-020 Conditions of parole, 275-33-010 Purpose, 275-46-005 Purpose, 275-48-010 Purpose, 275-48-015 Definitions, 275-48-020 Release payment, 275-48-025 Weekly payment, 275-48-030 Eligibility, 275-48-035 Amount—Duration—Disbursement by institution and parole officer, 275-48-040 Termination, 275-48-045 Reinstatement—Reapplication, 275-48-050 Appeal, 275-76-005 Definitions, 275-76-010 Purposes of detainers, 275-76-020 Form of detainers, 275-76-030 Evaluation of detainer request, 275-76-040 Trial or pretrial detainers, 275-76-050 Commitment detainers, 275-76-060 Probation or parole revocation detainers, 275-76-070 Miscellaneous detainers, 275-76-080 Resident to be made available, 275-76-090 Reduced custody programs, 275-76-100 Requested resident on parole, 275-76-110 Transfer of resident to mental hospital, 275-76-120 Recommendation for withdrawal of detainer, 275-76-130 Identification of requesting authority's transferring agency, 275-76-140 Failure of requesting authority to take custody, 275-76-150 Detainer request by nonsignator of interstate agreement on detain, 275-80-805 Definitions, 275-80-810 Visits—Purpose, 275-80-815 Visits—Registration, 275-80-840 Personal visits—General, 275-80-842 Personal visits—Who

may not visit, 275-80-844 Personal visits—Approved visitor lists, 275-80-846 Personal visits—Alterations to visiting list, 275-80-848 Personal visits—Transfer of resident, 275-80-852 Personal visits—Visiting days and hours, 275-80-854 Personal visits—Hospitalized resident, 275-80-860 Professional visits, 275-80-870 Group visit—General, 275-80-872 Group visit—Arrangements, 275-80-876 Group visit—Conduct, 275-80-878 Group visit—Privacy of residents, 275-80-890 News media visits—General, 275-80-895 News media visits—Limitations, 275-80-900 Exchange of material or items, 275-80-905 Search of visitors, 275-80-910 Notice of search, 275-80-915 Refusal to be searched, 275-80-920 Search and discovery of illegal items, 275-80-925 Denial of visits, 275-80-930 Suspension of visiting rights—Duration, 275-80-935 Appeal of denial of visiting rights, 275-80-940 Exceptions, 275-80-995 Appendices, 275-150-010 Purpose, 275-150-020 Definitions, 275-150-030 Administration and allocation of Referendum 37 funds, 275-150-040 Regional needs assessment, 275-150-050 Preliminary proposals and final applications for Referendum 37 funding, 275-150-060 Submission of preliminary proposals, 275-150-070 Review process for preliminary proposals, 275-150-080 Review criteria for preliminary proposals, 275-150-090 Operation of approved Referendum 37 projects, 388-14-275 Fifty dollars disregard payment, 388-15-010 Service goals, 388-15-020 Eligible persons, 388-15-110 Information and referral sources, 388-15-340 Alcoholism treatment, 388-15-500 Redetermination of service eligibility, 388-15-550 Service delivery, 388-15-580 Support services, 388-21-005 Diversity initiative, 388-43-100 TRS advisory committee appointment, 388-43-120 Policies for transition, 388-52-150 Vocational rehabilitation services. Last amended in 1974, 388-52-155 Vocational rehabilitation services—Training expenses. Last amended in 1974, 388-52-160 Comprehensive employment and training program—Definitions, 388-52-163 Comprehensive employment and training program—Services provided, 388-52-166 Comprehensive employment and training program—Participation of recipient, 388-52-169 Treatment of recipient's income from CETA, 388-52-172 Release of information to prime sponsors of CETA program, 388-70-064 Payment for foster care to relative, 388-70-160 Guardianship of estate of child, 388-73-400 Day care providers, 388-73-402 Maximum hours—Rest periods, 388-73-403 Operating hours—Staff on premises, 388-73-404 Ill children, 388-73-406 Nap and sleep equipment, 388-73-408 Evening and nighttime care, 388-73-409 Off-grounds trips, 388-73-410 Information to parents—Day care facilities, 388-73-412 Toddlers and preschool children, 388-73-414 Attendance—Mini-day care centers, 388-73-430 Capacity—Limitations on ages and numbers—Mini-day care centers, 388-73-432 Staffing—Mini-day care program, 388-73-434 Qualifications of licensee—Mini-day care, 388-73-436 Qualifications of child care staff—Mini-day care, 388-73-438 Program and equipment—Mini-day care, 388-73-440 Play areas—Mini-day care, 388-78-005 General provisions, 388-78-010 Definitions, 388-78-015 Supportive social services, 388-78-020 Self-sufficiency plan, 388-78-100 FIP employment and training requirements, 388-78-120 Grievance procedure and administra-

tive reviews and appeals, 388-78-205 FIP child care, 388-78-210 Standards for child care providers, 388-78-215 Payment standards for child care services, 388-78-220 Child day care co-payments, 388-86-050 Inpatient hospital care, 388-86-051 Selective contracting program, 388-86-075 Outpatient and emergency care, 388-86-090 Physical therapy, 388-86-112 Physical medicine and rehabilitation evaluation and treatment, 388-87-013 Conditions of payment—Hospital care, 388-87-030 Responsibility of physician—Patient admitted to hospital, 388-87-032 Advanced registered nurse practitioners services (ARNP)—Payment, 388-87-070 Payment—Hospital inpatient services, 388-87-072 Payment—Hospital outpatient services, 388-87-115 Payment—Organ transplantation, 388-165-005 Purpose, 388-165-010 General provisions, 388-165-020 Application procedure, 388-165-030 Application form, 388-165-040 Assistance unit, 388-165-050 Eligibility conditions—Emergent need, 388-165-060 Eligibility conditions—Income and resource eligibility, 388-165-070 Eligibility conditions—Living with a relative of a specified degree, 388-165-080 Eligibility conditions—Job refusal, 388-165-090 Eligibility conditions—Residency and alien status, 388-165-100 Payment limitations, 388-320-400 Petition for rule making—Form, content, and filing, 388-320-410 Petition for rule making—Consideration and disposition, 388-320-470 Subscription to adjudicative orders involving nursing homes, and 388-320-500 Updating mailing lists.

**Purpose:** To repeal rules that are obsolete, duplicative, or unnecessary.

**Statutory Authority for Adoption:** RCW 34.05.010, 34.05.210, 74.08.090.

**Statute Being Implemented:** Section 209, chapter 409, Laws of 1997 (E2SHB 1032).

**Summary:** These rules are obsolete, duplicative, or unnecessary. The Department of Social and Health Services is reducing unnecessary rules to comply with Governor Locke's Executive Order 97-02 and E2SHB 1032 (1997).

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Leslie Baldwin, P.O. Box 45850, Olympia, WA 98504-5850, (360) 902-7540.

**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:** The Department of Social and Health Services is proposing to repeal the rules on the above list to eliminate unnecessary rules. In some cases the statutes upon which the rules are based are no longer in force. Some of the rules being repealed duplicate other rules or the statutes upon which the rules are based.

**Proposal Changes the Following Existing Rules:** Repeals rules on the list shown above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. This repeal action will not change the way the department does business or impact the public.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 102, Lacey, WA 98503, on October 21, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by October 9, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by October 21, 1997.

Date of Intended Adoption: No sooner than October 22, 1997.

September 17, 1997  
Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

### REPEALER

The following section of the Washington Administrative Code is repealed:

275-30-020 Conditions of parole.

### REPEALER

The following section of the Washington Administrative Code is repealed:

275-33-010 Purpose.

### REPEALER

The following section of the Washington Administrative Code is repealed:

275-46-005 Purpose.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

275-48-010 Purpose.  
275-48-015 Definitions.  
275-48-020 Release payment.  
275-48-025 Weekly payment.  
275-48-030 Eligibility.  
275-48-035 Amount—Duration—Disbursement by institution and parol officer.  
275-48-040 Termination.  
275-48-045 Reinstatement-Reapplication.  
275-48-050 Appeal.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

275-76-005 Definitions.  
275-76-010 Purposes of detainers.  
275-76-020 Form of detainers.  
275-76-030 Evaluation of detainer request.  
275-76-040 Trial or pretrial detainers.  
275-76-050 Commitment detainers.  
275-76-060 Probation or parole revocation detainers.  
275-76-070 Miscellaneous detainers.  
275-76-080 Resident to be made available.  
275-76-090 Reduced custody programs.  
275-76-100 Requested resident on parole.  
275-76-110 Transfer of resident to mental hospital.  
275-76-120 Recommendation for withdrawal of detainer.  
275-76-130 Identification of requesting authority's transferring agency.  
275-76-140 Failure of requesting authority to take custody.  
275-76-150 Detainer request by nonsignator of interstate agreement on detainers.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

275-80-805 Definitions.  
275-80-810 Visits—Purposes.  
275-80-815 Visits—Registration.  
275-80-840 Personal visits—General.  
275-80-842 Personal visits—Who may not visit.  
275-80-844 Personal visits—Approved visitor lists.  
275-80-846 Personal visits—Alterations to visiting list.  
275-80-848 Personal visits—Transfer of resident.  
275-80-852 Personal visits—Visiting days and hours.  
275-80-854 Personal visits—Hospitalized resident.  
275-80-860 Professional visits.  
275-80-870 Group visit—General.  
275-80-872 Group visit—Arrangements.  
275-80-876 Group visit—Conduct.  
275-80-878 Group visit—Privacy of residents.  
275-80-890 News media visits—General.  
275-80-895 News media visits—Limitations.  
275-80-900 Exchange of material or items.  
275-80-905 Search of visitors.  
275-80-910 Notice of search.  
275-80-915 Refusal to be searched.  
275-80-920 Search and discovery of illegal items.  
275-80-925 Denial of visits.  
275-80-930 Suspension of visiting rights—Duration.  
275-80-935 Appeal of denial of visiting rights.  
275-80-940 Exceptions.  
275-80-995 Appendices.

PROPOSED

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 275-150-010 Purpose.
- 275-150-020 Definitions.
- 275-150-030 Administration and allocation of Referendum 37 funds.
- 275-150-040 Regional needs assessment.
- 275-150-050 Preliminary proposals and final applications for Referendum 37 funding.
- 275-150-060 Submission of preliminary proposals.
- 275-150-070 Review process for preliminary proposals.
- 275-150-080 Review criteria for preliminary proposals.
- 275-150-090 Operation of approved Referendum 37 projects.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

- 388-14-275 Fifty dollars disregard payment.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 388-15-010 Service goals.
- 388-15-020 Eligible persons.
- 388-15-110 Information and referral sources.
- 388-15-340 Alcoholism treatment.
- 388-15-500 Redetermination of service eligibility.
- 388-15-550 Service delivery.
- 388-15-580 Support services.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

- 388-21-005 Diversity initiative.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 388-43-100 TRS advisory committee appointment.
- 388-43-120 Policies for transition.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 388-52-150 Vocational rehabilitation services.
- 388-52-155 Vocational rehabilitation services—Training expenses.

- 388-52-160 Comprehensive employment and training program—Definitions.
- 388-52-163 Comprehensive employment and training program—Services provided.
- 388-52-166 Comprehensive employment and training program—Participation of recipient.
- 388-52-169 Treatment of recipient's income from CETA.
- 388-52-172 Release of information to prime sponsors of CETA program.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 388-70-064 Payment of foster care to relative.
- 388-70-160 Guardianship of estate of child.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 388-73-400 Day care providers.
- 388-73-402 Maximum hours—Rest periods.
- 388-73-403 Operating hours—Staff on premises
- 388-73-404 Ill children.
- 388-73-406 Nap and sleep equipment.
- 388-73-408 Evening and nighttime care.
- 388-73-409 Off-grounds trips.
- 388-73-410 Information to parents—Day care facilities.
- 388-73-412 Toddlers and preschool children.
- 388-73-414 Attendance—Mini-day care centers.
- 388-73-430 Capacity—Limitations on ages and numbers—Mini-day care centers.
- 388-73-432 Staffing—Mini-day care program.
- 388-73-434 Qualifications of licensee—Mini-day care.
- 388-73-436 Qualifications of child care staff—Mini-day care.
- 388-73-438 Program and equipment—Mini-day care.
- 388-73-440 Play areas—Mini-day care.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 388-78-005 General provisions.
- 388-78-010 Definitions.
- 388-78-015 Supportive social services.
- 388-78-020 Self-sufficiency plan.
- 388-78-100 FIP employment and training requirements.
- 388-78-120 Grievance procedure and administrative reviews and appeals.
- 388-78-205 FIP child care.
- 388-78-210 Standards for child care providers.

388-78-215 Payment standards for child care services.

388-78-220 Child day care co-payments.

388-320-500 Updating mailing lists.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

- 388-86-050 Inpatient hospital care.
- 388-86-051 Selective contracting program.
- 388-86-075 Outpatient and emergency care.
- 388-86-090 Physical therapy.
- 388-86-112 Physical medicine and rehabilitation evaluation and treatment.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

- 388-87-013 Conditions of payment—Hospital care.
- 388-87-030 Responsibility of physician—Patient admitted to hospital.
- 388-87-032 Advanced registered nurse practitioners services (ARNP)—Payment.
- 388-87-070 Payment—Hospital inpatient services.
- 388-87-072 Payment—Hospital outpatient services.
- 388-87-115 Payment—Organ transplantation.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

- 388-165-005 Purpose.
- 388-165-010 General provisions.
- 388-165-020 Application procedure.
- 388-165-030 Application form.
- 388-165-040 Assistance unit.
- 388-165-050 Eligibility conditions—Emergent need.
- 388-165-060 Eligibility conditions—Income and resource eligibility.
- 388-165-070 Eligibility conditions—Living with a relative of a specified degree.
- 388-165-080 Eligibility conditions—Job refusal.
- 388-165-090 Eligibility conditions—Residency and alien status.
- 388-165-100 Payment limitations.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

- 388-320-400 Petition for rule making—Form, content, and filing.
- 388-320-410 Petition for rule making—Consideration and disposition.
- 388-320-470 Subscription to adjudicative orders involving nursing homes.



**WSR 97-19-006**  
**EXPEDITED ADOPTION**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
 [Filed September 4, 1997, 1:25 p.m.]

**Title of Rule:** Rules on prohibited fees and nonpreferential loans.

**Purpose:** To adopt state rules substantially equivalent to rules of the National Credit Union Administration (NCUA) at:

- 12 CFR Section 701.21 (c)(8) concerning prohibited fees.
- 12 CFR Section 701.21 (d)(5) concerning nonpreferential loans.

**Statutory Authority for Adoption:** RCW 31.12.535, 43-320.040.

**Statute Being Implemented:** RCW 31.12.015, [31.12].225, [31.12].365.

**Summary:** The rules will be substantially equivalent to the following NCUA rules:

- 12 CFR Section 701.21 (c)(8), restricting credit union officials and employees from receiving any compensation in connection with any loan by the credit union.
- 12 CFR Section 701.21 (d)(5), prohibiting credit union officials and their immediate families and business associates from receiving loans from the credit union on preferential terms.

**Reasons Supporting Proposal:** Federal share and deposit insurance is available to state-chartered credit unions through the NCUA. The NCUA has adopted rules to ensure the safety and soundness of these federally-insured state credit unions (FISCUs). These rules are outlined in 12 CFR Part 741. Among other requirements, Part 741 requires FISCUs to comply with:

- 12 CFR Section 701.21 (c)(8) concerning prohibited fees.
- 12 CFR Section 701.21 (d)(5) concerning nonpreferential loans.
- 12 CFR Section 701.21(h) concerning member business loans (MBL).

See 12 CFR 741.203(a). These rules currently apply to Washington FISCUs, about seventy-five credit unions in number.

The remaining Washington credit unions, about thirty in number, are not federally insured (non-FISCUs) and are therefore not currently subject to these NCUA rules. The shares and deposits of these credit unions are guaranteed by the Washington Credit Union Share Guaranty Association (WCUSGA). However, the WCUSGA credit unions are required to convert to federal insurance by year-end 1998. As these credit unions convert, they too will become subject to the NCUA rules cited above. The Department of Financial Institutions (DFI) anticipates that all but a handful of the remaining WCUSGA credit unions will be converted to federal insurance by February 1, 1998.

However, FISCUs will be exempt from these NCUA rules if their state rules are determined by the NCUA board to be "substantially equivalent" to the NCUA rules. In order to take advantage of this exemption, the DFI intends to adopt rules which are substantially equivalent to the NCUA rules cited above.

The DFI intends in this rule-making proceeding to adopt rules which are substantially equivalent to the NCUA rules on prohibited fees and nonpreferential loans, Sections 701.21 (c)(8) and (d)(5), respectively. These DFI rules will apply to Washington FISCUs and non-FISCUs alike. Compliance with the new rule on preferential loans will satisfy the last sentence of RCW 31.12.365, which is substantially the same. The proposed DFI rules are set forth on Appendix A.

However, because the NCUA's MBL rules in Section 701.21(h) are currently under revision by the NCUA, the DFI intends to wait until the NCUA has completed the revision of its MBL rules before it adopts substantially equivalent rules.

To avoid overlapping federal and DFI rules on these subjects, the DFI's rules will not take effect by their terms until the NCUA board has determined that they are substantially equivalent. Promptly after adoption of the rules, the DFI will submit them to the NCUA board for a determination.

Under the state Administrative Procedure Act, proposed state rules which adopt federal rules without material change may be adopted through the expedited process prescribed in RCW 34.05.230, as amended by section 202, chapter 409, Laws of 1997. The DFI has proposed to use the expedited process for adoption of these rules for the following reasons:

- a. The proposed rules will adopt the NCUA rules at 12 CFR Section 701.21 (c)(8) concerning prohibited fees and 12 CFR Section 701.21 (d)(5) concerning nonpreferential loans, without material change; and
- b. Washington FISCUs are currently subject to these NCUA rules; and most remaining Washington non-FISCUs will become subject to the NCUA rules in the next few months.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** J. Parker Cann, P.O. Box 41200, Olympia, WA 98504-1200, (360) 902-8778.

**Name of Proponent:** Department of Financial Institutions, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The rules will be substantially equivalent to the following NCUA rules:

- 12 CFR Section 701.21 (c)(8), restricting credit union officials and employees from receiving any compensation in connection with any loan by the credit union.
- 12 CFR Section 701.21 (d)(5), prohibiting credit union officials and their immediate families and business associates from receiving loans from the credit union on preferential terms.

These NCUA rules currently apply to FISCUs. All Washington credit unions are currently subject to, or will shortly be subject to, these NCUA rules. By enacting these state rules, Washington credit unions will be exempt from the NCUA rules.

Proposal does not change existing rules.

**NOTICE**

**THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR**

PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO J. Parker Cann, Division of Credit Unions, Department of Financial Institutions, P.O. Box 41200, Olympia, WA 98504-1200, phone (360) 902-8778, FAX (360) 902-8800, AND RECEIVED BY November 18, 1997.

September 2, 1997  
John L. Bley  
Director

**Chapter 208-444 WAC  
MISCELLANEOUS CREDIT UNION RULES**

**NEW SECTION**

**WAC 208-444-020 Prohibited fees.** (1) Except as otherwise provided herein, no official or employee of a credit union, or immediate family member of an official or employee of a credit union, may receive, directly or indirectly, any commission, fee, or other compensation in connection with any loan made by the credit union.

(2) This section does not prohibit:

(a) Payment, by a credit union, of salary to employees;

(b) Payment, by a credit union, of an incentive or bonus to an employee based on the credit union's overall financial performance;

(c) Payment, by a credit union, of an incentive or bonus to an employee, other than a senior management employee, in connection with a loan or loans made by the credit union, provided that the board of directors of the credit union establishes written policies and internal controls in connection with such incentive or bonus and monitors compliance with such policies and controls at least annually.

(d) Receipt of compensation from a person outside a credit union by a volunteer official or nonsenior management employee of the credit union, or an immediate family member of a volunteer official or employee of the credit union, for a service or activity performed outside the credit union, provided that no referral has been made by the credit union or the official, employee, or family member.

(3) For purposes of this section, "official" means any member of the board of directors or a volunteer committee.

**NEW SECTION**

**WAC 208-444-030 Nonpreferential loans.** (1) The rates, terms and conditions on any loan either made to, or endorsed or guaranteed by

(a) an official

(b) an immediate family member of an official, or

(c) any individual having a common ownership, investment or other pecuniary interest in a business enterprise with an official or with an immediate family member of an official shall not be more favorable than the rates, terms and conditions for comparable loans to other credit union members.

(2) For purposes of this section, "official" means any member of the board of directors, credit committee or supervisory committee.

Expedited Adoption

**NEW SECTION**

**WAC 208-444-040 Definitions.** Unless the context clearly requires otherwise, as used in this Chapter:

(1) "Compensation" includes non-monetary items, except those of nominal value.

(2) "Immediate family member" means a spouse or other family member living in the same household.

(3) "Loan" includes line of credit.

(4) "Person" means a natural person or an organization.

(5) "Senior management employee" means the credit union's chief executive officer (typically, this individual holds the title of President or Treasurer/Manager), any assistant chief executive officers (e.g., Assistant President, Vice President, or Assistant Treasurer/Manager), and the chief financial officer (Comptroller).

(6) "Volunteer official" means an official of a credit union who does not receive compensation from the credit union solely for his or her service as an official.

**NEW SECTION**

**WAC 208-444-050 Effective date.** Sections 208-444-020, -030, and -040 will take effect on the date that these rules are determined by the Board of the National Credit Union Administration (NCUA) to be substantially equivalent to NCUA rules.

**WSR 97-19-056  
EXPEDITED ADOPTION  
ENERGY FACILITY SITE  
EVALUATION COUNCIL  
[Filed September 15, 1997, 3:30 p.m.]**

Title of Rule: Chapter 463-06 WAC, General—Organization—Public records.

Purpose: The proposed amendment updates the location of the council's office and the source of the council's administrative support (including staff).

Other Identifying Information: WAC 463-06-020 (2) - (3) and 463-06-030.

Statutory Authority for Adoption: RCW 80.50.040(1).

Statute Being Implemented: RCW 34.05.220(b).

Summary: The proposed changes are ministerial updates, related to the fact that the Energy Facility Site Evaluation Council is now "housed" within the Department of Community, Trade and Economic Development (CTED) rather than the Washington State Energy Office.

Reasons Supporting Proposal: Under RCW 80.50.030 (2)(b), CTED now provides the administrative and staff support for the council.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jason Zeller, Mailstop 43172, Olympia, Washington 98504, (360) 956-2047.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment updates the location of the council's office and the source of the council's administrative support (including staff).

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

**NOTICE**

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jason Zeller, Energy Facility Site Evaluation Council, Mailstop 43172, Olympia, Washington 98504-3172, AND RECEIVED BY November 14, 1997.

September 15, 1997

Jason Zeller  
Manager

**AMENDATORY SECTION** (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

**WAC 463-06-020 Description of organization.** (1)

The voting membership of the council consists of the authorized representatives of the member agencies listed in RCW 80.50.030. In addition, a voting county representative, a voting city representative, and a nonvoting port district representative may sit with the council under the circumstances described in RCW 80.50.030.

(2) The chair of the council is the person appointed by the governor with the advice and consent of the senate to a term coextensive with that of the governor pursuant to RCW 80.50.030. The (~~chairman~~) chair has a vote on all matters before the council and has an office at the (~~Washington state energy office~~) Department of Community, Trade, and Economic Development.

(3) The (~~Washington state energy office~~) Department of Community, Trade, and Economic Development provides administrative services and staff to the council.

**AMENDATORY SECTION** (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

**WAC 463-06-030 Council office—Business hours.**

The council office is located at the (~~Washington State Energy Office, 809 Legion Way S.E.,~~) Department of Community, Trade, and Economic Development, 925 Plum Street, S.E., Olympia, Washington. It is open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., Saturdays, Sundays, and legal holidays excepted. Notices, applications, business correspondence, or other communication should be sent to the council office.

**WSR 97-19-057**

**EXPEDITED ADOPTION  
ENERGY FACILITY SITE  
EVALUATION COUNCIL**

[Filed September 15, 1997, 3:31 p.m.]

Title of Rule: Chapter 463-10 WAC, Definitions.

Purpose: The proposed amendment adds a definition of a term which has previously been used without definition.

Other Identifying Information: WAC 463-10-010.

Statutory Authority for Adoption: RCW 80.50.040(1).

Statute Being Implemented: RCW 80.50.040(1).

Summary: This chapter defines terms used throughout Title 463 WAC.

Reasons Supporting Proposal: The term "certificate holder" is used frequently throughout Title 463 WAC and should be included in the definitional section.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jason Zeller, Mailstop 43172, Olympia, Washington 98504, (360) 956-2047.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment adds a definition of a term which has previously been used without definition.

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

**NOTICE**

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jason Zeller, Energy Facility Site Evaluation Council, P.O. Box 43172, Olympia, WA 98504-3172, AND RECEIVED BY November 14, 1997.

September 15, 1997

Jason Zeller  
Manager

**AMENDATORY SECTION** (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

**WAC 463-10-010 Definitions.** Except where otherwise indicated in the following chapters, the following terms have the meaning shown:

(1) "Council" refers to the energy facility site evaluation council created pursuant to chapter 80.50 RCW and, where appropriate, to the staff of the council.

(2) "Applicant" means the person or entity making application for a certification or permit covered by this title.

(3) "Adjudicative proceeding" means a proceeding conducted pursuant to RCW 80.50.090(3) and the state Administrative Procedure Act.

(4) "Certificate holder" means a person or entity who is signatory to a Site Certification Agreement, which has been approved by the council and signed by the governor, and who is bound by the terms therein.

**WSR 97-19-058**  
**EXPEDITED ADOPTION**  
**ENERGY FACILITY SITE**  
**EVALUATION COUNCIL**

[Filed September 15, 1997, 3:32 p.m.]

Title of Rule: Chapter 463-14 WAC, Policy and interpretation and chapter 463-54 WAC, Certification compliance determination and enforcement.

Purpose: The proposed amendments update the rules to cite the council's statute and rules accurately.

Other Identifying Information: WAC 463-14-070 and 463-54-070(5).

Statutory Authority for Adoption: RCW 80.50.040(1).  
 Statute Being Implemented: RCW 80.50.040(1).

Summary: The proposed amendments change citations which have become outdated.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jason Zeller, Mailstop 43172, Olympia, Washington 98504, (360) 956-2047.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendments update the rules to cite the council's statute and rules accurately.

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

**NOTICE**

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jason Zeller, Energy Facility Site Evaluation Council, Mailstop 43172, Olympia, Washington 98504-3172, AND RECEIVED BY November 14, 1997.

September 15, 1997

Jason Zeller  
 Manager

AMENDATORY SECTION (Amending Order 104, filed 11/4/76)

**WAC 463-14-070 Integration of council activities with federal agency activities.** In consonance with ((RCW 80.50.040(12))) RCW 80.50.040(10), the council hereby adopts a policy of holding joint hearings, whenever practical and desirable, with federal agencies having jurisdiction over matters affecting certification under chapter 80.50 RCW.

AMENDATORY SECTION (Amending WSR 91-03-090 [94-16-031], filed 1/18/91 [7/26/94], effective 2/18/91 [8/26/94])

**WAC 463-54-070 Enforcement actions.** (1) General. The council establishes four types of enforcement action in order to provide the council with a range of responses to apparent violations of a site certification agreement or the laws and rules enforced by the council. The range allows the chair or the council to choose an approach which it determines, in its discretion, to be best suited in light of the apparent seriousness of an apparent violation, the potential danger to humans or the environment, the willingness and ability of the violator to make required corrections, and the speed with which corrective action should be taken.

(2) Emergency action by chair.

(a) Emergency action is appropriate when the chair or chair's designee believes that the nature of an apparent violation requires action too swiftly to allow for deliberation and decision by the full council or that action is required pending the completion of other enforcement action.

(b) The chair of the council or the chair's designee is authorized to take immediate action to halt or eliminate any imminent or actual substantial danger to health or welfare of persons or the environment resulting from violation of law or of terms of the site certification agreement, including the release of pollutants from facilities sited under chapter 80.50 RCW. The chair may:

(i) Order the immediate termination of an endangerment or an endangering release and the immediate suspension of an NPDES or other permit issued by the council, or order the immediate commencement of corrective action;

(ii) Notify appropriate agencies that protective measures are required immediately to safeguard public health and safety;

(iii) Request the prosecuting attorney of an affected county or the attorney general to take immediate enforcement action for violations of certification agreements or permits pursuant to RCW 80.50.150(6).

(c) The council shall consider any emergency action at a regular or special meeting as soon as practical after the action is taken. It may adopt, rescind, or modify emergency action as specified in this rule. The council retains jurisdiction to maintain or modify emergency action until the circumstances requiring the action are cured to the council's satisfaction or until other enforcement actions supersede the emergency action, whichever first occurs.

(d) If feasible, the council shall allow the subject of emergency action to present its views prior to adopting, affirming, or modifying the action.

(3) Notice of incident and request for assurance of compliance.

(a) A notice of incident is appropriate when the council believes that a violation has occurred; that it is being corrected quickly and effectively by the violator; that the violation caused no substantial danger to humans or the environment; and that a penalty assessment does not appear to be appropriate in light of the seriousness of the violation or as an incentive to secure future compliance.

(b) Whenever the council has probable cause to believe that any term or condition of a certificate agreement or permit has been violated, the council may serve a notice of

incident and request for assurance of compliance upon the certificate holder. Within thirty days after service of the notice, the certificate holder shall provide the council with a report of the incident and assurance of compliance, including appropriate measures to preclude a recurrence of the incident. The council shall review the assurance of compliance. It may close out the matter by resolution or take such further action as it believes to be necessary.

(4) Notice of violation.

(a) A notice of violation is appropriate when the council believes: That a violation has occurred; that a violation is not being timely or effectively corrected; that a violation may cause a substantial risk of harm to humans or the environment; or that a penalty may be appropriate as an incentive to future compliance.

(b) Whenever the council has probable cause to believe that a violation of any term or condition of a certificate agreement or permit has occurred, the council may serve upon the certificate holder a notice of violation and may include the assessment of a penalty pursuant to RCW 80.50.150(5). The notice shall specify the provisions of law or rule or the certificate agreement or permit which are alleged to have been violated and shall include a requirement that corrective action be taken.

(c) Review procedure. The certificate holder named in a notice of violation may appeal the notice to the council and it may seek remission or mitigation of any penalty.

(i) A request for mitigation or remission of a penalty must be filed within fifteen days after service of the notice of violation. A decision upon a request for remission or mitigation of a penalty is an administrative decision which the council may make in its discretion.

(ii) An appeal of a notice of violation must be filed within thirty days after service of the notice of violation. The appeal is an application for an adjudicative proceeding under RCW 34.05.410. It must be in writing, timely filed in the offices of the council, and state the basis of the contention and exactly what change or remedy is sought from the council. Unless the application is denied or settled, the council shall conduct an adjudicative proceeding upon the challenge pursuant to chapter 34.05 RCW.

(iii) Any penalty imposed in a notice of violation shall be due and payable thirty days after the following: Service of the notice of violation, if not review is sought; service of the council's decision upon remission or mitigation, if no appeal is made; or service of the council's final order on review of an appeal of a notice of violation. If the penalty is not paid when due, the council shall request the attorney general to commence an action in the name of the state to recover the penalty pursuant to RCW 80.50.150.

(5) Air pollution episodes. The council may enter such orders as authorized by chapter 80.50 RCW regarding air pollution episodes, as set forth in (~~WAC 463-39-130~~) WAC 463-39-230.

(6) Judicial enforcement.

(a) Judicial enforcement is available through chapter 80.50 RCW. It is appropriate when the council believes that judicial action may be of substantial assistance in securing present or future compliance or resolution of the underlying problem.

(i) The council may request the attorney general or the prosecuting attorney of any county affected by a violation to

commence civil proceedings to enforce the provisions of chapter 80.50 RCW, pursuant to RCW 80.50.150(6).

(ii) The council may request the prosecuting attorney of any county affected by a violation to commence criminal proceedings to enforce the provisions of chapter 80.50 RCW, pursuant to RCW 80.50.150(6).

(b) The council may also secure judicial enforcement of its rules or orders pursuant to RCW 34.05.578.

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

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 97-19-059**  
**EXPEDITED ADOPTION**  
**ENERGY FACILITY SITE**  
**EVALUATION COUNCIL**  
[Filed September 15, 1997, 3:33 p.m.]

Title of Rule: Chapter 463-30 WAC, Procedure—Adjudicative proceedings and chapter 463-18 WAC, Procedure—Regular and special council meetings.

Purpose: The proposed amendment replaces all references to the council's executive secretary with references to the Energy Facility Site Evaluation Council manager.

Other Identifying Information: WAC 463-18-050, 463-30-080, 463-30-120, 463-30-330, and 463-30-335.

Statutory Authority for Adoption: RCW 80.50.040(1).

Statute Being Implemented: RCW 34.05.250.

Summary: The sections proposed for amendment describe certain roles of the Energy Facility Site Evaluation Council staff during adjudicative and other proceedings.

Reasons Supporting Proposal: The staff position of executive secretary, referenced in these sections, has been eliminated. The Energy Facility Site Evaluation Council manager now performs the duties previously performed by the executive secretary.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jason Zeller, Mailstop 43172, Olympia, Washington 98504, (360) 956-2047.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment deletes all references to the roles of the council's executive secretary because the council's organizational structure no longer includes this position. The enumerated responsibilities, once held by the executive secretary, are now assigned to the Energy Facility Site Evaluation Council manager.

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

**NOTICE**

**THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL**

BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jason Zeller, Energy Facility Site Evaluation Council, Mailstop 43172, Olympia, Washington 98504-3172, AND RECEIVED BY November 14, 1997.

September 15, 1997

Jason Zeller  
Manager

AMENDATORY SECTION (Amending Order 105, filed 11/4/76)

**WAC 463-18-050 Special meetings.** A special meeting may be called at any time by the ((~~chairman~~)) chair or by a majority of the members of the council by delivering personally or by mail written notice to each member; and to each local newspaper of general circulation and to each local radio or television station which has on file a written request to be notified of such special meetings of or all special meetings. Such special notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the ((~~executive secretary~~)) EFSEC Manager a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-080 Commencement of adjudicative proceedings.** Adjudicative proceedings shall commence upon issuance of a formal notice of hearing or prehearing conference. The notice shall be served upon all parties at least twenty days in advance of the initial hearing date, unless the council finds that an emergency exists requiring the hearing or prehearing conference to be held upon less notice.

The time and place of continued hearing sessions may also be set:

(1) Upon the record without further written notice to the parties; or

(2) By letter from the ((~~executive secretary of the council~~)) EFSEC Manager; or

(3) By letter from the presiding officer.

In such instances, twenty days' prior notice is not required.

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-120 Filing and service.** (1) Filing. Filing of any document shall be deemed complete only upon receipt by the ((~~executive secretary~~)) EFSEC Manager or other authorized agent of the council. Receipt in the council's telefax machine, or similar device, does not constitute filing. Unless in a particular case the council specifies a different number of copies, every pleading submitted to the council shall be filed with two copies. Filing a document with the council does not constitute service upon the office of the attorney general or any other party. Likewise, service on the office of the attorney general does not constitute a filing with the council.

(a) Applications. Applications for a site certificate shall be filed in the manner prescribed by the rules governing such applications.

(b) Other pleadings. All pleadings shall be legible and a copy shall be served upon each party to the proceeding.

(2) Service.

(a) Service by parties. Service of pleadings by parties shall be made by delivering one copy to each party in person, by mail, properly addressed with postage prepaid, by commercial parcel delivery company properly tendered with fees prepaid, or by telefacsimile transmission, here originals are mailed simultaneously. Except as otherwise provided, when any party has appeared by attorney or other authorized representative, service upon such attorney or representative will be deemed valid service upon the party of all future pleadings before the council. Service of pleadings by mail shall be complete when a true copy of the document is properly addressed and stamped and deposited in the United States mail. Service by commercial parcel delivery company shall be complete when accepted for delivery by the company.

(b) Service by the council. All notices, findings of fact, decisions, and orders required to be served by the council may be served in person, by mail, by commercial parcel delivery company, properly tendered with fees prepaid, or by telefacsimile transmission, when originals are mailed simultaneously. Service of documents shall be complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail with first class postage affixed, or accepted for delivery by the parcel delivery company.

(c) Certificate of service. There shall appear on the original of every pleading when filed with the council in accordance with this subsection, either an acknowledgment of service, or the following certificate:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by authorized method of service pursuant to WAC 463-30-120 (2)(a).

Dated at . . . . . this . . . . . day of . . . . .

(signature) . . . . .

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-330 Petition for review and replies.**

(1) Any party to an adjudicative proceeding may file a petition for review of an initial order.

(2) The petition for review shall be filed with the ~~((executive secretary of the council))~~ EFSEC Manager within twenty days of the date of service of the initial order unless a different place and time limit for filing the petition are specified in the initial order in its statement describing available procedures for administrative relief. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.

(3) The petition for review shall specify the challenged portions of the initial order and shall refer to the evidence of record which is relied upon to support the petition.

(4) Any party may file an answer to a petition for review. The answer shall be filed with the ~~((executive secretary of the council))~~ EFSEC Manager within fourteen days after the date of service of the petition and copies of the answer shall be served upon all other parties or their representatives at the time the answer is filed.

**AMENDATORY SECTION** (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-335 Reconsideration.** A petition for reconsideration of a final order under RCW 34.05.470 shall be filed with the ~~((executive secretary of the council))~~ EFSEC Manager.

**WSR 97-19-060**  
**EXPEDITED ADOPTION**  
**ENERGY FACILITY SITE**  
**EVALUATION COUNCIL**  
 [Filed September 15, 1997, 3:34 p.m.]

Title of Rule: Chapter 463-47 WAC, SEPA rules.

Purpose: The proposed amendment updates the Energy Facility Site Evaluation Council rules, consistent with changes in the SEPA rules.

Other Identifying Information: WAC 463-47-020 and 463-47-120.

Statutory Authority for Adoption: RCW 80.50.040.

Statute Being Implemented: RCW 43.21C.120.

Summary: WAC 463-47-020 incorporates most of chapter 197-11 WAC by reference. Sections which apply specifically to units of government other than the Energy Facility Site Evaluation Council are not incorporated. WAC 463-47-120 expresses the council's intent to respect local government designations of "environmentally sensitive areas" in determining categorical exemptions.

Reasons Supporting Proposal: WAC 463-47-020 and 463-47-120 must be updated to reflect recent changes in chapter 197-11 WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jason Zeller, Mailstop 43172, Olympia, Washington 98504, (360) 956-2047.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment updates the Energy Facility Site Evaluation Council rules, consistent with changes in the SEPA rules.

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

**NOTICE**

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jason Zeller, Energy Facility Site Evaluation Council, P.O. Box 43172, Olympia, WA 98504-3172, AND RECEIVED BY November 14, 1997.

September 15, 1997

Jason Zeller  
 Manager

**AMENDATORY SECTION** (Amending WSR 84-19-031 (Order 84-2), filed 9/14/84)

**WAC 463-47-020 Adoption by reference.** The energy facility site evaluation council adopts the following sections or subsections of chapter 197-11 WAC by reference.

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.
- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.
- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping. (Optional)

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- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.
- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-510 Public notice.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.
- 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement—Procedures.
- 197-11-625 Addenda—Procedures.
- 197-11-630 Adoption—Procedures.
- 197-11-635 Incorporation by reference—Procedures.
- 197-11-640 Combining documents.
- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.
- 197-11-700 Definitions.
- 197-11-702 Act.
- 197-11-704 Action.
- 197-11-706 Addendum.
- 197-11-708 Adoption.
- 197-11-710 Affected tribe.
- 197-11-712 Affecting.
- 197-11-714 Agency.
- 197-11-716 Applicant.
- 197-11-718 Built environment.
- 197-11-720 Categorical exemption.
- 197-11-722 Consolidated appeal.
- 197-11-724 Consulted agency.
- 197-11-726 Cost-benefit analysis.
- 197-11-728 County/city.
- 197-11-730 Decisionmaker.
- 197-11-732 Department.
- 197-11-734 Determination of nonsignificance (DNS).
- 197-11-736 Determination of significance (DS).
- 197-11-738 EIS.
- 197-11-740 Environment.
- 197-11-742 Environmental checklist.
- 197-11-744 Environmental document.
- 197-11-746 Environmental review.
- ~~(197-11-748 Environmentally sensitive area.)~~
- 197-11-750 Expanded scoping.
- 197-11-752 Impacts.
- 197-11-754 Incorporation by reference.
- 197-11-756 Lands covered by water.
- 197-11-758 Lead agency.
- 197-11-760 License.
- 197-11-762 Local agency.
- 197-11-764 Major action.
- 197-11-766 Mitigated DNS.
- 197-11-768 Mitigation.
- 197-11-770 Natural environment.
- 197-11-772 NEPA.
- 197-11-774 Nonproject.
- 197-11-776 Phased review.
- 197-11-778 Preparation.
- 197-11-780 Private project.
- 197-11-782 Probable.
- 197-11-784 Proposal.
- 197-11-786 Reasonable alternative.
- 197-11-788 Responsible official.
- 197-11-790 SEPA.
- 197-11-792 Scope.
- 197-11-793 Scoping.
- 197-11-794 Significant.
- 197-11-796 State agency.
- 197-11-797 Threshold determination.
- 197-11-799 Underlying governmental action.
- 197-11-800 Categorical exemptions.
- 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.
- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-904 Agency SEPA procedures.
- 197-11-906 Content and consistency of agency procedures.
- 197-11-910 Designation of responsible official.
- 197-11-912 Procedures on consulted agencies.
- 197-11-914 SEPA fees and costs.
- 197-11-916 Application to ongoing actions.
- 197-11-917 Relationship to chapter 197-10 WAC.
- 197-11-918 Lack of agency procedures.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.
- 197-11-950 Severability.

- 197-11-955 Effective date.  
 197-11-960 Environmental checklist.  
 197-11-965 Adoption notice.  
 197-11-970 Determination of nonsignificance (DNS).  
 197-11-980 Determination of significance and scoping notice (DS).  
 197-11-985 Notice of assumption of lead agency status.  
 197-11-990 Notice of action.

**AMENDATORY SECTION** (Amending WSR 84-19-031 (Order 84-2), filed 9/14/84)

**WAC 463-47-120** (~~Environmentally sensitive~~)  
**Critical areas.** In determining whether a proposal is exempt from SEPA, the council shall respect "~~environmentally sensitive~~) critical area" designations made by local governments under WAC 197-11-908.

**WSR 97-19-061**  
**EXPEDITED ADOPTION**  
**ENERGY FACILITY SITE**  
**EVALUATION COUNCIL**  
 [Filed September 15, 1997, 3:35 p.m.]

Title of Rule: Chapter 463-06 WAC, General—Organization—Public records.

Purpose: The proposed amendment updates the introductory section in chapter 463-06 WAC.

Other Identifying Information: WAC 463-06-010.

Statutory Authority for Adoption: RCW 80.50.040(1).

Statute Being Implemented: RCW 80.50.040(1).

Summary: This section contains a one sentence description of each chapter of Title 463 WAC.

Reasons Supporting Proposal: Six chapters have been added to Title 463 WAC without a corresponding update of this section.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jason Zeller, Mailstop 43172, Olympia, Washington 98504, (360) 956-2047.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment updates the introductory section in chapter 463-06 WAC.

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

**NOTICE**

**THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jason Zeller, Energy Facility Site**

Evaluation Council, P.O. Box 43172, Olympia, WA 98504-3172, AND RECEIVED BY November 14, 1997.

September 15, 1997

Jason Zeller  
 Manager

**AMENDATORY SECTION** (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

**WAC 463-06-010 Organization of this title.** This title (Title 463 WAC) contains the regulations by which the energy facility site evaluation council (hereafter, the council) functions under state and federal law.

Chapter 463-06 WAC contains general informational provisions relating to agency operation and public records handling which are required by the state Administrative Procedure Act and state laws relating to public records.

Chapter 463-10 WAC contains definitions of terms used throughout this title.

Chapter 463-14 WAC sets forth a number of significant policy and interpretive provisions relating to the scope and application of chapter 80.50 RCW and these rules.

Chapter 463-18 WAC deals with procedures for the conduct of business at regular and special council meetings.

Chapter 463-22 WAC sets forth procedures to be followed when a request for a potential site study is submitted under RCW 80.50.175.

Chapter 463-26 WAC sets forth procedures governing the public hearings referred to in RCW 80.50.090 (1), (2), and (4).

Chapter 463-28 WAC sets forth the council's procedures in determining whether to recommend that the state preempt local land use plans or zoning ordinances for a site.

Chapter 463-30 WAC contains procedural provisions governing adjudicative proceedings held pursuant to RCW 80.50.090(3).

Chapter 463-34 WAC outlines procedures for rule making and for obtaining declaratory orders from the council.

Chapter 463-36 WAC sets forth the council's procedures in amending or terminating a site certification agreement.

Chapter 463-38 WAC contains procedure and guidelines relating to issuance of permits to discharge pollutants into Washington waters pursuant to federal law.

Chapter 463-39 WAC provides the basic framework for the conduct of the council's responsibilities for air pollution prevention and control.

Chapter 463-42 WAC embodies council procedures and guidelines governing preparation of applications for energy facility site certification.

Chapter 463-43 WAC sets forth requirements for preparation and processing of applications which qualify for expedited processing.

~~Chapter 463-46 WAC contains guidelines relating to information which may have to be included in an application for site certification pursuant to the State Environmental Policy Act.~~

Chapter 463-47 WAC implements the state-wide SEPA rules in chapter 197-11 WAC.

Chapter 463-50 WAC defines guidelines for the use of independent consultants pursuant to RCW 80.50.070 and 80.50.175.

EXPEDITED ADOPTION

September 15, 1997

Jason Zeller  
Manager

Chapter 463-54 WAC sets forth procedures and guidelines for performance of surveillance monitoring by the council pursuant to RCW 80.50.040(11).

Chapter 463-58 WAC contains rules relating to independent consultant fees for potential site study, application processing, and compliance determination.

**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 97-19-062**  
**EXPEDITED ADOPTION**  
**ENERGY FACILITY SITE**  
**EVALUATION COUNCIL**  
[Filed September 15, 1997, 3:36 p.m.]

**Title of Rule:** Chapter 463-30 WAC, Procedure—Adjudicative proceedings.

**Purpose:** The proposed amendment adds PSD permits as a possible basis for scheduling a separate session of the council's adjudicative hearing.

**Other Identifying Information:** WAC 463-30-300.

**Statutory Authority for Adoption:** RCW 80.50.040.

**Statute Being Implemented:** RCW 34.05.250.

**Summary:** The section proposed for amendment provides guidelines for scheduling sessions of the adjudicative hearing.

**Reasons Supporting Proposal:** The council has authority to issue the NPDES and the PSD permits for projects which it certifies. As it exists, the rule lists NPDES permits, but not PSD permits.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Jason Zeller, Mailstop 43172, Olympia, Washington 98504, (360) 956-2047.

**Name of Proponent:** Energy Facility Site Evaluation Council, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The proposed amendment adds PSD permits as a possible basis for scheduling a separate session of the council's adjudicative hearing.

**Proposal Changes the Following Existing Rules:** See Summary and Reasons Supporting Proposal above.

**NOTICE**

**THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jason Zeller, Energy Facility Site Evaluation Council, Mailstop 43172, Olympia, Washington 98504-3172, AND RECEIVED BY November 14, 1997.**

**AMENDATORY SECTION** (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-300 Hearing schedule guidelines.** In any adjudicative site certification proceeding the council shall, after consultation with the parties, schedule the hearing process so that the following general subject areas may be heard separately at specified times, to the extent they are in issue:

(1) The description of the particular energy facility and the proposed site.

(2) Consistency of the proposal with zoning and land use regulations.

(3) Physical site suitability and related safety considerations.

(4) NPDES (~~(permit or)~~), PSD, or other permits.

(5) On-site and local impacts (physical): Such as aquatic, terrestrial and atmospheric.

(6) On-site and local impacts (societal): Such as housing, services, recreation, economics, transportation, health, and tax base.

(7) Peripheral area impacts (all categories).

(8) Adverse impacts minimization and consideration of conditions of certification.

At the commencement of the hearing, the council shall publicly announce the proposed schedule by which the hearing is to be conducted. The council may alter the schedule.

**WSR 97-19-087**  
**EXPEDITED ADOPTION**  
**EMPLOYMENT SECURITY DEPARTMENT**  
[Filed September 17, 1997, 9:40 a.m.]

**Title of Rule:** WAC 192-12-141 Applying for unemployment benefits and 192-23-018 Failure to report in person to reopen a claim for benefits after a break in claim series.

**Purpose:** To allow new and reopened claims for unemployment benefits to be filed by mail.

**Other Identifying Information:** Preproposal Statement of Intent (CR-101) for pilot rule study filed as WSR 94-23-117, on November 22, 1994, and WSR 95-07-075, on March 15, 1995.

**Statutory Authority for Adoption:** RCW 50.12.010, 50.12.040, 50.20.010.

**Statute Being Implemented:** RCW 50.20.140.

**Summary:** The proposed changes will allow individuals in rural areas of the state, and in other areas designated by the commissioner, to file their claims for unemployment benefits by mail, rather than visiting the office in person.

**Reasons Supporting Proposal:** The proposed rule changes were tested on a pilot basis in Pierce County for two years. The finding of the Mail-In Application Pilot Rule Study Group was that the use of alternative methods of application provided better customer service without compromising the primary objectives of the unemployment insurance program.

Name of Agency Personnel Responsible for Drafting: Juanita Myers, 212 Maple Park, Olympia, (360) 902-9665; Implementation and Enforcement: Dale Ziegler, 212 Maple Park, Olympia, (360) 902-9303.

Name of Proponent: Employment Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes will allow individuals in rural areas of the state, and in other areas designated by the commissioner, to file their new and reopened claims for unemployment benefits by mail, rather than in person. Based upon the pilot study performed in Pierce County, the effect of the proposed change is to improve customer service by eliminating long lines at the Job Service Center, while maintaining federal performance and timeliness standards.

Proposal Changes the Following Existing Rules: WAC 192-12-141 currently requires individuals to file their initial claims for unemployment benefits in person. The proposed change will allow individuals in designated areas to file their applications by mail.

WAC 192-23-018 provides penalties for individuals who fail to report in person to reopen an existing claim. The proposed change will allow individuals to reopen their claim by any method as directed by the department.

#### NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jaunita Myers, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, AND RECEIVED BY November 15, 1997.

Carver Gayton  
Commissioner

AMENDATORY SECTION (Amending WSR 95-18-107, filed 9/6/95, effective 10/7/95)

**WAC 192-12-141 Applying for unemployment benefits.** (1) If you apply for Washington state benefits in another state, follow the instructions in WAC 192-12-130. If you apply for benefits in Washington state, follow the instructions below.

(2) How do I apply for benefits? (a) In most areas of the state, you must file your application for benefits in person at a Washington state employment security office.

(b) In designated rural areas, or in other locations approved by the commissioner, you may file your application for benefits by mail.

(c) Other methods of filing applications for benefits can be authorized by the department as needed.

You may apply at any time, even if you are working. If you file your application in person, your claim is effective the ((first)) week in which you report to the employment

security office. If you file your application by mail, your claim is considered filed on the postmarked date.

(3) **Do I have to register for work?** You must register for work unless you are partially unemployed or on standby. (See WAC 192-12-150.)

(4) **Will I receive benefits immediately?** The first week you are eligible for benefits is your waiting week. You will not be paid for this week.

(5) **Do I continue to file a claim for benefits?** You must file a claim as instructed for all weeks for which you want to be paid. Every week begins on Sunday and ends at midnight on Saturday. Your claim must be filed after the end of the week(s) you are claiming.

(a) **What information do I report on my claim form?** The claim form must contain:

(i) The Saturday date(s) of the week(s) you are claiming;

(ii) Answers to all the questions (your claim will be considered legal if at least one question is answered);

(iii) Your signature or, if filing by telephone, your personal identification number;

(iv) The amount and source of any pension you are receiving for the week claimed;

(v) Any holiday earnings received during the week claimed;

(vi) Any vacation pay received during the week claimed, and the dates for which such pay was accrued; and

(vii) Any earnings and the number of hours you worked during the week claimed, unless you are not eligible for benefits because you are fully employed.

A claim that does not meet these requirements is incomplete and will be returned to you with a request for additional information.

(b) **How do I file my claim?** When you apply, you will be told to file your claim in person, by mail, or by telephone. If you file by mail, the claim is considered filed on the postmarked date.

(c) **How often must I file my claim?** When you apply, you will be told to file weekly or biweekly.

(i) If you file weekly, you will claim the week which ended the preceding Saturday.

(ii) If you file biweekly, you will claim the two weeks which ended on the preceding Saturday.

(iii) Other filing schedules can be authorized for the purpose of study, in cases of emergency, or where unusual circumstances make weekly or biweekly filing difficult.

(6) **Are there other times when I am required to report in person?** You may be instructed to report in person for any reason. If you do not report, you will not receive benefits for that week, except:

(a) If you return to work and cannot report in person as instructed, you can file your claim by mail;

(b) If you have been instructed to file in person on a Friday (or the last business day of a week), you can file your claim on the next business day; or

(c) When you can show you had good cause for not reporting in person. "Good cause" includes factors which would cause another person in similar circumstances to be unable to report as directed.

(7) **When is my claim considered late?** (a) Until you receive your first payment, your claim is considered late if it is filed more than seven days (one week) after the Satur-

day of the last week being claimed. You will not be paid for these weeks unless you can prove you had a good reason for filing late.

(b) After you have received your first payment, your claim is considered late if it is filed more than 28 days (four weeks) after the Saturday of the last week being claimed. Any week or weeks that are filed late will be conditionally paid. This means you will be paid benefits, but you will be asked to prove you had a good reason for filing late. If you cannot do so, you will receive a notice directing you to repay benefits for the week(s) you filed late.

(8) **How do I reopen my claim?** If you have stopped filing claims for one or more weeks, you must ~~((report in person to))~~ reopen your claim by reporting as directed to your local employment security office. ~~((Other methods for reopening claims can be authorized by the department as needed.))~~

**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:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending WSR 87-12-021, filed 5/28/87, effective 8/30/87)

**WAC 192-23-018 Failure to report ~~((in person))~~ as directed to reopen a claim for benefits after a break in claim series.** (1) ~~((If,))~~ After a break in weeks claimed, your claim for benefits will be denied under RCW 50.20-010(1) if you fail:

(a) To report as directed ~~((a claimant submits a claim for benefits without reporting in person to reopen his or her claim))~~ during the first week for which ~~((the claimant wishes))~~ you wish to be eligible for benefits, and ~~((fails))~~

(b) To respond to a request to report ~~((in person))~~ as directed to reopen ~~((his or her))~~ your claim, or ~~((fails))~~

(c) To establish good cause for failure to report ~~((in person))~~ as directed to reopen ~~((his or her))~~ your claim ~~((, the claimant will be subject to denial pursuant to RCW 50.20.010(1)).~~

(2) The denial of benefits ~~((authorized by this section is indefinite in nature, and))~~ will remain in effect until ~~((the individual))~~ you report ~~((in person))~~ as directed to reopen ~~((his or her))~~ your claim.

**WSR 97-19-099**  
**EXPEDITED ADOPTION**  
**DEPARTMENT OF HEALTH**  
[Filed September 17, 1997, 11:19 a.m.]

Title of Rule: Housekeeping amendments to existing chapter 246-828 WAC.

Purpose: Amendments to incorporate 1996 legislative changes to chapter 18.35 RCW. Add the terms "certificate holder" and "certification" where appropriate and change the word "aid" to "instrument," other housekeeping changes as necessary.

Statutory Authority for Adoption: RCW 18.35.161.

Statute Being Implemented: Chapter 18.35 RCW.

Summary: Amendments to WAC 246-828-005, 246-828-030, 246-828-075, 246-828-080, 246-828-090, 246-828-100, 246-828-270, 246-828-280, 246-828-295, 246-828-300, 246-828-320, 246-828-330, 246-828-340, 246-828-350, and 246-828-370 are necessary to create consistency between chapter 18.35 RCW and chapter 246-828 WAC. The amendments to these rules will provide individuals with clear and consistent guidelines.

Reasons Supporting Proposal: At this time chapter 246-828 WAC is not consistent with chapter 18.35 RCW and causes confusion.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Diane Young, 1300 Quince Street S.E., Olympia, (360) 586-0205.

Name of Proponent: [Department of Health], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the proposed amendments is to create consistency in terminology between chapter 18.35 RCW and chapter 246-828 WAC. This will provide a clear and consistent guideline for individuals.

Proposal Changes the Following Existing Rules: The proposed amendments will add the terms "certificate" and "certificate holder" where appropriate, change the word "aid" to "instrument" and make other housekeeping changes as necessary to create consistency with chapter 18.35 RCW.

**NOTICE**

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Diane Young, Department of Health, P.O. Box 47869, Olympia, WA 98504-7869, AND RECEIVED BY November 16, 1997.

September 8, 1997  
Delores E. Spice  
Executive Director

**AMENDATORY SECTION** (Amending Order 339B, filed 3/5/93, effective 4/5/93)

**WAC 246-828-005 Fitting and dispensing activities requiring license defined.** Fitting and dispensing activities requiring licensing include the following:

(1) The sale, lease, or rental or attempted sale, lease, or rental of a hearing ~~((aid))~~ instrument; and

(2) The selection or adaptation of a hearing ~~((aid))~~ instrument in connection with the sale, lease, or rental of a hearing ~~((aid))~~ instrument; and

(3) The taking of an ear mold impression to be used in connection with the sale, lease, or rental of a hearing ~~((aid))~~ instrument except when taking an ear mold impression for

the purpose of replacing a current ear mold with one of the same type.

Activities exempt from the provisions of chapter 18.35 RCW: The sale, lease, or rental of assistive listening devices which are described as personal or group listening systems, telephone listening devices, or altering devices are exempt from provisions of chapter 18.35 RCW. Assistive listening devices are designed to solve specific listening problems and are generally worn on a temporary basis. Hearing (~~(aids)~~) instruments are designed for a wide range of listening situations and are generally worn on a full time basis.

AMENDATORY SECTION (Amending Order 165B, filed 5/8/91, effective 6/8/91)

**WAC 246-828-030 Reexaminations.** (1) Should an applicant fail any part of the hearing instrument fitter/dispenser examination, he/she may apply to the department to retake the failed part of the examination.

(2) All reexaminations shall be conducted at the next regularly scheduled examination.

(3) Any person who fails to qualify for licensure after three consecutive regularly scheduled examinations shall be required to take the entire examination. A waiver may be granted upon a showing of emergency circumstances.

AMENDATORY SECTION (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-075 Student supervisors—Scope and definitions.** (1) Students enrolled in an accredited education or training program may perform the duties of a hearing (~~(aids)~~) instrument fitter/dispenser in the course of their training if under the supervision of a Washington state licensed hearing aid fitter/dispenser or certified audiologist. Supervision shall mean that the licensee/certificate holder is physically present on the premises at all times.

(2) An accredited education or training program shall be defined as any course of study in the field of fitting and dispensing hearing (~~(aids)~~) instruments that is offered by a school or program recognized by the state of Washington.

(3) The student shall at all times wear an identification badge readily visible to the public which identifies him or her as a student.

(4) The licensee/certified supervisor shall be responsible for all acts of the student.

AMENDATORY SECTION (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-080 Minimum standards of equipment.** Minimum equipment in the fitting and dispensing of hearing (~~(aids)~~) instruments shall include:

(1) Access to a selection of hearing (~~(aids)~~) instrument models, and hearing (~~(aids)~~) instrument supplies and services sufficiently complete to accommodate the various user needs.

(2) Facilities for the personal comfort of customers.

(3) A test environment with background noise no greater than American National Standards Institute specifications. When nonstandard environments must be used, appropriate procedures shall be employed to assure validity of assessments. (S3.1-1960 (R-1971)) plus 15 dB.

(4) Pure tone audiometer calibrated in accordance with WAC 246-828-090.

(5) Equipment appropriate for conducting speech audiometry (testing).

AMENDATORY SECTION (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-090 Standards for equipment calibration.** (1) All electronic equipment utilized by licensees/certificate holders for the determination of audiometric thresholds for pure tones and for speech shall conform to all current standards of the American National Standards Institute. Licensees/certificate holders shall insure that all such audiometric equipment has been evaluated electrically and acoustically at least once each year, adjusted or repaired if necessary, and that conformity with such standards was determined at that time. Records of such calibration shall be permanently maintained by licensees/certificate holders and shall be available for inspection at any time by the department. No licensee/certificate holder shall be permitted to certify as to the calibration of his own equipment unless authorized to do so by the department. In addition, all licensees/certificate holders shall utilize routine procedures for the daily inspection of audiometric equipment, or prior to use if used less often than on a daily basis, to generally determine that it is in normal working order.

(2) Hearing instruments, assistive listening devices, and electronic equipment used for assessment and/or monitoring of auditory and vestibular function shall be maintained according to manufacturer's specifications.

(3) All instrumental technology used to diagnose and/or treat disorders of communication, swallowing and hearing shall be maintained in proper working order and be properly calibrated according to accepted standards.

AMENDATORY SECTION (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-100 Hearing instrument fitting dispensing—Minimal standards of practice.** Minimum procedures in the fitting and dispensing of hearing (~~(aids)~~) instruments shall include:

(1) Obtain case history to include the following:

(a) As required by WAC 246-828-280, documentation of referrals, or as otherwise required by this chapter.

(b) Historical evaluation to include inquiry regarding hearing loss, onset of loss, and any associated symptoms including significant noise in the ears, vertigo, acute or chronic dizziness, nausea, earaches, or other such discomfort which may indicate the presence of medical illness. Specific inquiry should be made to determine if hearing loss has been sudden or rapidly progressive in the past ninety days, if there has been any active drainage or infection in ears during the past ninety days, and if there are any specific physical problems which may relate to the use of a hearing aid.

(2) Examination of the ears should be done to reasonably determine if any of the following conditions exist:

(a) Impacted ear wax.

(b) Foreign body within the ear canal.

(c) Discharge in the ear canal.

(d) Presence of inflammation or irritation of the ear canal.

(e) Perforation of the ear drum.

(f) Any other abnormality.

(3) Hearing testing shall be performed to include the following:

(a) Hearing loss, or residual hearing, shall be established for each ear using ~~((puretone))~~ pure tone threshold audiometry by air and bone conduction with effective masking as required.

(b) Appropriate live voice or recorded speech audiometry by ear phones to determine the following: Speech reception threshold, most comfortable level, uncomfortable level, and the speech discrimination percent.

(c) Hearing testing shall be conducted in the appropriate environment as required by WAC 246-828-080, minimum standards of equipment, or as otherwise required by this chapter.

(d) When ~~((puretone))~~ pure tone audiometry indicates an air-bone gap of 15db or more, 500, 1000, and 2000 Hz, the presence of unilateral hearing loss, or any inconsistent audiometric findings, the client shall be advised of the potential help available through medical treatment. Should the client decline to consider such methods, or if the client has previously been appropriately treated or has been advised against such procedures, an appropriate notation shall be made in the client's record.

(e) In the event a client is referred to a licensee by an M.A. audiologist, otologist, otolaryngologist, or by a fitter/dispenser duly licensed under chapter 18.35 RCW, and the audiometric results obtained within the previous six months are provided to the licensee as a part of this referral, the applicable provisions of WAC 246-828-100 shall not be required. However, a confirmatory audiometric examination is recommended.

(4) Medical evaluation requirements:

(a) If the prospective hearing ~~((aid))~~ instrument user is eighteen years of age or older, the hearing ~~((aid))~~ instrument dispenser may afford the prospective user an opportunity to waive the medical evaluation requirements of (b) of this subsection provided that the hearing ~~((aid))~~ instrument dispenser:

(i) Informs the prospective user that the exercise of the waiver is not in the user's best health interest;

(ii) Does not in any way actively encourage the prospective user to waive such a medical evaluation;

(iii) Affords the prospective user the opportunity to sign the following statement:

I have been advised by (hearing ~~((aid))~~ instrument fitter/dispenser name) that the Food and Drug Administration has determined that my best health interest would be served if I had a medical evaluation before purchasing a hearing ~~((aid))~~ instrument; and

(iv) Provides the prospective user with a copy of the signed waiver statement.

(b) Except as provided in (a) of this subsection, a hearing ~~((aid))~~ instrument dispenser shall not sell a hearing ~~((aid))~~ instrument unless the prospective user has presented to the hearing ~~((aid))~~ instrument dispenser a written statement signed by a licensed physician that states that the patient's hearing loss has been medically evaluated and the patient may be considered a candidate for a hearing ~~((aid))~~ instrument. The medical evaluation must have taken place within the preceding six months.

(5) Selection and fitting of the hearing aid shall include the following:

(a) Provide information regarding the selection of the most appropriate method and model for amplification for the needs of the client.

(b) Provide the user with the cost of the recommended ~~((aids))~~ instruments and services.

(c) Provide for or have available an appropriate custom made ear mold.

(d) Provide final fitting of the hearing ~~((aid))~~ instrument to ensure physical and operational comfort.

(e) Provide adequate instructions and appropriate post-fitting adjustments to ensure the most successful use of the hearing ~~((aid))~~ instrument.

(6) Keeping records on every client to whom the licensee/certificate holder renders service in connection with the dispensing of a hearing ~~((aid))~~ instrument. Such records shall be preserved for at least three years after the dispensing of the first hearing ~~((aid))~~ instrument to the client. If other hearing ~~((aids))~~ instruments are subsequently dispensed to that client, cumulative records must be maintained for at least three years after the latest dispensing of an ~~((aid))~~ instrument to that client. The records must be available for the department inspection and will include:

(a) Client's case history.

(b) Source of referral and appropriate documents.

(c) Medical clearance for the hearing ~~((aid))~~ instrument user or the waiver set forth in subsection (4)(a)(iii) of this section which has been signed after being fully informed that it is in the best health interest to seek medical evaluation.

(d) Copies of any contracts and receipts executed in connection with the fitting and dispensing of each hearing ~~((aid))~~ instrument provided.

(e) A complete record of tests, test results, and services provided except for minor services.

(f) All correspondence specifically related to the service given the client or the hearing ~~((aid))~~ instrument or ~~((aids))~~ instruments dispensed to the client.

**AMENDATORY SECTION** (Amending Order 166B, filed 5/8/91, effective 6/8/91)

**WAC 246-828-270 Personal disclosure.** A licensee/certificate holder who contacts a prospective purchaser away from the licensee's/certificate holder's place of business must:

(1) When the contact is in person, present the prospective purchaser with written notice of:

(a) His or her name, the name of his or her business firm, his or her business address and telephone number;

(b) The number of his or her license/certificate.

(2) Telephone contact with prospective purchasers must disclose the name of the licensee/certificate holder, name and location of his or her principal establishment and purpose of call.

(3) When the contact is through a direct mail piece or other advertising initiated by the licensee/certificate holder, clearly show on all promotional items the business/establishment name, the principal establishment address and telephone number, not just the address or telephone number where he/she will be on given days.

(4) A principal establishment is one which is bonded pursuant to RCW 18.35.240.

**AMENDATORY SECTION** (Amending Order 165B, filed 5/8/91, effective 6/8/91)

**WAC 246-828-280 Documentation of referrals.** A licensee (~~or trainee~~)/certificate holder or apprentice shall document the name of the referral source for all persons who are fit with a hearing (~~(aid)~~) instrument. Documentation shall consist of a name and address of the referral source and the date of such referral. Should the referral source be the person being fit with the hearing (~~(aid)~~) instrument, this information shall also be recorded as the referral source.

**AMENDATORY SECTION** (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-295 Inactive status license/certificate.** An inactive license/certificate shall be issued to a currently licensed fitter and dispenser, certified audiologist or certified speech-language pathologist at the time of his or her annual renewal upon the department's receipt of the licensee's/certificate holder's written request and payment of the inactive license/certificate fee. An inactive license/certificate may be returned to active status upon written request of the licensee/certificate holder in accordance with RCW 18.35-095. An inactive license/certificate shall be renewed annually on the licensee's/certificate holder's birthdate by submitting to the department the inactive status fee.

**AMENDATORY SECTION** (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-300 Licensure renewal, late penalty, reexamination required.** (1) A license/certificate shall be renewed annually on or before the licensee's/certificate holder's birthdate. An initial license/certificate shall expire on the licensee's/certificate holder's next birthdate. Unless otherwise specified in statute, the secretary may prorate the renewal fee based on 1/12 of the annual renewal fee for each full calendar month between the initial issue date and the next anniversary of the applicant's birthdate.

(2) A licensee/certificate holder may renew his/her license/certificate at the annual renewal rate, for one year. Any renewal that is postmarked or presented to the department after midnight on the expiration date is late, and subject to a late renewal penalty fee.

(3) Failure to timely renew a license/certificate shall invalidate the license/certificate and all privileges granted by the license/certificate. Any licensee/certificate holder subject to the Uniform Disciplinary Act who submits a late renewal which is postmarked or presented to the department more than thirty days after its expiration date, shall be subject to investigation for unprofessional conduct in accordance with RCW 18.130.180(7) for unlicensed practice.

(4) Late renewal penalty fees, reinstatement of licensure/certification. A license/certificate holder who fails to renew his or her license on or before its expiration date may be issued a license/certificate to practice during the first three years that the license/certificate has been allowed to lapse. The licensee/certificate holder shall remit to the department a completed reinstatement application, late penalty fee, (~~and~~

~~back annual renewal fees,)) and proof of completion of the continuing education requirement for the time the license/certificate was lapsed. (~~Late renewal penalty fees shall be based on the following formula:~~~~

If the annual renewal ~~\_\_\_\_\_~~ The late renewal penalty fee is:

From \$1 to \$50 .....	100% of the renewal fee
From \$51 to \$100 .....	\$50 flat fee
\$101 or more .....	50% of the renewal fee, but no more than \$300))

(5) If a licensee/certificate holder has allowed his or her license/certificate to lapse for more than three years the licensee/certificate holder shall, before the license/certificate may be reinstated to active status, satisfactorily complete all portions of the licensing/certification examination and pay the applicable examination and licensing/certification fees.

**AMENDATORY SECTION** (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-320 Minimum standards for fitting and dispensing locations.** (1) The hours of business of each hearing (~~(aid)~~) instrument establishment shall be prominently and continuously displayed and visible to the public at each regular place or places of business owned or operated by that establishment.

(2) All such regular place or places of business or any activities emanating therefrom shall meet the minimum standards for facilities and equipment essential for the testing of hearing and the fitting and dispensing of hearing (~~(aids)~~) instruments as set forth in WAC 246-828-080.

(3) The term "place or places of business" means a location where a licensee/certificate holder engages or intends to engage in the fitting and dispensing of hearing (~~(aids)~~) instruments at a permanent address(es) open to the public on a regular basis.

**AMENDATORY SECTION** (Amending Order 165B, filed 5/8/91, effective 6/8/91)

**WAC 246-828-330 Notice of availability and location of follow-up services.** Every licensee/certificate holder shall provide to a hearing (~~(aid)~~) instrument purchaser, in writing prior to the signing of the contract, notice of availability of services. The notice shall include the specific location of the follow-up service, including date and time if applicable.

**AMENDATORY SECTION** (Amending Order 340B, filed 3/5/93, effective 4/5/93)

**WAC 246-828-340 Surety bonding—Security in lieu of bonding.** Every establishment shall file a bond or security in lieu of a bond as required by RCW 18.35.240. An establishment means any facility engaged in the fitting and dispensing of hearing (~~(aids)~~) instruments.

In addition to the primary establishment, a branch facility requires separate bonding if that facility is open to the public at a permanent location for twenty or more hours a week or one thousand hours a year. (~~(Fitter dispensers)~~) Fitter/dispensers or audiologists who rent or lease office space in a facility whose primary function is other than the fitting and dispensing of hearing (~~(aids)~~) instruments do not require separate bonding for that facility unless the (~~fitter-~~

EXPEDITED ADOPTION

dispenser) fitter/dispenser or audiologist or his/her representative is present at that location twenty or more hours a week.

**AMENDATORY SECTION** (Amending Order 165B, filed 5/8/91, effective 6/8/91)

**WAC 246-828-350 Reasonable cause for rescision.**

The purchaser of the hearing ((aid(s))) instrument(s) may rescind the purchase and recover moneys in accordance with RCW 18.35.190(2) for reasonable cause. The term "reasonable cause" is defined to include the following:

(1) Any material misstatement of fact or misrepresentation by the licensee/certificate holder regarding the hearing ((aid(s))) instrument(s) or fitting and dispensing services to be provided which the purchaser relied on or which induced the purchaser into making the agreement;

(2) Failure by the licensee/certificate holder to provide the purchaser with the hearing ((aid(s))) instrument(s) and fitting and dispensing services which conform to those specified in the purchase agreement between the parties;

(3) Diagnosis of a medical condition unknown to the purchaser at the time of purchase, which precludes the purchaser from using the hearing ((aid(s))) instrument(s);

(4) Failure by the licensee/certificate holder to remedy a significant material defect of the hearing ((aid(s))) instrument(s) within a reasonable period of time in accordance with RCW 18.35.190 (2)(c);

(5) The hearing ((aid(s))) instrument(s) and/or fitting and dispensing services would not be in accordance with accepted practices of the industry; and

(6) The licensee/certificate holder fails to meet any standard of conduct prescribed in the laws regarding the fitting and dispensing of hearing ((aids)) instruments and this failure adversely affects in any way the transaction which the purchaser seeks to rescind.

**AMENDATORY SECTION** (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-370 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 social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

~~(2) ((Application for licensure. Effective July 1, 1989, persons who submit an application for a license to fit/dispense hearing aids or who submit an application for a trainee permit shall submit, prior to being granted a license and in addition to the other requirements for licensure, evidence to show compliance with the educational requirements of subsection (4) of this section.~~

~~(3) Renewal of licenses. Effective with the renewal period beginning July 1, 1989, and ending June 30, 1990, all persons making application of licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section.~~

(4)) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the topical outline available from the office on AIDS. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective July 1, 1989, the requirement for licensure, certification, renewal, or reinstatement of any license/certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.

(c) Documentation. The licensee/certificate holder or applicant for licensure/certification shall:

(i) Certify, on forms provided, that the minimum education and training has been completed ((after January 1, 1987));

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

**WSR 97-19-101**

**EXPEDITED ADOPTION**

**FOREST PRACTICES BOARD**

[Filed September 17, 1997, 11:23 a.m.]

Title of Rule: Amendments to forest practices rules, Title 222 WAC.

Purpose: To make nonsubstantial, editorial corrections to Title 222 WAC.

Statutory Authority for Adoption: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050.

Statute Being Implemented: Chapter 76.09 RCW.

Summary: Amends WAC 222-08-035, 222-10-040, 222-12-040, 222-12-046, 222-12-050, 222-12-090, 222-16-010, 222-16-030, 222-16-035, 222-16-050, 222-16-070, 222-16-080, 222-20-060, 222-22-020, 222-22-040, 222-22-050, 222-22-080, 222-22-090, 222-24-030, 222-24-040, 222-24-050, 222-30-020, 222-30-050, 222-30-060, 222-30-070, 222-30-100, 222-38-020, 222-46-030, and 222-50-020.

Reasons Supporting Proposal: Changes include corrections to citations, agency names (Department of Fish and Wildlife), and nonsubstantial clarifications.

Name of Agency Personnel Responsible for Drafting: Judith Holter; Implementation and Enforcement: John Edwards.

Name of Proponent: Forest Practices Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules are nonsubstantial, editorial corrections to Title 222 WAC. The changes clarify existing rules, correct references and citations, update the name of the

Department of Fish and Wildlife, and improve the formatting of illustrations to make them more readable.

Adoption of these changes in late 1997 will enable them to be incorporated into the new edition of the Forest Practices Rule Book, which will be published in early 1998. Thus, an accurate, up-to-date publication will be provided to the public.

Proposal Changes the Following Existing Rules: See above explanation.

#### NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Judith Holter, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, AND RECEIVED BY November 14, 1997.

September 17, 1997

Jennifer M. Belcher

Commissioner of Public Lands

AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

**WAC 222-08-035 Continuing review of forest practices regulations.** \*(1) Annual evaluations. The department, after consulting with affected state agencies, Indian tribes, forest landowners, ~~((fisheries,))~~ fish and wildlife, natural resources, and environmental interest groups, shall beginning July 1, 1988, report annually to the forest practices board an assessment of how regulations and voluntary processes are working.

(2) Adaptive management. The department is directed to report to the board on opportunities to modify these regulations when baseline data, monitoring, evaluation or the use of interdisciplinary teams show that such adaptive management will better meet the purposes and policies of the Forest Practices Act.

(3) Resource management plans. The department is directed to develop a method for cooperative voluntary resource management planning among forest landowners, governmental agencies, affected Indian tribes, and environmental groups which would result in the development of plans which might be used as an alternative to the forest practice regulations in achieving the purposes and policies set forth in the act. This should be done through pilot projects, at least one of which should be located on the east side of the Cascade summit and one on the west side of the Cascade summit.

AMENDATORY SECTION (Amending WSR 96-12-038 and 96-14-08 [96-14-081], filed 5/31/96 and 7/1/96, effective 7/1/96 and 8/1/96)

**WAC 222-10-040 Class IV-Special threatened and endangered species SEPA policies.** In addition to the

SEPA policies established elsewhere in this chapter, the following policies shall apply to Class IV-Special forest practices involving threatened or endangered species.

(1) The department shall consult with the department of fish and wildlife, other agencies with expertise, affected landowners, affected Indian tribes, and others with expertise when evaluating the impacts of forest practices. If the department does not follow the recommendations of the department of fish and wildlife, the department shall set forth in writing a concise explanation of the reasons for its action.

(2) In order to determine whether forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the department shall evaluate whether the forest practices reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of the survival or recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.

(3) Specific mitigation measures or conditions shall be designed to reduce any probable significant adverse impacts identified in subsection (2) of this section.

(4) The department shall consider the species-specific policies in WAC 222-10-041 and 222-10-042 when reviewing and evaluating SEPA documents and the impacts of forest practices.

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

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-12-040 \*Alternate plans.** All forest practice operations must comply with the act and further with the rules ~~((and regulations))~~ promulgated pursuant to the act, unless an alternate plan has been approved by the department. An applicant may submit an alternate plan for any or all of the activities described in the application. The department may approve an application which departs from the specific provisions of chapters 222-22 through 222-38 WAC, provided that the plan must, in the determination of the department, equal or exceed the protection of public resources as provided in the Forest Practices Act and rules and regulations. The department shall provide an opportunity for comment to the departments of ~~((fisheries,))~~ fish and wildlife, ~~((and))~~ ecology, other state agencies, and affected Indian tribes prior to approval of any alternate plan.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

**WAC 222-12-046 Cumulative effects.** The purpose of this section is to identify how the forest practices rules address changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices. This interaction is referred to as "cumulative effects." The following approaches have been taken:

(1) Title 222 WAC establishes minimum standards for all forest practices, regardless of the class of forest practice application.

(2) Forest practices which have a potential for a substantial impact on the environment are classified as Class IV-Special or Class IV-General by WAC 222-16-050 and receive an evaluation as to whether or not a detailed statement must be prepared pursuant to chapter 43.21C RCW.

(3) Certain rules are designed to focus on specific aspects of cumulative effects of forest practices. For example:

(a) WAC 222-08-035 requires continuing review of the forest practices regulations and voluntary processes and adopts the concept of adaptive management. WAC 222-12-045 also adopts adaptive management.

(b) WAC 222-12-040 allows alternate plans that equal or exceed the protection of public resources as provided in the act and rule.

(c) WAC 222-24-050(1) allows the department to require road maintenance and abandonment plans for those drainages or road systems the department determines based on physical evidence to have a potential to damage public resources.

(d) WAC 222-30-025 addresses harvest unit size and separation requirements.

(e) Chapter 222-22 WAC addresses cumulative effects on the public resources of fish, water, and capital improvements of the state or its political subdivisions.

(f) Chapter 222-46 WAC establishes the enforcement policy for forest practices.

(4) The board is considering measures to further protect cultural resources and wildlife resources. The board shall continue consultation with the departments of ecology, ~~((fisheries,))~~ fish and wildlife, natural resources, forest landowners, and federally recognized tribes on these resource issues.

**AMENDATORY SECTION** (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

**WAC 222-12-050 Notices to comply—Stop work orders.** (1) **Violations.** When a forest practice has been completed, the department may issue a notice to comply requiring the operator or landowner to correct or compensate for damage to public resources where there was:

(a) A violation of the act, or these rules ~~((and regulations)),~~ or

(b) A deviation from the approved application, or

(c) A willful or negligent disregard for potential damage to a public resource.

(2) **Other required action.** When a forest practice has not yet been completed, the department may issue either a notice to comply to the operator and/or landowner, or a stop work order to the operator, requiring him/her to prevent potential or continuing damage to a public resource where:

(a) The need for additional actions or restrictions has become evident, and

(b) The department determines that a specific course of action is needed to prevent potential or continuing damage to public resources, and

(c) The damage would result or is resulting from the forest practices activities, whether or not the activities involve any violation, unauthorized deviation or negligence.

(3) **No notice to comply** shall be issued to require a person to prevent, correct, or compensate for any damage to

public resources which occurs more than 1 year after the date of completion of the forest practices operations involved exclusive of reforestation, unless such forest practices were not conducted in accordance with forest practices rules ~~((and regulations))~~: *Provided*, That this provision shall not relieve the forest landowner from any obligation to comply with forest practices rules and regulations pertaining to providing continuing road maintenance.

(4) **No notice to comply** to recover money damages shall be issued more than 2 years after the date the damage involved occurs.

(5) **In emergency action**, where the department requires the operator or landowner to do immediate work in the bed of the stream the department shall first seek approval from the department~~((s))~~ of ~~((fisheries))~~ fish and wildlife.

**AMENDATORY SECTION** (Amending WSR 97-15-105, filed 7/21/97, effective 8/21/97)

**WAC 222-12-090 Forest practices board manual.**

When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of ~~((fisheries,))~~ fish and wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) **The standard methods** for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.

(3) **A chart** for establishing recommended permanent culvert sizes and associated data.

(4) **Guidelines** for clearing slash and debris from Type 4 and 5 Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for calculating average widths of riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology, which shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifications to the version of the standard methodology approved by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(13)

(14) **Survey protocol for marbled murrelets.** The Pacific seabird survey protocol in effect March 1, 1997, shall be used when surveying for marbled murrelets in a stand.

Surveys conducted before the effective date of this rule are valid if they were conducted in substantial compliance with generally accepted survey protocols in effect at the beginning of the season in which they were conducted.

(15) The department shall, in consultation with the department of fish and wildlife, develop **platform protocols** for use by applicants in estimating the number of platforms, and by the department in reviewing and classifying forest practices under WAC 222-16-050. These protocols shall include:

(a) A sampling method to determine platforms per acre in the field;

(b) A method to predict the number of platforms per acre based on information measurable from typical forest inventories. The method shall be derived from regression models or other accepted statistical methodology, and incorporate the best available data; and

(c) Other methods determined to be reliable by the department, in consultation with the department of fish and wildlife.

**AMENDATORY SECTION** (Amending WSR 97-15-105, filed 7/21/97, effective 8/21/97)

**WAC 222-16-010 General definitions.\*** Unless otherwise required by context, as used in these regulations:

"**Act**" means the Forest Practices Act, chapter 76.09 RCW.

"**Affected Indian tribe**" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"**Appeals board**" means the forest practices appeals board established in the act.

"**Area of resource sensitivity**" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"**Board**" means the forest practices board established by the act.

"**Bog**" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the *Forest Practices Board Manual*.

"**Borrow pit**" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"**Chemicals**" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"**Clearcut**" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"**Commercial tree species**" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"**Completion of harvest**" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"**Constructed wetlands**" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"**Contamination**" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"**Conversion option harvest plan**" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"**Conversion to a use other than commercial timber operation**" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"**Cooperative habitat enhancement agreement (CHEA)**" see WAC 222-16-105.

"**Critical habitat (federal)**" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

"**Critical nesting season**" means for marbled murrelets - April 1 to August 31.

"**Critical wildlife habitat (state)**" means those habitats designated by the board in accordance with WAC 222-16-080.

"**Cultural resources**" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"**Cumulative effects**" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

**"Daily peak activity"** means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

**"Debris"** means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

**"Demographic support"** means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

**"Department"** means the department of natural resources.

**"Dispersal habitat"** see WAC 222-16-085(2).

**"Dispersal support"** means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

**"Eastern Washington"** means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

**"End hauling"** means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

**"Erodible soils"** means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

**"Even-aged harvest methods"** means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

**"Fen"** means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hard-stem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

**"Fertilizers"** means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

**"Fill"** means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

**"Flood level - 50 year."** For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

**"Forest land"** means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

**"Forest land owner"** shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

**"Forest practice"** means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

**"Forest trees"** excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were

planted and before the land was prepared for planting the trees.

**"Green recruitment trees"** means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

**"Herbicide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

**"Historic site"** includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

**"Identified watershed processes"** means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

- Mass wasting;
- Surface and road erosion;
- Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);
- Large organic debris;
- Shading; and
- Stream bank and bed stability.

**"Insecticide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

**"Interdisciplinary team"** (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

**"Islands"** means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

**"Limits of construction"** means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

**"Load bearing portion"** means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

**"Local government entity"** means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

**"Low impact harvest"** means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

**"Marbled murrelet detection area"** means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor which is documented and recorded in the department of fish and wildlife data base. The marbled murrelet detection area shall be comprised of the section of land in which the marbled

murrelet detection was made and the eight sections of land immediately adjacent to that section.

**"Marbled murrelet nesting platform"** means any horizontal tree structure such as a limb, an area where a limb branches, a surface created by multiple leaders, a deformity, or a debris/moss platform or stick nest equal to or greater than 7 inches in diameter including associated moss if present, that is 50 feet or more above the ground in trees 32 inches dbh and greater (generally over 90 years of age) and is capable of supporting nesting by marbled murrelets.

**"Median home range circle"** means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

**"Merchantable stand of timber"** means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

**"Northern spotted owl site center"** means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
- Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
- Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

**"Notice to comply"** means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

**"Occupied marbled murrelet site"** means:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

- (a) A nest is located; or  
(b) Downy chicks or eggs or egg shells are found; or

(c) Marbled murrelets are detected flying below, through, into or out of the forest canopy; or

(d) Birds calling from a stationary location within the area; or

(e) Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of suitable marbled murrelet habitat, in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

(3) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or

(c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

(4) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

(a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or

(b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or

(c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

(5) In determining the existence, location and status of occupied marbled murrelet sites, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

**"Old forest habitat"** see WAC 222-16-085 (1)(a).

**"Operator"** shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

**"Ordinary high-water mark"** means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

**"Other forest chemicals"** means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and

other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

**"Park"** means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

**"Partial cutting"** means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

**"Pesticide"** means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

**"Plantable area"** is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

**"Power equipment"** means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

**"Public resources"** means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

**"Qualified surveyor"** means an individual who has successfully completed the marbled murrelet field training course offered by the department of fish and wildlife or its equivalent.

**"Rehabilitation"** means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

**"Relief culvert"** means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

**"Resource characteristics"** means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity:

Turbidity in hatchery water supplies; and  
Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

**"Riparian management zone"** means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

**"Rodenticide"** means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of

the state department of agriculture may declare by regulation to be a pest.

**"Salvage"** means the removal of snags, down logs, windthrow, or dead and dying material.

**"Scarification"** means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

**"Shorelines of the state"** shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

**"Side casting"** means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

**"Site preparation"** means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

**"Skid trail"** means a route used by tracked or wheeled skidders to move logs to a landing or road.

**"Slash"** means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

**"SOSEA goals"** means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

**"Spoil"** means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

**"Spotted owl dispersal habitat"** see WAC 222-16-085(2).

**"Spotted owl special emphasis areas (SOSEA)"** means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

**"Stop work order"** means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

**"Sub-mature habitat"** see WAC 222-16-085 (1)(b).

**"Suitable marbled murrelet habitat"** means a contiguous forested area containing trees capable of providing nesting opportunities:

(1) With all of the following indicators unless the department, in consultation with the department of fish and wildlife, has determined that the habitat is not likely to be occupied by marbled murrelets:

(a) Within 50 miles of marine waters;

(b) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;

(c) Two or more nesting platforms per acre;

(d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with similar forest stand characteristics (age, species composition, forest structure) to the forested area in which the nesting platforms occur.

**"Suitable spotted owl habitat"** see WAC 222-16-085(1).

**"Threatened or endangered species"** means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of wildlife designated as "threatened" or "endangered" by the Washington fish and wildlife commission.

**"Timber"** shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

**"Water bar"** means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

**"Watershed administrative unit (WAU)"** means an area shown on the map specified in WAC 222-22-020(1).

**"Watershed analysis"** means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

**"Weed"** is any plant which tends to overgrow or choke out more desirable vegetation.

**"Western Washington"** means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

**"Wetland"** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

**"Wetland functions"** include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

**"Wetland management zone"** means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

**"Wildlife"** means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

**"Wildlife reserve trees"** means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent

species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

**"Windthrow"** means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

**"Young forest marginal habitat"** see WAC 222-16-085 (1)(b).

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-16-030 Water typing system.** \*The department in cooperation with the departments of ((fisheries;)) fish and wildlife, and ecology, and in consultation with affected Indian tribes shall classify streams, lakes and ponds and prepare stream classification maps showing the location of Type 1, 2, 3 and 4 Waters within the various forested areas of the state. Such maps shall be available for public inspection at region offices of the department. The waters will be classified using the following criteria. If a dispute arises concerning a water type the department shall make available informal conferences, which shall include the departments of ((fisheries;)) fish and wildlife, and ecology, and affected Indian tribes and those contesting the adopted water types. These conferences shall be established under procedures established in WAC 222-46-020.

\* (1) **"Type 1 Water"** means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW, but not including those waters' associated wetlands as defined in chapter 90.58 RCW.

\* (2) **"Type 2 Water"** shall mean segments of natural waters which are not classified as Type 1 Water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

(a) Are diverted for domestic use by more than 100 residential or camping units or by a public accommodation facility licensed to serve more than 100 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 2 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are within a federal, state, local, or private campground having more than 30 camping units: *Provided*, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

(c) Are used by substantial numbers of anadromous or resident game fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:

(i) Stream segments having a defined channel 20 feet or greater in width between the ordinary high-water marks and having a gradient of less than 4 percent.

(ii) Lakes, ponds, or impoundments having a surface area of 1 acre or greater at seasonal low water(-); or

(d) Are used by salmonids for off-channel habitat. These areas are critical to the maintenance of optimum survival of juvenile salmonids. This habitat shall be identified based on the following criteria:

(i) The site must be connected to a stream bearing salmonids and accessible during some period of the year; and

(ii) The off-channel water must be accessible to juvenile salmonids through a drainage with less than a 5% gradient.

\* (3) "Type 3 Water" shall mean segments of natural waters which are not classified as Type 1 or 2 Water and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

(a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are used by significant numbers of anadromous fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have significant anadromous fish use:

(i) Stream segments having a defined channel of 5 feet or greater in width between the ordinary high-water marks; and having a gradient of less than 12 percent and not upstream of a falls of more than 10 vertical feet.

(ii) Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to an anadromous fish stream.

(c) Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use:

(i) Stream segments having a defined channel of 10 feet or greater in width between the ordinary high-water marks; and a summer low flow greater than 0.3 cubic feet per second; and a gradient of less than 12 percent.

(ii) Ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water(-); or

(d) Are highly significant for protection of downstream water quality. Tributaries which contribute greater than 20 percent of the flow to a Type 1 or 2 Water are presumed to be significant for 1,500 feet from their confluence with the

Type 1 or 2 Water or until their drainage area is less than 50 percent of their drainage area at the point of confluence, whichever is less.

\* (4) "Type 4 Water" classification shall be applied to segments of natural waters which are not classified as Type 1, 2 or 3, and for the purpose of protecting water quality downstream are classified as Type 4 Water upstream until the channel width becomes less than 2 feet in width between the ordinary high-water marks. Their significance lies in their influence on water quality downstream in Type 1, 2, and 3 Waters. These may be perennial or intermittent.

\* (5) "Type 5 Water" classification shall be applied to all natural waters not classified as Type 1, 2, 3 or 4; including streams with or without well-defined channels, areas of perennial or intermittent seepage, ponds, natural sinks and drainageways having short periods of spring or storm runoff.

\* (6) For purposes of this section:

(a) "Residential unit" means a home, apartment, residential condominium unit or mobile home, serving as the principal place of residence.

(b) "Camping unit" means an area intended and used for:

(i) Overnight camping or picnicking by the public containing at least a fireplace, picnic table and access to water and sanitary facilities; or

(ii) A permanent home or condominium unit or mobile home not qualifying as a "residential unit" because of part time occupancy.

(c) "Resident game fish" means game fish as described in the Washington game code that spend their life cycle in fresh water. Steelhead, searun cutthroat and Dolly Varden trout are anadromous game fish and should not be confused with resident game fish.

(d) "Public accommodation facility" means a business establishment open to and licensed to serve the public, such as a restaurant, tavern, motel or hotel.

(e) "Natural waters" only excludes water conveyance systems which are artificially constructed and actively maintained for irrigation.

(f) "Seasonal low flow" and "seasonal low water" mean the conditions of the 7-day, 2-year low water situation, as measured or estimated by accepted hydrologic techniques recognized by the department.

(g) "Channel width and gradient" means a measurement over a representative section of at least 500 linear feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States geological survey topographic maps.

(h) "Intermittent streams" means those segments of streams that normally go dry.

**AMENDATORY SECTION** (Amending WSR 94-17-033, filed 8/10/94, effective 8/13/94)

**WAC 222-16-035 Wetland typing system.** \*The department in cooperation with the departments of ((fisheries)) fish and wildlife, and ecology, and affected Indian tribes shall classify wetlands. The wetlands will be classified in order to distinguish those which require wetland

management zones and those which do not. Wetlands which require wetland management zones shall be identified using the following criteria. Accurate delineation of wetlands in accordance with the manual shall be required only where necessary to determine whether replacement by substitution or enhancement is required pursuant to WAC 222-24-025(10) and shall be limited to the area of wetland proposed to be filled. For the purposes of determining acreage to classify or type wetlands under this section, approximate determination using aerial photographs and maps, including the national wetlands inventory, shall be sufficient. In addition, the innermost boundary of the wetland management zone on Type A or B wetlands may be determined by either of two methods: Delineation of the wetland edge, or identifying the point where the crown cover changes from less than 30% to 30% or more. Except where necessary to determine whether replacement by substitution or enhancement is required pursuant to WAC 222-24-025(10), accurate delineation shall not be required under this Title 222 WAC for activities regulated by these rules, including but not limited to the location of roads, landings, culverts, and cross drains. Landowners are encouraged to leave vegetation in these forested wetlands in undisturbed areas where possible. When so requested by any affected landowners, applicant or aggrieved person, the department shall make available informal conferences, which shall include the departments of ((fisheries,)) fish and wildlife, and ecology, and affected Indian tribes and those contesting the adopted wetland types. These conferences shall be established under procedures established in WAC 222-46-020.

\* (1) "Nonforested wetlands" means any wetland or portion thereof that has, or if the trees were mature would have, a crown closure of less than 30 percent.

(a) "Type A Wetland" classification shall be applied to all nonforested wetlands which:

(i) Are greater than 0.5 acre in size, including any acreage of open water where the water is completely surrounded by the wetland; and

(ii) Are associated with at least 0.5 acre of ponded or standing open water. The open water must be present on the site for at least 7 consecutive days between April 1 and October 1 to be considered for the purposes of these rules; or

(b) "Type B Wetland" classification shall be applied to all other nonforested wetlands greater than 0.25 acre.

\* (2) "Forested wetland" means any wetland or portion thereof that has, or if the trees were mature would have, a crown closure of 30 percent or more.

\* (3) "All forested and nonforested bogs" greater than 0.25 acres shall be considered Type A Wetlands.

**AMENDATORY SECTION** (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

**WAC 222-16-050 Classes of forest practices.** There are 4 classes of forest practices created by the act. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "Class IV - special." Application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as

they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

\* (a) Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070 or ground application of a pesticide within a Type A or B wetland.

(b) Specific forest practices listed in WAC 222-16-080 on lands designated as:

(i) Critical wildlife habitat (state) of threatened or endangered species; or

(ii) Critical habitat (federal) of threatened or endangered species except those excluded by the board under WAC 222-16-080(3).

(c) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

\* (d) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on slide prone areas as defined in WAC 222-24-020(6) and field verified by the department, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, when such slide prone areas occur on an uninterrupted slope above water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or capital improvement of the state or its political subdivisions where there is potential for a substantial debris flow or mass failure to cause significant impact to public resources.

\* (e) Timber harvest in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, on slide prone areas, field verified by the department, where soils, geologic structure, and local hydrology indicate that canopy removal has the potential for increasing slope instability, when such areas occur on an uninterrupted slope above any water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or a capital improvement of the state or its political subdivisions where there is a potential for a substantial debris flow or mass failure to cause significant impact to public resources.

(f) Timber harvest, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation, as high avalanche hazard.

(g) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or on sites containing evidence of Native American cairns, graves, or glyptic records, as provided for in chapters 27.44 and 27.53 RCW. The department shall consult with affected Indian tribes in identifying such sites.

\* (h) Forest practices subject to a watershed analysis conducted under chapter 222-22 WAC in an area of resource sensitivity identified in that analysis which deviates from the

prescriptions (which may include an alternate plan) in the watershed analysis.

\***(i)** Filling or draining of more than 0.5 acre of a wetland.

**(2) "Class IV - general."** Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.-030 (2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

**(a)** Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

**(b)** Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-16-060 and 222-34-050.)

**(3) "Class I."** Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

**(a)** Culture and harvest of Christmas trees and seedlings.

\***(b)** Road maintenance except: **(i)** Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or **(ii)** movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters or Type A or B Wetlands.

\***(c)** Construction of landings less than 1 acre in size, if not within a shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or 3 Water, the ordinary high-water mark of a Type 4 Water, a wetland management zone or within a wetland.

\***(d)** Construction of less than 600 feet of road on a sideslope of 40 percent or less if the limits of construction are not within the shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or Type 3 Water, the ordinary high-water mark of a Type 4 Water, a wetland management zone or within a wetland.

\***(e)** Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

\***(f)** Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

**(g)** Rocking an existing road.

**(h)** Loading and hauling timber from landings or decks.

**(i)** Precommercial thinning and pruning.

**(j)** Tree planting and seeding.

**(k)** Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period.

**(l)** Emergency fire control and suppression.

**(m)** Slash burning pursuant to a burning permit (RCW 76.04.205).

\***(n)** Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type 1 Water, the riparian management zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water, a wetland management zone or within a wetland.

\***(o)** Ground application of chemicals. (See WAC 222-38-020 and 222-38-030.)

\***(p)** Aerial application of chemicals (except insecticides) when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

**(q)** Forestry research studies and evaluation tests by an established research organization.

**(r)** Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type 1 Water or the riparian management zone of a Type 2 or 3 Water, or within the ordinary high-water mark of a Type 4 Water or flowing Type 5 Water, and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

**(i)** Any forest practices within the boundaries of existing golf courses.

**(ii)** Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

**(iii)** Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

**(s)** Removal of beaver structures from culverts on active and inactive roads. A hydraulics project approval from the Washington department of fish and wildlife (~~or the Washington department of fisheries~~) may be required.

**(4) "Class II."** Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: *Provided*, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shorelines of the state," or involves a bond in lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

**(a)** Renewal of a prior Class II notification.

**(b)** Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal.

\* (c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone or within a wetland:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

\* (d) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone or within a wetland; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

Salvage of logging residue.

\* (e) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, within the ordinary high-water mark of a Type 4 Water, within a wetland management zone or within a wetland and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

(i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(iii) Salvage of dead, down, or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(iv) Any harvest on less than 40 acres.

(v) Construction of 600 or more feet of road, provided that the department shall be notified at least 2 business days before commencement of the construction.

(5) "Class III." Forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

\* (b) Those within the shorelines of the state other than those in a Class I forest practice.

\* (c) Aerial application of insecticides, except where classified as a Class IV forest practice.

\* (d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

\* (e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

\* (f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

\* (h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters or Type A or B Wetlands.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

\* (n) Any filling of wetlands, except where classified as Class IV forest practices.

**AMENDATORY SECTION** (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

**WAC 222-16-070 Pesticide uses with the potential for a substantial impact on the environment.** \*To identify forest practices involving pesticide uses that have the potential for a substantial impact on the environment, the department shall apply the process prescribed in this section. See WAC 222-16-050 (1)(a).

(1) Pesticide list - The department shall maintain a list of all pesticides registered under chapter 15.58 RCW for use in forest practices. The department shall conduct, in consultation with the departments of ecology, health, agriculture, and fish and wildlife, an annual review of the list for the purpose of including new pesticides and/or removing those pesticides which have been prohibited from use. The list shall be available to the public at each of the department's offices. A list of the department's offices and their addresses appears at WAC 332-10-030. In preparing the pesticide list, the department shall include information on the following characteristics:

(a) Active ingredients, name brand or trade mark, labeled uses, pesticide type, EPA-registration number;

(b) Toxicity of the pesticide based on the Environmental Protection Agency (EPA) label warning under 40 C.F.R. 156.10 (h)(1), listed as "caution," "warning," "danger," or "danger - poison" except as modified to consider aquatic or mammalian toxicity; and

(c) Whether the pesticide is a state restricted use pesticide for the protection of ground water under WAC 16-228-164(1).

(2) Key for evaluating applications. To determine whether aerial application of a pesticide has the potential for a substantial impact on the environment, the department shall apply the following analysis:

**KEY FOR EVALUATION OF SITE SPECIFIC USE OF AERIALY APPLIED CHEMICALS**

Question #	Question Description	Resp.	Action
1(a)	Is the pesticide on the pesticide list (WAC 222-16-070(1))?	Yes No	Go to 2 Go to 1(b)
1(b)	Is the pesticide being used under a Dept. Of Agriculture Experimental Use Permit (WAC 16-228-125)?	Yes No	Class III Class IV Sp
2	Is the toxicity rating for the pesticide to be used "Danger-Poison" as designated in the pesticide list (WAC 222-16-070(1)(b))?	Yes No	Class IV Sp Go to 3(a)
3(a)	Is <u>Bacillus thuringiensis</u> (BT) the only pesticide being used on this application?	Yes No	Go to 3(b) Go to 4(a)
3(b)	Is there a Threatened or Endangered species or the critical habitat (Federal) or critical wildlife habitat (State) of a species within the application area that is susceptible to the BT strain being used?	Yes No	Class IV Sp Class III
4(a)	Is this operation occurring over ground water with a high susceptibility to contamination as specified in EPA 910/9-87-189 or in documentation provided by the Dept. Of Ecology?	Yes No	Go to 4(b) Go to 5(a)
4(b)	Is this pesticide a state restricted use pesticide for the protection of ground water under WAC 16-228-164(1).	Yes No	Class IV Sp Go to 5(a)
5(a)	Is the operation adjacent (within 100 ft.) of surface water?	Yes No	Go to 5(b) Go to 5(e)
5(b)	Determine the toxicity rating from the pesticide list: • Is the toxicity rating "Caution" or "Warning"? • Is the toxicity rating "Danger"?	Yes Yes	Go to 5(c) Go to 5(d)
5(c)	Is there a Group A or B water surface water system (WAC 246-290-020) intake OR a fish hatchery intake within one half mile downstream of the operation?	Yes No	Class IV Sp Go to 5(e)
5(d)	Is there a Group A or B water surface system intake OR a fish hatchery intake within one mile downstream of the operation?	Yes No	Class IV Sp Go to 5(e)
5(e)	Is the operation within 200 feet of the intake of a Group A or B spring water system?	Yes No	Class IV Sp Go to 5(f)
5(f)	Is the operation applying a pesticide in a Type A or B wetland?	Yes No	Class IV Sp Go To 6(a)
6(a)	Does any portion of the planned operation cover 240 or more contiguous acres? Pesticide treatment units will be considered contiguous if they are separated by less than 300 feet or treatment dates of adjacent units are less than 90 days apart.	Yes No	Class IV Sp Go to 6(b)
6(b)	Is there a Threatened or Endangered species or the critical habitat (Federal) or critical wildlife habitat (State) of a species within the application area.	Yes No	Class IV Sp Go to 6(c)
6(c)	If there is a special concern identified for this pesticide in the Board manual, does it apply to this application?	Yes No	Class IV Sp Class III

EXPEDITED ADOPTION

Key for Evaluation of Site Specific Use of Aerially Applied Chemicals

Question #	Question Description	Resp.	Action
1(a)	Is the pesticide on the pesticide list (WAC 222-16-070(1))?	Yes No	Go to 2 Go to 1(b)
1(b)	Is the pesticide being used under a Dept. of Agriculture experimental use permit? (WAC 16-228-125)	Yes No	Class III Class IV-S
2	Is the toxicity rating for the pesticide to be used "Danger-Poison" as designated in the pesticide list? (WAC 222-16-070(1)(b))	Yes No	Class IV-S Go to 3(a)
3(a)	Is Bacillus thuringiensis (BT) the only pesticide being used on this application?	Yes No	Go to 3(b) Go to 4(a)
3(b)	Is there a threatened or endangered species or the critical habitat (federal) or critical wildlife habitat (state) of a species within the application area that is susceptible to the BT strain being used?	Yes No	Class IV-S Class III
4(a)	Is this operation occurring over ground water with a high susceptibility to contamination as specified in EPA 910/9-87-169 or in documentation provided by the Dept. of Ecology?	Yes No	Go to 4(b) Go to 5(a)
4(b)	Is this pesticide a state restricted use pesticide for the protection of ground water under WAC 16-228-164(1)?	Yes No	Class IV-S Go to 5(a)
5(a)	Is the operation adjacent (within 100 ft.) of surface water?	Yes No	Go to 5(b) Go to 5(e)
5(b)	Determine the toxicity rating from the pesticide list: • Is the toxicity rating "Caution" or "Warning"? • Is the toxicity rating "Danger"?	Yes Yes	Go to 5(c) Go to 5(d)
5(c)	Is there a Group A or B water surface water system (WAC 246-290-020) intake OR a fish hatchery intake within one half mile downstream of the operation?	Yes No	Class IV-S Go to 5(e)
5(d)	Is there a Group A or B water surface system intake OR a fish hatchery intake within one mile downstream of the operation?	Yes No	Class IV-S Go to 5(e)
5(e)	Is the operation within 200 feet of the intake of a Group A or B spring water system?	Yes No	Class IV-S Go to 5(f)
5(f)	Is the operation applying a pesticide in a Type A or B wetland?	Yes No	Class IV-S Go To 6(a)
6(a)	Does any portion of the planned operation cover 240 or more contiguous acres? Pesticide treatment units will be considered contiguous if they are separated by less than 300 feet or treatment dates of adjacent units are less than 90 days apart.	Yes No	Class IV-S Go to 6(b)
6(b)	Is there a threatened or endangered species or the critical habitat (federal) or critical wildlife habitat (state) of a species within the application area?	Yes No	Class IV-S Go to 6(c)
6(c)	If there is a special concern identified for this pesticide in the Board Manual, does it apply to this application?	Yes No	Class IV-S Class III

(3) Special concerns (see WAC 222-16-070 (2)6(c)) shall be evaluated by the department of agriculture. Information regarding special concerns shall be presented to the board for review. Approved special concerns shall be included in the board's manual. Special concerns shall include situations where use of pesticides has the potential for a substantial

impact on the environment, beyond those covered specifically in the key in subsection (2) of this section.

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.

EXPEDITED ADOPTION

**AMENDATORY SECTION** (Amending WSR 97-15-105, filed 7/21/97, effective 8/21/97)

**WAC 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species.** (1) Critical wildlife habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of fish and wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of fish and wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of fish and wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of fish and wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of fish and wildlife.

(h) Northern spotted owl - the following shall apply through June 30, 1996: Harvesting, road construction, or aerial application of pesticides on the most suitable 500 acres of nesting, roosting, and foraging habitat surrounding the northern spotted owl site center. The most suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife, tribes, and others with applicable expertise. Consideration shall be given to habitat quality, proximity to the activity center and contiguity in selecting the most suitable 500 acres of habitat.

Beginning July 1, 1996, the following shall apply for the northern spotted owl:

(i) **Within a SOSEA boundary** (see maps in WAC 222-16-086), except as indicated in (h)(ii) of this subsection, harvesting, road construction, or aerial application of pesticides on suitable spotted owl habitat within a median home range circle that is centered within the SOSEA or on adjacent federal lands.

(ii) **Within the Entiat SOSEA**, harvesting, road construction, or aerial application of pesticides within the areas indicated for demographic support (see WAC 222-16-086(2)) on suitable spotted owl habitat located within a median home range circle that is centered within the demographic support area.

(iii) **Outside of a SOSEA**, harvesting, road construction, or aerial application of pesticides, between March 1 and August 31 on the seventy acres of highest quality suitable spotted owl habitat surrounding a northern spotted owl site center located outside a SOSEA. The highest quality suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife. Consideration shall be given to habitat quality, proximity to the activity center and contiguity.

(iv) **Small parcel northern spotted owl exemption.** Forest practices proposed on the lands owned or controlled by a landowner whose forest land ownership within the SOSEA is less than or equal to 500 acres and where the forest practice is not within 0.7 mile of a northern spotted owl site center shall not be considered to be on lands designated as critical wildlife habitat (state) for northern spotted owls.

(i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(j) Marbled murrelet.

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat within a marbled murrelet detection area.

(iii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat containing 7 platforms per acre outside a marbled murrelet detection area.

(iv) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction outside a marbled murrelet detection area within a marbled murrelet special landscape and within suitable marbled murrelet habitat with 5 or more platforms per acre.

(v) Harvesting within a 300 foot managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stand stem density of 75 trees per acre greater than 6 inches in dbh; provided that 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches in dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to a maximum of 400 feet as long as the average of 300 feet is maintained.

(vi) Except that the following shall not be critical wildlife habitat (state):

(A) Where a landowner owns less than 500 acres of forest land within 50 miles of saltwater and the land does not contain an occupied marbled murrelet site; or

(B) Where a protocol survey (see WAC 222-12-090(14)) has been conducted and no murrelets were detected. The

landowner is then relieved from further survey requirements. However, if an occupied marbled murrelet site is established, this exemption is void.

(2) The following critical habitats (federal) designated by the United States Secretary of the Interior, or specific forest practices within those habitats, have been determined to not have the potential for a substantial impact on the environment:

Marbled murrelet critical habitat 50 C.F.R. § 17.95(b), 61 Fed. Reg. 26256 as a result of provisions of the state's marbled murrelet rule.

(3) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington fish and wildlife commission and/or the United States Secretary of the Interior, the department shall after consultation with the department of fish and wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

(4) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior which do not have the potential for a substantial impact on the environment, the department shall, after consultation with the department of fish and wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV - special forest practices. The department shall submit the list to the board within 120 days of the date the United States Secretary of the Interior publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV - Special shall be added to the list in subsection (2) of this section. See WAC 222-16-050 (1)(b)(ii).

(5)(a) Except for bald eagles under subsection (1)(a) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington fish and wildlife commission.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of fish and wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(6) Regardless of any other provision in this section, forest practices applications shall not be classified as Class IV-Special based on critical wildlife habitat (state) (WAC 222-16-080(1)) or critical habitat (federal) (WAC 222-16-050 (1)(b)(ii)) for a species if the forest practices are consistent with one of the following proposed for protection of the species:

(a) A habitat conservation plan and permit or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. §1536 (b) or 1539 (a); an "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or a "no-take letter" or other cooperative or conservation agreement entered into with a federal or state fish and wildlife agency pursuant to its statutory authority for fish and wildlife protection that addresses the needs of the affected species and that is subject to review under the National Environmental Protection Act, 42 U.S.C. §4321 et seq., or the State Environmental Policy Act, chapter 43.21C RCW, as applicable;

(b) A rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d);

(c) A special wildlife management plan (SWMP) developed by the landowner and approved by the department in consultation with the department of fish and wildlife;

(d) A bald eagle management plan approved under WAC 232-12-292;

(e) A landowner option plan (LOP) for northern spotted owls developed pursuant to WAC 222-16-100(1); or

(f) A cooperative habitat enhancement agreement (CHEA) developed pursuant to WAC 222-16-105.

In those situations where one of the options above has been used, forest practices applications may still be classified as Class IV-Special based upon the presence of one or more of the factors listed in WAC 222-16-050(1), other than critical wildlife habitat (state) or critical habitat (federal) for the species covered by the existing plan.

(7) The department, in consultation with the department of fish and wildlife, shall review each SOSEA to determine whether the goals for that SOSEA are being met through approved plans, permits, statements, letters, or agreements referred to in subsection (6) of this section. Based on the consultation, the department shall recommend to the board the suspension, deletion, modification or reestablishment of the applicable SOSEA from the rules. The department shall conduct a review for a particular SOSEA upon approval of a landowner option plan, a petition from a landowner in the SOSEA, or under its own initiative.

(8) The department, in consultation with the department of fish and wildlife, shall report annually to the board on the status of the northern spotted owl to determine whether circumstances exist that substantially interfere with meeting the goals of the SOSEAs.

**AMENDATORY SECTION** (Amending Order 535, filed 11/16/87, effective 1/1/88)

**WAC 222-20-060 Deviation from prior application or notification.** Substantial deviation from a notification or an approved application requires a revised notification or application. Other deviations may be authorized by a supplemental directive, notice to comply or stop work order. The department shall notify the departments of ~~((fisheries,))~~ fish and wildlife, and ecology, and affected Indian tribes and the appropriate county of any supplemental directive, notice to comply or stop work order involving a deviation from a prior notification or approved application, except where such notice has been waived.

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-22-020 Watershed administrative units.**

\* (1) For purposes of this chapter, the state is divided into areas known as watershed administrative units (WAUs). The department shall, in cooperation with the departments of ecology, ~~((fisheries,))~~ fish and wildlife, federally recognized Indian tribes, local government entities, forest land owners, and the public, define WAUs throughout the state. The department shall identify WAUs on a map.

\* (2) WAUs should generally be between 10,000 to 50,000 acres in size and should be discrete hydrologic units. The board recognizes, however, that identified watershed processes and potential effects on resource characteristics differ, and require different spatial scales of analysis, and the department's determination of the WAUs should recognize these differences. The board further recognizes that mixed land uses will affect the ability of a watershed analysis to predict probabilities and identify causation as required under this chapter, and the department's conduct and approval of a watershed analysis under this chapter shall take this effect into account.

\* (3) The department is directed to conduct periodic reviews of the WAUs adopted under this chapter to determine whether revisions are needed to more efficiently assess potential cumulative effects. The department shall consult the departments of ecology, ~~((fisheries,))~~ fish and wildlife, affected Indian tribes, forest land owners, local government entities, and the public. From time to time and as appropriate, the department shall make recommendations to the board regarding revision of watershed administrative units.

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-22-040 Watershed prioritization.** \* (1) The department shall determine, by region, the order in which it will analyze WAUs. The department shall cooperate with the departments of ecology, fish and wildlife, ~~((and fisheries,))~~ affected Indian tribes, forest land owners, and the public in setting priorities. In setting priorities or reprioritizing WAUs, the department shall consider the availability of participation and assistance that may be provided by affected Indian tribes and local government entities.

\* (2) Except as set forth in subsection (3) of this section, the department shall undertake a watershed analysis on each

WAU, in the order established under subsection (1) of this section.

\* (3) The owner or owners of ten percent or more of the nonfederal forest land acreage in a WAU may notify the department in writing that the owner or owners intend to conduct a level 1 assessment, level 2 assessment, or both, and the prescription recommendation process on the WAU under this chapter at their own expense. The notice shall identify the teams proposed to conduct the watershed analysis, which shall be comprised of individuals qualified by the department pursuant to WAC 222-22-030. The department shall promptly notify any owner or owners sending notice under this subsection if any member of the designated teams is not so qualified. Within 30 days of delivering a notice to the department under this subsection, the forest land owner or owners shall begin the level 1 assessment under WAC 222-22-050 or, at its option, the level 2 assessment under WAC 222-22-060. An approved forest land owner team shall, while and only for the purposes of conducting a watershed analysis in a WAU, be a duly authorized representative of the department for the purposes of RCW 76.09.150. The board encourages forest land owners conducting assessments under this chapter to include available, qualified expertise from state and federal agencies, affected Indian tribes, forest land owners, local government entities, and the public.

\* (4) Before beginning an analysis in a WAU, the department or the forest land owner conducting the analysis shall provide reasonable notice, including notice by regular United States mail where names and addresses have been provided to the department, to all forest land owners in the WAU, and to affected Indian tribes. The department or the forest land owner shall provide reasonable notice to the public and to state, federal, and local government entities, by, among other things, posting the notice conspicuously in the office of the departmental region containing the WAU. The notice shall be in a form designated by the department and give notice that an analysis is being conducted, by whose team, the time period of the analysis, and the dates and locations in which the draft analysis will be available for review and comment.

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-22-050 Level 1 watershed resource assessment.** \* (1) To begin a watershed resource analysis on a WAU, the department shall assemble a level 1 assessment team consisting of analysts qualified under WAC 222-22-030(1). A forest land owner or owners acting under WAC 222-22-040(3) may assemble a level 1 assessment team consisting of analysts qualified under WAC 222-22-030(1) or, at its option, may begin the analysis under WAC 222-22-060. Each level 1 team shall include persons qualified in the disciplines indicated as necessary in the methodology, and should generally include persons qualified in:

- (a) Forestry;
- (b) Forest hydrology;
- (c) Forest soil science or geology;
- (d) Fisheries science; and
- (e) Geomorphology.

Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest land acreage in the WAU and any affected Indian tribe shall be entitled to include one qualified individual to participate on the team at its own expense.

(2) The level 1 team shall perform an inventory of the WAU utilizing the methodology, indices of resource condition, and checklists set forth in the manual in accordance with the following:

(a) The team shall survey the WAU for fish, water, and capital improvements of the state or its political subdivisions and shall display their location on a map of the WAU. The team shall determine the current condition of the resource characteristics of these resources, shall classify their condition as "good," "fair," or "poor," and shall display this information on the map of the WAU. The criteria used to determine current resource conditions shall include indices of resource condition, in addition to such other criteria as may be included in the manual. The indices will include two levels, which will distinguish between good, fair, and poor conditions.

(b) The team shall assess the likelihood that identified watershed processes in a given physical location will be adversely changed by one forest practice or by cumulative effects and that, as a result, a material amount of water, wood, sediment, or energy (e.g., affecting temperature) will be delivered to fish, water, or capital improvements of the state or its political subdivisions. (This process is referred to in this chapter as "adverse change and deliverability.") (For example, the team will address the likelihood that road construction will result in mass wasting and a slide that will in turn reach a stream.) The team shall rate this likelihood of adverse change and deliverability as "high," "medium,"

"low," or "indeterminate." Those likelihoods rated high, medium, or indeterminate shall be displayed on the map of the WAU.

(c) For each instance of high, medium, or indeterminate likelihood of adverse change and deliverability identified under (b) of this subsection, the team shall assess the vulnerability of potentially affected resource characteristics. Criteria for resource vulnerability shall include indices of resource condition as described in (a) of this subsection and quantitative means to assess the likelihood of material adverse effects to resource characteristics caused by forest practices. (For example, the team will assess the potential damage that increased sediment caused by a slide reaching a stream will cause to salmon spawning habitat that is already in fair or poor condition.) The team shall rate this vulnerability "high," "medium," "low," or "indeterminate" and shall display those vulnerabilities on the map of the WAU. If there are no other criteria in the manual to assess vulnerability at the time of the assessment, current resource condition shall be used, with good condition equivalent to low vulnerability, fair condition equivalent to medium vulnerability, and poor condition equivalent to high vulnerability.

(d) The team shall identify as areas of resource sensitivity, as provided in table 1 of this section, the locations in which a management response is required under WAC 222-22-070(3) because, as a result of one forest practice or of cumulative effects, there is a combination of a high, medium, or indeterminate likelihood of adverse change and deliverability under (b) of this subsection and a low, medium, high, or indeterminate vulnerability of resource characteristics under (c) of this subsection:

EXPEDITED ADOPTION

**Table 1**  
**Areas of Resource Sensitivity and Management Response**

*Likelihood of Adverse Change and Deliverability*

		Low	Medium	High
<i>Vulnerability</i>	Low	Standard rules	Standard rules	Response: Prevent or avoid
	Medium	Standard rules	Response: Minimize	Response: Prevent or avoid
	High	Standard rules	Response: Prevent or avoid	Response: Prevent or avoid

The team shall display the areas of resource sensitivity on the map of the WAU.

(e) The decision criteria used to determine low, medium, and high likelihood of adverse change and deliverability shall be as set forth in the manual. A low designation generally means there is minimal likelihood that there will be adverse change and deliverability. A medium designation generally means there is a significant likelihood that there

will be adverse change and deliverability. A high designation generally means that adverse change and deliverability is more likely than not with a reasonable degree of confidence. Any areas identified as indeterminate in the level 1 assessment shall be classified for the purposes of the level 1 assessment as medium until a level 2 assessment is done on the WAU under WAC 222-22-060, during which the uncertainties shall be resolved.

(f) The team shall prepare a causal mechanism report regarding the relationships of each process identified in (b) and (c) of this subsection. The report shall demonstrate that the team's determinations were made in accordance with the manual. If, in the course of conducting a level 1 assessment, the team identifies areas in which voluntary corrective action will significantly reduce the likelihood of material, adverse effects to the condition of a resource characteristic, the team shall include this information in the report, and the department shall convey this information to the applicable land owner.

\* (3) Within 21 days of mailing notice under WAC 222-22-040(4), the level 1 team shall submit to the department its draft level 1 assessment, which shall consist of the map of the WAU marked as set forth in this section and the causal mechanism report proposed under subsection (2)(f) of this section. If the level 1 team is unable to agree as to one or more resource sensitivities or potential resource sensitivities, or the casual mechanism report, alternative designations and an explanation thereof shall be included in the draft assessment. Where the draft level 1 assessment delivered to the department contains alternative designations, the department shall within 21 days of the receipt of the draft level 1 assessment make its best determination and approve that option which it concludes most accurately reflects the proper application of the methodologies, indices of resource condition, and checklists set forth in the manual.

\* (4) If the level 1 assessment contains any areas in which the likelihood of adverse change and deliverability or resource vulnerability are identified as indeterminate under this section or if the level 1 methodology recommends it, the department shall assemble a level 2 assessment team under WAC 222-22-060 to resolve the uncertainties in the assessment, unless a forest land owner acting under WAC 222-22-040(3) has conducted a level 2 assessment on the WAU.

\* (5) Pending the completion of the level 2 assessment, if any, on the WAU, the department shall select interim prescriptions using the process and standards described in WAC 222-22-070 (1), (2), and (3) and 222-22-080(3) and shall apply them to applications and notifications as provided in WAC 222-22-090 (1) and (2). Before submitting recommended interim prescriptions to the department, the field managers' team under WAC 222-22-070(1) shall review the recommended prescriptions with available representatives of the jurisdictional management authorities of the fish, water, and capital improvements of the state or its political subdivisions in the WAU, including, but not limited to, the departments of ~~((fisheries))~~ fish and wildlife, ecology, and affected Indian tribes.

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-22-080 Approval of watershed analysis.**

\* (1) Upon receipt of the recommended prescriptions resulting from a level 2 assessment under WAC 222-22-060 or a level 1 assessment under WAC 222-22-050 where a level 2 assessment will not be conducted, the department shall select prescriptions. The department shall circulate the draft watershed analysis to the departments of ecology, ~~((fisher-ies))~~ fish and wildlife, affected Indian tribes, local government entities, forest land owners in the WAU, and the public

for review and comment. The prescriptions recommended by the field managers' team shall be given substantial weight. Within thirty days of receipt of the prescriptions, the department shall review comments, revise the watershed analysis as appropriate, and approve or disapprove the watershed analysis for the WAU.

\* (2) The department should notify any governmental agency or Indian tribe having jurisdiction over activities which are not regulated under chapter 76.09 RCW but which are identified in the draft analysis as having a potential for an adverse impact on identified fish, water, and capital improvements of the state or its political subdivisions.

\* (3) The department shall approve the draft watershed analysis unless it finds:

(a) For any level 1 assessment or level 2 assessment, that:

(i) The team failed in a material respect to apply the methodology, indices of resource condition, or checklists set forth in the manual; or

(ii) A team meeting the criteria promulgated by the department and using the defined methodologies, indices of resource conditions, and checklists set forth in the manual could not reasonably have come to the conclusions identified in the draft level 1 or level 2 assessment; and

(b) For the prescriptions, that they will not accomplish the purposes and policies of this chapter and of the Forest Practices Act, chapter 76.09 RCW.

(c) In making its findings under this subsection, the department shall take into account its ability to revise assessments under WAC 222-22-090(3).

\* (4) If the department does not approve the draft watershed analysis, it shall set forth in writing a detailed explanation of the reasons for its disapproval.

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-22-090 Use and review of watershed analysis.** \* (1) Where a watershed analysis has been completed for a WAU under this chapter:

(a) Forest practices applications and notifications submitted to the department shall indicate whether an area of resource sensitivity will be affected and, if so, which prescription the operator, timber owner, or forest land owner shall use in conducting the forest practice in the area of resource sensitivity;

(b) The department shall assist operators, timber owners, and forest land owners in obtaining governmental permits required for the prescription (see WAC 222-50-020 and 222-50-030);

(c) The department shall confirm that the prescription selected under (a) of this subsection was one of the prescriptions approved for the area of resource sensitivity under WAC 222-22-080 and shall require the use of the prescription; and

(d) The department shall not further condition forest practice applications and notifications in an area of resource sensitivity in a WAU where the applicant will use a prescription contained in the watershed analysis nor shall the department further condition forest practice applications and notifications outside an area of resource sensitivity in a WAU, except for reasons other than the watershed processes

and fish, water, and capital improvements of the state or its political subdivisions analyzed in the watershed analysis in the WAU, and except to correct mapping errors, misidentification of soils, landforms, vegetation, or stream features, or other similar factual errors.

\* (2) Pending completion of a watershed analysis for a WAU, the department shall process forest practices notifications and applications in accordance with the other chapters of this title, except that applications and notifications received for forest practices on a WAU after the date notice is mailed under WAC 222-22-040(4) commencing a watershed analysis on the WAU shall be conditioned to require compliance with interim, draft, and final prescriptions, as available. Processing and approval of applications and notifications shall not be delayed by reason of review, approval, or appeal of a watershed analysis.

\* (3) The board encourages cooperative and voluntary monitoring. Evaluation of resource conditions may be conducted by qualified specialists, analysts, and field managers as determined under WAC 222-22-030. Subsequent watershed analysis and management strategies in response to areas where recovery is not occurring shall be conducted in accordance with this chapter.

\* (4) Where the condition of resource characteristics in a WAU are fair or poor, the department shall evaluate the effectiveness of the prescriptions applied under this chapter to the WAU in providing for the protection and recovery of the resource characteristic. If the department finds that the prescriptions are not providing for such protection and recovery over a period of 3 years, the department shall repeat the watershed analysis in the WAU. Aside from the foregoing, once a watershed analysis is completed on a WAU, it shall be revised in whole or in part upon the earliest of the following to occur:

(a) Five years after the date the watershed analysis is final, if necessary;

(b) The occurrence of a natural disaster having a material adverse effect on the resource characteristics of the WAU;

(c) Deterioration in the condition of a resource characteristic in the WAU measured over a 12-month period or no improvement in a resource characteristic in fair or poor condition in the WAU measured over a 12-month period unless the department determines, in cooperation with the departments of ecology, fish and wildlife, (~~and fisheries,~~) affected Indian tribes, forest land owners, and the public, that a longer period is reasonably necessary to allow the prescriptions selected to produce improvement; or

(d) The request of an owner of forest land in the WAU which wishes to conduct a watershed analysis at its own expense.

Revision of an approved watershed analysis shall be conducted in accordance with the processes, methods, and standards set forth in this chapter, except that the revised watershed analysis shall be conducted only on the areas affected in the case of revisions under (b) or (c) of this subsection, and may be conducted on areas smaller than the entire WAU in the case of revisions under (a) and (d) of this subsection. The areas on which the watershed analysis revision is to be conducted shall be determined by the department and clearly delineated on a map before beginning the assessment revision. Forest practices shall be condi-

tioned under the current watershed analysis pending the completion of any revisions.

**AMENDATORY SECTION** (Amending WSR 97-15-105, filed 7/21/97, effective 8/21/97)

**WAC 222-24-030 Road construction.** (1) **Right of way timber.** Merchantable right of way timber shall be removed or decked in suitable locations where the decks will not be covered by fill material or act as support for the fill or embankment.

\* (2) **Debris burial.**

(a) In permanent road construction, do not bury:

(i) Loose stumps, logs or chunks containing more than 5 cubic feet in the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.

(ii) Any significant amount of organic debris within the top 2 feet of the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.

(iii) Excessive accumulation of debris or slash in any part of the load-bearing portion of the road fill, except as puncheon across wetlands or for culvert protection.

(b) In the cases where temporary roads are being constructed across known areas of unstable soils and where possible construction failure would directly impact waters, the requirements in (a), (i), (ii) and (iii) of this subsection shall apply. A temporary road is a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.

(3) **Compact fills.** During road construction, fills or embankments shall be built up by layering. Each layer shall be compacted by operating the tractor or other construction equipment over the entire surface of the layer. Chemical compacting agents may be used in accordance with WAC 222-38-020.

\* (4) **Stabilize soils.** When soil, exposed by road construction, appears to be unstable or erodible and is so located that slides, slips, slumps, or sediment may reasonably be expected to enter Type 1, 2, 3 or 4 Water and thereby cause damage to a public resource, then such exposed soil areas shall be seeded with grass, clover, or other ground cover, or be treated by erosion control measures acceptable to the department. Avoid introduction of nonnative plant species, as listed in the board manual, to wetlands and wetland management zones.

\* (5) **Channel clearance.** Clear stream channel of all debris and slash generated during operations prior to the removal of equipment from the vicinity, or the winter season, whichever is first.

\* (6) **Drainage.**

(a) All required ditches, culverts, cross drains, drainage dips, water bars, and diversion ditches shall be installed concurrently with the construction of the roadway.

(b) Uncompleted road construction to be left over the winter season or other extended periods of time shall be drained by outsliping or cross draining. Water bars and/or dispersion ditches may also be used to minimize eroding of the construction area and stream siltation. Water movement within wetlands must be maintained.

\* (7) **Moisture conditions.** Construction shall be accomplished when moisture and soil conditions are not

likely to result in excessive erosion and/or soil movement, so as to avoid damage to public resources.

**\*(8) End haul/sidecasts.** End haul or overhaul construction is required where significant amounts of sidecast material would rest below the 50-year flood level of a Type 1, 2, 3, or 4 Water, within the boundary of a Type A or Type B Wetland or wetland management zones or where the department determines there is a potential for mass soil failure from overloading on unstable slopes or from erosion of side cast material causing damage to the public resources.

**\*(9) Waste disposal.** When spoil, waste and/or other debris is generated during construction, this material shall be deposited or wasted in suitable areas or locations and be governed by the following:

(a) Spoil or other debris shall be deposited above the 50-year flood level of Type 1, 2, 3, or 4 Waters or in other locations so as to prevent damage to public resources. The material shall be stabilized by erosion control measures as necessary to prevent the material from entering the waters.

(b) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands.

**(10) Disturbance avoidance for northern spotted owls.** Road construction, operation of heavy equipment and blasting within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

**(11) Disturbance avoidance for marbled murrelets.**

(a) Road construction and operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season; and

(b) Blasting shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the critical nesting season.

(c) Provided that, these restrictions shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-24-040 Water crossing structures. \*(1) Bridge construction.**

(a) Bridges are required for new crossings of any Type 1 or 2 Waters regularly used for recreational boating.

(b) Permanent bridges shall not constrict clearly defined channels and shall be designed to pass the 50-year flood level or the road shall be constructed to provide erosion

protection from the 50-year flood waters which exceed the water-carrying capacity of the drainage structure.

(c) One end of each new permanent log or wood bridge shall be tied or firmly anchored if any of the bridge structure is within 10 vertical feet of the 50-year flood level.

(d) Excavation for bridges, placement of sills or abutments, and the placement of stringers or girders shall be accomplished from outside the ordinary high-water mark of all waters, except when such operations are authorized by a hydraulic project approval.

(e) Earth embankments constructed for use as bridge approaches shall be protected from erosion by high water. Some examples of protection are: Planted or seeded ground cover, bulkheads, rock riprap, or retaining walls.

(f) When earthen materials are used for bridge surfacing, curbs of sufficient size shall be installed to be above the surface material and prevent such surface material from falling into the stream bed.

**\*(2) Culvert installation:** All permanent culverts installed in forest roads shall be of a size that is adequate to carry the 50-year flood or the road shall be constructed to provide erosion protection from the 50-year flood waters which exceed the water-carrying capacity of the drainage structure. Refer to "Recommended culvert sizes" in the forest practices board manual for the size of permanent culverts recommended for use in forest roads. If the department determines that because of unstable slopes the culvert size shown on that table is inadequate to protect public resources, it may require culvert sizes in accordance with the nomograph (chart) contained in the forest practices board manual or with other generally accepted engineering principles.

(a) No permanent culverts shall be installed that are smaller than:

(i) 24 inches in diameter or the equivalent for anadromous fish streams or wetlands where anadromous fish are present.

(ii) 18 inches or the equivalent for resident game fish streams.

(iii) 18 inches or the equivalent for all other water or wetland crossings in western Washington.

(iv) 15 inches or the equivalent for all other water or wetland crossings in eastern Washington.

(b) The alignment and slope of the culvert shall parallel the natural flow of the stream whenever possible.

(c) When fish life is present, construct the bottom of the culvert at or below the natural stream bed at the inlet and outlet.

(d) Terminate culverts on materials that will not readily erode, such as riprap, the original stream bed (if stable), or other suitable materials.

(e) If water is diverted from its natural channel, return this water to its natural stream bed via culvert, flume, spillway, or the equivalent.

(f) When flumes, downspouts, downfall culverts, etc., are used to protect fill slopes or to return water to its natural courses, the discharge point shall be protected from erosion by: (i) Reducing the velocity of the water, (ii) use of rock spillways, (iii) riprap, (iv) splash plates, or (v) other methods or structures demonstrated to be equally effective.

(g) Stream beds shall be cleared for a distance of 50 feet upstream from the culvert inlet of such slash or debris that reasonably may be expected to plug the culvert.

(h) The entrance of all culverts should have adequate catch basins and headwalls to minimize the possibility of erosion or fill failure.

**\* (3) Culverts in anadromous fish streams.** In addition to the requirements of subsection (2) of this section, in streams used by anadromous fish:

(a) Culverts shall be either open bottomed or have the bottom covered with gravel and installed at least 6 inches below the natural stream bed at the inlet and outlet.

(b) Closed bottom culverts shall not slope more than 1/2 percent; except as provided in (e) of this subsection; open bottom culverts shall not slope more than the natural slope of the stream bed.

(c) Where multiple culverts are used, one culvert shall be at least 6 inches lower than the other(s).

(d) Culverts shall be set to retain normal stream water depth throughout the culvert length. A downstream control may be required to create pooled water back into the culvert and to insure downstream stream bed stability.

(e) Closed bottom culverts, set at existing stream gradients between 1/2 percent and 3 percent slope shall be designed with baffles for water velocity control, or have an approved designed fishway.

(f) The department, after consultation with the department((s)) of ((fisheries)) fish and wildlife, shall impose any necessary limitations on the time of year in which such culverts may be installed to prevent interference with migration or spawning of anadromous fish.

(g) Any of the requirements in (a) through (f) of this subsection may be superseded by a hydraulic project approval.

**\* (4) Temporary water crossings.**

(a) Temporary bridges and culverts, adequate to carry the highest anticipated flow in lieu of carrying the 50-year flood, may be used:

(i) In the westside region if installed after June 1 and removed by September 30 of the same year.

(ii) In the eastside region if installed after the spring runoff and removed prior to the snow buildup which could feed a heavy runoff.

(iii) At other times, when the department and applicant can agree to specific dates of installation and removal.

(b) Temporary bridges and culverts shall be promptly removed upon completion of use, and the approaches to the crossing shall be water barred and stabilized at the time of the crossing removal.

(c) Temporary wetland crossings shall be abandoned and restored based on a written plan approved by the department prior to construction.

(5) Properly prepared and maintained fords may be used during periods of low water providing a hydraulic permit is acquired.

(a) The landowner when notified by the department shall submit a plan for road maintenance and abandonment for those drainages or road systems the department determines based on physical evidence to have a potential to damage public resources. The plan is subject to annual review and shall include:

(i) Ownership maps showing the road or road system;

(ii) Road status, whether active, inactive, abandoned or planned for abandonment;

(iii) Maintenance schedule and priorities for the year; and

(iv) Plan for further maintenance and reconstruction beyond the current year for repair of extensive damage.

(b) The plan shall be submitted to the department region office on or before June 30, 1988, and each June 30th thereafter unless the department agrees that no further plans are necessary.

(c) The department will review the plan annually with the landowner to determine whether it will be effective and is being implemented.

(d) Such plans shall also be reviewed with departments of ecology, ((fisheries)) fish and wildlife, and affected Indian tribes, any of whom may request an informal conference with the landowner.

**\* (2) Active roads.** An active road is a forest road being actively used for hauling of logs, pulpwood, chips, or other major forest products or rock and other road building materials. To the extent necessary to prevent damage to public resources, the following maintenance shall be conducted on such roads:

(a) Culverts and ditches shall be kept functional.

(b) Road surface shall be maintained as necessary to minimize erosion of the surface and the subgrade.

(c) During and on completion of operations, road surface shall be crowned, outsloped, or water barred and berms removed from the outside edge except those intentionally constructed for protection of fills.

**\* (3) Inactive roads.** An inactive road is a forest road on which commercial hauling is discontinued for 1 or more logging seasons, and the forest landowner desires continuation of access for fire control, forest management activities, Christmas tree growing operations, occasional or incidental use for minor forest products harvesting or similar activities on such inactive roads:

(a) Before the first winter rainy season following termination of active use, nonfunctional ditches and culverts shall be cleared and the road surface shall be crowned, outsloped, water barred or otherwise left in a condition not conducive to accelerated erosion or interrupt water movement within wetlands; and

(b) Thereafter, except as provided in (c) of this subsection, the landowner shall clear or repair ditches or culverts which he/she knows or should know to be nonfunctional and causing or likely to cause material damage to a public resource.

(c) The landowner shall not be liable for penalties or monetary damages, under the act, for damage occurring from a condition brought about by public use, unless he/she fails to make repairs as directed by a notice to comply.

**\* (4) Additional culverts/maintenance.** If the department determines based on physical evidence that the above maintenance has been or will be inadequate to protect public

**AMENDATORY SECTION** (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

**WAC 222-24-050 Road maintenance. \* (1) Road maintenance and abandonment plan.**

resources and that additional measures will provide adequate protection it shall require the landowner or operator to either elect to:

- (a) Install additional or larger culverts or other drainage improvements as deemed necessary by the department; or
- (b) Agree to an additional road maintenance program. Such improvements in drainage or maintenance may be required only after a field inspection and opportunity for an informal conference.

**\*(5) Abandoned roads.** An abandoned road is a forest road which the forest landowner has abandoned in accordance with procedures of (a) through (e) of this subsection. Roads are exempt from maintenance only after (e) of this subsection is completed:

- (a) Roads are outslopped, water barred, or otherwise left in a condition suitable to control erosion and maintain water movement within wetlands; and
- (b) Ditches are left in a suitable condition to reduce erosion; and
- (c) The road is blocked so that four wheel highway vehicles can not pass the point of closure at the time of abandonment; and
- (d) Bridges, culverts, and fills on all waters are removed, except where the department determines other measures would provide adequate protection to public resources.
- (e) The department shall determine whether the road has been abandoned according to procedures of this subsection. If the department determines the road is properly abandoned, it shall within thirty days notify the landowner in writing that the road is officially abandoned.

**\*(6) Brush control.** Chemical control of roadside brush shall not be done where chemicals will directly enter any Type 1, 2, or 3 or flowing Type 4 or 5 Water or Type A or B Wetlands. Refer to WAC 222-38-020 for additional information.

**\*(7) Road surface treatment.**

- (a) Apply oil to the road surface only when the temperature is above 55 degrees F and during the season when there is a minimal chance of rain for the next 48 hours. Use of waste oil is subject to RCW 70.95I.060(5).
- (b) Water the road surface prior to application of oil to assist in penetration.
- (c) Construct a temporary berm along the road shoulder where needed to control runoff of the applied chemical.
- (d) Take extreme care to avoid excess application of road chemicals. Shut off the flow at all bridges.
- (e) When cleaning out chemical storage tanks or the application equipment tanks used for storage and application of road treatment materials, dispose of the rinse water fluids on the road surface or in a place safe from potential contamination of water.
- (f) The use of dry road chemicals shall be in compliance with WAC 222-38-020.

**AMENDATORY SECTION** (Amending WSR 97-15-105, filed 7/21/97, effective 8/21/97)

**WAC 222-30-020 Harvest unit planning and design.**

(1) **Logging system.** The logging system should be appropriate for the terrain, soils, and timber type so yarding or

skidding can be economically accomplished in compliance with these regulations.

**\*(2) Landing locations.** Locate landings to prevent damage to public resources. Avoid excessive excavation and filling.

**\*(3) Western Washington riparian management zones.** These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Water and extend to the line where vegetation changes from wetland to upland plant community, or the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than 25 feet in width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for in the chart below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations. The number, size, species and ratio of leave trees, deciduous to conifer, is specified by the bed material and average width of the water type within the harvest unit. Trees left according to (d) of this subsection may be included in the number of required leave trees in this subsection.

(WATER TYPE/ AVERAGE WIDTH WIDTH	RMZ MAXIMUM DECIDUOUS/ MINIMUM SIZE LEAVE TREES	RATIO OF CONIFER TO DECIDUOUS/ GRAVEL/ COBBLE DIAMETER	# TREES/1000 FT. EACH SIDE
1 & 2 Water 75' & over	100'	representative of stand	50 trees 25 trees
1 & 2 Water under 75'	75'	representative of stand	100 trees 50 trees
3 Water 5' & over	50'	2 to 1/ 12" or next largest available	75 trees 25 trees
3 Water less than 5'	25'	1 to 1/ 6" or next largest available))	25 trees 25 trees

EXPEDITED ADOPTION

## Western Washington Riparian Leave Tree Requirements

Water Type/ Average Width	RMZ Maximum Width	Ratio of Conifer to Deciduous/ Minimum Size Leave Trees	# Trees/1000 ft. each side	
			Gravel/ Cobble < 10" Diameter	Boulder/Bedrock
1 & 2 Water 75' & over	100'	representative of stand	50 trees	25 trees
1 & 2 Water under 75'	75'	representative of stand	100 trees	50 trees
3 Water 5' & over	50'	2 to 1/ 12" or next largest available	75 trees	25 trees
3 Water less than 5'	25'	1 to 1/ 6" or next largest available	25 trees	25 trees

EXPEDITED ADOPTION

"Or next largest available" requires that the next largest trees to those specified in the rule be left standing when those available are smaller than the sizes specified. Ponds or lakes which are Type 1, 2 or 3 Waters shall have the same leave tree requirements as boulder/bedrock streams.

(d) For wildlife habitat within the riparian management zone, leave an average of 5 undisturbed and uncut wildlife trees per acre at the ratio of 1 deciduous tree to 1 conifer tree equal in size to the largest existing trees of those species within the zone. Where the 1 to 1 ratio is not possible, then substitute either species present. Forty percent or more of the leave trees shall be live and undamaged on completion of harvest. Wildlife trees shall be left in clumps whenever possible.

(e) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and the harvest unit is a clearcutting of 30 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection.

**\*(4) Eastern Washington riparian management zones.** These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Waters and extend to the line where vegetation changes from wetland to upland plant community, or to the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than the minimum width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be

accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations.

(i) The width of the riparian management zone shall be based on the adjacent harvest type as defined in WAC 222-16-010 "Partial cutting." When the adjacent unit harvest type is:

Partial cutting - The riparian management zone width shall be a minimum of 30 feet to a maximum of 50 feet on each side of the stream.

Other harvest types - The riparian management zone shall average 50 feet in width on each side of the stream with a minimum width of 30 feet and a maximum of 300 feet on each side of the stream.

(ii) Leave tree requirements within the riparian management zones of Type 1, 2 or 3 Waters:

(A) Leave all trees 12 inches or less in diameter breast height (dbh); and

(B) Leave all wildlife reserve trees within the riparian management zone where operations in the vicinity do not violate the state safety regulations (chapter 296-54 WAC and chapter 49.17 RCW administered by department of labor and industries, safety division); and

(C) Leave 16 live conifer trees/acre between 12 inches dbh and 20 inches dbh distributed by size, as representative of the stand; and

(D) Leave 3 live conifer trees/acre 20 inches dbh or larger and the 2 largest live deciduous trees/acre 16 inches dbh or larger. Where these deciduous trees do not exist, and where 2 wildlife reserve trees/acre 20 inches or larger do not exist, substitute 2 live conifer trees/acre 20 inches dbh or larger. If live conifer trees of 20 inches dbh or larger do not exist within the riparian management zone, then substitute the 5 largest live conifer trees/acre; and

(E) Leave 3 live deciduous trees/acre between 12 inches and 16 inches dbh where they exist.

(iii) Minimum leave tree requirements per acre for Type 1, 2 and 3 Waters. Trees left for (c)(ii) of this subsection shall be included in the minimum counts.

(A) On streams with a boulder/bedrock bed, the minimum leave tree requirements shall be 75 trees/acre 4 inches dbh or larger.

(B) On streams with a gravel/cobble (less than 10 inches diameter) bed, the minimum leave tree requirement shall be 135 trees/acre 4 inches dbh or larger.

(C) On lakes or ponds the minimum leave tree requirement shall be 75 trees/acre 4 inches dbh or larger.

Note: (See the Forest Practices Board Manual for assistance in calculating trees/acre and average RMZ widths.)

(d) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and either the harvest unit is a clearcutting of 30 acres or less or the harvest unit is a partial cutting of 80 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection. (See WAC 222-16-010 "Partial cutting.")

\* (5) Riparian leave tree areas. The department will require trees to be left along Type 4 Water where such practices are necessary to protect public resources. Where such practices are necessary leave at least 25 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 feet of stream length within 25 feet of the stream. The leave trees may be arranged to accommodate the operation.

\* (6) **Forested wetlands.** Within the wetland, unless otherwise approved in writing by the department, harvest methods shall be limited to low impact harvest or cable systems. Where feasible, at least one end of the log shall be suspended during yarding.

(a) When forested wetlands are included within the harvest area, landowners are encouraged to leave a portion (30 to 70%) of the wildlife reserve tree requirement for the harvest area within a wetland. In order to retain undisturbed habitat within forested wetlands, these trees should be left in clumps. Leave tree areas should be clumped adjacent to streams, riparian management zones, or wetland management zones where possible and they exist within forested wetlands. Green recruitment trees should be representative of the size and species found within the wetland. Leave nonmerchantable trees standing where feasible.

(b) If a RMZ or WMZ lies within a forested wetland, the leave tree requirement associated with those areas may be counted toward the percentages in (a) of this subsection.

(c) If the conditions described in (a) and (b) of this subsection are met, the distribution requirements for wildlife reserve trees and green recruitment trees (subsection (11)(e) of this section) are modified as follows: For purposes of distribution, no point within the harvest unit shall be more than 1000 feet from a wildlife reserve tree and green recruitment tree retention area.

(d) Approximate determination of the boundaries of forested wetlands greater than 5 acres shall be required. Approximate boundaries and areas shall be deemed to be sufficient for harvest operations.

(e) The department shall consult with the department of fish and wildlife (~~the department of fisheries,~~) and affected Indian tribes about site specific impacts of forest practices on wetland-sensitive species in forested wetlands.

\* (7) **Wetland management zones (WMZ).** These zones shall apply to Type A and B Wetlands, as indicated in (a) of this subsection, and shall be measured horizontally from the wetland edge or the point where the nonforested wetland becomes a forested wetland, as determined by the method described in the board manual, and shall be of an average width as described in (a) of this subsection. These zones shall not be less than the minimum nor more than the maximum widths described in (a) of this subsection. When these zones overlap a riparian management zone the requirement which best protects public resources shall apply.

\* (a) Wetland management zones (WMZ) shall have variable widths based on the size of the wetland and the wetland type, described as follows:

### Wetland Management Zones

Wetland Type	Acres of Nonforested Wetland*	Maximum WMZ Width	Average WMZ Width	Minimum WMZ Width
A (including bogs)	Greater than 5	200 feet	100 feet	50 feet
A (including bogs)	0.5 to 5	100 feet	50 feet	25 feet
A (bogs only)	0.25 to 0.5	100 feet	50 feet	25 feet
B	Greater than 5	100 feet	50 feet	25 feet
B	0.5 to 5			25 feet
B	0.25 to 0.5	No WMZ required	No WMZ required	

\*For bogs, both forested and non-forested acres are included.

(b) Within the WMZ, leave a total of 75 trees per acre of WMZ greater than 6 inches dbh in Western Washington and greater than 4 inches dbh in Eastern Washington, 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches dbh, where they exist. Leave trees shall be representative of the species found within the WMZ.

(c) Retain wildlife reserve trees where feasible. Type 1 and 3 wildlife reserve trees may be counted among, and need not exceed, the trees required in (b) of this subsection. Leave all cull logs on site.

(d) Partial-cutting or removal of groups of trees is acceptable within the WMZ. The maximum width of openings created by harvesting within the WMZ shall not exceed 100 feet as measured parallel to the wetland edge. Openings within WMZs shall be no closer than 200 feet. Landowners are encouraged to concentrate leave trees within the WMZ to the wetland edge.

\*(e) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

\*(f) When 10% or more of a harvest unit lies within any combination of a wetland management zone or a riparian management zone of Type 1, 2, or 3 Waters and either the harvest unit is a clearcut of 30 acres or less or the harvest unit is a partial cut of 80 acres or less, leave not less than 50% of the trees required in (b) of this subsection.

\*(8) **Type A or B Wetlands.** Within the boundaries of Type A or B Wetlands the following shall apply:

(a) Individual trees or forested wetland areas less than 0.5 acre in size may occur. These trees have a high habitat value to the nonforested wetland. Leave individual trees or forested wetlands less than 0.5 acre. These trees may be counted toward the WMZ requirements.

(b) Harvest of upland areas or forested wetlands which are surrounded by Type A or B Wetlands must be conducted in accordance with a plan, approved in writing by the department.

(c) No timber shall be felled into or cable yarded across Type A or B Wetlands without written approval of the department.

(d) Harvest shall not be allowed within a Type A Wetland which meets the definition of a bog.

(9) **Future productivity.** Harvesting shall leave the land in a condition conducive to future timber production except:

(a) To the degree required for riparian management zones; or

(b) Where the lands are being converted to another use or classified urban lands as specified in WAC 222-34-050.

(10) **Wildlife habitat.** This subsection is designed to encourage timber harvest practices that would protect wildlife habitats, provided, that such action shall not unreasonably restrict landowners action without compensation.

(a) The applicant should make every reasonable effort to cooperate with the department of fish and wildlife to identify critical wildlife habitats (state) as defined by the board. Where these habitats are known to the applicant, they shall be identified in the application or notification.

(b) Harvesting methods and patterns in established big game winter ranges should be designed to insure adequate access routes and escape cover where practical.

(i) Where practical, cutting units should be designed to conform with topographical features.

(ii) Where practical on established big game winter ranges, cutting units should be dispersed over the area to provide cover, access for wildlife, and to increase edge effect.

EXPEDITED ADOPTION

(11) **Wildlife reserve tree management.** In areas where leaving wildlife reserve trees under this section will not create a significant fire hazard, or significant hazard to overhead power lines and operations that are proposed in the vicinity of wildlife reserve trees will not create a significant safety or residential hazard nor conflict with achieving conformance with the limitation of or performance with the provisions of chapter 76.04 RCW (snag falling law) and chapter 49.17 RCW (safety), wildlife reserve trees will be left to protect habitat for cavity nesting wildlife in accordance with the following:

(a) In Western Washington, for each acre harvested 3 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. In Eastern Washington for each acre harvested 2 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. Type 1 wildlife reserve trees may be counted, at the landowner's option, either as a wildlife reserve tree or as a green recruitment tree. If adequate wildlife reserve trees are not available, no additional green recruitment trees will be required as substitutes. Landowners shall not under any circumstances be required to leave more than 2 green recruitment trees per acre for the purpose of wildlife reserve tree recruitment, or be required to leave Type 3 or 4 wildlife reserve trees.

(b) ~~(In Eastern Washington, for 5 years from the effective date of this subsection where over story harvest of seed trees left for purpose of reforestation are proposed and less than 10 trees per acre will be harvested within the 5-year period, 50% of the green recruitment trees otherwise required in this subsection may be left.~~

(e)) In Western Washington, only those wildlife reserve trees 10 or more feet in height and 12 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. In Eastern Washington, only those wildlife reserve trees 10 or more feet in height and 10 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. Green recruitment trees, 10 or more inches dbh and 30 or more feet in height and with at least 1/3 of their height in live crown, left standing after harvest may be counted toward green recruitment tree requirements. Green recruitment trees and/or wildlife reserve trees left to meet other requirements of the rules or those left voluntarily by the landowner shall be counted toward satisfying the requirements of this section. Large, live defective trees with broken tops, cavities, and other severe defects are preferred as green recruitment trees. Only down logs with a small end diameter greater than or equal to 12 inches and a length greater than or equal to 20 feet or equivalent volume shall be counted under (a) of this subsection. Large cull logs are preferred as down logs.

((~~(d)~~)) (c) In the areas where wildlife reserve trees are left, the largest diameter wildlife reserve trees shall be retained to meet the specific needs of cavity nesters. Where the opportunity exists, larger trees with numerous cavities should be retained and count as recruitment trees.

((~~(e)~~)) (d) In order to facilitate safe and efficient harvesting operations, wildlife reserve trees and recruitment trees may be left in clumps. For purposes of distribution, no point within the harvest unit shall be more than 800 feet from a wildlife reserve tree or green recruitment tree retention area. Subject to this distribution requirement, the location of these retention areas and the selection of recruit-

ment trees shall be at the landowner's discretion. Closer spacing of retention areas through voluntary action of the landowner is encouraged. Wildlife reserve tree and green recruitment tree retention areas may include, but are not limited to, riparian management zones, riparian leave tree areas, other regulatory leave areas, or voluntary leave areas that contain wildlife reserve trees and/or green recruitment trees.

((~~(f)~~)) (e) In order to provide for safety, landowners may remove any Type 3 or 4 wildlife reserve tree which poses a threat to humans working, recreating, or residing within the hazard area of that tree. In order to provide for fire safety, the distribution of wildlife reserve tree retention areas, described in ((~~(e)~~)) (d) of this subsection, may be modified as necessary based on a wildlife reserve tree management plan proposed by the landowner and approved by the department.

AMENDATORY SECTION (Amending WSR 97-15-105, filed 7/21/97, effective 8/21/97)

**WAC 222-30-050 Felling and bucking. \*(1) Falling along water.**

(a) No trees will be felled into Type 1, 2 and 3 Waters, or Type A or B Wetlands except trees which cannot practically and safely be felled outside the stream, lake or pond using techniques in general use and these trees must then be removed promptly.

Such felling and removing in Type 1, 2 or 3 Waters shall comply with the hydraulic project approval of the department((s)) of ((fisheries or)) fish and wildlife.

(b) Within riparian management zones, and wetland management zones fall trees favorable to the lead consistent with safety standards to yard or skid away from the waters. The use of directional falling, lining, jacking and staged falling techniques are encouraged.

(c) Trees may be felled into Type 4 Water if logs are removed as soon thereafter as practical. See forest practices board manual guidelines for clearing slash and debris from Type 4 and 5 Water.

**\*(2) Bucking in water.**

(a) No bucking or limbing shall be done on trees or portions thereof lying between the banks of Type 1, 2 or 3 Waters or in open water areas of Type A Wetlands, except as necessary to remove the timber from the water.

(b) Where bucking or limbing is done between the banks of a Type 4 Water, care shall be taken to minimize accumulation of slash in the water.

**\*(3) Falling near riparian management zones, wetland management zones and setting boundaries.** Reasonable care shall be taken to avoid felling trees into riparian management zones, wetland management zones and areas outside the harvest unit.

(4) **Falling in selective and partial cuts.** Reasonable care shall be taken to fall trees in directions that minimize damage to residual trees.

(5) **Disturbance avoidance for northern spotted owls.** Felling and bucking within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31 provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(6) **Disturbance avoidance for marbled murrelets.** Felling and bucking shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

**AMENDATORY SECTION** (Amending WSR 97-15-105, filed 7/21/97, effective 8/21/97)

**WAC 222-30-060 Cable yarding.** \*(1) **Type 1, 2 and 3 Waters.** No timber shall be cable yarded in or across a Type 1, 2 or 3 Waters except where the logs will not materially damage the bed of waters, banks or riparian management zones and removals from Type 1, 2 or 3 Water have hydraulic project approval of the department((s)) of ((fisheries or)) fish and wildlife.

\* (2) **Type A or B Wetlands.** No timber shall be cable yarded in or across Type A or B Wetlands without written approval from the department.

\* (3) **Deadfalls.** Any logs which are firmly embedded in the bed of a Type 1, 2, 3 and 4 Waters shall not be removed or unnecessarily disturbed without approval of the department((s)) of ((fisheries or)) fish and wildlife.

\* (4) **Yarding in riparian management zones and wetland management zones.** Where timber is yarded from or across a riparian management zone, or wetland management zone reasonable care shall be taken to minimize damage to the vegetation providing shade to the stream or open water areas and to minimize disturbance to understory vegetation, stumps and root systems. Where practical and consistent with good safety practices, logs shall be yarded in the direction in which they lie and away from Type A or B Wetlands or Type 1, 2 and 3 Waters until clear of the wetland management zone or riparian management zone.

(5) **Direction of yarding.**

(a) Uphill yarding is preferred.

(b) Where downhill yarding is used, reasonable care shall be taken to lift the leading end of the log to minimize downhill movement of slash and soils.

\* (c) When yarding parallel to a Type 1, 2 or 3 Water channel below the 50-year flood level or within the riparian management zone, reasonable care shall be taken to minimize soil disturbance and to prevent logs from rolling into the stream, lake, pond, or riparian management zone.

(6) **Disturbance avoidance for northern spotted owls.** The operation of heavy equipment within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31 provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the

northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(7) **Disturbance avoidance for marbled murrelets.** Yarding or operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

**AMENDATORY SECTION** (Amending WSR 97-15-105, filed 7/21/97, effective 8/21/97)

**WAC 222-30-070 Tractor and wheeled skidding systems.** \*(1) **Typed waters and wetlands.**

(a) Tractor and wheeled skidders shall not be used in Type 1, 2 or 3 Water, except with approval by the department and with a hydraulic project approval of the department((s)) of ((fisheries or)) fish and wildlife.

(b) In order to maintain wetland water movement and water quality, and to prevent soil compaction, tractor or wheeled skidders shall not be used in Type A or B Wetlands without prior written approval of the department.

(c) Within all wetlands, tractors and wheeled skidder systems shall be limited to low impact harvest systems. Ground based logging systems operating in wetlands shall only be allowed within wetlands during periods of low soil moisture or frozen soil conditions.

(d) Skidding across any flowing Type 4 Water shall be minimized and when done, temporary stream crossings shall be used, if necessary, to maintain stream bed integrity.

(e) Whenever skidding in or across any type water, the direction of log movement between stream banks shall be as close to right angles to the stream channel as is practical.

\* (2) **Riparian management zone.**

(a) Logging will be permitted within the zone. However, any use of tractors, wheeled skidders, or other yarding machines within the zone must be as described in an approved forest practices application or otherwise approved in writing by the department.

(b) Where skidding in or through the riparian management zone is necessary, the number of skidding routes through the zone shall be minimized.

(c) Logs shall be skidded so as to minimize damage to leave trees and vegetation in the riparian management zone, to the extent practical and consistent with good safety practices.

\* (3) **Wetlands management zones.**

(a) Logging will be permitted within wetland management zones.

(b) Where feasible logs shall be skidded at least with one end suspended from the ground so as to minimize soil disturbance and damage to leave trees and vegetation in the wetland management zone.

(c) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

\* (4) **Deadfalls.** Logs firmly embedded in the bed or bank of Type 1, 2, 3 or 4 Waters shall not be removed or unnecessarily disturbed without hydraulic project approval of the departments of fisheries or wildlife.

**\*(5) Moisture conditions.** Tractor and wheeled skidders shall not be used on exposed erodible soils or saturated soils when soil moisture content is so high that unreasonable soil compaction, soil disturbance, or wetland, stream, lake or pond siltation would result.

**(6) Protection of residual timber.** Reasonable care shall be taken to minimize damage from skidding to the stems and root systems of residual timber and to young reproduction.

**\*(7) Skid trail construction.**

(a) Skid trails shall be kept to the minimum feasible width.

(b) Reasonable care shall be taken to minimize the amount of sidecast required and shall only be permitted above the 50-year flood level.

(c) Skid trails shall be outsloped where practical, but be insloped where necessary to prevent logs from sliding or rolling downhill off the skid trail.

**\*(8) Skid trail maintenance.** Upon completion of use and termination of seasonal use, skid trails on slopes in exposed soils shall be water barred where necessary to prevent soil erosion.

**\*(9) Slope restrictions.** Tractor and wheeled skidders shall not be used on slopes where in the opinion of the department this method of operation would cause unnecessary or material damage to a public resource.

**(10) Disturbance avoidance for northern spotted owls.** The operation of heavy equipment within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

**(11) Disturbance avoidance for marbled murrelets.** Operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

**AMENDATORY SECTION** (Amending WSR 97-15-105, filed 7/21/97, effective 8/21/97)

**WAC 222-30-100 Slash disposal or prescribed burning.** (1) **Slash disposal techniques:**

**\*(a)** Any conventional method of slash disposal may be used, except in Type A or B Wetlands, wetland management zones, and riparian management zones and on sites where the department determines that a particular method would cause unreasonable risk to public resources or unreasonably damage site productivity. Conventional methods of slash disposal include the following: Controlled broadcast burning; pile or windrow and burn; pile or windrow without burning; mechanical scatter and compaction; scarification; chip, mulch or lop and scatter; burying; and physical removal from the forest lands: *Provided*, That on land

shown to have low productivity potential the landowner or operator shall obtain the department's approval of its regeneration plan prior to utilizing controlled broadcast burning as a slash disposal technique. In riparian management zones, slash disposal shall be by hand, unless approved by the department. Scarification shall not be allowed within wetlands. Machine piling is discouraged in wetlands.

**(b)** All slash burning requires a burning permit from the department which provides for compliance with the smoke management plan and reasonable care to protect Type A and B Wetlands, wetland management zones, riparian management zones, soil, residual timber, public resources, and other property.

**\*(c)** Location of slash piles. Except where burning will be completed before the next ordinary high-water season, slash shall not be piled or windrowed below the 50-year flood level of any Type 1, 2, 3 or 4 Water or in locations from which it could be expected to enter any stream, lake or pond.

**(2) Slash isolation, reduction, or abatement** is required when the department determines there is an extreme fire hazard according to law (see chapter 332-24 WAC ((332-24-360))).

**(3) Slash disposal** is required where the forest landowner has applied for and been granted an extension of time for reforestation on the grounds that slash disposal is necessary or desirable before reforestation.

**\*(4) Removing slash and debris from streams.**

"Slash" or "debris" which can reasonably be expected to cause significant damage to the public resource shall be removed from Type 1, 2, 3 or 4 Waters, to above the 50-year flood level and left in a location or manner minimizing risk of re-entry into the stream, lake or pond and if substantial accumulations of slash exist below the 50-year flood level of Type 1, 2, 3 or 4 Waters, slash disposal is required. See the forest practices board manual for "Guidelines for clearing slash and debris from Type 4 and 5 Waters."

**\*(5) Fire trails.**

(a) Construct ditches, water bars, cross drainage and ditches as needed to control erosion.

(b) Reasonable care shall be taken to minimize excavation during fire trail construction and sidecast shall only be permitted above the 50-year flood level.

(c) Fire trails shall not be located within Type A or B Wetlands, wetland management zones, or riparian zones without prior written approval of the department. Hand constructed fire trails are preferred within forested wetlands. When machine built fire trails are necessary for control of burning, trail width and excavation shall be minimized.

**(6) Disturbance avoidance for northern spotted owls.** Burning within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

**(7) Disturbance avoidance for marbled murrelets.** Slash disposal or prescribed burning shall not be allowed

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within 0.25 mile of an occupied marbled murrelet site during the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

**AMENDATORY SECTION** (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

**WAC 222-38-020 Handling, storage, and application of pesticides.** \*(1) **No pesticide leakage, contamination, pollution.**

Transportation, handling, storage, loading, application, and disposal of pesticides shall be consistent with applicable label requirements and other state and federal requirements.

**\*(2) Mixing and loading areas.**

(a) Mix pesticides and clean tanks and equipment only where any accidental spills would not enter surface water or wetlands.

(b) Storage and loading areas should be located where accidental spillage of pesticides will not enter surface water or wetlands. If any pesticide is spilled, immediate appropriate procedures should be taken to contain it.

(c) Use devices or procedures to prevent "back siphoning" such as providing an air gap or reservoir between the water source and the mixing tank.

**\*(3) Riparian management zone.** Pesticide treatments within the riparian management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

**\*(4) Wetland management zone.** Pesticide treatment within the wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

**\*(5) Aerial application of pesticides.**

(a) To keep pesticides out of the water, leave a 50 foot buffer strip on all typed waters, except segments of Type 4 and 5 Waters with no surface water and other areas of open water, such as ponds or sloughs.

(b) Apply the initial swath parallel to the buffer strip in (a) of this subsection unless a deviation is approved in advance by the department. Drift control agents shall be required adjacent to buffer strips. Avoid applications that might result in drift causing direct entry of pesticides into riparian management zones, Type A and B Wetlands, wetland management zones, and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

(c) Use a bucket or spray device capable of immediate shutoff.

(d) Shut off spray equipment during turns and over open water.

(e) Leave at least a 200 foot buffer strip around residences and 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.

(f) The landowner shall identify for the operator the units to be sprayed and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the pesticide an over-flight of the area shall be made by the pilot with the marked photos or maps.

(g) Aerial chemical application areas shall be posted by the landowner by signing at significant points of regular access at least 5 days prior to treatment. Posting shall remain at least 15 days after the spraying is complete. The department may require an extended posting period in areas where human use or consumption of plant materials is probable. Posting at formal, signed trailheads that are adjacent to aerially treated units is required. The signs will contain the name of the product used, date of treatment, a contact telephone number, and any applicable restrictions.

**\*(6) Ground application of pesticides with power equipment.**

Leave a 25-foot buffer strip on each side of Type A or B Wetlands and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

**\*(7) Hand application of pesticides.**

Apply only to specific targets, such as vegetation, trees, stumps, and burrows, or as bait or in traps.

**\*(8) Limitations on application.** Pesticides shall be applied only in accordance with all limitations:

(a) Printed on the United States Environmental Protection Agency container registration label, and/or

(b) Established by regulation of the state department of agriculture.

(c) Established by state and local health departments (in municipal watersheds).

(d) Established by the Federal Occupational Safety and Health Administration, or the state department of labor and industries, as they relate to safety and health of operating personnel and the public.

(e) The department or the department of agriculture may suspend further use of any equipment responsible for chemical leakage until the deficiency has been corrected to the satisfaction of the department suspending its usage.

**\*(9) Container disposal.** Pesticide containers shall be either:

(a) Removed from the forest and disposed of in the manner consistent with label directions; or

(b) Removed and cleaned for reuse in a manner consistent with any applicable regulations of the state department of agriculture or the state or local health departments.

**\*(10) Daily records - aerial application of pesticides.**

On all aerial applications of pesticides, the operator shall maintain for ~~((3))~~ 7 years daily records of spray operations as required by the state department of agriculture WAC 16-228-190.

**\*(11) Reporting of spills.** All potentially damaging chemical spills shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

**AMENDATORY SECTION** (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

**WAC 222-46-030 Notice to comply.** If a violation, a deviation, material damage or potential for material damage to a public resource has occurred and the department determines that a stop work order is unnecessary, then the department shall issue and serve upon the operator and/or landowner a notice which will clearly set forth:

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(1)(a) **The specific** nature, extent, and time of failure to comply with the approved application; or identifying the damage or potential damage; and/or

(b) The relevant provisions of the Forest Practices Act or of the forest practices regulations relating thereto;

(2) **The right** of the operator, landowner, or timber owner to a hearing before the department; and

(3) **The specific** course of action ordered by the department to be followed by the operator to correct such failure to comply and to prevent, correct and/or compensate for material damage to public resources which resulted from any violation, unauthorized deviation, or willful or negligent disregard for potential damage to a public resource; and/or those courses of action necessary to prevent continuing damage to public resources where the damage is resulting from the forest practice activities but has not resulted from any violation, unauthorized deviation, or negligence.

(4) **Local government entity conditions.** If the notice to comply involves a condition imposed pursuant to WAC 222-20-040(3), then the specific course of action ordered by the department shall include a requirement that the operator obtain approval of the local government entity of the action to be taken.

(5) **The department** shall mail a copy of the notice to comply to the forest landowner and the timber owner at the addresses shown on the application, showing the date of service upon the operator. The department shall also mail a copy to the local government entity if a condition imposed pursuant to WAC 222-20-040(3) is involved.

Such notice to comply shall become a final order of the department: *Provided*, That no direct appeal to the appeals board will be allowed from such final order. Such operator shall undertake the course of action so ordered by the department unless, within fifteen days after the date of service of such notice to comply, the operator, forest landowner, or timber owner, shall request the department in writing to schedule a hearing. If so requested, the department shall schedule a hearing on a date not more than twenty days after receiving such request. The local government entity shall participate in the hearing if a condition imposed pursuant to WAC 222-20-040(3) is involved. Within ten days after such hearing, the department shall issue a final order either withdrawing its notice to comply or clearly setting forth the specific course of action to be followed by such operator. Such operator shall undertake the course of action so ordered by the department unless within thirty days after the date of such final order, the operator, forest landowner, or timber owner appeals such final order to the appeals board. No person shall be under any obligation under this section to prevent, correct, or compensate for any damage to public resources which occurs more than one year after the date of completion of the forest practices operations involved exclusive of reforestation, unless such forest practices were not conducted in accordance with forest practices rules (~~and regulations~~): *Provided*, That this provision shall not relieve the forest landowner from any obligation to comply with forest practices rules and regulations pertaining to providing continuing road maintenance. No action to recover damages shall be taken under this section more than two years after the date the damage involved occurs.

**AMENDATORY SECTION** (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

**WAC 222-50-020 Other agency requirements.** (1) Many other laws and regulations apply to the conduct of forest practices. Other agencies administer some of these other regulatory programs. Permits may be required by such agencies prior to the conduct of certain forest practices. The department will maintain a list for distribution of state, regional and local regulatory programs that apply to forest practice operations. Affected parties are urged to consult with the specified agencies and independent experts with respect to the regulatory requirements shown on the list.

(2) **Hydraulics project approval law, RCW 75.20.100.** A hydraulics project approval must be obtained from the department of (~~fisheries and the department of~~) fish and wildlife prior to constructing any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds. See RCW 75.20.100 and WAC 232-14-010.

(3) **Compliance with the Shoreline Management Act, chapter 90.58 RCW, is required.** The Shoreline Management Act is implemented by the department of ecology and the applicable local governmental entity. A substantial development permit must be obtained prior to conducting forest practices which are "substantial developments" within the "shoreline" area as those terms are defined by the Shoreline Management Act.

(4) Nothing in these regulations is intended to interfere with any authority of the department of fish and wildlife to protect wildlife under any other statutes or regulations, or under any agreements with landowners.

(5) Federal Endangered Species Act, 16 U.S.C. 1531 et seq., and other federal laws. The federal Endangered Species Act and other federal laws may impose certain obligations on persons conducting forest practices. Compliance with the Forest Practices Act or these rules does not ensure compliance with the Endangered Species Act or other federal laws.



**WSR 97-17-040**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed August 14, 1997, 10:02 a.m.]

Date of Adoption: August 14, 1997.

Purpose: WAC 388-96-010, define "intangible assets."

Removes numbering system and makes other editorial changes to specific definitions as required by RPAU.

WAC 388-96-224, in nonaudit years, clarifies desk reviewed allowable costs are used to compute the final settlement.

WAC 388-96-505, add refunds of any allowable cost as an example of financial benefit that must be offset against allowable costs in year of receipt.

WAC 388-96-534, clarifies effective dates of a JCADs and reduces the time for a revision from 90 days to 30 days.

WAC 388-96-553, raises limit on depreciable assets to \$750; deletes subsections (3), (4) and (5); and moves subsection (6) to WAC 388-96-565.

WAC 388-96-554, changes limit to \$750 and removes subsections (3) and (4).

WAC 388-96-559, implement 1997 legislation on establishing land value; define depreciable assets and land value when builder sells new nursing facility before operating it.

WAC 388-96-565, adds subsection (6) from WAC 388-96-553 and implements 1997 legislative changes.

WAC 388-96-585, revises subsection (2)(w), removes "in terms of costs to employees and benefits commensurate to such costs." Revises subsection (2)(gg), lists bed rights as an example of intangible assets that are not used in patient care.

WAC 388-96-709, implements 1997 amendment to RCW on method for determining anticipated days.

WAC 388-96-719 implements 1997 amendment to RCW on occupancy level for new facilities.

WAC 388-96-735, edit changes requested by RPAU.

WAC 388-96-745(7), removes actual tables from Marshall Swift and makes a reference to the latest published Marshall Swift. Implements 1997 amendment to RCW on anticipated days when beds are reduced or increased.

WAC 388-96-754, implements 1997 amendment to RCW on anticipated days when beds are reduced or increased.

WAC 388-96-774, implements 1995 legislative limit on current funding. Clarifies which Medicaid cost report is to be used to determine changes in patient classifications or characteristics.

WAC 388-96-776, implements 1997 amendment to RCW that allows current funding of real estate taxes that result from renovations.

Citation of Existing Rules Affected by this Order: WAC 388-96-010, 388-96-224, 388-96-505, 388-96-534, 388-96-553, 388-96-554, 388-96-559, 388-96-565, 388-96-585, 388-96-709, 388-96-719, 388-96-735, 388-96-745(7), 388-96-754, 388-96-774, and 388-96-776.

Statutory Authority for Adoption: For WAC 388-96-010 and 388-96-735 is RCW 74.46.800; for WAC 388-96-224 is RCW 74.46.150, [74.46.]160, [74.46.]170 and [74.46.]800; for WAC 388-96-505 is RCW 74.46.200 and

74.46.800; for WAC 388-96-534 is RCW 74.46.270; for WAC 388-96-553, 388-96-554, and 388-96-565 is RCW 74.46.310, [74.46.]320 and [74.46.]330; for WAC 388-96-559 is RCW 74.46.360; for WAC 388-96-585 is RCW 74.46.190, [74.46.]460 and [74.46.]800; for WAC 388-96-709 is RCW 74.46.510; for WAC 388-96-719 is RCW 74.46.430; for WAC 388-96-745(7) is RCW 74.46.800 and 74.46.530; for WAC 388-96-754 is RCW 74.46.530; for WAC 388-96-774 is RCW 74.46.460; and for WAC 388-96-776 is RCW 74.46.465.

Adopted under notice filed as WSR 97-12-082 on June 4, 1997.

Changes Other than Editing from Proposed to Adopted Version: The text of the published change to WAC 388-96-774 follows. The text in bold is different from that published in the WSR: WAC 388-96-774 (1)(a), The department may grant a rate as add-on to a nursing service (NS) or operational (OP) prospective reimbursement rate; provided that, for the current fiscal year, the total amount of the current legislative appropriation, if any, to fund the Medicaid share of such rate add-on has not been exceeded. The NS and OP rate add-ons shall be for:

(i) Variations in the distribution of patient classifications or the total resident population or changes in patient characteristics for the total resident population from ~~((-(A)-F))~~ the Medicaid cost report for ~~((the calendar year immediately prior to the first fiscal year of a state biennium; or (B) Those used to set the rate for a new contractor))~~ the period on which the current rate was set; or

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 7, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 12, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 6, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 14, 1997

Edith M. Rice, Chief  
Office of Legal Affairs

AMENDATORY SECTION (Amending Order 3896, filed 9/12/95, effective 10/13/95)

**WAC 388-96-010 Terms.** Unless the context ~~((clearly requires))~~ indicates otherwise, the following ~~((terms shall have the meaning set forth in this section when used))~~ definitions apply in this chapter.

~~((+))~~ **"Accounting"** means activities providing information, usually quantitative and often expressed in monetary units, for:

~~((+))~~ (1) Decision-making;

~~((b))~~ (2) Planning;

~~((e))~~ (3) Evaluating performance;

~~((d))~~ (4) Controlling resources and operations; and

~~((e))~~ (5) External financial reporting to investors, creditors, regulatory authorities, and the public.

~~((2))~~ "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when earned, regardless of when collected, and expenses are reported in the period in which incurred, regardless of when paid.

~~((3))~~ "Administration and management" means activities ~~((employed))~~ used to maintain, control, and evaluate the efforts and resources of an organization for the accomplishment of the objectives and policies of that organization.

~~((4))~~ "Allowable costs" - See WAC 388-96-501.

~~((5))~~ "Ancillary care" means services ~~((required by the individual, comprehensive plan of care))~~ that are required by the individual, comprehensive plan of care provided by qualified therapists or by support personnel under their supervision.

~~((6))~~ "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who have adverse bargaining positions in the marketplace. ~~((a))~~ The following are not arms's-length transactions:

(1) The sale~~((s))~~ or exchange~~((s))~~ of nursing home facilities ~~((among))~~ between two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transaction~~((s shall not be considered as arm's-length transactions for purposes of this chapter. ((b)))~~; and

(2) Sale of a nursing home facility ~~((which))~~ that is subsequently leased back to the seller within five years of the date of sale ~~((shall not be considered as an arm's-length transaction for purposes of this chapter))~~.

~~((7))~~ "Assets" means economic resources and certain deferred charges of the contractor, recognized and measured ~~((in conformity with))~~ according to generally accepted accounting principles. ~~((Assets also include certain deferred charges that are not resources but are recognized and measured in accordance with generally accepted accounting principles.~~

~~((8))~~ "Bad debts" means amounts considered to be uncollectible from accounts and notes receivable.

~~((9))~~ "Beds" means, unless otherwise specified, the number of set-up beds in the nursing home, not to exceed the number of licensed beds.

~~((10))~~ "Beneficial owner" means any person who:

~~((a))~~ (1) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

~~((i))~~ (a) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

~~((ii))~~ (b) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest~~((-b))~~;

(2) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest, or preventing the vesting of such benefi-

cial ownership as part of a plan or scheme to evade the reporting requirements of this chapter~~((-~~

~~((e))~~);

~~((3))~~ Subject to subsection ~~((4))~~ (2) of ~~((this section))~~ "beneficial owner," has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

~~((i))~~ (a) Through the exercise of any option, warrant, or right;

~~((ii))~~ (b) Through the conversion of an ownership interest;

~~((iii))~~ (c) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

~~((iv))~~ (d) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except that, any person who acquires an ownership interest or power specified in (a), (b), or (c) of subsection ~~((10)(e)(i), (ii), or (iii) of this section))~~ (3) of "beneficial owner" with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power~~((-d))~~; or

(4) In the ordinary course of business, is a pledgee of ownership interest under a written pledge agreement ~~((and))~~, shall not be deemed the beneficial owner of such pledged ownership interest until the pledgee ~~((takes))~~:

~~((i))~~ (a) Takes all formal steps necessary required to declare a default; and

~~((ii))~~ (b) Determines the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; provided that, the pledge agreement: ~~((A))~~

(i) Is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection ~~((10)(b))~~ (2) of this ~~((section))~~ definition; and

~~((B))~~ (ii) Prior to default, does not grant the pledgee the power to:

~~((i))~~ (A) Vote or direct the vote of the pledged ownership interest; or

~~((ii))~~ (B) Dispose or direct the disposition of the pledged ownership interest, other than the grant of such power or powers pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

~~((11))~~ "Capitalization" means the recording of an expenditure as an asset.

~~((12))~~ "Capitalized lease" means a lease required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

~~((13))~~ "Cash method of accounting" means a method of accounting in which revenues are ~~((recognized only))~~ recorded when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for those expenditures and assets.

~~((14))~~ "Change of ownership" means a substitution of the individual operator or operating entity contracting with

the department to deliver care services to medical care recipients in a nursing facility and ultimately responsible for the daily operational decisions of the nursing facility ~~((or a substitution of control of such operating entity)).~~

~~((a))~~ (1) Events which constitute a change of ownership include, but are not limited to, the following:

~~((i))~~ (a) The form of legal organization of the contractor is changed (e.g., a sole proprietor forms a partnership or corporation);

~~((ii))~~ (b) Ownership of the nursing home business enterprise is transferred by the contractor 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))~~ (c) If the contractor is a partnership, any event ~~((occurs which))~~ that dissolves the partnership;

~~((iv))~~ (d) If the contractor is a corporation, and the 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))~~ (e) 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))~~ (i) New or former stockholders; or

~~((B))~~ (ii) Present stockholders each having held less than five percent of the stock before the initial transaction; or

~~((vi))~~ (f) Any other event or combination of events which results in a substitution or substitution of control of the individual operator or the operating entity contracting with the department to deliver care services.

~~((b))~~ (2) Ownership does not change when the following, without more, occur:

~~((i))~~ (a) A party contracts with the contractor to manage the nursing facility enterprise as the contractor's agent, i.e., subject to the contractor's general approval of daily operating and management decisions; or

~~((ii))~~ (b) The real property or personal property assets of the nursing facility change ownership or are leased, or a lease of them is terminated, without a substitution of individual operator or operating entity and without a substitution of control of the operating entity contracting with the department to deliver care services.

~~((15))~~ "Charity allowance~~((s))~~" means a reduction~~((s))~~ in charges made by the contractor because of the indigence or medical indigence of a patient.

~~((16))~~ "Contract" means a contract between the department and a contractor for the delivery of nursing facility services to medical care recipients.

~~((17))~~ "Contractor" means an entity ~~((which))~~ that contracts with the department to deliver ~~((nursing facility))~~ services to medical care recipients in a nursing facility. The entity is responsible for operational decisions.

~~((18))~~ "Courtesy allowances" mean~~((s))~~ reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

~~((19))~~ "CSO" means the local community services office of the department.

~~((20))~~ "Department" means the department of social and health services (DSHS) and employees.

~~((21))~~ "Depreciation" means the systematic distribution of the cost or other base of tangible assets, less salvage, over the estimated useful life of the assets.

~~((22))~~ "Donated asset" means an asset the contractor acquired without making any payment for the asset either in ~~((the form of))~~ cash, property, or services. ~~((a))~~ An asset is not a donated asset if the contractor:

(1) Made even a nominal payment in acquiring the asset ~~((or (b) An asset purchased using))~~; or

(2) Used donated funds ~~((is not a donated))~~ to purchase the asset.

~~((23))~~ "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

~~((24))~~ "Equity capital" means total tangible and other assets which are necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

~~((25))~~ "Exceptional care recipient" means a medical care recipient determined by the department to require exceptionally heavy care.

~~((26))~~ "Facility" means a nursing home or facility licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

~~((27))~~ "Fair market value" means:

~~((a))~~ (1) Prior to January 1, 1985, the price for which an asset would have been purchased on the date of acquisition in an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell; or

~~((b))~~ (2) Beginning January 1, 1985, the replacement cost of an asset, less observed physical depreciation, on the date the fair market value is determined.

~~((28))~~ "Financial statements" mean~~((s))~~ statements prepared and presented ~~((in conformity with))~~ according to generally accepted accounting principles and the provisions of chapter 74.46 RCW and this chapter including, but not limited to:

~~((a))~~ (1) Balance sheet;

~~((b))~~ (2) Statement of operations;

~~((c))~~ (3) Statement of changes in financial position; and

~~((d))~~ (4) Related notes.

~~((29))~~ "Fiscal year" means the operating or business year of a contractor. All contractors report on the basis of a twelve-month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods. As determined by context or otherwise, "fiscal year" may also refer to a state fiscal year extending from July 1 through June 30 of the following year and comprising the first or second half of a state fiscal biennium.

~~((30))~~ "Gain on sale" means the actual total sales price of all tangible and intangible nursing home assets including, but not limited to, land, building, equipment, supplies, goodwill, and beds authorized by certificate of need, minus the net book value of such assets immediately prior to the time of sale.

~~((31))~~ **"Generally accepted accounting principles (GAAP)"** means accounting principles approved by the financial accounting standards Board (FASB).

~~((32))~~ **"Generally accepted auditing standards (GAAS)"** means auditing standards approved by the American institute of certified public accountants (AICPA).

~~((33))~~ **"Goodwill"** means the excess of the price paid for:

~~((a))~~ (1) A business over the fair market value of all other identifiable, tangible, and intangible assets acquired; and

~~((b))~~ (2) An asset over the fair market value of the asset.

~~((34))~~ **"Historical cost"** means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

~~((35))~~ **"Imprest fund"** means a fund which is regularly replenished in exactly the amount expended from it.

~~((36))~~ **"Intangible asset"** is an asset that lacks physical substance but possesses economic value.

**"Interest"** means the cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

~~((37))~~ **"Joint facility costs"** means any costs representing expenses incurred which benefit more than one facility, or one facility and any other entity.

~~((38))~~ **"Lease agreement"** means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee shall not be considered modification of a lease term.

~~((39))~~ **"Medical care program"** means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

~~((40))~~ **"Medical care recipient"** means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

~~((41))~~ **"Multiservice facility"** means a facility at which two or more types of health or related care are delivered, e.g., a hospital and nursing facility, or a boarding home and nursing facility.

~~((42))~~ **"Net book value"** means the historical cost of an asset less accumulated depreciation.

~~((43))~~ **"Net invested funds"** means the net book value of tangible fixed assets, excluding assets associated with central or home offices or otherwise not on the nursing facility premises, employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles and not in excess of any lids or reimbursement limits set forth in

this chapter, plus an allowance for working capital as provided in this chapter.

~~((44))~~ **"Nonadministrative wages and benefits"** means wages, benefits, and corresponding payroll taxes paid for nonadministrative personnel, not to include administrator, assistant administrator, or administrator-in-training.

~~((45))~~ **"Nonallowable costs"** means the same as "unallowable costs."

~~((46))~~ **"Nonrestricted funds"** means funds which are not restricted to a specific use by the donor, e.g., general operating funds.

~~((47))~~ **"Nursing facility"** means a home, place, or institution, licensed under chapter 18.51 or 70.41 RCW, where nursing care services are delivered.

~~((48))~~ **"Operating lease"** means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((49))~~ **"Owner"** means a sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

~~((50))~~ **"Ownership interest"** means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form the beneficial ownership takes.

~~((51))~~ **"Patient day" or "resident day"** means a calendar day of care provided to a nursing facility resident (~~(-in computing calendar days of care,))~~ that will include the day of admission (~~(is always counted,))~~ and exclude the day of discharge (~~(is counted only when the patient was admitted,))~~; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist. A patient is admitted for purposes of this definition when the patient is assigned a bed and a patient medical record is opened. A "client day" or "recipient day" means a calendar day of care provided to a medical care recipient determined eligible by the department for services provided under chapter 74.09 RCW, subject to the same conditions regarding admission and discharge applicable to a patient day or resident day of care.

~~((52))~~ **"Per diem (per patient day or per resident day) costs"** means total allowable costs for a fiscal period divided by total patient or resident days for the same period.

~~((53))~~ **"Professionally designated real estate appraiser"** means an individual:

~~((a))~~ (1) Regularly engaged in the business of providing real estate valuation services for a fee;

~~((b))~~ (2) Qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including ~~((the))~~:

~~((i))~~ (a) Writing of real estate valuation reports;

~~((ii))~~ (b) Passing of written examinations on valuation practice and theory; and

~~((iii))~~ Requirement to subscribe and adhere

(c) Subscribing and adhering to ~~((certain))~~ the standards of professional practice ~~((as))~~ required by the organization ~~((prescribes))~~.

~~((54))~~ **"Prospective daily payment rate"** means the rate assigned by the department to a contractor for providing service to medical care recipients. The rate is used to compute the maximum participation of the department in the contractor's costs.

~~((55))~~ **"Qualified therapist"**:

((a)) (1) An activities specialist having specialized education, training, or at least one year's experience in organizing and conducting structured or group activities;

((b)) (2) An audiologist eligible for a certificate of clinical competence in audiology or having the equivalent education and clinical experience;

((c)) (3) A mental health professional as defined by chapter 71.05 RCW;

((d)) (4) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

((e)) (5) A social worker graduated from a school of social work;

((f)) (6) A speech pathologist eligible for a certificate of clinical competence in speech pathology or having the equivalent education and clinical experience;

((g)) (7) A physical therapist as defined by chapter 18.74 RCW;

~~((h)) (8) An occupational therapist (graduated from a program in occupational therapy, or having the equivalent of education or training, and meeting all requirements of state law) licensed under chapter 18.59 RCW and chapter 246-847 WAC; or~~

((i)) (9) A respiratory care practitioner certified under chapter 18.89 RCW.

((56)) "**Rebased rate**" or "**cost rebased rate**" means a facility-specific rate assigned to a nursing facility for a particular rate period established on desk-reviewed, adjusted costs reported for that facility covering at least six months of a prior calendar year.

((57)) "**Recipient**" means a medical care recipient.

((58)) "**Records**" means data supporting all financial statements and cost reports including, but not limited to:

((a)) (1) All general and subsidiary ledgers;

((b)) (2) Books of original entry;

((c)) (3) Invoices;

((d)) (4) Schedules;

((e)) (5) Summaries; and

((f)) (6) Transaction documentation, however maintained.

((59)) "**Regression analysis**" means a statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

((60)) "**Related care**" includes:

((a)) (1) The director of nursing services;

((b)) (2) Activities and social services programs;

((c)) (3) Medical and medical records specialists; and

((d)) (4) Consultation provided by:

((i)) (a) Medical directors;

((ii)) (b) Pharmacists;

((iii)) (c) Occupational therapists;

((iv)) (d) Physical therapists;

((v)) (e) Speech therapists; and

((vi)) (f) Other therapists; and

((vii)) (g) Mental health professionals as defined in law and regulation.

((61)) "**Related organization**" means an entity under common ownership and/or control, or which has control of or is controlled by, the contractor. Common ownership

exists if an entity has a five percent or greater beneficial ownership interest in the contractor and any other entity. Control exists if an entity has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or institution, whether or not the power is legally enforceable and however exercisable or exercised.

((62)) "**Relative**" includes:

((a)) (1) Spouse;

((b)) (2) Natural parent, child, or sibling;

((c)) (3) Adopted child or adoptive parent;

((d)) (4) Stepparent, stepchild, stepbrother, stepsister;

((e)) (5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law;

((f)) (6) Grandparent or grandchild; and

((g)) (7) Uncle, aunt, nephew, niece, or cousin.

((63)) "**Restricted fund**" means a fund for which the use of the principal and/or income is restricted by agreement with or direction of the donor to a specific purpose, in contrast to a fund over which the contractor has complete control. Restricted funds generally fall into three categories:

((a)) (1) Funds restricted by the donor to specific operating purposes;

((b)) (2) Funds restricted by the donor for additions to property, plant, and equipment; and

((c)) (3) Endowment funds.

((64)) "**Secretary**" means the secretary of the department of social and health services (DSHS).

((65)) "**Start-up costs**" means the one-time reopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start-up costs include:

((a)) (1) Administrative and nursing salaries;

((b)) (2) Utility costs;

((c)) (3) Taxes;

((d)) (4) Insurance;

((e)) (5) Repairs and maintenance; and

((f)) (6) Training costs.

Start-up costs do not include expenditures for capital assets.

((66)) "**Title XIX**" means the 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

((67)) "**Unallowable costs**" means costs which do not meet every test of an allowable cost.

((68)) "**Uniform chart of accounts**" means a list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

((69)) "**Vendor number**" means a number assigned to each contractor delivering care services to medical care recipients.

((70)) "**Working capital**" means total current assets necessary, ordinary, and related to patient care from the most recent cost report minus total current liabilities necessary, ordinary, and related to patient care from the most recent cost report.

AMENDATORY SECTION (Amending Order 3896, filed 9/12/95, effective 10/13/95)

**WAC 388-96-224 Final settlement.** (1) If an audit is conducted, the department shall issue a final settlement report to the contractor after completion of the audit process,

including exhaustion or termination of any administrative review and appeal of audit findings or determinations requested by the contractor, but not including judicial review as may be available to and commenced by the contractor.

(2) The department shall prepare ~~((the))~~ a final settlement by cost center and shall fully substantiate disallowed costs, refunds, underpayments, or adjustments to the cost report and financial statements, reports, and schedules submitted by the contractor. The department shall take into account all authorized shifting, cost savings, and upper limits to rates on a cost center basis. For the final settlement report, the department shall compare:

(a) The prospective rate the contractor was paid for the facility in question during the report period, weighted by the number of allowable resident days reported for the period each rate was in effect ~~((as verified by audit,))~~

(b) The contractor's audited allowable costs for the reporting period~~((-~~

~~The department shall take into account all authorized shifting, cost savings, and upper limits to rates on a cost center basis.~~

~~((2)))~~; or

(c) For nonaudited reporting periods, the contractor's desk reviewed allowable costs for the reporting period.

(3) A contractor shall have twenty-eight days after receipt of a final settlement report to contest such report pursuant to WAC 388-96-901 and 388-96-904. Upon expiration of the twenty-eight-day period, the department shall not review a final settlement report. Any administrative review of a final settlement shall be limited to calculation of the settlement or the application of settlement principles and rules, or both, and shall not examine or reexamine rate or audit issues.

~~((3))~~ (4) The department shall reopen a final settlement if it is necessary to make adjustments based upon findings resulting from an audit performed pursuant to RCW 74.46.105. The department may also reopen a final settlement to recover an industrial insurance dividend or premium discount under RCW 51.16.035 in proportion to a contractor's medical care recipients, pursuant to RCW 74.46.180(5).

**AMENDATORY SECTION** (Amending Order 3634, filed 9/14/93, effective 10/15/93)

**WAC 388-96-505 Offset of miscellaneous revenues.**

(1) The contractor shall reduce allowable costs whenever the item, service, or activity covered by such costs generates revenue or financial benefits (e.g., purchase discounts, refunds of allowable costs or rebates) other than through the contractor's normal billing for care services; except, the department shall not deduct from the allowable costs of a nonprofit facility unrestricted grants, gifts, and endowments, and interest therefrom.

(2) The contractor shall reduce allowable costs for hold-bed revenue in the property, administrative, and operational cost areas only. In the property cost area, the amount of reduction will be determined by dividing a facility's allowable property costs by total patient days and multiplying the result by total hold-room days. In the administrative cost area, the amount of the bed hold revenue shall be determined by dividing a facility's allowable administrative costs by total patient days and multiplying the result by total hold-

room days. In the operational cost area, the amount of reduction will be determined by dividing allowable operational costs minus dietary and laundry costs by the total patient days and multiplying the result by total hold-room days.

(3) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documentation of cost, it shall be the full amount of the revenue received. Where financial benefits such as purchase discounts, refunds of allowable costs or rebates are received, the amount of the reduction shall be the amount of the discount or rebate. Financial benefits such as purchase discounts, refunds of allowable costs and rebates, including industrial insurance rebates, shall be offset against allowable costs in the year the contractor actually receives the benefits.

(4) Only allowable costs shall be recovered under this section. Costs allocable to activities or services not included in nursing facility services (e.g., costs of vending machines and services specified in chapter 388-86 WAC not included in nursing facility services) are nonallowable costs.

**AMENDATORY SECTION** (Amending WSR 96-15-056, filed 7/16/96, effective 8/16/96)

**WAC 388-96-534 Joint cost allocation disclosure (JCAD).** (1) The contractor shall disclose to the department:

(a) The nature and purpose of all costs representing allocations of joint facility costs; and

(b) The methodology of the allocation utilized.

(2) The contractor shall demonstrate in such disclosure:

(a) The services involved are necessary and nonduplicative; and

(b) Costs are allocated in accordance with benefits received from the resources represented by those costs.

(3) The contractor shall make such disclosure not later than September 30th for the following year; except, a new contractor shall submit the first year's disclosure together with the submissions required by WAC 388-96-026. Within this section, the meaning of the:

(a) "Effective date" is the date the department will recognize allocation per an approved JCAD; and

(b) "Implementation date" is the date the facility will begin or began incurring joint facility costs.

(4) The department shall determine the acceptability of the JCAD methodology not later than December 31~~((;))~~ of each year for all ~~((timely received))~~ JCADs~~((-- Costs disclosed, allocated, and reported in conformity with a department approved JCAD methodology must undergo review and be determined allowable costs for the purposes of rate setting and audit))~~ received by September 30th.

(a) The effective date of an acceptable JCAD that was received by September 30th is January 1st.

(b) The effective date of an acceptable JCAD that was received after September 30th shall be ninety days from the date the JCAD was received by the department.

(5) The contractor shall submit to the department for approval an amendment or revision to an approved JCAD methodology ~~((shall be submitted to the department for approval))~~ at least ~~((ninety))~~ thirty days prior to the ~~((effective))~~ implementation date of the amendment or revision. For amendments or revisions received less than ~~((ninety))~~

thirty days before the ~~((proposed effective))~~ implementation date, the effective date of approval will be ~~((ninety))~~ thirty days from the date the ~~((amendment or revision))~~ JCAD is received by the department.

(6) ~~((Where))~~ When a contractor ~~((will))~~, who is not currently incurring joint facility costs, begins to incur joint facility costs ~~((at some time other than the beginning of))~~ during the calendar year, the contractor shall provide the information required in subsections (1) and (2) of this section at least ninety days prior to the implementation date ~~((the cost will first be incurred))~~. If the JCAD is not received ninety days before the ~~((proposed effective))~~ implementation date, the effective date of the approval will be ninety days from the date the ~~((amendment or revision))~~ JCAD is received by the department.

(7) Joint facility costs not disclosed, allocated, and reported in conformity with this section are nonallowable costs. Joint facility costs incurred before the effective dates of subsection ~~((3))~~ (4), (5), and (6) of this section are unallowable. Costs disclosed, allocated, and reported in conformity with a department-approved JCAD methodology must undergo review and be determined allowable costs for the purposes of rate setting and audit.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

**WAC 388-96-553 Capitalization.** The following costs shall be capitalized:

(1) Expenditures for ~~((and costs of equipment, including furniture and furnishings,))~~ depreciable assets with historical cost in excess of ~~((one))~~ seven hundred fifty dollars per unit and a useful life of more than one year from the date of purchase;

(2) Expenditures and costs for ~~((equipment, including furniture and furnishings,))~~ depreciable assets with historical cost of ~~((one))~~ seven hundred fifty dollars or less per unit if either:

(a) The ~~((item of equipment))~~ depreciable asset was acquired in a group purchase where the total cost exceeded ~~((one))~~ seven hundred fifty dollars; or

(b) The ~~((item of equipment))~~ depreciable asset was part of the initial equipment or stock of the nursing home~~(-);~~ and

(3) ~~((Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, subsections (1) and (2) of this section shall be applied with the sum of five hundred dollars replacing the sum of one hundred fifty dollars.~~

~~((4) Effective January 1, 1983, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1984, and subsequently subsections (1) and (2) of this section shall be applied with the sum of seven hundred fifty dollars replacing the sum of one hundred fifty dollars.~~

~~((5)) Expenditures for ((and costs of building, and other real property items, components, and improvements, whether for leased or owner-operated facilities, in excess of five hundred dollars and involving one or more of the following:~~

(a) Increase of the interior floor space of the structure;

~~((b) Increase or renewal of paved areas outside the structure;~~

~~((c) Exterior or interior remodeling of the structure;~~

~~((d) Installation of additional heating, cooling, electrical, water related, or similar fixed equipment;~~

~~((e) Landscaping or redecorating;~~

~~((f)) any change, including repairs~~((, which))~~ with a cost in excess of seven hundred fifty dollars that increases the useful life of the ~~((structure or item if not a part of the structure))~~ depreciable asset by two years or more~~((;~~~~

~~((g) Any replacement or renewal of a real property item, component or improvement, whether structural or nonstructural.~~

~~((6) For a leasehold improvement, the asset shall be amortized over the asset's useful life in accordance with Internal Revenue Service class life ADR system guidelines or in accordance with American Hospital Association guidelines)).~~

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

**WAC 388-96-554 Expensing.** The following costs shall be expensed:

(1) Expenditures for ~~((and costs of equipment, including furniture and furnishings,))~~ depreciable assets with historical cost of ~~((one))~~ seven hundred fifty dollars or less per unit or a useful life of one year or less from the date of purchase.

(2) Subsection (1) of this section shall not apply if:

(a) The ~~((item of equipment))~~ depreciable asset was acquired in a group purchase where the total cost exceeded ~~((one))~~ seven hundred fifty dollars; or

(b) The ~~((item of equipment))~~ depreciable asset was part of the initial equipment or stock of the nursing home.

~~((3) ((Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, subsections (1) and (2) of this section shall be applied with the sum of five hundred dollars replacing the sum of one hundred fifty dollars.~~

~~((4) Effective January 1, 1983, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1984, and subsequently subsections (1) and (2) of this section shall be applied with the sum of seven hundred fifty dollars replacing the sum of one hundred fifty dollars.~~

~~((5)) Expenditures for and costs of building and other real property items, components and improvements, whether for leased or owner-operated facilities, of ~~((five))~~ seven hundred and fifty dollars or less.~~

~~((6))~~ (4) Expenditures for and costs of repairs necessary to maintain the useful life of equipment, including furniture and furnishings, and real property items, components or improvements which do not increase the useful life of the asset by two years or more. If a repair is to the interior or exterior of the structure, the term "asset" shall refer to the structure.

~~((7))~~ (5) Remaining undepreciated cost of equipment, including furniture or furnishings or real property items, components, or improvements which are retired and not replaced, provided such cost shall be offset by any proceeds or compensations received for such assets, and such cost

shall be expensed only if the contractor has made a reasonable effort to recover at least the outstanding book value of such assets. If a retired asset is replaced, WAC 388-96-572(3) shall apply and the replacement or renewal shall be capitalized if required by WAC 388-96-553.

**AMENDATORY SECTION** (Amending Order 3737, filed 5/26/94, effective 6/26/94)

**WAC 388-96-559 Cost basis of land and depreciation base.** (1) For all partial or whole rate periods after December 31, 1984 unless otherwise provided or limited by this chapter or by this section, chapter 388-96 WAC or chapter 74.46 RCW, the total depreciation base of depreciable assets and the cost basis of land shall be the lowest of:

(a) The contractor's appraisal, if any;  
 (b) The department's appraisal obtained through the department of general administration of the state of Washington, if any; or

(c) The historical purchase cost of the contractor, or lessor if the assets are leased by the contractor, in acquiring ownership of the asset in an arm's-length transaction, and preparing the asset for use, less goodwill, and less accumulated depreciation, if applicable, incurred during periods the assets have been used in or as a facility by any and all contractors. Such accumulated depreciation is to be measured in accordance with subsection (5) of this section and WAC 388-96-561, 388-96-565, and 388-96-567. Where the straight-line or sum-of-the-years digits method of depreciation is used the contractor:

(i) May deduct salvage values from historical costs for each cloth based item, e.g., mattresses, linen, and draperies; and

(ii) Shall deduct salvage values from historical costs of at least:

(A) Five percent of the historical value for each noncloth item included in moveable equipment; and

(B) Twenty-five percent of the historical value for each vehicle.

(2) Unless otherwise provided or limited by this chapter or by chapter 74.46 RCW, the department shall, in determining the total depreciation base of a depreciable real or personal asset owned or leased by the contractor, deduct depreciation relating to all periods subsequent to the more recent of:

(a) The date such asset was first used in the medical care program; or

(b) The most recent date such asset was acquired in an arm's-length purchase transaction which the department is required to recognize for Medicaid cost reimbursement purposes.

No depreciation shall be deducted for periods such asset was not used in the medical care program or was not used to provide nursing care.

(3) The department may have the fair market value of the asset at the time of purchase established by appraisal through the department of general administration of the state of Washington if:

(a) The department challenges the historical cost of an asset; or

(b) The contractor cannot or will not provide the historical cost of a leased asset and the department is unable

to determine such historical cost from its own records or from any other source.

The contractor may allocate or reallocate values among land, building, improvements, and equipment in accordance with the department's appraisal.

If an appraisal is conducted, the depreciation base of the asset and cost basis of land will not exceed the fair market value of the asset. An appraisal conducted by or through the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious.

(4) If the land and depreciable assets of a newly constructed nursing facility were never used in or as a nursing facility before being purchased from the builder, the cost basis and the depreciation base shall be the lesser of:

(a) Documented actual cost of the builder; or

(b) The approved amount of the certificate of need issued to the builder.

When the builder is unable or unwilling to document its costs, the cost basis and the depreciation base shall be the approved amount of the certificate of need.

(5) For leased assets, the department may examine documentation in its files or otherwise obtainable from any source to determine:

(a) The lessor's purchase acquisition date; or

(b) The lessor's historical cost at the time of the last arm's-length purchase transaction.

If the department is unable to determine the lessor's acquisition date by review of its records or other records, the department, in determining fair market value as of such date, may use the construction date of the facility, as found in the state fire marshal's records or other records, as the lessor's purchase acquisition date of leased assets.

~~((5))~~ (6) For all rate periods past or future, where depreciable assets or land are acquired from a related organization, the contractor's depreciation base and land cost basis shall not exceed the base and basis the related organization had or would have had under a contract with the department.

~~((6))~~ (7) If a contractor cannot or will not provide the lessor's purchase acquisition cost of assets leased by the contractor and the department is unable to determine historical purchase cost from another source, the appraised asset value of land, building, or equipment, determined by or through the department of general administration shall be adjusted, if necessary, by the department using the *Marshall and Swift Valuation Guide* to reflect the value at the lessor's acquisition date. If an appraisal has been prepared for leased assets and the assets subsequently sell in the first arm's-length transaction since January 1, 1980, under subsection ~~((8))~~ (9) of this section, the *Marshall and Swift Valuation Guide* will be used to adjust, if necessary, the asset value determined by the appraisal to the sale date. If the assets are located in a city for which the *Marshall and Swift Valuation Guide* publishes a specific index, or if the assets are located in a county containing that city, the city-specific index shall be used to adjust the appraised value of the asset. If the assets are located in a city or county for which a specific index is not calculated, the *Western District Index* calculated by Marshall and Swift shall be used.

~~((7))~~ (8) For new or replacement building construction or for substantial building additions requiring the acquisition of land and which commenced to operate on or after July 1,

1997, the department shall determine allowable land costs of the additional land acquired for the new or replacement construction or for substantial building additions to be the lesser of:

(a) The contractor's or lessor's actual cost per square foot; or

(b) The square foot land value as established by an appraisal that meets the latest publication of the *Uniform Standards of Professional Appraisal Practice (USPAP)* and the *Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA)*. The department shall obtain a USPAP appraisal that meets FIRREA first from:

(i) An arms'-length lender that has accepted the ordered appraisal; or

(ii) If the department is unable to obtain from the arms'-length lender a lender-approved appraisal meeting USPAP and FIRREA standards or if the contractor or lessor is unable or unwilling to provide or cause to be provided a lender-approved appraisal meeting USPAP and FIRREA standards, then:

(A) The department shall order such an appraisal; and

(B) The contractor shall immediately reimburse the department for the costs incurred in obtaining the USPAP and FIRREA appraisal.

(9) Except as provided for in subsection (8) of this section, for all rates effective on or after January 1, 1985, if depreciable assets or land are acquired by purchase which were used in the medical care program on or after January 1, 1980, the depreciation base or cost basis of such assets shall not exceed the net book value existing at the time of such acquisition or which would have existed had the assets continued in use under the previous Medicaid contract with the department; except that depreciation shall not be accumulated for periods during which such assets were not used in the medical care program or were not in use in or as a nursing care facility.

((8)) (10)(a) Subsection ((7)) (9) of this section shall not apply to the most recent arm's-length purchase acquisition if it occurs ten years or more after the previous arm's-length transfer of ownership nor shall subsection ((7)) (9) of this section apply to the first arm's-length purchase acquisition of assets occurring on or after January 1, 1980, for facilities participating in the Medicaid program before January 1, 1980. The depreciation base or cost basis for such acquisitions shall not exceed the lesser of the fair market value as of the date of purchase of the assets determined by an appraisal conducted by or through the department of general administration or the owner's acquisition cost of each asset, land, building, or equipment. An appraisal conducted by or through the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious. Should a contractor request a revaluation of an asset, the contractor must document ten years have passed since the most recent arm's-length transfer of ownership. As mandated by Section 2314 of the Deficit Reduction Act of 1984 (P.L. 98-369) and state statutory amendments, and under RCW 74.46.840, for all partial or whole rate periods after July 17, 1984, this subsection is inoperative for any transfer of ownership of any asset, including land and all depreciable or nondepreciable assets, occurring on or after July 18, 1984, leaving subsection ((7)) (9) of this section to apply without exception to

acquisitions occurring on or after July 18, 1984, except as provided in subsections ((8)) (10)(b) and ((9)) (11) of this section.

(b) For all rates after July 17, 1984, subsection (8)(a) shall apply, however, to transfers of ownership of assets:

(i) Occurring before January 1, 1985, if the costs of such assets have never been reimbursed under Medicaid cost reimbursement on an owner-operated basis or as a related party lease; or

(ii) Under written and enforceable purchase and sale agreements dated before July 18, 1984, which are documented and submitted to the department before January 1, 1988.

(c) For purposes of Medicaid cost reimbursement under this chapter, an otherwise enforceable agreement to purchase a nursing home dated before July 18, 1984, shall be considered enforceable even though the agreement contains:

(i) No legal description of the real property involved; or

(ii) An inaccurate legal description, notwithstanding the statute of frauds or any other provision of law.

((9)) (11)(a) In the case of land or depreciable assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option to have the:

(i) Provisions of subsection ((8)) (10) of this section apply to the purchase; or

(ii) Reimbursement for property and return on investment continue to be calculated under the provisions contained in RCW 74.46.530 (1)(e) and (f) and WAC 388-96-754(5). Reimbursement shall be based upon provisions of the lease in existence on the date of the purchase.

(b) The lessee/contractor may select the option in subsection ((9)) (11)(a)(ii) of this section only when the purchase date meets one of the following criteria. The purchase date is:

(i) After the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(ii) Within one year of the lease expiration or renewal date contained in the lease;

(iii) After a rate setting for the facility in which the reimbursement rate set, under this chapter and under chapter 74.46 RCW, no longer is equal to or greater than the actual cost of the lease; or

(iv) Within one year of any purchase option in existence on January 1, 1988.

((10)) (12) For purposes of establishing the property and return on investment component rates, the value of leased equipment, if unknown by the contractor, may be estimated by the department using previous department of general administration appraisals as a data base. The estimated value may be adjusted using the *Marshall and Swift Valuation Guide* to reflect the value of the asset at the lessor's purchase acquisition date.

AMENDATORY SECTION (Amending Order 3737, filed 5/26/94, effective 6/26/94)

WAC 388-96-565 Lives. (1) Except for new buildings, major remodels and major repair projects as defined in subsection (3) of this section, the contractor shall use lives reflecting the estimated actual useful life of assets, for example, land improvements, buildings, equipment, leasehold

improvements, and other assets. Lives shall not be shorter than guideline lives published by the American Hospital Association in computing allowable depreciation. ~~((The shortest building life a contractor may use is thirty years; provided that,))~~ In cases of newly constructed buildings containing newly licensed nursing home beds, the shortest lives shall be the most recently published lives for construction classes as defined and described in the *Marshall Valuation Service* published by the Marshall Swift Publication Company.

(2) The contractor shall measure lives from the date on which the assets were first used in the medical care program or from the date of the most recent arm's-length acquisition by purchase of the asset, whichever is more recent. The contractor shall extend lives to reflect periods, if any, during which assets were not used to provide nursing care or were not used in the medical care program.

(3) Effective July 1, 1997, for depreciable assets acquired on or after July 1, 1997 including new facilities, major remodels, and major repair projects that begin operating on or after July 1, 1997, the department shall use the most current edition of *Estimated Useful Lives of Depreciable Hospital Assets* published by the American Hospital Publishing, Inc., to determine the useful life of depreciable assets, new building, major remodels, and major repair projects; provided that, the shortest life that may be used for new buildings is thirty years. New building, major remodels, and major repair projects are those projects that meet or exceed the expenditure minimum established by the department of health pursuant to chapter 70.38 RCW.

(4) Contractors shall depreciate building improvements other than major remodels and major repairs defined in subsection (3) of this section over the remaining useful life of the building, as modified by the improvement, but not less than fifteen years.

~~((4))~~ (5) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement in accordance with American Hospital Association guidelines.

~~((5))~~ (6) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

**AMENDATORY SECTION** (Amending WSR 96-15-056, filed 7/16/96, effective 8/16/96)

**WAC 388-96-585 Unallowable costs.** (1) The department shall not allow costs if not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) The department shall include, but not limit unallowable costs to the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or services even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items covered by the Medicaid program but not included in the Medicaid nursing facility daily payment rate. Items and services covered by the Medicaid nursing facility daily payment rate are listed in chapters 388-86 and 388-97 WAC;

(c) Costs associated with a capital expenditure subject to Section 1122 approval (Part 100, Title 42 C.F.R.) if the department found the capital expenditure inconsistent with applicable standards, criteria, or plans. If the contractor did not give the department timely notice of a proposed capital expenditure, all associated costs shall be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval or exemption from the requirements for certificate of need for the replacement of existing nursing home beds pursuant to RCW 70.38.115 (13)(a) if such approval or exemption was not obtained;

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes or related to the part of a facility leased out for office space);

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or violating principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts. Beginning July 1, 1983, the department shall allow bad debts of Title XIX recipients only if:

(i) The debt is related to covered services;

(ii) It arises from the recipient's required contribution toward the cost of care;

(iii) The provider can establish reasonable collection efforts were made;

(iv) The debt was actually uncollectible when claimed as worthless; and

(v) Sound business judgment established there was no likelihood of recovery at any time in the future.

Reasonable collection efforts shall consist of three documented attempts by the contractor to obtain payment. Such documentation shall demonstrate the effort devoted to collect the bad debts of Title XIX recipients is at the same level as the effort normally devoted by the contractor to collect the bad debts of non-Title XIX patients. Should a contractor collect on a bad debt, in whole or in part, after filing a cost report, reimbursement for the debt by the department shall be refunded to the department to the extent of recovery. The department shall compensate a contractor for bad debts of Title XIX recipients at final settlement through the final settlement process only.

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations. Any portion of trade association dues attributable to legal and consultant fees and costs in connection with lawsuits or other legal action against the department shall be unallowable;

(m) Vending machine expenses;

- (n) Expenses for barber or beautician services not included in routine care;
- (o) Funeral and burial expenses;
- (p) Costs of gift shop operations and inventory;
- (q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs where clothing is a part of routine care;
- (r) Fund-raising expenses, except expenses directly related to the patient activity program;
- (s) Penalties and fines;
- (t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;
- (u) Federal, state, and other income taxes;
- (v) Costs of special care services except where authorized by the department;
- (w) Expenses of any employee benefit not in fact made available to all employees on an equal or fair basis (~~in terms of costs to employees and benefits commensurate to such costs~~), e.g., key-man insurance, other insurance, or retirement plans;
- (x) Expenses of profit-sharing plans;
- (y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;
- (z) Personal expenses and allowances of owners or relatives;
- (aa) All expenses for membership in professional organizations and all expenses of maintaining professional licenses, e.g., nursing home administrator's license;
- (bb) Costs related to agreements not to compete;
- (cc) Goodwill and amortization of goodwill;
- (dd) Expense related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;
- (ee) Legal and consultant fees in connection with a fair hearing against the department relating to those issues where:
  - (i) A final administrative decision is rendered in favor of the department or where otherwise the determination of the department stands at the termination of administrative review; or
  - (ii) In connection with a fair hearing, a final administrative decision has not been rendered; or
  - (iii) In connection with a fair hearing, related costs are not reported as unallowable and identified by fair hearing docket number in the period they are incurred if no final administrative decision has been rendered at the end of the report period; or
  - (iv) In connection with a fair hearing, related costs are not reported as allowable, identified by docket number, and prorated by the number of issues decided favorably to a contractor in the period a final administrative decision is rendered.
- (ff) Legal and consultant fees in connection with a lawsuit against the department, including suits which are appeals of administrative decisions;
- (gg) Lease acquisition costs, bed rights and other intangible((s)) assets not related to patient care;

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds;

(ii) Beginning January 1, 1985, lease costs, including operating and capital leases, except for office equipment operating lease costs;

(jj) Beginning January 1, 1985, interest costs;

(kk) Travel expenses outside the states of Idaho, Oregon, and Washington, and the Province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing home will be allowed whether inside or outside these areas if such travel is necessary, ordinary, and related to patient care;

(ll) Board of director fees for services in excess of one hundred dollars per board member, per meeting, not to exceed twelve meetings per year;

(mm) Moving expenses of employees in the absence of a demonstrated, good-faith effort to recruit within the states of Idaho, Oregon, and Washington, and the Province of British Columbia;

(nn) For rates effective after June 30, 1993, depreciation expense in excess of four thousand dollars per year for each passenger car or other vehicles primarily used for the administrator, facility staff, or central office staff;

(oo) Any costs associated with the use of temporary health care personnel from any nursing pool not registered with the director of the department of health at the time of such pool personnel use;

(pp) Costs of payroll taxes associated with compensation in excess of allowable compensation for owners, relatives, and administrative personnel;

(qq) Department-imposed postsurvey charges incurred by the facility as a result of subsequent inspections which occur beyond the first postsurvey visit during the certification survey calendar year;

(rr) For all partial or whole rate periods after July 17, 1984, costs of assets, including all depreciable assets and land, which cannot be reimbursed under the provisions of the Deficit Reduction Act of 1984 (DEFRA) and state statutes and regulations implementing DEFRA;

(ss) Effective for July 1, 1991, and all following rates, compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensations which would have been paid for such hours of nursing care services had they been paid at the combined regular and overtime average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification of registered nurse, licensed practical nurse, or nursing assistant at the same nursing facility, as reported on the facility's filed cost report for the most recent cost report period;

(tt) Outside consultation expenses required pursuant to WAC 388-97-275;

(uu) Fees associated with filing a bankruptcy petition under chapters VII, XI, and XIII, pursuant to the Bankruptcy Reform Act of 1978, Public Law 95-598;

(vv) All advertising or promotional costs of any kind, except reasonable costs of classified advertising in trade journals, local newspapers, or similar publications for employment of necessary staff;

(ww) Costs reported by the contractor for a prior period to the extent such costs, due to statutory exemption, will not be incurred by the contractor in the period to be covered by the rate.

**AMENDATORY SECTION** (Amending Order 3896, filed 9/12/95, effective 10/13/95)

**WAC 388-96-709 Prospective rate revisions—Reduction in licensed beds.** (1) The department will revise a contractor's prospective rate when the contractor reduces the number of its licensed beds and:

(a) Notifies the department in writing thirty days before the licensed bed reduction; and

(b) Supplies a copy of the new bed license and documentation of the number of beds sold, exchanged or otherwise placed out of service, along with the name of the contractor that received the beds, if any; and

(c) Requests a rate revision.

(2) The revised prospective rate shall comply with all the provisions of rate setting contained in this chapter including all lids and maximums unless otherwise specified in this section and shall remain in effect until an adjustment can be made for economic trends and conditions as authorized by chapter 74.46 RCW and this chapter.

(3) The revised prospective rate shall be effective the first of a month determined by where in the month the effective date of the licensed bed reduction occurs or the date the contractor complied with subsections 1(a), (b), and (c) of this section as follows:

(a) If the contractor complied with subsection (1)(a), (b), and (c) of this section and the effective date of the reduction falls:

(i) Between the first and the fifteenth of the month, then the revised prospective rate is effective the first of the month in which the reduction occurs; or

(ii) Between the sixteenth and the end of the month, then the revised prospective rate is effective the first of the month following the month in which the reduction occurs; or

(b) When the contractor fails to comply with subsection 1(a) of this section, then the date the department receives from the contractor the documentation that is required by subsection (1)(b) and (c) of this section shall become the effective date of the reduction for the purpose of applying subsection (3)(a)(i) and (ii) of this section.

(4) For all prospective Medicaid payment rates from July 1, 1995 through June 30, 1998, the department shall revise a nursing facility's prospective rate to reflect a reduction in licensed beds as follows:

(a) The department shall use the reduced total number of licensed beds to determine occupancy used to calculate the nursing services, food, administrative and operational rate components per WAC 388-96-719. If actual occupancy from the 1994 cost report was:

(i) At or over ninety percent before the reduction and remains at or above ninety percent, there will be no change to the components;

(ii) Less than ninety percent before the reduction and changes to at or above ninety percent, then recompute the components using actual 1994 resident days;

(iii) Less than ninety percent before the reduction and remains below ninety percent, then recompute the compo-

nents using the change in resident days from the 1994 cost report resulting from the reduced number of licensed beds used to calculate the ninety percent.

(b) ~~((The department shall use the reduced number of licensed beds))~~ To determine occupancy used to calculate the property and return on investment (ROI) components per WAC 388-96-719, the department shall use the facility's anticipated resident occupancy level subsequent to the decrease in licensed bed capacity as long as the occupancy for the reduced number of beds is at or above ninety percent. ~~((If actual occupancy from the cost report from the calendar year immediately prior to the bed reduction was:~~

~~(i) At or over ninety percent before the reduction and remains at or above ninety percent, then recompute property and ROI to reflect the new asset basis using actual days from the cost report for the prior calendar year;~~

~~(ii) Less than ninety percent before the reduction and changes to at or above ninety percent, then recompute property and ROI to reflect the new asset basis using actual days from the cost report for the prior calendar year;~~

~~(iii) Less than ninety percent before the reduction and remains below ninety percent, then recompute property and ROI to reflect the new asset basis using the change in resident days from the cost report for the prior calendar year resulting from the reduced number of licensed beds used to calculate the ninety percent.~~

~~(e) Reported occupancy must represent at least six months of data.~~

~~(d) The department will utilize a minimum of eighty-five percent occupancy in subsections (4)(a), (b), and (c) of this section for those facilities authorized in chapter 74.46 RCW and this chapter.)~~ Subject to the provisions of chapter 388-96 WAC and chapter 74.46 RCW, in no case shall the department use less than ninety percent occupancy of the facility's reduced licensed bed capacity.

**AMENDATORY SECTION** (Amending Order 3896, filed 9/12/95, effective 10/13/95)

**WAC 388-96-719 Method of rate determination.** (1) Effective July 1, 1995 through June 30, 1998, nursing facility Medicaid payment rates shall be rebased or adjusted for economic trends and conditions annually and prospectively, on a per resident day basis, in accordance with the principles and methods set forth in chapter 74.46 RCW and this chapter, to take effect July 1st of each year. Unless the operator qualifies as a "new contractor" under the provisions of this chapter, a nursing facility's rate for July 1, 1995 must be established upon its own calendar year cost report data for 1994 covering at least six months.

(2) July 1, 1995 component rates in the nursing services, food, administrative and operational cost centers shall be cost-rebased utilizing desk-reviewed and adjusted costs reported for calendar year 1994, for all nursing facilities submitting at least six months of cost data. Such component rates for July 1, 1995 shall also be adjusted upward or downward for economic trends and conditions as provided in RCW 74.46.420 and in this section. Component rates in property and return on investment (ROI) shall be reset annually as provided in chapter 74.46 RCW and in this chapter.

(3) July 1, 1995 component rates in the nursing services, food, administrative and operational cost centers shall be adjusted by the change in the Implicit Price Deflator for Personal Consumption Expenditures Index ("IPD index"). The period used to measure the IPD increase or ~~(decrease)~~ decrease to be applied to these July 1, 1995 rate components shall be calendar year 1994.

(4) July 1, 1996 component rates in the nursing services, food, administrative and operational cost centers shall not be cost-rebased, but shall be the component rates in these cost centers assigned to each nursing facility in effect on June 30, 1996, adjusted downward or upward for economic trends and conditions by the change in the nursing home input price index without capital costs published by the Health Care Financial Administration of the United States Department of Health and Human Services (HCFA index). The period to be used to measure the HCFA index increase or decrease to be applied to these June 30, 1996 component rates for July 1, 1996 rate setting shall be calendar year 1994.

(5) July 1, 1997 component rates in the nursing services, food, administrative and operational cost centers shall not be cost-rebased, but shall be the component rates in these cost centers assigned to each nursing facility in effect on June 30, 1997, adjusted downward or upward for economic trends and conditions by the change in the nursing home input price index without capital costs published by the Health Care Financing Administration of the United States Department of Health and Human Services (HCFA index), multiplied by a factor of 1.25. The period to be used to measure the HCFA index increase or decrease to be applied to these June 30, 1997 component rates for July 1, 1997 rate setting shall be calendar year 1996.

(6) The 1994 change in the IPD index to be applied to July 1, 1995 component rates in the nursing services, food, administrative and operational costs centers, as provided in subsection (3) of this section, shall be calculated by:

(a) Consulting the latest quarterly IPD index available to the department no later than February 28, 1995 to determine, as nearly as possible, applicable expenditure levels as of December 31, 1994;

(b) Subtracting from expenditure levels taken from the quarterly IPD index described in subsection (6)(a) of this section expenditure levels taken from the IPD index for the quarter occurring one year prior to it; and

(c) Dividing the difference by the level of expenditures from the quarterly IPD index occurring one year prior to the quarterly IPD index described in subsection (6)(a) of this section.

(7) In applying the change in the IPD index to establish July 1, 1995 component rates in the nursing services, food, administrative and operational cost centers for a contractor having at least six months, but less than twelve months, of cost report data from calendar year 1994, the department shall prorate the downward or upward adjustment by a factor obtained by dividing the contractor's actual calendar days from 1994 cost report data by two, adding three hundred sixty-five, and dividing the resulting figure by five hundred forty-eight.

(8) The change in the HCFA index to be applied to each nursing facility's June 30, 1996 and June 30, 1997 component rates in nursing services, food, administrative and

operational cost centers, as provided in subsections (4) and (5) of this section, shall be calculated by:

(a) Consulting the latest quarterly HCFA index available to the department no later than February 28 following the applicable calendar year to be used to measure the change to determine, as nearly as possible, the applicable price levels as of December 31 of the applicable calendar year;

(b) Subtracting from the price levels taken from the quarterly HCFA index described in subsection (8)(a) of this section the price levels taken from the HCFA index for the quarter occurring one year prior to it; and

(c) Dividing the difference by the price levels from the quarterly HCFA index occurring one year prior to the quarterly HCFA index described in subsection (8)(a).

(9) If either the Implicit Price Deflator for Personal Consumption Expenditures (IDP) index or the Health Care Financing Administration (HCFA) index specified in this section ceases to be available, the department shall select and use in its place or their place one or more measures of change utilizing the same or comparable time periods specified in this section.

(10) ~~For July 1, 1995, July 1, 1996, and July 1, 1997, the department shall ((compute the occupancy level for each facility))~~ establish the per resident day nursing services, food, administrative and operations prospective component rates and limits using resident days at the higher of ninety percent occupancy or actual facility occupancy computed by dividing the actual number of resident days by the product of the number of licensed beds and calendar days in the 1994 cost report period; except that, new facilities as defined in WAC 388-96-026 (1)(a) commencing operation between January 1, 1994 and June 30, 1994 that had their occupancy for nursing services, food, administrative and operational component rates based on the higher of ninety percent or actual occupancy level shall have these component rates revised effective May 1, 1997 based on eighty-five percent occupancy. ((If a facility's occupancy is below ninety percent, the department shall compute per resident day nursing services, food, administrative and operational prospective component rates and limits utilizing resident days at the ninety percent occupancy level. The department shall use actual occupancy level for facilities at or above ninety percent occupancy for 1994. The higher of ninety percent occupancy or actual facility occupancy for 1994 shall be used in establishing these component rates))

(11) ~~For July 1, 1995, July 1, 1996, and July 1, 1997((-)), the department shall compute per resident day property and return on investment prospective component rates ((utilizing))~~ using resident days at the higher of ninety percent occupancy or actual facility occupancy ((for the prior calendar year for July 1, 1995, July 1, 1996, and July 1, 1997)) computed by dividing the actual number of resident days by the product of the number of licensed beds and calendar days in the prior calendar year cost report period.

~~((++))~~ (12) If a nursing facility has full-time residents other than those receiving nursing facility care:

(a) The facility may request in writing, and

(b) The department may grant in writing an exception to include the ((requirements)) resident days for the nonnursing facility care residents in the occupancy calculations of subsections (10) and (11) of this section ((by including such other full-time residents in computing

occupancy)). Exceptions granted shall be revocable effective ninety days after written notice of revocation is received from the department. The department shall not grant an exception unless the contractor submits with the annual cost report a certified statement of occupancy including all residents of the facility and their status or level of care.

**AMENDATORY SECTION** (Amending WSR 96-15-056, filed 7/16/96, effective 8/16/96)

**WAC 388-96-735 Administrative cost area rate.** (1) The administrative cost center shall include for cost reporting purposes all administrative, oversight, and management costs, whether incurred at the facility or allocated in accordance with a department-approved joint cost allocation methodology.

(2) For July 1, 1995 rate setting only, the department shall determine peer group median cost plus limits for the administrative cost center in accordance with this section.

(a) The department shall divide into two peer groups nursing facilities located in the state of Washington providing services to Medicaid residents. These two peer groups shall be:

(i) Those nursing facilities located within a Metropolitan Statistical Area (MSA) as defined and determined by the United States Office of Management and Budget or other applicable federal office (MSA facilities); and

(ii) Those not located within such an area (non-MSA facilities).

(b) Prior to any adjustment for economic trends and conditions under WAC 388-96-719, the facilities in each peer group shall be arrayed from lowest to highest by magnitude of per resident day adjusted administrative cost from the 1994 cost report year, regardless of whether any such adjustments are contested by the nursing facility. All available cost reports from the 1994 cost report year having at least six months of cost report data shall be used, including all closing cost reports covering at least six months. The department shall include costs current-funded by means of rate add-ons, granted under the authority of WAC 388-96-777 and commencing in the 1994 cost report year in costs arrayed. The department shall exclude costs current-funded by rate add-ons granted under the authority of WAC 388-96-777 and commencing January 1 through June 30, 1995 from costs arrayed.

(c) The median or fiftieth percentile nursing facility administrative cost for each peer group shall then be determined. In the event there are an even number of facilities within a peer group, the adjusted administrative cost of the lowest cost facility in the upper half shall be used as the median cost for that peer group. Facilities at the fiftieth percentile in each peer group and those immediately above and below it shall be subject to field audit in the administrative cost area prior to issuing new July 1 rates.

(3) For July 1, 1995 rate setting only, administrative component rates for facilities within each peer group shall be set (~~for the~~) at the lower of:

(a) The facility's adjusted per patient day administrative cost from the 1994 report period, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719; or

(b) The median nursing facility administrative cost for the facility's peer group using the 1994 calendar year report data plus ten percent of that cost, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719.

(4) Rate add-ons made to current fund administrative costs, pursuant to WAC 388-96-777 and commencing in the 1994 cost report year, shall be reflected in July 1, 1995 prospective rates only by their inclusion in the costs arrayed. A facility shall not receive, based on the calculation or consideration of any such 1994 report year adjustment, a July 1, 1995 administrative rate higher than that provided in subsection (3) of this section.

(5) For all rate setting beginning July 1, 1995 and following, the department shall add administrative rate add-ons, granted under authority of WAC 388-96-533 and 388-96-777 to a facility's administrative rate, but only up to the facility's peer group median cost plus ten percent limit as follows:

(a) For July 1, 1995, add-ons commencing in the preceding six months;

(b) For July 1, 1996, add-ons commencing in the preceding eighteen months; and

(c) For July 1, 1997, add-ons commencing in the preceding thirty months.

(6) Subsequent to issuing July 1, 1995 rates, the department shall recalculate the median costs of each peer group based on the most recent adjusted administrative cost report information in departmental records as of October 31, 1995. For any facility which would have received a higher or lower July 1, 1995 administrative component rate based upon the recalculation of that facility's peer group median costs, the department shall reissue that facility's administrative rate reflecting the recalculation, retroactive to July 1, 1995.

(7) For both the initial calculation of peer group median costs and the recalculation based on adjusted administrative cost information as of October 31, 1995 the department shall use adjusted information regardless of whether the adjustments may be contested or the subject of pending administrative or judicial review. Median costs, once calculated utilizing October 31, 1995 adjusted cost information, shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

(8) For rates effective July 1, 1996, a nursing facility's noncost-rebased administrative component rate shall be that facility's administrative component rate existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420 and WAC 388-96-719. The July 1, 1996, administrative component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective administrative component rate as of June 30, 1996, excluding any rate increases granted from January 1, 1996 to June 30, 1996 pursuant to RCW 74.46.460 and WAC 388-96-777.

(9) For rates effective July 1, 1997, a nursing facility's noncost-rebased administrative component rate shall be that facility's administrative component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420 and WAC 388-96-719. The July 1, 1997, administrative component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective administrative component rate as of June 30, 1997, excluding

any rate increases granted from January 1, 1997 to June 30, 1997 pursuant to RCW 74.46.460 and WAC 388-96-777.

**AMENDATORY SECTION** (Amending WSR 96-15-056, filed 7/16/96, effective 8/16/96)

**WAC 388-96-745 Property cost area reimbursement rate.** (1) The department shall determine the property cost area component rate for each facility annually, to be effective July 1, 1995, 1996, and 1997 in accordance with this section and any other applicable provisions of this chapter. For July 1, 1995, July 1, 1996, and July 1, 1997 rates, funding granted under the authority of WAC 388-96-776 shall be annualized and subsumed in each of these July 1 prospective rates.

(2) The department shall divide the allowable prior period depreciation costs subject to the provisions of this chapter, adjusted for any capitalized addition or replacements approved by the department, plus

(a) The retained savings from the property cost center as provided in WAC 388-96-228, by

(b) The greater of:

(i) Total resident days for the facility in the calendar year cost report period ending six months prior to each July 1, property component rate commencement date; or

(ii) Resident days for the facility as calculated on eighty-five or ninety (~~or eight-five~~) percent facility occupancy, as applicable in accordance with the provisions of this chapter and chapter 74.46 RCW.

(3) Allowable depreciation costs are defined as the costs of depreciation of tangible assets meeting the criteria specified in WAC 388-96-557, regardless of whether owned or leased by the contractor. The department shall not reimburse depreciation of leased office equipment.

(4) If a capitalized addition or retirement of an asset will result in ~~((a different))~~ an increased licensed bed capacity during the calendar year following the capitalized addition or replacement, ~~((resident days from the cost report for the calendar year immediately prior to the capitalized addition or replacement that were used in computing the property component rate will be adjusted to the product of the occupancy level derived from the cost report used to compute the property component rate at the time of the increased licensed bed capacity multiplied by the number of calendar days in the calendar year following the increased licensed bed capacity multiplied by the number of licensed beds on the new license. For rate computation purposes the minimum occupancy for the initial property component rate period following the increase in licensed bed capacity shall be eighty five percent; and for each rate period thereafter that will be rebased, commencing July 1, it shall be ninety percent))~~ the department shall use the facility's anticipated resident occupancy level subsequent to the increase in licensed bed capacity as long as the occupancy for the increased number of beds is at or above ninety percent. Subject to the provisions of chapter 388-96 WAC and chapter 74.46 RCW, in no case shall the department use less than ninety percent occupancy of the facility's increased licensed bed capacity. If a capitalized addition, replacement, or retirement results in a decreased licensed bed capacity, WAC 388-96-709 will apply.

(5) When a facility is constructed, remodeled, or expanded after obtaining a certificate of need or exemption from the requirements for certificate of need for the replacement of existing nursing home beds pursuant to RCW 70.38.115 (13)(a), the department shall determine actual and allocated allowable land cost and building construction cost. Reimbursement for such allowable costs, determined pursuant to the provisions of this chapter, shall not exceed the maximums set forth in this subsection and in subsections ~~(4)((5))~~ and (6) of this section. The department shall determine construction class and types through examination of building plans submitted to the department and/or on-site inspections. The department shall use definitions and criteria contained in the *Marshall and Swift Valuation Service* published by the Marshall and Swift Publication Company. Buildings of excellent quality construction shall be considered to be of good quality, without adjustment, for the purpose of applying these maximums.

(6) Construction costs shall be final labor, material, and service costs to the owner or owners and shall include:

(a) Architect's fees;

(b) Engineers' fees (including plans, plan check and building permit, and survey to establish building lines and grades);

(c) Interest on building funds during period of construction and processing fee or service charge;

(d) Sales tax on labor and materials;

(e) Site preparation (including excavation for foundation and backfill);

(f) Utilities from structure to lot line;

(g) Contractors' overhead and profit (including job supervision, workmen's compensation, fire and liability insurance, unemployment insurance, etc.);

(h) Allocations of costs which increase the net book value of the project for purposes of Medicaid reimbursement;

(i) Other items included by the *Marshall and Swift Valuation Service* when deriving the calculator method costs.

(7) The department shall allow such construction costs, at the lower of actual costs or the maximums derived from ~~((one of the three tables which follow. The department shall derive the limit from the accompanying table which corresponds to the number of total nursing home beds for the proposed new construction, remodel or expansion. The limit will be))~~ the sum of the basic construction cost limit plus the common use area limit which corresponds to the type ~~((and))~~ class ~~((of))~~ and number of total nursing home beds for the new construction, remodel or expansion. The maximum limits shall be calculated using the ((tables)) most current cost criteria contained in the Marshall and Swift Valuation Service and shall be adjusted forward ((from September 1990 to the average date of construction, to reflect the change in average construction costs. The department shall base the adjustment on the change shown by relevant cost indexes published by Marshall and Swift Publication Company. The average date of construction shall be)) to the midpoint date between award of the construction contract and completion of construction.

~~(BASE CONSTRUCTION COST LIMITS)~~ ~~COMMON USE AREA COST LIMITS~~

74 BEDS & UNDER

Building Class	Base per Bed Limit	Base Limit
A Good	\$50,433	\$278,847
A Avg	\$41,141	\$227,469
B Good	\$48,421	\$267,718
B Avg	\$40,042	\$221,392
C Good	\$35,887	\$198,421
C Avg	\$27,698	\$153,143
C Low	\$21,750	\$120,258
D Good	\$23,237	\$183,765
D Avg	\$25,716	\$142,182
D Low	\$20,298	\$112,227

~~BASE CONSTRUCTION COST LIMITS~~ ~~COMMON USE AREA COST LIMITS~~

75 TO 120 BEDS

Building Class	Base Limit	Add per Bed Over 74	Base Limit	Add per Bed Over 74
A Good	\$3,732,076	\$48,210	\$278,847	\$2,808
A Avg	\$3,044,442	\$39,327	\$227,469	\$2,291
B Good	\$3,583,131	\$46,286	\$267,718	\$2,696
B Avg	\$2,963,112	\$38,277	\$221,392	\$2,230
C Good	\$2,655,654	\$34,305	\$198,421	\$1,998
C Avg	\$2,049,668	\$26,477	\$153,143	\$1,542
C Low	\$1,609,531	\$20,792	\$120,258	\$1,211
D Good	\$2,459,506	\$31,771	\$183,765	\$1,851
D Avg	\$1,902,956	\$24,582	\$142,182	\$1,442
D Low	\$1,502,048	\$19,403	\$112,227	\$1,130

~~BASE CONSTRUCTION COST LIMITS~~ ~~COMMON USE AREA COST LIMITS~~

121 BEDS AND OVER

Building Class	Base Limit	Add per Bed Over 120	Base Limit	Add per Bed Over 120
A Good	\$5,949,745	\$42,359	\$408,015	\$2,106
A Avg	\$4,853,505	\$34,555	\$332,855	\$1,718
B Good	\$5,712,287	\$40,669	\$391,734	\$2,022
B Avg	\$4,723,848	\$30,142	\$323,972	\$1,672
C Good	\$4,233,692	\$23,264	\$290,329	\$1,499
C Avg	\$3,267,618	\$18,268	\$224,092	\$1,157
C Low	\$2,565,943	\$27,916	\$175,971	\$ 908
D Good	\$3,920,989	\$21,599	\$268,911	\$1,388
D Avg	\$3,033,727	\$17,048	\$208,493	\$1,081
D Low	\$2,394,592	\$19,403	\$164,220	\$ 848))

(8) When some or all of a nursing home's common-use areas are situated in a basement, the department shall exclude some or all of the per-bed allowance (~~shown in the attached tables~~) for common-use areas to derive the construction cost lid for the facility. The amount excluded will be equal to the ratio of basement common-use areas to all common-use areas in the facility times the common-use area (~~limit in the table~~) limits determined in accordance with subsection (7) of this section. In lieu of the excluded amount, the department shall add an amount calculated using the calculator method guidelines for basements in nursing homes (~~from~~) published in the Marshall and Swift (Publication) Valuation Service.

(9) Subject to provisions regarding allowable land contained in this chapter, allowable costs for land shall be the lesser of:

(a) Actual cost per square foot, including allocations; ~~((or))~~

(b) The average per square foot land value of the ten nearest urban or rural nursing facilities at the time of purchase of the land in question. The average land value sample shall reflect either all urban or all rural facilities depending upon the classification of urban or rural for the facility in question. The values used to derive the average shall be the assessed land values which have been calculated for the purpose of county tax assessments; or

(c) For new or replacement building construction or for substantial building additions requiring the acquisition of land which commenced to operate on or after July 1, 1997, WAC 388-96-559(8) shall apply.

(10) If allowable costs for construction or land are determined to be less than actual costs pursuant to subsection (3), (4), and (5) of this section, the department may increase the amount if the owner or contractor is able to show unusual or unique circumstances having substantially impacted the costs of construction or land. Actual costs shall be allowed to the extent they resulted from such circumstances up to a maximum of ten percent above levels determined under subsections (3), (4), and (5) of this section for construction or land. An adjustment under this subsection shall be granted only if requested by the contractor. The contractor shall submit documentation of the unusual circumstances and an analysis of their financial impact with the request.

AMENDATORY SECTION (Amending Order 3896, filed 9/12/95, effective 10/13/95)

**WAC 388-96-754 A contractor's return on investment.** (1) The department shall establish for each Medicaid nursing facility a return on investment (ROI) component rate composed of a financing allowance and a variable return allowance. The department shall determine a facility's ROI rate annually in accordance with this section, to be effective July 1, 1995, July 1, 1996, and July 1, 1997.

(2) The department shall rebase a nursing facility's financing allowance annually and shall determine the financing allowance by:

(a) Multiplying the net invested funds of each facility by ten percent and dividing by the greater of:

(i) A nursing facility's total resident days from the most recent cost report period, to which the provisions of WAC 388-96-719 and RCW 74.46.420 shall apply; or

(ii) Resident days calculated on eighty-five percent or ninety percent (~~or eighty-five percent~~) resident occupancy at the facility, as determined by the provisions of this chapter. Resident day calculations from the most recent cost report shall correspond to the following:

(A) If the nursing facility cost report covers twelve months, annual resident days from the contractor's most recent twelve month cost report period; or

(B) If the nursing facility cost report covers less than twelve months but more than six months, annualized resident days and working capital costs based upon data in the cost report(~~(or~~

PERMANENT

~~(E))~~ 2

~~(b) If a capitalized addition or replacement results in an increased licensed bed capacity during the calendar year following the capitalized addition or replacement, the ~~(total resident days from the cost report immediately prior to the capitalized addition or replacement that were used in computing the financing and variable return allowances will be adjusted to the product of the occupancy level derived from the cost report used to compute the financing and variable return allowances at the time of the increased licensed bed capacity multiplied by the number of calendar days in the calendar year following the increased licensed bed capacity multiplied by the number of licensed beds on the new license; or~~~~

~~(D)) department shall multiply the net invested funds of each facility by ten percent and divide by the facility's anticipated resident occupancy level subsequent to the increase in licensed bed capacity as long as the occupancy for the increased number of beds is at or above ninety percent. Subject to the provisions of chapter 388-96 WAC and chapter 74.46 RCW, in no case shall the department use less than ninety percent occupancy of the facility's increased licensed bed capacity.~~

If a capitalized addition or retirement of an asset results in a decreased licensed bed capacity, WAC 388-96-709 will apply.

~~((b))~~ (c) For July 1, 1995 rate setting, the working capital portion of net invested funds at a nursing facility shall be five percent of the sum of a contractor's costs from the cost report year used to establish the contractor's prospective component rates in the nursing services, food, administrative, and operational cost centers that have been adjusted for economic trends and conditions under authority of WAC 388-96-719 and RCW 74.46.420 and five percent of allowable property cost.

~~((e))~~ (d) For July 1, 1996 rate setting, the working capital portion of net invested funds shall be five percent of the sum of the July 1, 1996 prospective component rates, excluding any rate increases granted from January 1, 1996 to June 30, 1996 pursuant to RCW 74.46.460, WAC 388-96-774 and 388-96-777, for the nursing services, food, administrative, and operational cost centers multiplied by resident days as defined in subsection (2)(a)(ii)(A)(~~(-)~~) and (B), ~~((E-)~~ and ~~(D))~~ or if a capitalized addition or replacement, subsection (2)(b) of this section from calendar year 1995, adjusted for economic trends and conditions granted under authority of WAC 388-96-719 plus the desk reviewed property costs from the cost report for calendar year 1995;

~~((d))~~ (e) For July 1, 1997 rate setting, the working capital portion of net invested funds shall be five percent of the sum of the July 1, 1997 prospective component rates, excluding any rate increases granted from January 1, 1997 to June 30, 1997 pursuant to RCW 74.46.460, WAC 388-96-774 and 388-96-777, for the nursing services, food, administrative and operational cost centers multiplied by resident days as defined in subsection (2)(a)(ii)(A)(~~(-)~~) and (B)(~~(-)~~) and ~~((D))~~ (b) of this section from calendar year 1996, adjusted for economic trends and conditions granted under authority of WAC 388-96-719 plus the desk reviewed property costs from the cost report for calendar year 1996;

~~((e))~~ (f) For July 1, 1995, July 1, 1996, and July 1, 1997 rate setting, in computing the portion of net invested

funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in this chapter, including owned and leased assets, shall be used, except the capitalized cost of land upon which a facility is located and other such contiguous land which is reasonable and necessary for use in the regular course of providing resident care shall also be included. As such, subject to provisions contained in this chapter, capitalized cost of leased land, regardless of the type of lease, shall be the lessor's historical capitalized cost. Subject to provisions contained in this chapter, for land purchases before July 18, 1984 (the enactment date of the Deficit Reduction Act of 1984 (DEFRA)), capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased on or after July 18, 1984, capitalized cost of land shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable or unwilling to provide necessary information to determine net invested funds, the department may determine an amount to be used for net invested funds based upon an appraisal conducted by the department of general administration per this chapter; and

~~((f))~~ (g) A contractor shall retain that portion of ROI rate payments at settlement representing the contractor's financing allowance only to the extent reported net invested funds, upon which the financing allowance is based, are substantiated by the department.

(3) The department shall determine the variable return allowance according to the following procedure:

(a) For July 1, 1995 rate setting only, the department shall, without utilizing the MSA and Non-MSA peer groups used to calculate other Medicaid component rates, rank all facilities in numerical order from highest to lowest based upon the combined average resident day allowable costs, as adjusted by desk review and audit, for the nursing services, food, administrative, and operational cost centers taken from the 1994 cost report period. The department shall use adjusted costs taken from 1994 cost reports having at least six months of data, shall not include adjustments for economic trends and conditions granted under authority of WAC 388-96-719 and RCW 74.46.420, and shall include costs current-funded under authority of WAC 388-96-774 and 388-96-777 and commencing in the 1994 cost report year. The adjusted costs of each facility shall be calculated based upon a minimum facility occupancy of ninety percent. In the case of a new contractor, nursing services, food, administrative, and operational cost levels actually used to set the initial rate shall be used for the purpose of ranking the new contractor.

(b) The department shall compute the variable return allowance by multiplying the sum of the July 1, 1995 nursing services, food, administrative and operational rate components for each nursing facility by the appropriate percentage which shall not be less than one percent nor greater than four percent. The department shall divide the facilities ranked according to subsection (3)(a) of this section into four groups, from highest to lowest, with an equal number of facilities in each group or nearly equal as is possible. The department shall assign facilities in the highest quarter a percentage of one, in the second highest quarter a percentage of two, in the third highest quarter a percentage

of three, and in the lowest quarter a percentage of four. The per patient day variable return allowance in the initial rate of a new contractor shall be the same as that in the rate of the preceding contractor, if any.

(c) The percentages so determined and assigned to each facility for July 1, 1995 rate setting, shall continue to be assigned without modification for July 1, 1996 and July 1, 1997 rate setting. Neither the break points separating the four groups nor facility ranking shall be adjusted to reflect future rate add-ons granted to contractors for any purpose under WAC 388-96-774 and 388-96-777. These principles shall apply, as well, to new contractors as defined in WAC 388-96-026 (1)(a) and (b).

(d) For an initial rate established for a nursing facility on or after July 1, 1995 under WAC 388-96-710(1), the variable return allowance shall be computed as provided in subsection (3)(b) of this section, using the identical variable return percentage breakpoints calculated for July 1, 1995 rate setting. The variable return breakpoints shall not be modified based upon the consideration of any rate adjustment, nor shall the variable return breakpoints be adjusted for economic trends and conditions. The percentage so determined and assigned for the initial rate shall continue until the facility's return on investment component rate can be rebased from cost report data of the new contractor covering at least six months from the prior calendar year.

(e) For a new contractor's nursing facility rate rebased as of July 1, 1996 determined under WAC 388-96-710, the variable return allowance shall be computed as provided in subsection (3)(b) of this section, using the identical variable return breakpoints calculated for July 1, 1995 rate setting. The variable return breakpoints shall not be modified based upon the consideration of any rate adjustment, nor shall the variable return breakpoints be adjusted for economic trends and conditions. The percentage so determined and assigned for the rebased rate at this time shall continue without modification for July 1, 1997 rate setting.

(f) For a new contractor's nursing facility rate rebased as of July 1, 1997 determined under WAC 388-96-710, the variable return allowance shall be computed as provided in subsection (3)(b) of this section, using the identical variable return breakpoints calculated for July 1, 1995 rate setting. The variable return breakpoints shall not be modified based upon consideration of any rate adjustment, nor shall the variable return breakpoints be adjusted for economic trends and conditions. The percentage so determined and assigned for the rebased rate at this time shall continue without modification until June 30, 1998.

(4) The sum of the financing allowance and the variable return allowance shall be the return on investment rate for each facility and shall be a component of the prospective rate for each facility.

(5) If a facility is leased by a contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement as defined in this chapter, and for which the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to this chapter, is more than the return on investment allowance determined according to this section, the following shall apply:

(a) The financing allowance shall be recomputed substituting the fair market value of the assets, as of January 1, 1982, determined by department of general administration appraisal less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. Said appraisal shall be final unless shown to be arbitrary and capricious.

(b) The sum of the financing allowance computed under this subsection and the variable return allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to this chapter. The lesser of the two amounts shall be called the alternate return on investment allowances.

(c) The return on investment allowance determined in accordance with subsections (1), (2), (3), and (4) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be a component of the prospective rate of the facility.

(d) In the case of a facility leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease agreement existing on January 1, 1980, the treatment provided in subsection (5)(a) of this section shall be applied except that in the case of renewals or extensions made on or subsequent to April 1, 1985, per a provision of the lease agreement existing on January 1, 1980, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(6) The information from the two prior reporting periods used to set the two prospective return on investment rates in effect during the settlement year is subject to field audit. If the financing allowances which can be documented and calculated at audit of the prior periods are different than the prospective financing allowances previously determined by desk-reviewed, reported information, and other relevant information, the prospective financing allowances shall be adjusted to the audited level at final settlement of the year the rates were in effect, except the adjustments shall reflect a minimum bed occupancy level of eighty-five percent. Any adjustments to the financing allowances pursuant to this subsection shall be for settlement purposes only. However, the variable return allowances shall be the prospective allowances determined by desk-reviewed, reported information, and other relevant information and shall not be adjusted to reflect prior-period audit findings.

**AMENDATORY SECTION** (Amending WSR 96-15-056, filed 7/16/96, effective 8/16/96)

**WAC 388-96-774 Add-ons to the prospective rate—Staffing.** (1) The department shall determine each contractor's reimbursement rates prospectively at least once each calendar year, to be effective July 1st.

(a) The department may grant a rate add-on to a nursing service (NS) or operational (OP) prospective reimbursement rate; provided that, for the current fiscal year, the total amount of the current legislative appropriation, if any, to

fund the Medicaid share of such rate add-on has not been exceeded. The NS and OP rate add-ons shall be for:

(i) Variations in the distribution of patient classifications for the total resident population or changes in patient characteristics for the total resident population from(~~(=~~

~~(A)) the Medicaid cost report for the ((calendar year immediately prior to the first fiscal year of a state biennium; or~~

~~(B) Those used to set the rate for a new contractor))~~  
period on which the current rate was set; or

(ii) Changes in staffing levels at a facility required by the department as evidenced by a written directive from the director of nursing home services, aging and adult services administration.

(b) The department shall not grant and the contractor shall not use rate add-ons for:

(i) Compensation increases for existing, newly hired or promoted staff;

(ii) The use of temporary employment services providing direct patient care;

(iii) Any purpose if the nursing facility has a pending bankruptcy; *unless*, it is under chapter 11 and the nursing facility can provide a written evaluation from the trustee in bankruptcy stating the reorganization will be approved and implemented;

(iv) Correction of survey citations; or

(v) Staffing increases to resolve complaints.

(c) The department shall not grant a rate add-on to a cost center if that cost center is at or above the median cost limit for the facility's peer group reduced or increased under WAC 388-96-719.

(2) Per state fiscal year, the contractor may submit no more than two requests under this section. If a request has been previously submitted and denied because it was not complete, then it will not count as a request for this subsection; *provided*, the resubmitted request is complete and exactly the same as the previous request, e.g., type of request, positions and full-time equivalencies.

(3) Contractors requesting a rate add-on shall submit a written request to the office of rates management, aging and adult services administration, separate from all other requests and inquiries of the department, e.g., WAC 388-96-904 (1) and (5). The written request shall only be submitted after the hire date of the new staff and shall include the following:

(a) A financial analysis showing:

(i) The increased cost; and

(ii) An estimate of the rate increase, computed according to allowable methods, necessary to fund the cost.

(b) A written justification for granting the rate increase;

(c) A certification and supporting documentation showing the changes in staffing have commenced;

(d) Two proofs of hire, e.g., payroll document, W-4, and appointment letter;

(e) A written narrative describing the contractor's efforts to provide alternative solutions prior to submitting a request under this section; and

(f) A written plan specifying:

(i) Additional staff to be added;

(ii) Changes in all patient characteristics requiring the additional staff; and

(iii) The predicted improvements in patient care services that will result.

(4) Contractors receiving rate add-ons per this section shall submit quarterly reports. The quarterly reports shall cover the first day the rate add-on is effective and show how the additional rate funds and hours were utilized. The contractor shall submit quarterly reports as long as it receives the rate add-on. If the contractor does not use the funds for the purpose for which they were granted, the department shall immediately recoup the misspent or unused funds.

(5) In reviewing a request made under subsection (3) of this section, the department shall consider but is not limited to one or more of the following:

(a) Whether additional staff requested by a contractor is necessary to meet patient care needs;

(b) Comparisons of staffing patterns of nursing facilities from either the latest statewide metropolitan statistical area (MSA) peer group or non-MSA peer group to which the nursing facility belongs and calculated on a per patient day basis. The department shall use the latest MSA and non-MSA designations received from the office of management and budget or the appropriate federal agency;

(c) The physical layout of the facility;

(d) Nursing service planning and management for maximum efficiency;

(e) Historic trends in underspending of a facility's nursing services and operational component rates;

(f) Numbers, positions, and scheduling of existing staff;

(g) Increases in acuity (debility) levels of all residents in the facility;

(h) Survey, complaint resolution reports, and quality assurance data; and

(i) The facility's ability to fund its staffing request through the facility's existing total Medicaid reimbursement rate.

(6) The department may also adjust rates to cover costs associated with placing a nursing home in receivership for costs not covered by the rate of the former contractor, including:

(a) Compensation of the receiver;

(b) Reasonable expenses of receivership and transition of control; and

(c) Costs incurred by the receiver in carrying out court instructions or rectifying deficiencies found.

(7) The department shall not grant a rate add-on effective earlier than sixty days prior to receipt of the initial written request by the office of rates management subject to the requirements of subsection (3) of this section, the department shall grant a rate add-on for an approved request as follows:

(a) If the request is received between the first day and fifteenth day of the month, then the rate will be effective on the first day of that month; or

(b) If the request is received between the sixteenth day and the last day of the month, the rate will be effective on the first day of the following month.

(8) If the initial written request is incomplete, the department will notify the contractor of the documentation and information required. The contractor must submit the requested information within fifteen days from the date the contractor receives the notice to provide the information. If the contractor fails to complete the rate add-on request by providing all the requested documentation and information

within the fifteen days from the date of receipt of notification, the department will deny the request for failure to complete.

(9) If, after the denial for failure to complete the request, the contractor submits a written request for the same need, the date of receipt for the purposes of applying subsection (7) will depend upon whether the subsequent request for the same need is complete, i.e., the department does not have to request additional documentation and information in order to make a determination. If a subsequent request for funding of the same need is:

(a) Complete, then the date of the initial incomplete request may be used when applying subsection (7) of this section; or

(b) Incomplete, then the date of the subsequent request must be used when applying subsection (7) of this section.

(10) The department shall respond, in writing, not later than sixty days after receipt of a complete request.

**AMENDATORY SECTION** (Amending WSR 96-15-056, filed 7/16/96, effective 8/16/96)

**WAC 388-96-776 Add-ons to the prospective rate—Capital improvements.** (1) The department shall grant an add-on to a prospective rate for any capitalized additions or replacements made as a condition for licensure or certification; *provided*, the net rate effect is ten cents per patient day or greater.

(2) The department shall grant an add-on to a prospective rate for capitalized improvements done under RCW 74.46.465; *provided*, the legislature specifically appropriates funds for capital improvements for the biennium in which the request is made and the net rate effect is ten cents per patient day or greater. Physical plant capital improvements include, but are not limited to, capitalized additions, replacements or renovations made as a result of an approved certificate of need or exemption from the requirements for certificate of need for the replacement of existing nursing home beds pursuant to RCW 70.38.115 (13)(a) or capitalized additions or renovations for the removal of physical plant waivers.

(3) Rate add-ons granted pursuant to subsection (1), (2) or (16) of this section shall be limited in total amount each fiscal year to the total current legislative appropriation, if any, specifically made to fund the Medicaid share of such rate add-ons for the fiscal year.

(4) When physical plant improvements made under subsection (1) or (2) are completed in phases, the department shall not grant a rate add-on for any addition, replacement or improvement until each phase is completed and fully utilized for which it was intended. The department shall limit rate add-on to only the actual cost of the depreciable tangible assets meeting the criteria of WAC 388-96-557 and as applicable to that specific completed and fully utilized phase.

~~((4))~~ (5) When the construction class of any portion of a newly constructed building will improve as the result of any addition, replacement or improvement occurring in a later, but not yet completed and fully utilized phase of the project, the most appropriate construction class, as applicable to that completed and fully utilized phase, will be assigned for purposes of calculating the rate add-on. The department shall not revise the rate add-on retroactively after completion

of the portion of the project that provides the improved construction class. Rather, the department shall calculate a new rate add-on when the improved construction class phase is completed and fully utilized and the rate add-on will be effective in accordance with subsection ~~((8))~~ (9) of this section using the date the class was improved.

~~((5))~~ (6) The department shall not add on construction fees as defined in WAC 388-96-745(6) and other capitalized allowable fees and costs as related to the completion of all phases of the project to the rate until all phases of the entire project are completed and fully utilized for the purpose it was made. At that time, the department shall add on these fees and costs to the rate, effective no earlier than the earliest date a rate add-on was established specifically for any phase of this project. If the fees and costs are incurred in a later phase of the project, the add-on to the rate will be effective on the same date as the rate add-on for the actual cost of the tangible assets for that phase.

~~((6))~~ (7) The contractor requesting an adjustment under subsection (1) or (2) shall submit a written request to the office of rates management separate from all other requests and inquiries of the department, e.g., WAC 388-96-904 (1) and (5). A complete written request shall include the following:

(a) A copy of documentation requiring completion of the addition or replacements to maintain licensure or certification for adjustments requested under subsection (1) of this section;

(b) A copy of the new bed license, whether the number of licensed beds increases or decreases, if applicable;

(c) All documentation, e.g., copies of paid invoices showing actual final cost of assets and/or service, e.g., labor purchased as part of the capitalized addition or replacements;

(d) Certification showing the completion date of the capitalized additions or replacements and the date the assets were placed in service per WAC 388-96-559(2);

(e) A properly completed depreciation schedule for the capitalized additions or replacement as provided in this chapter;

(f) A written justification for granting the rate increase; and

(g) For capitalized additions or replacements requiring certificate of need approval, a copy of the approval and description of the project.

~~((7))~~ (8) The department's criteria used to evaluate the request may include, but is not limited to:

(a) The remaining functional life of the facility and the length of time since the facility's last significant improvement;

(b) The amount and scope of the renovation or remodel to the facility and whether the facility will be better able to serve the needs of its residents;

(c) Whether the improvement improves the quality of living conditions of the residents;

(d) Whether the improvement might eliminate life safety, building code, or construction standard waivers;

(e) Prior survey results; and

(f) A review of the copy of the approval and description of the project.

~~((8))~~ (9) The department shall not grant a rate add-on effective earlier than sixty days prior to the receipt of the initial written request by the office of rates management and

not earlier than the date the physical plant improvements are completed and fully utilized. The department shall grant a rate add-on for an approved request as follows:

(a) If the physical plant improvements are completed and fully utilized during the period from the first day to the fifteenth day of the month, then the rate will be effective on the first day of that month; or

(b) If the physical plant improvements are completed and fully utilized during the period from the sixteenth day and the last day of the month, the rate will be effective on the first day of the following month.

~~((9))~~ (10) If the initial written request is incomplete, the department will notify the contractor of the documentation and information required. The contractor shall submit the requested information within fifteen days from the date the contractor receives the notice to provide the information. If the contractor fails to complete the add-on request by providing all the requested documentation and information within the fifteen days from the date of receipt of notification, the department shall deny the request for failure to complete.

~~((10))~~ (11) If, after the denial for failure to complete, the contractor submits a written request for the same project, the date of receipt for the purpose of applying subsection ~~((8))~~ (9) will depend upon whether the subsequent request for the same project is complete, i.e., the department does not have to request additional documentation and information in order to make a determination. If a subsequent request for funding of the same project is:

(a) Complete, then the date of the first request may be used when applying subsection ~~((8))~~ (9); or

(b) Incomplete, then the date of the subsequent request must be used when applying subsection ~~((8))~~ (9) even though the physical plant improvements may be completed and fully utilized prior to that date.

~~((11))~~ (12) The department shall respond, in writing, not later than sixty days after receipt of a complete request.

~~((12))~~ (13) If the contractor does not use the funds for the purpose for which they were granted, the department shall immediately recoup the misspent or unused funds.

~~((13))~~ (14) When any physical plant improvements made under subsection (1) or (2) results in a change in licensed beds, any rate add-on granted will be subject to the provisions regarding the number of licensed beds, patient days, occupancy, etc., included in this chapter.

~~((14))~~ (15) All rate components to fund the Medicaid share of nursing facility new construction or refurbishing projects costing in excess of one million two hundred thousand dollars, or projects requiring state or federal certificate of need approval, shall be based upon a minimum facility occupancy of ~~((eight))~~ eighty-five percent for the nursing services, food, administrative, operational and property cost centers, and the return on investment (ROI) rate component, during the initial rate period in which the adjustment is granted. These same component rates shall be based upon a minimum facility occupancy of ninety percent for all rate periods after the initial rate period.

(16) If a rate add-on granted under the authority of this section for a capitalized addition or replacement results in an increase in property taxes, the department may grant an additional rate add-on to fund the Medicaid share of any increase in property taxes. A rate add-on granted under this

subsection shall be effective the first day of the month the tax increase is effective.

**WSR 97-18-089**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Adult Services Administration)  
(Public Assistance)

[Filed September 3, 1997, 11:42 a.m., effective September 4, 1997]

Date of Adoption: September 2, 1997.

Purpose: To implement E2SHB 1850 (1997), which mandates the Department of Social and Health Services to put into place a limited moratorium on the licensing of adult family homes. Rules are necessary to implement the moratorium, and specifically to describe a process for granting exceptions to the moratorium on a case-by-case basis. The legislature further required that, during the moratorium, the department review, and if necessary, amend, existing safety and quality of care standards, and that the secretary determine that they reasonably protect the life, safety and health of residents.

RULES ANALYSIS:  
EXPLANATION OF THE RULES, THEIR  
PROBABLE COSTS AND BENEFITS AND  
SMALL BUSINESS ECONOMIC IMPACT STATEMENT

The purpose of this analysis is to assist members of the public to understand the rules and to fulfill the requirements of RCW 34.05.328.

**Introduction**

**What is an adult family home?**

Adult family homes provide a choice to consumers who need long-term care, yet want to remain in the community in a homelike setting. Adult family homes are residential homes licensed to care for up to six residents. The homes provide room, board, laundry, necessary supervision, assistance with activities of daily living, personal care and social services.

The number of licensed adult family homes has been steadily increasing since the inception of the program in the early 1970s. In 1973 there were 546 homes. In June of 1997, there were 2,253 licensed adult family homes in Washington state, with a capacity to provide services to approximately 9,000 persons. Approximately twelve months ago, the total number of licensed homes was growing by 30 to 50 homes per month for a number of months. In the last several months, however, the number of homes has leveled, with newly licensed homes evenly replacing homes that go out of business.

Approximately 2,700, or thirty percent of the residents of adult family homes, receive state funds to support their care.

**How do adult family homes fit into the long-term care system?**

Adult family homes have largely grown out of a demand for residential long-term care in a noninstitutional setting. It has long been acknowledged through polls and surveys that Americans want to remain in their own homes

as they age, rather than in institutions<sup>1</sup>. It is similarly acknowledged that nursing home care, which is generally equated with institutional care, can be a relatively expensive long-term care option.

While a majority of persons in Washington state receive long-term care services in their homes, some people lack the support networks that enable them to continue receiving care at home, or their needs become so complex that home care becomes impractical. These people often seek long-term care services in residential settings.

Responding to the need for a variety of long-term care services, the 1995 Washington state legislature enacted E2SHB 1908 (now codified in part in chapter 74.39A RCW). This guided the Department of Social and Health Services to increase the number of cost-effective long-term care options for persons enrolled in Medicaid and other programs in which the state participates in the cost of care. These options include adult family homes, and other alternatives to nursing homes, such as assisted living. The legislation also directed the department to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual. The legislation further required the department to reduce the number of state-pay clients residing in nursing homes by a minimum of 1,600 persons over the ensuing two-year period.

#### Explanation of the Rule

##### What are the general goals and specific objectives of the statute that this rule implements?

The 1997 legislature passed E2SHB 1850 (Section 402, chapter 392, Laws of 1997), which directs the department to implement a limited moratorium on the licensure of new adult family homes.

The new statute contains three major requirements related to these rules:

(1) The department must implement a limited moratorium on the authorization of new adult family home licenses.

(2) The moratorium will be in effect until December 12, 1997, or until such time as the secretary of the department determines that the safety and quality of care standards have been reviewed by the department, and determined that they reasonably protect the life, safety and health of residents.

(3) The department must develop a process for determining, on a case-by-case basis, if applications for licenses should be accepted in order to accommodate the needs of eligible persons within particular geographical or ethnic communities.

##### Why are these rules needed to achieve these goals and objectives?

The legislature authorized the department to adopt rules to implement the moratorium. The rules are needed to define the time frame for the moratorium and the criteria for accommodating the needs of a particular geographic or ethnic community.

##### How were the effective dates selected?

The department determined that the legislature intended the moratorium to become effective as early as is practical. The beginning date for the moratorium was selected to be as soon as possible after the conclusion of the rule-making process. The end date is mandated in the law.

##### How was the system developed for the department's review of requests for accommodations?

The legislature directed the department to establish a limited moratorium on the authorization of adult family home licenses to ensure health and safety standards are met, but stipulated that this moratorium "shall in no way prevent a person eligible to receive service from receiving the same or equivalent long-term care service." Section 402 of E2SHB 1850 requires the department to "develop a process for determining the availability of chronic long-term care residential services on a case-by-case basis, to determine if an adult family home license should be granted to accommodate the needs of a particular geographical or ethnic community."

The department relied on input from the public and from knowledgeable staff to develop a process for how the department should fulfill the requirements of the moratorium.

Management staff of the Aging and Adult Services Administration, along with a representative from the Division of Development Disabilities, formed a work group to make recommendations throughout the rule development process. These managers have a broad range of responsibilities, including licensure of adult family homes, quality assurance oversight, policy development, and the administration of case management for clients who are reliant on state resources.

Once an informal draft of the rules had been developed, the department asked interested parties to provide comment on the proposed rules. Department staff received telephone calls and letters with comment from providers, a provider association, and representatives of the office of the long-term care ombudsman. The department also hosted a stakeholder meeting, which was well attended by consumer advocates and representatives of long-term care provider associations. A number of significant comments were received. Below is a list of the most frequently raised comments, followed by a brief discussion of actions taken by the department to address them.

#### Agency Response to Industry and Public Comment

The following comments were received in response to the initial informal draft of the rule:

(1) The moratorium should be state-wide, and should not allow for blanket geographical accommodations.

**Discussion:** The rules were revised and do not allow any blanket geographical accommodations. Any accommodations will be approved only after a case-by-case review.

(2) Accommodations should only be granted in order to serve persons eligible for state-supported services.

**Discussion:** The rules only allow for accommodations to be granted in order to serve persons eligible for state-supported services. The law states that accommodations shall be made so that "eligible persons" will be able to receive the same or equivalent services during the moratorium. Due to this language in the law, the department determined that only the needs of persons eligible for public support should be considered during the moratorium. There are no other persons for whom eligibility for adult family home services is determined.

(3) Accommodations should be considered in order to meet the needs of all persons eligible for state-supported long-term care services, regardless of age or disability.

**Discussion:** The rules provide for this consideration.

(4) When considering the need for accommodations, the department should look at the availability of nursing homes, as well as other residential long-term care facilities.

**Discussion:** The department will consider the availability of nursing homes and other residential long-term care facilities when considering the need for accommodations. The department has been mandated to serve state-supported clients in the least restrictive, most cost efficient residential setting.<sup>2</sup> For this reason, an assessment will be made of each state client before determining which residential placement will best fulfill these requirements.

The following comments were received after the development of the formal proposed rules:

(1) The department should not provide accommodations only for the purpose of providing service for Medicaid clients. The accommodation process should include an assessment of need of all persons who would be most appropriately served in an adult family home, regardless of whether they pay from private or public funds.

**Discussion:** The law states that accommodations shall be made so that "eligible persons" will be able to receive the same or equivalent services during the moratorium. Due to this language in the law, the department determined that only the needs of persons eligible for public support should be considered during the moratorium. There are no other persons for whom eligibility for adult family home services is determined.

(2) When determining need for persons who would be isolated from family and friends if they relocated across a long distance in order to receive residential services, consideration should be given to whether the client or the client's family considers the existing residential facilities to be acceptable.

**Discussion:** The needs of individual state clients are assessed by a case manager relying on a comprehensive assessment tool. Client preferences are considered in the assessment process.

(3) When determining need for additional adult family homes, all types of residential options should be considered as potential alternative placements.

**Discussion:** All types of residential options will be considered as potential alternative placements. The department will use the comprehensive assessment process to determine which residential placement will best meet the client's needs, and to determine the client's preference.

(4) Accommodations should be granted with a focus on the client and not on the provider.

**Discussion:** Accommodations will be granted with a focus on the needs of clients, as defined in the rules.

(5) The rules should indicate why the moratorium is in effect and what the conditions are for lifting the moratorium.

**Discussion:** The rules being put into effect comply with the legislative mandate of E2SHB 1850, section 402. This is stated in the rules. The statute (E2SHB 1850, section 402) determines the conditions for lifting the moratorium.

(6) The rule should allow the transfer of a license when adult family homes are sold.

**Discussion:** E2SHB 1850, section 402 does not give the department authority to write such a rule.

(7) During the moratorium, applications should be accepted for homes that are relocating anywhere in the state, not just within the same county.

**Discussion:** The department revised the rules to reflect this comment.

(8) A case-by-case determination should exist to accommodate providers who will be unable to open second homes during the moratorium, and who will lose earnest money.

**Discussion:** E2SHB 1850, section 402 does not give the department authority to write such a rule.

(9) An adult family home advisory council should be formed.

**Discussion:** The statute requires an analysis of establishing such a council, which the department will complete.

(10) An accommodation should not be granted to provide service to Medicaid clients. There are already enough adult family homes available to provide services.

**Discussion:** The department will determine that need exists before granting an accommodation. Some communities have greater numbers of residential care options than others.

(11) Persons who are owners of only one home should be the only persons to receive adult family home licenses.

**Discussion:** E2SHB 1850, section 402 does not give the department authority to write such a rule.

(12) The rules should state that the moratorium will end on December 12, 1997.

**Discussion:** Such rules would contradict the requirements of E2SHB 1850, section 402.

#### **How will requests for accommodations be reviewed?**

The work group considered the public comment and devised a system to review requests for accommodation. First, work group members recognized that the licensing process takes about ninety days and that state clients ordinarily require immediate placement when a residential facility is needed. For these reasons, the work group acknowledged that any case-by-case accommodations made under the moratorium would not likely result in a placement for a particular person in need of service. Instead of focusing on service to individual clients, work group members considered ways to look ahead ninety days to determine more generally how many state-supported clients would be eligible for adult family home care and how many would be in need of a residential placement.

The rules include a method to review each request for an accommodation according to specific criteria, and on a case-by-case basis. The rules require the department to analyze the anticipated care requirements of Medicaid clients in relation to the availability of existing residential providers, and determine whether a need exists for an additional adult family home in order to provide for the future needs of the eligible clients.

#### **What alternative versions of the rule were considered?**

The department originally proposed an informal version of the rules, and based on input from stakeholders and legislative staff, the informal draft rules were revised in two key areas:

(1) The informal draft rules provided for the moratorium to be in effect in certain counties, and not in others, based on the number of existing adult family homes in each county. After the revision, the rules include the entire state in the moratorium.

(2) The informal draft rules allowed for accommodations to be granted in order to provide needed adult family home service to public clients and privately paying clients. After the revision, accommodations are made only to serve the needs of "eligible persons," which the department has interpreted to mean state-supported clients.

The department then proposed a formal version of the rules. Following public input, two changes were made to these rules. They are:

(1) The rules were revised in order to clarify that the director of residential care services, or the director's designee, shall evaluate the need for any new licenses, based on the definition of need contained in the rules.

(2) The rules were revised to allow current licensees to submit applications for licenses during the moratorium, for the purpose of changing the location of their home anywhere in the state. The rules previously allowed such a move only "within the same county of residence." Also, an additional sentence was added to require such applicants to make a notation on the first page of their application, indicating that they have a current license and plan to relocate.

#### Who is affected?

Listed below are the major groups affected by the moratorium. The sections that follow provide an analysis of how they are affected.

- Privately paying and publicly supported consumers of adult family home service
- Taxpayers
- Existing adult family home providers
- Prospective adult family home providers
- Other long-term care providers

#### Economic Impact on Small Business

##### Are large and small businesses involved?

In reviewing current licensed adult family home providers, the department determined that the vast majority of adult family home providers satisfy the definition of a small business found in RCW 19.85.020; "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees." However, several adult family home providers own more than one home or operate other businesses. These providers may be considered large businesses by the above definition, because they have fifty or more employees.

##### What is the impact on business?

The major cost impact of the moratorium will be incurred by applicants for new adult family home licenses, who, due solely to the moratorium, may be unable to obtain a license. Prospective adult family home providers who are unable to obtain a license will be unable to admit residents, thereby will not earn revenue from the daily rate that they might otherwise have earned.

The potential impact on a provider based on the inability to start a business can be estimated as follows:

Typical daily adult family home state payment rate: \$50.52

Typical number of clients: 4

Number of days the moratorium is likely to last: 100

Based on these assumptions, a provider may be unable to earn \$50.52 in revenue for each of four clients for 100

days. The total in revenue would be \$20,208.00. This amount represents the potential unearned gross income.

*(Note: This exercise is only a sample of the revenue that may not be earned. Adult family homes vary a great deal: They may be licensed for between 2 and 6 residents; vacancy rates vary across the state; it can take many months before some homes are filled to capacity, and some may never have full occupancy in their home; the state payment rate is an estimate of the daily rate for state fiscal year 1998<sup>3</sup>, and there is a wide range of public and private daily rates. Also, every prospective provider may not actually forego earning revenue during the moratorium. For example, an applicant may have been found to have a disqualifying criminal history, and thereby would never have received a license.)*

There may be additional impacts to individual businesses, depending on their individual stage of development at the time of the moratorium. For example, a prospective provider who has placed earnest money on a home may lose that earnest money due to an inability to apply for a license, and therefore, an inability to maintain the rent or purchase of the home.

#### Are there disproportionate impacts to large and small business?

All prospective providers in the industry will be equally impacted by these rules. Those fitting the definition for a small business will experience a disproportionate impact, however, because any unearned revenue would constitute a greater proportion of their income.

#### How did the department mitigate these costs?

The rules are needed in order to accomplish the goal of the legislative mandate. For this reason, the department cannot feasibly mitigate all impacts that will be disproportionately experienced by small businesses. The following steps have been taken to minimize the proportionately higher economic burden to small businesses:

(1) The rules establish clear guidance to persons choosing to request an accommodation to the moratorium; and

(2) The rules specify time-certain deadlines for the notification of persons requesting an accommodation, thus avoiding delays; and

(3) The moratorium on licensure of new homes is time limited.

#### Discussion of Probable Costs and Probable Benefits

##### What are the probable costs and probable benefits of these rules?

###### Costs:

In addition to the costs to small business, the probable costs associated with the moratorium fall into four broad categories, which are discussed in more detail below:

(1) The potential reduction of the supply of adult family home beds.

(2) The potential to drive up the rates charged by nursing homes and other long-term care providers.

(3) The cost of state resources in managing the workload of a case-by-case review of requests for accommodations.

(4) The potential loss of contractors who provide required training to new adult family home providers.

**(1) The potential reduction of the supply of adult family home beds.**

Some prospective adult family home providers may not be able to receive a license and operate their business during the moratorium. This is likely to result in a reduction in the rate of growth of homes, and may result in an overall reduction of the number of homes. These trends would reduce the supply of homes.

*(Note: The department will allow for case-by-case accommodations based on need. This strategy will reduce the moratorium's impact on supply.)*

There are two general categories of payment for adult family home services. These are services purchased with private funds and services purchased with state and federal tax dollars. Consumers of both privately and publicly supported adult family home services would presumably seek services in another setting, such as a nursing home or an assisted living facility. These consumers would experience the loss of a choice of residential setting, which can only be partly measured by a review of the financial costs. The potential dollar cost impact on a consumer of the loss of the choice of a setting can be estimated as follows:

Daily nursing home rate: \$113.15

Daily assisted living rate: \$57.77

Daily adult family home rate: \$50.52

Difference each day ranges from: \$7.22 to \$62.63

*(Note: The state payment rates are estimates of the daily rate for nursing homes, assisted living, and adult family homes for state fiscal year 1998, and used as "proxies" for what the population at large might pay. In fact, there is a wide range of daily rates, which vary by type of facility and by region.)*

**(2) The potential to drive up the rates charged by nursing homes and other long-term care providers.**

Over the last decade, an increasing number of alternatives to nursing homes have been developed, many of which are less expensive than nursing home care. To the extent that the moratorium reduces the supply of alternative placements, there is a risk that nursing home rates, along with rates for other long-term care services, could be driven up, based on a continuing demand with fewer resources available to meet the demand.

**(3) The cost of state resources in managing the workload of a case-by-case review of requests for accommodations.**

The daily management of the case-by-case review of requests for accommodation will require state staff resources. To the extent that staff are busy with this task, they are unable to perform other tasks. The extent of the workload impact is unknown, as the department does not yet know how many persons will make requests for accommodation.

**(4) The potential loss of contractors who provide required training to new adult family home providers.**

The department has existing contracts for professionals who offer training required for new adult family home licensees and persons hired to provide care in the adult family homes. If there is a significant reduction in the number of new homes, the trainers may not have sufficient numbers of enrollees in their classes to make holding the training worthwhile. The moratorium could create a reduc-

tion in the number of professionals willing to continue contracting with the state to provide this training.

**Benefits:**

The following are broad categories of probable benefits, which are described in more detail below:

(1) The opportunity for a review of safety and quality of care standards.

(2) An ability to focus on quality assurance in adult family homes.

(3) A capacity for the department to communicate its quality of care standards.

(4) The fulfillment of the legislative mandate.

**(1) The opportunity for a review of safety and quality of care standards.**

A predominant benefit of the moratorium is the opportunity that it provides the department to conduct a review of the safety and quality of care standards that govern the operation of adult family homes. This review will include an assessment of whether these standards reasonably protect the life, safety, and health of residents, and the modification of any standards as necessary.

**(2) An ability to focus on quality assurance in adult family homes.**

As discussed in the cost section, one possible outcome of the moratorium is that it will reduce the overall supply of homes, resulting in fewer choices for consumers. A benefit is also derived from reduced supply, however, because it affords the opportunity to focus on quality assurance across a smaller number of providers. Because the department has limited resources, this smaller focus could potentially enhance the quality outcomes. In addition, the long-term care ombudsman program could more effectively use its limited resources if focusing on a smaller pool of providers.

**(3) A capacity for the department to communicate its quality of care standards.**

The moratorium will provide an opportunity for the department to communicate about its quality assurance efforts. This communication will help consumers and the public at large to have confidence in the standards and practices that exist in adult family homes.

**(4) The fulfillment of the legislative mandate.**

The implementation of the moratorium offers the clear benefit of fulfilling the mandate of the legislature.

**Are these rules the least burdensome alternative for those required to comply with them?**

Among the alternatives considered, these rules are considered to put a relatively lower burden on individuals requesting accommodations. The rules provide clear instructions to individuals, and they contain very time-certain deadlines. The moratorium is also limited in duration.

**Will the probable benefits of the rules outweigh the probable costs?**

During the development of the rules, the department considered the fulfillment of the legislative mandate to be its foremost goal.

There are a number of important costs and benefits associated with the rules. These cannot be realistically measured until the moratorium has been in effect for a period of time. Over time, it will become clear whether the supply of adult family homes is reduced, and whether this reduction causes significant problems, such as those dis-

cussed above. Any costs must then be analyzed in light of the benefits that are derived from the moratorium.

#### **Coordination with Other Federal or State Requirements**

**Do the rules require those to whom they apply to take an action that violates the requirements of another statute or law?**

No, the rules do not require those to whom they apply to take an action that violates the requirements of another statute or law.

**Do the rules differ from any federal regulation or statute applicable to the same activity or subject matter?**

No, there is no federal regulation or statute relating to the adult family home program.

**How will the department coordinate the rules, to the maximum extent practicable, with other federal, state and local laws applicable to the same activity or subject matter?**

The only laws applicable to the same activity are the state laws governing the licensing of adult family homes. The department is responsible for the rules on licensing, and, as a result, it will be convenient for the department to closely coordinate the process for reviewing accommodations with the licensing process. Information on both topics will be provided at adult family home orientation, which means that interested persons can receive information through one source and at one time. (The orientation is a routine means for the department to educate prospective providers about running adult family homes. The rules specify how interested persons may sign up for an orientation.)

#### **Implementation Plan**

**How will the agency implement and enforce the rules?**

The rules under discussion, WAC 388-76-9970 through 388-76-9980 provide a detailed description of the implementation process.

**How will the agency encourage voluntary compliance?**

The department will educate prospective applicants about the process for applying for an accommodation. This will be accomplished through the adult family home orientations, sponsored in regional offices throughout the state.

**Do the rules impose more stringent performance requirements on private entities than on public entities?**

No, the rules do not impose more stringent performance requirements on private entities than on public entities.

**How have members of the public been notified of the rules, and how have they been able to participate in the rule-making process?**

The department has used the following approaches:

- Mailing of Preproposal Statement of Inquiry (CR-101) to interested parties, and publishing in the Washington State Register
- Hosting a stakeholder meeting for the purpose of receiving feedback
- Making copies of the informal draft rules available through mail or FAX
- Accepting verbal comments via telephone calls, and written comment through letters

- Mailing Proposed Rules to interested parties and to all current adult family home providers, and publishing in the Washington State Register and on the DSHS rule-making web page
  - Public Hearing
- After filing the CR-103, the department will:
- Mail final rules to interested parties and to all current adult family home providers
  - Notify prospective providers through adult family home orientations
  - Notify adult family home providers and interested persons of the end of the moratorium

**How will the department evaluate whether the rules achieve the purpose for which they were adopted?**

The department will track all requests for accommodation and keep statistics on the following:

- How many accommodations were granted and denied in each county
- Reasons for granting or denying
- Length of time taken to review requests and notify interested persons

#### **Conclusion**

**Do the rules achieve the goals and objectives of the statute?**

These rules will achieve the three requirements of this section of the statute:

(1) The rules implement a limited moratorium on the authorization of new adult family home licenses; and

(2) The rules establish effective dates for the moratorium; and

(3) The rules establish a system for the department to determine, on a case-by-case basis, if applications for licenses should be accepted in order to accommodate the needs of eligible persons within particular geographical or ethnic communities.

<sup>1</sup> Barbara Coleman, "New Directions for State Long-Term Care Systems, Volume I: Overview", AARP Public Policy Institute, 1996.

<sup>2</sup> RCW 74.39A.008.

<sup>3</sup> Woolley, John, "DSHS, Aging and Adult Services 1997-1999 Spending Plan," 1997.

Statutory Authority for Adoption: Section 403, chapter 392, Laws of 1997 (E2SHB 1850).

Other Authority: Sections 402, 403 and 532, chapter 392, Laws of 1997.

Adopted under notice filed as WSR 97-15-132 on July 23, 1997.

Changes Other than Editing from Proposed to Adopted Version: (1) WAC 388-76-9976(4) was revised to add the following sentence: "The director of residential care services, or the director's designee, shall evaluate the need for the home, based on the definition of need in WAC 388-76-9972."

(2) WAC 388-76-9978 [(1)](d) was revised to eliminate the words "within the same county of residence." Also, an additional sentence is added to this section: "Applicants who are planning to relocate shall make a notation on the first page of their application, indicating that they have a current license and plan to relocate."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 6, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

**Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule:** These rules will become effective on September 4, 1997, in order to comply with the legislative intent of sections 402, 403 and 532, chapter 392, Laws of 1997, that the limited moratorium be implemented promptly. The potentially short term of the moratorium (most likely to end on December 12) and the legislative history of the moratorium indicate a legislative intent that the department implement the moratorium expeditiously. This intent is shown not only by the short term of the moratorium, but also by the legislature's effort to grant additional emergency rule-making authority to implement the moratorium.

Effective Date of Rule: September 4, 1997.

September 2, 1997

Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

#### NEW SECTION

**WAC 388-76-9970 Purpose.** The purpose of WAC 388-76-9970 through 388-76-9980 is to satisfy the legislative requirements of section 402, chapter 392, Laws of 1997.

#### NEW SECTION

**WAC 388-76-9972 Definitions.** For purposes of WAC 388-76-9970 through 388-76-9980, the following definitions shall apply:

**"Accommodation"** means a determination by the department to accept an application for a new adult family home license, based on a case-by-case review of requests.

**"Long distance"** means a distance of thirty miles or more, or requiring thirty minutes or more of travel time between existing licensed residential long-term care facilities.

**"Moratorium"** means a temporary stoppage of the acceptance of new adult family home applications received during the dates specified in WAC 388-76-9974. The moratorium is limited because accommodations may be granted by the department to allow for the application for new licenses, in individual cases in which the department finds that a need exists.

**"Need"** means the necessity for long-term care services by persons enrolled in Medicaid whose care requirements have been assessed to be most appropriately served in a residential long-term care setting. To meet this definition,

the department must find that a need exists for one of the following:

(1) Services for persons who reside in a geographical area which has a lack of available providers; a need will be found by the department based on consultation with case managers and on a review of the availability of existing residential facilities; or

(2) Services for persons whose requirements are distinctive, and require special expertise by care providers; a need will be found by the department based on consultation with case managers or specialized departmental staff, such as staff serving persons with developmental disabilities or with mental health disabilities; or

(3) Services for persons of particular ethnic groups whose cultural lifestyle can only be maintained by care providers with knowledge of their culture; a need will be found by the department based on consultation with case managers or specialized departmental staff, such as staff serving persons with developmental disabilities, or persons with mental health disabilities; or

(4) Services for persons who would be isolated from family and friends if they relocated across a long distance in order to receive residential services; a need will be found by the department based on a review of the proximity of existing residential facilities.

#### NEW SECTION

##### **WAC 388-76-9974 Effective date of the moratorium.**

The moratorium shall be effective beginning at 8:00 a.m., September 4, 1997, and extend through 5:00 p.m., December 12, 1997, or until such time as the secretary removes the moratorium. After the moratorium is lifted by the secretary, WAC 388-76-9970 through 388-76-9980 will no longer be effective.

#### NEW SECTION

**WAC 388-76-9976 Process for requesting an individual accommodation.** (1) Before submitting an application for adult family home licensure, a person must request an individual accommodation to the moratorium by writing a letter to the director of residential care services, aging and adult services administration, at the following address:

Aging and Adult Services Administration  
Director, Residential Care Services  
PO Box 45600  
Olympia, WA 98504-5600

(2) Any requests for individual accommodations that do not contain all of the requirements listed in subsection (3) of this section, will be returned to the individual making the request without action.

(3) The letter requesting an individual accommodation shall contain all of the following:

(a) A statement that the letter is a request for an individual accommodation to the moratorium on the licensure of new adult family homes; and

(b) A statement of which type of need, as defined in WAC 388-76-9972, the adult family home proposes to address; and

(c) A statement that the applicant will contract with the state to provide service to a client or clients who have been determined to be Medicaid eligible; and

(d) A photocopy of one of the following:

(i) For persons who do not currently have an adult family home license: The certificate of attendance at an adult family home orientation. The certificate of attendance can be obtained by attending an orientation session sponsored by a local adult family home area office. Information about the orientations may be obtained by calling the phone numbers listed in subsection (6) of this section; or

(ii) For persons who currently operate a licensed home and are requesting consideration of an additional license, and therefore do not need to attend orientation: A current adult family home license.

(4) The director of residential care services, or the director's designee, shall evaluate the need for the home, based on the definition of need in WAC 388-76-9974. The department shall respond in writing, within fifteen working days, with a decision to grant or deny the request for the individual accommodation. Individuals who receive a letter granting their request for accommodation may then apply for an adult family home license.

(5) The letter requesting the accommodation should not be accompanied by an adult family home application. Any applications or accompanying checks sent with letters will be returned to the applicant without action.

(6) The adult family home area offices are:

Southeast Washington

Phone: 360/493-2546

Address: Residential Care Services/  
Adult Family Home Area Office

PO Box 45600

Olympia, WA 98504-5600

Counties: Clark, Cowlitz, Klickitat, Lewis, Pacific, Skamania, Thurston, Wahkiakum.

King County

Phone: 206/587-4285

Address: Residential Care Services/  
Adult Family Home Area Office

1737 Airport Way S, Suite 160

Seattle, WA 98134

County: King (excluding north King County zip codes).

Northwest Washington

Phone: 360/653-0591

Address: Residential Care Services/  
Adult Family Home Area Office

PO Box 3504

Arlington, WA 98036

Counties: Island, San Juan, Skagit, Snohomish, Whatcom (and including north King County zip codes).

Northeast Washington

Phone: 509/456-3911

Address: Residential Care Services/  
Adult Family Home Area Office

316 W. Boone, Suite 170

Spokane, WA 99201-2351

Counties: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, Yakima.

Pierce County and the Olympic Peninsula

Phone: 253/597-4160

Address: Residential Care Services/  
Adult Family Home Area Office

1949 S. State Street

Tacoma, WA 98405-2850

Counties: Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pierce.

#### NEW SECTION

**WAC 388-76-9978 Applications that will be processed during the moratorium.** (1) Applications received under any one of the following conditions shall be processed according to the usual departmental licensure process:

(a) Applications postmarked on or before September 3, 1997, to:

Aging and Adult Services Administration

Residential Care Services

PO Box 45600

Olympia, WA 98504-5600; or

(b) Applications hand delivered no later than 5:00 p.m., September 3, 1997, to:

Aging and Adult Services Administration

Residential Care Services/Adult Family

Home Licensing

Building A, 600 Woodland Square Loop

Lacey, WA 98503

With the delivery confirmed by a receipt from Aging and Adult Services staff; or

(c) Applications received with an attached letter from the director of residential care services, or the director's designee, stating that an individual accommodation has been granted; or

(d) Applications for licensed homes that are relocating. Applicants who are planning to relocate shall make a notation on the first page of their application, indicating that they have a current license and plan to relocate. This does not include applications for licenses for homes where the license is being transferred from one individual or entity to another individual or entity.

(2) All other applications shall be returned to the applicant without action.

#### NEW SECTION

**WAC 388-76-9980 Notification of the end of the moratorium.** Persons currently holding an adult family home license, and persons on the department's interested parties mailing list will be notified of the date that the moratorium is no longer in effect, as determined by the secretary.

**WSR 97-19-007**

**PERMANENT RULES**

**INSURANCE COMMISSIONER'S OFFICE**

[Filed September 4, 1997, 1:43 p.m.]

Date of Adoption: September 4, 1997.

Purpose: To clarify and modify the existing rules regarding educational requirements for licensees involved in

the transaction of long-term care and long-term care partnerships. It also adds a certification form.

Citation of Existing Rules Affected by this Order: Amending WAC 284-17-220 and 284-85-085.

Statutory Authority for Adoption: RCW 48.02.060, 48.17.150, and 48.85.030.

Adopted under notice filed as WSR 97-15-150 on July 23, 1997.

Changes Other than Editing from Proposed to Adopted Version: (1) added "resident and nonresident" before licensee to clarify that the rule applies to all licensees who sell long-term care or long-term care partnership insurance.

(2) Added an address on the certification forms to which the certification reports should be sent.

(3) For clarity purposes, added the word "either" before "long-term care or long-term care and long-term care partnership" in WAC 284-54-750. In WAC 284-85-085, also added "either" before "long-term care partnership or long-term care partnership and long-term care."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 4, 1997

Greg J. Scully

Chief Deputy Commissioner

**AMENDATORY SECTION** (Amending Matter No. R 95-16, filed 8/13/96, effective 9/13/96)

**WAC 284-17-220 Continuing education requirement.**

(1) Twenty-four credit hours of approved continuing education must be presented as a prerequisite to each license renewal or reinstatement.

(2)(a) Effective July 1, 1996, the number of required continuing education credit hours will be increased from twenty-four to thirty-two hours for each two-year licensing period.

~~(b)(i) ((Effective June 1, 1997, an additional six hours in every two-year period of continuing education credits will be required of agents and brokers engaged in the transaction of long-term care partnership insurance business. The commissioner will prescribe the course of study. Each course for these special lines of insurance shall be approved by the commissioner in advance.~~

~~(ii) Effective January 1, 1998, an additional six hours in every two-year period of continuing education credits will be required of agents and brokers engaged in the transaction of long-term care insurance business.~~

~~(iii) Agents involved in the transaction of both long-term care and long-term care partnership insurance are required to pass only six total hours of specialized long-term care and long-term care partnership continuing education combined.~~

~~(iv) An issuer shall annually certify to the commissioner that its appointed agents have completed the required education. Such reports shall be attached to the annual long-term care partnership report required at RCW 48.85.030 (2)(d).)~~ Resident and nonresident licensees engaged in the transaction of long-term care insurance, long-term care partnership insurance, or both, are required to take an approved six-hour course on long-term care, long-term care partnership, or both, every two years. The commissioner shall prescribe the content of the course. Each course shall be approved by the commissioner in advance.

(ii) Effective January 1, 1998, a resident or nonresident licensee shall not submit an application for a long-term care or long-term care partnership policy to an issuer unless he or she has completed the approved course.

(iii) The approved six-hour course may count towards the thirty-two required continuing education credit hours set forth in (a) of this subsection.

(iv) An issuer of long-term care or long-term care partnership policies shall annually certify to the commissioner that:

(A) Its affiliated resident and nonresident licensees involved in the transaction of long-term care or long-term care partnership policies have completed the approved six-hour course requirement every two years; and

(B) The issuer has only accepted applications from resident and nonresident licensees in compliance with the provisions of (b)(i) of this subsection.

The certification shall be filed with the commissioner on or before March 31 of each year.

(c) Each course credit applied toward satisfaction of the continuing education requirement must have been completed within the twenty-four month period immediately preceding the licensee's assigned license renewal date and the credit may not have been used previously to comply with the continuing education requirement.

(3) The course participated in and for which credit is received shall be reported to the commissioner as part of the application for license renewal and shall be subject to verification by audit.

(4) Repeating an approved course for which the licensee has previously claimed credit will not satisfy the continuing education requirement.

(5) The licensee must retain the certificate of completion for three years from the date on the certificate and must present the original of such certificate upon request of or audit by the commissioner.

**NEW SECTION**

**WAC 284-54-750 Standards for education of licensees soliciting long-term care contracts.** (1) Every issuer shall annually certify to the commissioner that each resident and nonresident licensee involved in the transaction of long-term care insurance has completed an approved six-hour course on either long-term care or long-term care and long-term care partnership every two years in accordance

with WAC 284-17-220 (2)(b)(i). Applications may only be accepted if the licensee involved in the transaction meets all of the requirements of WAC 284-17-220 (2)(b)(i).

(2) Beginning with the calendar year 1998, issuers shall file a copy of the following certification report with the commissioner on or before March 31 of each year:

Annual Filing of Compliance with the  
Long-Term Care and Long-Term Care Partnership  
Education Requirements of WAC 284-17-220(2)(b)(i)

To be filed with the commissioner on or before March 31 of each year

For the period of January 1 to December 31 of \_\_\_\_\_ (Year)

Company Name \_\_\_\_\_

Address \_\_\_\_\_

Insurance Policies Offered:

Long-Term Care \_\_\_\_\_ Long-Term Care Partnership \_\_\_\_\_ Both \_\_\_\_\_

I hereby certify that all of our affiliated licensees involved in the transaction of each long-term care or long-term care partnership policy we issued in Washington fulfilled the requirements of WAC 284-17-220(2)(b)(i). I certify that to the best of my knowledge, we did not accept or process any applications that involved the participation of a licensee who was not in compliance with WAC 284-17-220(2)(b)(i).

Signature of Officer:

Date:

Name and Title of Officer:

Prepared by:

Phone Number:

Phone Number:

Return Certification Form to:

Education Manager

Office of the Insurance Commissioner

P.O. Box 40257

Olympia, WA 98504-0257

PERMANENT

AMENDATORY SECTION (Amending Matter No. R 95-16, filed 8/13/96, effective 9/13/96)

**WAC 284-85-085 Standards for education of ~~((agents))~~ licensees soliciting long-term care partnership contracts.** (1) Every issuer shall annually certify to the commissioner that each ~~((agent appointed by the issuer involved in the solicitation of a long term care partnership contract or the conversion of a long term care contract or partnership contract, that each such agent has passed six hours of specialized education specifically related to insurance coverage under the Washington Long Term Care Partnership Act in every two year period beginning with the calendar year 1998, as required at WAC 284-17-220.))~~ resident and nonresident licensee involved in the transaction of long-term care partnership insurance has completed an approved six-hour course on either long-term care partnership or long-term care partnership and long-term care every two years in accordance with WAC 284-17-220 (2)(b)(i). Applications may only be accepted if the licensee involved in the transaction meets the requirements of WAC 284-17-220 (2)(b)(i).

(2) Beginning with the calendar year 1998, issuers shall file a copy of the following certification report with the commissioner on or before March 31 of each year:

Annual Filing of Compliance with the  
Long-Term Care and Long-Term Care Partnership  
Education Requirements of WAC 284-17-220(2)(b)(i)

To be filed with the commissioner on or before March 31 of each year

For the period of January 1 to December 31 of \_\_\_\_\_ (Year)

Company Name \_\_\_\_\_

Address \_\_\_\_\_

Insurance Policies Offered:

Long-Term Care \_\_\_\_\_ Long-Term Care Partnership \_\_\_\_\_ Both \_\_\_\_\_

**I hereby certify that all of our affiliated licensees involved in the transaction of each long-term care or long-term care partnership policy we issued in Washington fulfilled the requirements of WAC 284-17-220(2)(b)(i). I certify that to the best of my knowledge, we did not accept or process any applications that involved the participation of a licensee who was not in compliance with WAC 284-17-220(2)(b)(i).**

Signature of Officer:

Date:

Name and Title of Officer:

Prepared by:

Phone Number:

Phone Number:

*Return Certification Form to:*

*Education Manager*

*Office of the Insurance Commissioner*

*P.O. Box 40257*

*Olympia, WA 98504-0257*

PERMANENT

**WSR 97-19-008**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
(Public Assistance)  
[Filed September 4, 1997, 1:51 p.m.]

Date of Adoption: September 3, 1997.

Purpose: To amend existing rules in chapter 388-216 WAC to exempt a motor vehicle necessary to transport a physically disabled household member as a resource; to increase the ceiling value of one used and useful vehicle to \$5,000; to exempt savings accounts with combined balances of up to an additional \$3,000 for recipients; and to increase the client's prorated ceiling value of a vehicle to \$5,000 when the vehicle is owned by a TANF client and an SSI recipient.

Citation of Existing Rules Affected by this Order: Amending WAC 388-216-2450, 388-216-2500, 388-216-2650, and 388-216-2800.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.005.

Other Authority: Public Law 104-193, section 103 (A)(1); EHB 3901 (section 308, chapter 58, Laws of 1997); EHB 3901 (section 309, chapter 58, Laws of 1997 (RCW 74.04.005)).

Adopted under notice filed as WSR 97-15-089 on July 17, 1997.

Changes Other than Editing from Proposed to Adopted Version: Language was simplified to conform Executive Order 97-02, Regulatory Improvement.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 4, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 3, 1997

Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3862, filed 6/28/95, effective 7/29/95)

**WAC 388-216-2450 Resources—Exempt or disregarded income which is also exempt as a resource.** The department ~~((shall exempt or disregard as income all the funds listed in this section. The department shall also))~~ will not consider ((these funds as an)) the following exempt or disregarded income as a resource:

(1) ~~((The resources of a supplemental security income (SSI) recipient. The department shall not consider nonrecurring lump sum SSI retroactive payments made to an AFDC client as income or as a resource in the month paid nor in the next following month;~~

(2) ~~The monthly child support incentive payment from the division of child support (DCS);~~

(3) ~~AFDC benefits resulting from a court order modifying a department policy;~~

(4) ~~Title IV E, state and/or local foster care maintenance payments; and~~

(5) ~~Adoption support payments if the adopted child is excluded from the assistance unit;~~

(6) ~~Bona fide loans as specified in WAC 388-216-6230 and 388-216-7100. The department shall consider loans bona fide when the loan is a debt the borrower has an obligation to repay;~~

(7) ~~Educational assistance, in the form of grants, loans, or work study, issued to a student from the following sources:~~

(a) ~~Title IV A of the Higher Education Amendments; or~~

(b) ~~Bureau of Indian Affairs student assistance programs;~~

(8) ~~Grants or loans made or insured under any programs administered by the department of education to an undergraduate student for educational purposes;~~

(9) ~~Educational assistance in the form of grants, loans, or work study, issued under the Carl D. Perkins Vocational and Applied Technology Education Act (P.L. 100-391), for attendance costs as identified by the institution. For a student attending school:~~

(a) ~~At least half-time, attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses; or~~

(b) ~~Less than half-time, attendance costs include tuition, fees, and costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study;~~

(10) ~~Educational assistance in the form of grants, work study, scholarships, or fellowships, from sources other than those identified in subsections (7), (8), and (9) of this section for attendance costs as identified by the institution. Attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses;~~

(11) ~~Any remaining educational assistance, in the form of grants, work study, scholarships, or fellowships, not disregarded in subsections (7), (8), (9), or (10) of this section, as allowed under WAC 388-218-1540;~~

(12) ~~The earned income disregards in WAC 388-218-1430 through 388-218-1480 for AFDC and WAC 388-219-1500 for GA-U to any work study earnings received and not disregarded in subsections (7), (8), (9), (10), and (11) of this section;~~

(13) ~~Payment under Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, section 216);~~

(14) ~~The food coupon allotment under Food Stamp Act of 1977;~~

(15) Compensation to volunteers under the Domestic Volunteer Act of 1973 (P.L. 93-113, Titles I, II, and III);

(16) Benefits under Women, Infants and Children program (WIC);

(17) Food service program for children under the National School Lunch Act of 1966 (P.L. 92-433 and 93-150);

(18) Energy assistance payments;

(19) Indian trust funds or lands held in trust (including interest and investment income accrued while such funds are held in trust) by the Secretary of the Interior for an Indian Tribe, including but not limited to funds issued under the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420);

(20) Per capita judgment funds under P.L. 97-408 to members of the:

(a) Blackfeet Tribe of the Blackfeet Indian Community, Montana;

(b) Gros Ventre Tribe of the Fort Belknap Reservation, Montana; and

(c) Assiniboine Tribe of the Fort Belknap Indian Community;

(21) Indian judgment funds or funds held in trust by the Secretary of the Interior distributed per capita under P.L. 93-134, as amended by P.L. 103-66, 94-114, 97-458, or 98-64. In addition:

(a) Real or personal property purchased directly with funds from the per capita payments, up to the amount of the funds from the per capita payment, are referred to as initial investments. These initial investments are exempt;

(b) Income derived either from the per capita payment or the initial investments shall be treated as newly acquired income;

(c) Appreciation in value of the initial investment shall be treated as a nonexempt resource at the time of eligibility review, unless the initial investment is a type of resource which is listed as exempt under WAC 388-216-2500 or 388-216-2650;

(d) The disregard does not apply to per capita payments or initial investments from per capita payments which are transferred or inherited;

(e) The department shall not consider up to two thousand dollars per year of income received by individual Indians, derived from leases or other uses of individually owned trust or restricted lands;

(22) Two thousand dollars per person per calendar year received under the Alaska Native Claims Settlement Act (P.L. 92-203 and 100-241);

(23) Veterans' Administration educational assistance for the student's educational expenses and child care necessary for school attendance;

(24) Housing and Urban Development (HUD) community development block grant funds that preclude use for current living costs;

(25) Restitution payments made under the Wartime Relocation of Civilians Act, P.L. 100-383. The department shall also disregard resources derived from restitution payments;

(26) A previous underpayment of assistance under WAC 388-260-1550 in the month paid nor in the next following month;

(27) Payment from the annuity fund established by the Puyallup Tribe of Indians Settlement Act of 1989 (P.L. 101-

41), made to a Puyallup Tribe member upon reaching twenty-one years of age. In addition:

(a) Real or personal property purchased directly with funds from the annuity fund payment, up to the amount of the funds from the annuity fund payment, are referred to as initial investments. These initial investments are exempt;

(b) Income derived either from the annuity fund payment or the initial investments shall be treated as newly acquired income;

(c) Appreciation in value of the initial investment shall be treated as a nonexempt resource at the time of eligibility review, unless the initial investment is a type of resource which is listed as exempt under WAC 388-216-2500 or 388-216-2650;

(d) Proceeds from the transfer of the initial investments are treated as a transfer of exempt property, as specified in WAC 388-217-3350;

(28) Payments from the trust fund established by the P.L. 101-41 made to a Puyallup Tribe member;

(29) Payments made from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims (P.L. 101-201). The effective date of the disregard is retroactive to January 1, 1989;

(30) Payments made under the Disaster Relief Act of 1974 (P.L. 93-288), as amended by disaster Relief and Emergency Assistance amendments of 1988 (P.L. 100-707). This applies to assistance issued by federal, state, or local governments or by a disaster assistance organization;

(31) Payments from the Radiation Exposure Compensation Act (P.L. 101-426) made to an injured person, surviving spouse, children, grandchildren, or grandparents;

(32) Payments made to victims of nazi persecution under Public Law 103-286. The effective date of the disregard is retroactive to August 1, 1994;

(33) Payments made from the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act trust fund, pursuant to P.L. 93-134. Funds paid, interest or investment income earned on such funds, and any payment authorized by the tribe or the Secretary of the Interior are not counted as a resource; and

(34) Income specifically excluded by any other federal statute from consideration as income and a resource)) Exempt income types as specified in WAC 388-218-1200 (1) through (16) and (18) through (20);

(2) Educational assistance as exempt under Title IV of the Higher Education Act and as referenced in WAC 388-218-1210;

(3) Native American benefits as exempt under federal law and as referenced in WAC 388-218-1220;

(4) Bona fide loans as specified in WAC 388-218-1230(5); and

(5) Monthly child support incentive payments from DCS as specified in WAC 388-218-1230(6).

**AMENDATORY SECTION** (Amending WSR 97-06-075, filed 2/28/97, effective 3/31/97)

**WAC 388-216-2500 Resources—Exempt as a resource with no ceiling value.** (1) ~~(Irrespective)~~ Regardless of value, the department shall exempt the following resources:

(a) The client's home, subject to the conditions specified in sections WAC 388-216-2550 through 388-216-2590.

(b) Household furnishings and personal clothing essential for daily living. The department shall not exempt household furnishings and personal clothing in storage without evidence that these items are essential for daily living.

(c) One cemetery plot for each member of the assistance household.

(d) Personal property of "great sentimental value" when the applicant/recipient establishes the circumstances and conditions giving the personal property this value. "Sentimental value" as used in this section means personal property held primarily because of personal attachment or hobby interest, rather than for its intrinsic value.

(e) A motor vehicle necessary to transport a physically disabled household member. This exemption is limited to one vehicle per physically disabled person.

(2) The department may declare real and personal property which will be used in a self-employment enterprise as an exempt resource:

(a) On the basis of an agreed plan; and

(b) When the department determines that the real or personal property:

(i) Is necessary to restore the client's independence; or

(ii) Will aid in rehabilitating the client or the client's dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(3) The department shall consider any increase in value to exempted stock, raw materials, or inventory as:

(a) Exempt, when the increase is necessary to the health of the enterprise; or

(b) Income, when such increase might reasonably be used towards the client's self-support.

(4) In the absence of an agreed plan, the department shall consider the business assets of a self-employment enterprise, if available and nonexempt, as available to the owner in the amount of the sale value minus encumbrances.

(5) Under an agreed plan, the department shall consider accounts receivable as:

(a) An exempt resource when:

(i) The client makes a diligent effort to collect; or

(ii) If efforts to collect are unsuccessful, the client turns the accounts over to a collection agency;

(b) A nonexempt resource when the client does not meet the requirements in (a) of this subsection; and

(c) Earned income from self-employment, when payment is received.

(6) The department shall consider goodwill as an unavailable resource until the business is sold. Goodwill as used in this section means the reputation and patronage of a company. Goodwill can generally be valued as the amount a company would sell for over the value of its physical property, money owed it, and other assets.

AMENDATORY SECTION (Amending Order 3862, filed 6/28/95, effective 7/29/95)

**WAC 388-216-2650 Resources—Exempt within a ceiling value.** (1) The department shall exempt the equity value of the resources listed below up to the specified ceiling

value. ~~((Consider))~~ Any excess value ~~((as))~~ is a nonexempt resource and ~~((apply))~~ applied to the resource limit of one thousand dollars:

(a) Term or burial insurance, up to a ceiling value of one thousand five hundred dollars per household member;

(b) One used and useful vehicle up to a ceiling value of ~~((one))~~ five thousand ~~((five hundred))~~ dollars per household;

(c) When a vehicle is jointly owned by ~~((an AFDC recipient))~~ a TANF client and an SSI recipient, the equity value of the vehicle is prorated between the owners:

(i) The portion of equity value owned by the SSI recipient is not counted for ~~((AFDC))~~ TANF;

(ii) ~~((Do not count))~~ The portion of equity value owned by the ~~((AFDC))~~ TANF client, up to the ceiling value of ~~((one))~~ five thousand ~~((five hundred))~~ dollars, does not count;

(iii) ~~((Consider))~~ Any portion of the equity value owned by the ~~((AFDC))~~ TANF client in excess of the ceiling value ~~((as))~~ is a nonexempt resource. ~~((Per provisions in))~~ Under WAC 388-216-2000 (3)(b) ~~((consider))~~ nonexempt resources will be considered up to the resource limit of one thousand dollars.

(d) Savings accounts with combined balances of up to an additional three thousand dollars for TANF recipients.

(2) The department shall phase in changes to the ceiling values at the first opportunity, when the department first:

(a) Takes a case action;

(b) Determines eligibility; or

(c) Redetermines eligibility.

AMENDATORY SECTION (Amending Order 3862, filed 6/28/95, effective 7/29/95)

**WAC 388-216-2800 Resources—Value.** "Equity value" means fair market value minus encumbrances (legal debts).

(1) The department shall determine the value of all nonexempt resources according to the resource's equity value. When a vehicle is jointly owned by ~~((an AFDC recipient))~~ a TANF client and an SSI recipient, the equity value of the vehicle is prorated between the owners:

(a) The portion of equity value owned by the SSI recipient is not counted for ~~((AFDC))~~ TANF;

(b) ~~((Do not count))~~ The portion of equity value owned by the ~~((AFDC))~~ TANF client, up to the ceiling value of ~~((one))~~ five thousand ~~((five hundred))~~ dollars, ~~((for the first vehicle))~~ does not count. Do not apply ~~((this rule))~~ to additional vehicles;

(c) ~~((Consider))~~ Any portion of the equity value owned by the ~~((AFDC))~~ TANF client in excess of the ceiling value ~~((as))~~ is a nonexempt resource. ~~((Per provisions in))~~ Under WAC 388-216-2000 (3)(b) ~~((consider))~~ nonexempt resources will be considered up to the resource limit of one thousand dollars.

(2) The department shall reassess the fair market value if the client provides acceptable evidence that:

(a) A good-faith effort has been made to sell the resource at the fair market value determined by the department; and

(b) The current worth of the resource is less than the resource standard.

(3) The department shall:

(a) Use the *National Automobile Dealers Association Official Used Car Guide* to determine the resource value of automobiles. For automobiles listed in this guide, the department shall presume the "average loan" value in the current edition represents the resource value.

(b) Use the *Kelley Bluebook R.V. Guide* to determine the resource value of recreational vehicles. For vehicles listed in this guide, the department shall presume the "wholesale" value in the current edition represents the resource value.

(c) Document the method used to determine the resource value in the case record for vehicles not listed in these guides.

(d) Document evidence in the case record when the values listed in these guides can be overcome by positive evidence to the contrary.

(4) The equity value in the cash discount value of a chattel mortgage or sales contract represents the value of the resource.

**WSR 97-19-014**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed September 5, 1997, 11:27 a.m., effective November 5, 1997]

Date of Adoption: September 5, 1997.

Purpose: **Asbestos, chapter 296-62 WAC, General occupational health standards**, federal-initiated amendments relating to asbestos as published in the Federal Register Volume 61, Number 165, dated August 23, 1996, are adopted and made to be at-least-as-effective-as the federal standard. Some of these changes will establish additional compliance requirements. State-initiated adopted amendments are made to correct errors and clarify existing requirements and do not establish additional compliance requirements.

**WAC 296-62-07711 Regulated areas.** State-initiated amendments are made to:

- Add clarifying language relating to the use of respirators in regulated areas.

**WAC 296-62-07712 Requirements for asbestos activities in construction and shipyard work.** State-initiated amendments are made to:

- Correct a WAC reference.

**WAC 296-62-07715 Respiratory protection.** Federal-initiated amendments are made to:

- Clarify the requirement that employers must inform employees that they may demand the use of a powered air purifying respirator (PAPR) in lieu of a negative pressure respirator.

State-initiated amendments are made to:

- Clarify when respirators must be used during construction activities.

**WAC 296-62-07717 Protective work clothing and equipment.** State-initiated amendments are made to:

- Correct a WAC reference.

**WAC 296-62-07721 Communication of hazards to employees.** Federal-initiated amendments are made to:

- Add a new requirement that employers must ensure that non-English speaking employees understand warning signs and labels.

State-initiated amendments are made to:

- Correct two WAC references.
- Clarify the type of bulk samples that must be analyzed for asbestos.

**WAC 296-62-07725 Medical surveillance.** Federal-initiated amendments are made to:

- Clarify the amount of time an employee must be engaged in asbestos work before medical surveillance is required.

**WAC 296-62-07728 Competent person.** State-initiated amendments are made to:

- Clarify the requirements of a competent person where employees are engaged in Class I or II asbestos work.

**WAC 296-62-07761 Nonasbestiform tremolite, anthophyllite, and actinolite.** State-initiated amendments are made to:

- Repeal this section and the regulations on nonfibrous asbestos since they are not a significant health hazard. (OSHA no longer regulates this type of asbestos.)

**Chapter 296-65 WAC, Safety standards for asbestos removal and encapsulation**, the following state-initiated adopted amendments are made to correct errors and clarify existing requirements and will not establish additional compliance requirements.

**WAC 296-65-001 Purpose and scope.** State-initiated amendments are made to:

- Clarify that this standard applies only to materials containing more than 1% asbestos.

**WAC 296-65-030 Methods of compliance.** State-initiated amendments are made to:

- Clarify when certification of supervisors or employees is required when they are doing Class I, II, III, or IV asbestos work.

**Respiratory protection, chapter 296-62 WAC, General occupational health standards.**

**WAC 296-62-07113 Selection of respirators.** State-initiated amendments are made to:

- Correct errors in Tables 3, 4, and 5. The errors included misspellings, word omissions, and column entry misplacement.

**1,3-Butadiene, chapter 296-62 WAC, General occupational health standards**, federal-initiated adopted amendments relating to 1,3-Butadiene, as published in Federal Register Volume 61, Number 214, dated November 4, 1996, are made to be identical to the federal standard. In addition, state-initiated adopted amendments are made to correct typographical and other minor errors.

**WAC 296-62-07460 1,3-Butadiene.** Federal-initiated amendments are made to:

- Add this new section.
- Set a permissible exposure limit (PEL).
- Require air monitoring of workplaces where the chemical is used.
- Require training and medical monitoring of exposed employees.
- Require the use of respirators when employee exposures exceed the PEL.

**WAC 296-62-075 Air contaminants.** State-initiated amendments are made to:

- Delete a sentence in WAC 296-62-075(3) relating to transitional limits because these limits expired in 1992 and are no longer applicable. (The transitional limits table is deleted as indicated in WAC 296-62-07515 below.)

**WAC 296-62-07501 Airborne contaminants.** State-initiated amendments are made to:

- Correct typographical errors.
  - Delete a reference to Table 2 which has been deleted.
- WAC 296-62-07510 Total particulates.** State-initiated amendments are made to:

- Remove references to Table 2 which has been deleted.

**WAC 296-62-07515 Control of chemical agents.** Federal-initiated amendments are made to:

- Lower the permissible exposure limit of 1,3-Butadiene from 10 part per million (ppm) to 1 ppm. State-initiated amendments are made to correct errors in Table 1: Limits For Air Contaminants as indicated below:
  - Biphenyl - correct the spelling of the word "diphenyl."
  - Carbon dioxide - change 30,00 ppm, to 30,000, in the STEL column to correct a typographical error.
  - Chromic acid and chromates - move the PEL (0.1 mg/m<sup>3</sup>) from the ceiling column to the TWA column.
  - Formaldehyde - correct the PEL in the TWA column from 1 ppm to 0.75 ppm to be identical to the PEL listed in WAC 296-62-07540 (which is the specific regulation for formaldehyde).
  - Mercury (aryl and inorganic) - move the PEL (0.1 ppm) from the ceiling column to the TWA column.
  - Methylene bisphenyl isocyanate (MDI) - delete a duplicate listing for this chemical.
  - Nitrotrichloromethane - correct the spelling of this chemical to "Nitrotrichloromethane."
  - Vinyl cyanid - correct the spelling of this chemical to "Vinyl cyanide."
- Correct typographical errors in Notes g and h at the end of Table 1.
- Delete Table 2 - Transitional Limits, which expired on December 31, 1992.

Citation of Existing Rules Affected by this Order: Amending WAC 296-62-07113 Selection of respirators, 296-62-075 Air contaminants, 296-62-07501 Airborne contaminants, 296-62-07510 Total particulates, 296-62-07515 Control of chemical agents, 296-62-07711 Regulated areas, 296-62-07712 Requirements for asbestos activities in construction and shipyard work, 296-62-07715, Respiratory protection, 296-62-07717, Protective work clothing and equipment, 296-62-07721 Communication of hazards to employees, 296-62-07725 Medical surveillance, 296-62-07728 Competent person, 296-65-001 Purpose and scope, and 296-65-030 Methods of compliance; and repealing WAC 296-62-07761 Nonasbestiform tremolite, anthophyllite, and actinolite.

Statutory Authority for Adoption: RCW 49.17.040, [49.17.]050, [49.17.]060.

Adopted under notice filed as WSR 97-09-079 on April 22, 1997.

Changes Other than Editing from Proposed to Adopted Version: The adopted rules are identical to the rules proposed for adoption. **Please note:** Proposed amendments relating to grain handling facilities, which also went to hearing on June 4, 1997, are not being adopted at the present

time. Amendments to grain handling facilities (chapter 296-99 WAC) will be filed for adoption at a later date.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 14, repealed 1; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: November 5, 1997.

September 5, 1997

Gary Moore  
Director

**AMENDATORY SECTION** (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

**WAC 296-62-07113 Selection of respirators.** (1) General considerations. Proper selection of respirators shall be made in accordance with the classification, capabilities, and limitations listed in tables I through IV of this section. Additional guidance may be obtained by referring to American National Standard Practices for Respiratory Protection Z88.2 - 1980.

(2) Respirator protection factor (PF). Respirators shall be selected according to the characteristics of the hazards involved, the capabilities and limitations of the respirators, and the ability of each respirator wearer to obtain a satisfactory fit with a respirator. Taking into account the capabilities and limitations of respirators and the results of respirator-fitting tests, a table of respirator protection factors has been prepared (see Table V). A respirator protection factor is a measure of the degree of protection provided by a respirator to a wearer. Multiplying either (a) the permissible time-weighted average concentration or the permissible ceiling concentration, whichever is applicable, for a toxic substance, or (b) the maximum permissible airborne concentration for a radionuclide by a protection factor assigned to a respirator gives the maximum concentration of the hazardous substance in which the respirator can be used. Limitations of filters, cartridges, and canisters also shall be considered (see Table V).

(3) Respirator-fitting tests. A qualitative or quantitative respirator-fitting test shall be used to determine the ability of each individual respirator wearer to obtain a satisfactory fit with a negative-pressure respirator. The results of qualitative or quantitative respirator fitting-tests shall be used to select specific types, makes, and models of negative-pressure respirators for use by individual respirator wearers. A respirator-fitting test shall be carried out for each wearer of a negative-pressure respirator equipped with a facepiece. Respirator-fitting tests shall not be required for positive-pressure respirators or for mouthpiece respirators.

(a) Qualitative respirator-fitting test - A person wearing a respirator is exposed to an irritant smoke, an odorous vapor, or other suitable test agent. An air-purifying respirator must be equipped with an air-purifying element(s) which effectively removes the test agent from inspired air. If the respirator wearer is unable to detect penetration of the test agent into the respirator, the respirator wearer has achieved a satisfactory fit with the respirator.

(b) Quantitative respirator-fitting test - A person wears a respirator in a test atmosphere containing a test agent in the form of an aerosol, vapor, or gas. Instrumentation, which samples the test atmosphere and the air inside the respiratory-inlet covering of the respirator, is used to measure quantitatively the penetration of the test agent into the respiratory-inlet covering.

(c) When carrying out a qualitative or quantitative respirator-fitting test, the respirator wearer shall carry out a series of exercises which simulate work movements.

(d) When carrying out respirator-fitting tests, it shall be an acceptable procedure to make the following modifications to respirators provided that such modifications do not affect the seal of the respirators to wearers.

(i) When carrying out a qualitative or quantitative respirator-fitting test which uses an aerosol as the test agent, it shall be acceptable procedure to equip an air-purifying respirator with a high-efficiency filter.

(ii) When carrying out a qualitative or quantitative respirator-fitting test which uses a vapor or gas as the test agent, it shall be acceptable procedure to equip an air-purifying respirator with an appropriate cartridge or canister which removes the vapor or gas from air.

(iii) When carrying out a quantitative respirator-fitting test, it shall be acceptable procedure to attach a sampling probe to the respirator which is connected by flexible tubing to an instrument which measures the penetration of the test agent into the respirator.

(e) If a qualitative respirator-fitting test has been used in respirator selection, a person shall be allowed to use only the specific make(s) and model(s) of respirator(s) for which the person obtained a satisfactory fit, and the respirator protection factor listed under "qualitative test" in Table V shall apply. Under no circumstances shall a person be allowed to use any respirator for which the results of the qualitative respirator fitting test indicate that the person is unable to obtain a satisfactory fit.

(f) If a quantitative respirator-fitting test has been used in selecting a respirator, the test results shall be used to assign a respirator protection factor to each person for each specific make and model of respirator tested. The assigned respirator protection factor shall be applied when the person wears the specific respirator in a hazardous atmosphere, but it shall not exceed the respirator protection factor listed under "quantitative test" in table V for the particular type of respirator.

(4) Respirator-fitting test records. Records of respirator-fitting tests shall be kept for at least the duration of employment. These records shall include the following information:

- (a) Type of respirator-fitting test used;
- (b) Specific make and model of respirator tested;
- (c) Name of person tested;
- (d) Name of test operator;
- (e) Date of test;

(f) Results of respirator-fitting tests;

(i) Success or failure of person to obtain satisfactory fit if a qualitative respirator-fitting test was carried out.

(ii) Respirator protection factor based upon test results if a quantitative respirator-fitting test was carried out.

(5) Face dimensions and facepiece sizes. The wide range of face dimensions may require more than a single size of respirator facepiece to provide a proper fit to all respirator users. Therefore, respirator facepieces of more than one size should be available in any respirator-selection program involving respirators equipped with facepieces.

**Table 1**  
**Classification of Respiratory Hazards According to Their Biological Effect**

Oxygen Deficiency	Gas and Vapor Contaminants	Particulate Contaminants (Dust, fog, fume, mist, smoke, and spray)
<p>Minimum legal requirements: 19.5% by volume for respirable air at-sea-level conditions. (See Note 1.)</p> <p>Occurrence: Confined or unventilated cellars, wells, mines, ship holds, tanks, burning buildings, and enclosures containing inert atmospheres.</p> <p>Atmospheric oxygen content (percent by volume) versus expected conditions:</p> <p>20.9%: Oxygen content of normal air at sea-level conditions.</p> <p>Oxygen Volume Percent at Sea Level</p> <p>Physiological Effects</p> <p>16%-12% Loss of peripheral vision, increased breathing volume, accelerated heartbeat, impaired attention and thinking, impaired coordination.</p> <p>12%-10% Very faulty judgment, very poor muscular coordination, muscular exertion causes fatigue that may cause permanent heart damage, intermittent respiration.</p> <p>10%-6% Nausea, vomiting, inability to perform vigorous movement, unconsciousness followed by death.</p> <p>Less than 6% Spasmodic breathing, convulsive movements, death in minutes.</p>	<p>Asphyxiants: Interfere with utilization of oxygen in the body.</p> <p>Simple asphyxiants: Physiologically inert substances that dilute oxygen in the air (for example: nitrogen, hydrogen, helium, methane). See Oxygen Deficiency, Column 1.</p> <p>Chemical asphyxiants: Low concentrations interfere with supply or utilization of oxygen in the body (for example: carbon monoxide, hydrogen cyanide, cyanogen, and nitriles).</p> <p>Irritants: Corrosive in action. May cause irritation and inflammation of parts of the respiratory system (also skin and eyes) and pulmonary edema (for example: ammonia hydrogen chloride, formaldehyde, sulfur dioxide, chlorine, ozone, nitrogen dioxide, phosgene, and arsenic trichloride).</p> <p>Anesthetics: Causes loss of feeling and sensation with unconsciousness and death possible (for example: nitrous oxide, hydrocarbons and ethers). Some anesthetics injure body organs (for example: carbon tetrachloride (liver and kidneys), chloroform (liver and heart), benzene (bone marrow), and carbon disulfide (nervous system)).</p> <p>Sensitizers: Cause increased probability of physiological reactions (for example: isocyanates, epoxy resin systems).</p> <p>Systemic poisons: Damage organs and systems in the body (for example: mercury (nervous system and various organs), phosphorus (bone), hydrogen sulfide (respiratory paralysis), and arsine (red blood cells and liver)).</p> <p>Carcinogens: produce cancer in some individuals after a latent period (for example: vinyl chloride, benzene).</p> <p>Combination of Gas, Vapor, and Particulate Contaminants</p> <p>Combinations of contaminants may occur simultaneously in the atmosphere. Contaminants may be entirely different substances (dusts and gases from blasting) or the particulate and vapor forms of the same substance. Synergistic effects (joint action of two or more agents that results in an effect which is greater than the sum of their individual effects) may occur. Such effects may require extraordinary protective measures.</p>	<p>Relatively inert: May cause discomfort and minor irritation, but generally without injury at reasonable concentrations (for example: marble, gypsum).</p> <p>Pulmonary-fibrosis-producing: produce nodulation and fibrosis in the lung, possibly leading to complications (for example: quartz, asbestos).</p> <p>Carcinogens: Produce cancer in some individuals after latent period (for example: asbestos, chromates, radioactive particulates).</p> <p>Chemical irritants: Produce irritation, inflammation, and ulceration in the upper respiratory tract (for example: acidic mists, alkalies).</p> <p>Systemic poisons: Produce pathologic reactions in various systems of the body (for example: lead, manganese, cadmium).</p> <p>Allergy-producing: Produce reactions such as itching, sneezing, and asthmas (for example: pollens, spices, and animal fur).</p> <p>Febrile-reaction-producing: Produce chills followed by fever (for example: fumes of zinc and copper).</p>

NOTE 1: See definition in WAC 296-62-07105 for "oxygen deficiency - not immediately dangerous to life or health" and "oxygen deficiency - immediately dangerous to life or health."

**Table 2**  
**Classification of Respiratory Hazards According to Their Properties Which Influence Respirator Selection**

Gas and Vapor Contaminants	Particulate Contaminants
<p>Inert: Substances that do not react with other substances under most conditions, but create a respiratory hazard by displacing air and</p>	<p>Particles are produced by mechanical means by disintegration processes such as grinding, crushing, drilling, blasting, and spraying; or by physio-</p>

producing oxygen deficiency (for example: helium, neon, argon).

**Acidic:** Substances that are acids or that react with water to produce an acid. In water, they produce positively charged hydrogen ions (H<sup>+</sup>) and a pH of less than 7. They taste sour, and many are corrosive to tissues (for example: hydrogen chloride, sulfur dioxide, fluorine, nitrogen dioxide, acetic acid, carbon dioxide, hydrogen sulfide, and hydrogen cyanide).

**Alkaline:** Substances that are alkalis or that react with water to produce an alkali. In water, they result in the production of negatively charged hydroxyl ions (OH<sup>-</sup>) and a pH greater than 7. They taste bitter, and many are corrosive to tissues (for example: ammonia, amines, phosphine, arsine, and stibine).

**Organic:** The components of carbon. Examples are saturated hydrocarbons (methane, ethane, butane) unsaturated hydrocarbons (ethylene, acetylene) alcohols (methyl ether, ethyl ether) aldehydes (formaldehyde), ketones (methyl ketone), organic acids (formic acid, acetic acid), halides (chloroform, carbon tetrachloride), amides (formamide, acetamide), nitriles (acetonitrile), isocyanates (toluene diisocyanate), amines (methylamine), epoxies (epoxyethane, propylene oxide), and aromatics (benzene, toluene, xylene).

**Organometallic:** Compounds in which metals are chemically bonded to organic groups (for example: ethyl silicate, tetraethyl lead, and organic phosphate).

**Hydrides:** Compounds in which hydrogen is chemically bonded to metals and certain other elements (for example: diborane and tetraborane).

chemical reactions such as combustion, vaporization, distillation, sublimation, calcination, and condensation. Particles are classified as follows:

**Dust:** A solid, mechanically produced particle with sizes varying from submicroscopic to visible or macroscopic.

**Spray:** A liquid, mechanically produced particle with sizes generally in the visible or macroscopic range.

**Fume:** A solid condensation particle of extremely small particle size, generally less than one micrometer in diameter.

**Mist:** A liquid condensation particle with sizes ranging from submicroscopic to visible or macroscopic.

**Fog:** A mist of sufficient concentration to perceptibly obscure vision.

**Smoke:** A system which includes the products of combustion, pyrolysis, or chemical reaction of substances in the form of visible and invisible solid and liquid particles and gaseous products in air. Smoke is usually of sufficient concentration to perceptibly obscure vision.

**Table 3**  
**Classification and Description of Respirators by Mode of Operation**

<b>((Air)) Atmosphere-Supplying Respirators</b>		<b>Air-Purifying Respirators</b>	
<p>A respirable atmosphere independent of the ambient air is supplied to the wearer.</p> <p><b>Self-Contained Breathing Apparatus (SCBA)</b></p> <p>A supply of air, oxygen, or oxygen-generated material is carried by the wearer. Normally equipped with full facepiece, but may be equipped with a quarter-mask facepiece, half-mask facepiece, helmet, hood or mouthpiece and nose clamp.</p> <p>(1) Closed-Circuit SCBA (oxygen only, negative pressure<sup>a</sup> or positive pressure<sup>b</sup>).</p> <p>(a) Compressed liquid oxygen type. Equipped with a facepiece or mouth-piece and nose clamp. High-pressure oxygen from a gas cylinder passes through a high-pressure reducing valve, and in some designs, through a low-pressure admission valve to a breathing bag or container. Liquid oxygen is converted to low-pressure gaseous oxygen and delivered to the breathing bag. The wearer inhales from the bag through a corrugated tube connected to a mouthpiece or facepiece and a one-way check valve. Exhaled air passes through another check valve and tube into a container of carbon-dioxide removing chemical and reenters the breathing bag. Make-up oxygen enters the bag continuously or as</p>		<p>Ambient air, prior to being inhaled, is passed through a filter, cartridge, or canister which removes particles, vapors, gases, or a combination of these contaminants. The breathing action of the wearer operates the nonpowered type of respirator. The powered type contains a blower-stationary or carried by the wearer - which passes ambient air through an air-purifying component and then supplies purified air to the respirator-inlet covering. The nonpowered type is equipped with a facepiece or mouth-piece and nose clamp. The powered type is equipped with a facepiece, helmet, hood, or suit.</p> <p><b>Vapor-and-Gas-Removing Respirators</b>      <b>Particulate-Removing Respirators</b></p> <p>Equipped with cartridge(s) or canister(s) to remove a single vapor or gas (for example: chlorine gas), a single class of vapors or gases (for example: organic vapors), or a combination of two or more classes of vapors or gases (for example: organic vapors and acidic gases) from air.</p> <p>Equipped with filter(s) to remove a single type of particulate matter (for example: dust) or a combination of two or more types of particulate matter (for example: dust and fume) from air. Filter may be a replaceable part or a permanent part of the respirator. Filter may be of the single-use or the reusable type.</p>	
<p><b>Supplied-Air Respirators</b></p> <p>(1) Hose Mask</p> <p>Equipped with a facepiece, breathing tube, rugged safety harness, and large-diameter heavy-duty non-kinking air-supply hose. The breathing tube and air-supply hose are securely attached to the harness. The facepiece is equipped with an exhalation valve. The harness has provision for attaching a safety line.</p> <p>(a) Hose mask with blower. Air is supplied by a motor-driven or hand-operated blower. The wearer can continue to inhale through the hose if the blower fails. Up to 300 feet (91 meters) of hose length is permissible.</p> <p>(b) Hose mask without blower. The wearer provides motivating force to pull air through the hose. The hose inlet is anchored and fitted with a funnel or like object covered with a fine mesh screen to prevent entrance of course particulate matter. Up to 75 feet (23 meters) of hose length</p>		<p><b>Combination Particulate-and Vapor-and Gas-Removing Respirators</b></p> <p>Equipped with cartridge(s) or canister(s) to remove particulate matter, vapors and gases from air. The filter may be a permanent part or a replaceable part of a cartridge or canister.</p>	

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the bag deflates sufficiently to actuate an admission valve. A pressure-relief system is provided, and a manual bypass and saliva trap may be provided depending upon the design.

(b) Oxygen-generating type. Equipped with a facepiece or mouth-piece and nose clamp. Water vapor in the exhaled breath reacts with chemical in the canister to release oxygen to the breathing bag. The wearer inhales from the bag through a corrugated tube and one-way check valve at the facepiece.

Exhaled air passes through a second check valve/breathing tube assembly into the canister. The oxygen-release rate is governed by the volume of exhaled air. Carbon dioxide in the exhaled breath is removed by the canister fill.

(2) Open-Circuit (SCBA) (compressed air, compressed oxygen, liquid air, liquid oxygen). A bypass system is provided in case of regulator failure except on escape-type units.

(a) Demand-type.<sup>c</sup> Equipped with a facepiece or mouthpiece and nose clamp. The demand valve permits oxygen or air flow only during inhalation. Exhaled breath passes to ambient atmosphere through a valve(s) in the facepiece.

(b) Pressure-demand type.<sup>d</sup> Equipped with a facepiece only. Positive pressure is maintained in the facepiece. The apparatus may have provision for the wearer to select the demand or pressure-demand mode of operation, in which case the demand mode should be used only when donning or removing the apparatus.

#### Combination Air-Line Respirators with Auxiliary Self-Contained Air Supply

Includes an air-line respirator with an auxiliary self-contained air supply. To escape from a hazardous atmosphere in the event the primary air supply fails to operate, the wearer switches to the auxiliary self-contained air supply. Devices approved for both entry into and escape from dangerous atmospheres have a low-pressure warning alarm and contain at least a 15-minute self-contained air supply.

is permissible.

(2) Air-Line Respirator  
Respirable air is supplied through a small-diameter hose from a compressor or compressed-air cylinder(s). The hose is attached to the wearer by a belt or other suitable means and can be detached rapidly in an emergency. A flow-control valve or orifice is provided to govern the rate of air flow to the wearer. Exhaled air passes to the ambient atmosphere through a valve(s) or opening(s) in the enclosure (facepiece, helmet, hood, or suit). Up to 300 feet (91 meters) of hose length is permissible.

(a) Continuous-flow class. Equipped with a facepiece, hood, helmet, or suit. At least 115 liters (four cubic feet) of air per minute to tight-fitting facepieces and 170 liters (six cubic feet) of air per minute to loose fitting helmets, hoods and suits is required. Air is supplied to a suit through a system of internal tubes to the head, trunk and extremities through valves located in appropriate parts of the suit.

(b) Demand type.<sup>c</sup> Equipped with a facepiece only. The demand valve permits flow of air only during inhalation.

(c) Pressure-demand type.<sup>d</sup> Equipped with a facepiece only. A positive pressure is maintained in the facepiece.

#### Combination Atmosphere-Supplying and Air-Purifying Respirators

Provide the wearer with the option of using either of two different modes of operation: (1) an atmosphere-supplying respirator with an auxiliary air-purifying attachment which provides protection in the event the air supply fails or (2) an air-purifying respirator with an auxiliary self-contained air supply which is used when the atmosphere may exceed safe conditions for use of an air-purifying respirator.

- 
- a Device produces negative pressure in respiratory-inlet covering during inhalation.
- b Device produces positive pressure in respiratory-inlet covering during both inhalation and exhalation.
- c Equipped with a demand valve that is activated on initiation of inhalation and permits the flow of breathing atmosphere to the facepiece. On exhalation, pressure in the facepiece becomes positive and the demand valve is deactivated.
- d A positive pressure is maintained in the facepiece by a spring-loaded or balanced regulator and exhalation valve.
-

**Table 4**  
**Capabilities and Limitations of Respirators**

Atmosphere-Supplying Respirators	Air-Purifying Respirators
(See WAC 296-62-07111 for specifications on respirable atmospheres.)	General limitations: Air-purifying respirators do not protect against oxygen-deficient atmospheres nor against skin irritation by, or sorption through the skin of airborne contaminants.
<p>Atmosphere-supplying respirators provide protection against oxygen deficiency and toxic atmospheres. The breathing atmosphere is independent of ambient atmospheric conditions.</p> <p>General limitations: Except for some air-line suits, no protection is provided against skin irritation by materials such as ammonia and hydrogen chloride, or against sorption of materials such as hydrogen cyanide, tritium, or organic phosphate pesticides through the skin. Facepieces present special problems to individuals required to wear prescription lenses. Use of atmosphere-supplying respirators in atmospheres immediately dangerous to life or health is limited to specific devices under specified conditions (see Table 5.)</p>	<p>The maximum contaminant concentration against which an air-purifying respirator will protect is determined by the design efficiency and capacity of the cartridge, canister, or filter and the facepiece-to-face seal on the user. For gases and vapors, the maximum concentration for which the air-purifying element is designed is specified by the manufacturer or is listed on labels of cartridges and canisters.</p>
Self-Contained Breathing Apparatus (SCBA)	Nonpowered air-purifying respirators will not provide the maximum design protection specified unless the facepiece or mouthpiece/nose clamp is carefully fitted to the wearer's face to prevent inward leakage (WAC 296-62-07115(4)). The time period over which protection is provided is dependent on canister, cartridge, or filter type; concentration of contaminant; humidity levels in the ambient atmosphere; and the wearer's respiratory rate.
Supplied-Air Respirators	The proper type of canister, cartridge, or filter must be selected for the particular atmosphere and conditions. Nonpowered air-purifying respirators may cause discomfort due to a noticeable resistance to inhalation. This problem is minimized in powered respirators. Respirator facepieces present special problems to individuals required to wear prescription lenses. These devices do have the advantage of being small, light, and simple in operation.
<p>The wearer carries his own breathing atmosphere.</p> <p>Limitations: The period over which the device will provide protection is limited by the amount of air or oxygen in the apparatus, the ambient atmospheric pressure (service life of open-circuit devices is cut in half by a doubling of the atmospheric pressure), and the type of work being performed. Some SCBA devices have a short service life (less than 15 minutes) and are suitable only for escape (self-rescue) from an irreparable atmosphere.</p> <p>Chief limitations of SCBA devices are their weight or bulk, or both, limited service life, and the training requirements for their maintenance and safe use.</p>	<p>Use of air-purifying respirators in atmospheres immediately dangerous to life or health is limited to specific devices under specified conditions (See Table 5).</p>
<p>(1) Closed-Circuit SCBA The closed-circuit operation conserves oxygen and permits longer service life at reduced weight.</p> <p>The negative-pressure type produces a negative pressure in the respiratory-inlet covering during inhalation, and this may permit inward leakage of contaminants; whereas the positive-pressure type always maintains a positive pressure in the respiratory-inlet covering and is less apt to permit inward leakage of contaminants.</p>	Vapor and Gas-Removing Respirators
<p>(2) Open Circuit SCBA.</p> <p>The demand type produces a negative pressure in the respiratory-inlet covering during inhalation, whereas the pressure-demand type maintains a positive pressure in the respiratory-inlet covering and is less apt to permit inward leakage of contaminants.</p>	Particulate-Removing Respirators
<p>(1) Hose Mask. The hose inlet or blower must be located and secured in a respirable atmosphere.</p> <p>(a) Hose mask with blower. If the blower fails, the unit still provides protection, although a negative pressure exists in the facepiece during inhalation.</p> <p>(b) Hose mask without blower. Maximum hose length may restrict application of device.</p> <p>(2) Air-Line Respirator (Continuous Flow, Demand and Pressure-Demand Types). The demand type produces a negative pressure in the facepiece on inhalation, whereas continuous-flow and pressure-demand types maintain a positive-pressure in the respirator-inlet covering and are less apt to permit inward leakage of contaminants.</p> <p>Air-line suits may protect against atmospheres that irritate the skin or that may be absorbed through the unbroken skin.</p> <p>Limitations: Air-line respirators provide no protection if the air supply fails. Some contaminants, such as tritium, may penetrate the</p>	<p>Limitations: No protection is provided against particulate contaminants. A rise in canister or cartridge temperature indicates that a gas or vapor is being removed from the inspired air.</p> <p>An uncomfortably high temperature indicates a high concentration of gas or vapor and requires an immediate return to fresh air.</p> <p>Use should be avoided in atmospheres where the contaminant(s) lack sufficient warning properties (that is: odor, taste, or irritation at a concentration in air at or above the permissible exposure limit). ((f))Vapor- and gas-removing respirators are not approved for contaminants that lack adequate warning properties.</p> <p>Not for use in atmospheres immediately dangerous to life or health unless the device is a powered-type respirator with escape provisions (see Table 5).</p>
	<p>(1) Full Facepiece Respirator. Provides protection against eye irritation in addition to respiratory protection.</p> <p>(2) Quarter-Mask and Half-Mask Facepiece Respirator. A fabric covering (facelet) available from some manufacturers shall not be used unless approved for use with respirator.</p> <p>(3) Mouthpiece Respirator. Shall be used only for escape applications. Mouth breathing prevents detection of contaminant by odor. Nose clamp must be securely in place to prevent nasal breathing.</p> <p>(2) Quarter-Mask and Half-Mask Face- A small, lightweight device that</p>

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material of an air-line suit and limit its effectiveness.

Other contaminants, such as fluorine, may react chemically with the material of an air-line suit and damage it.

piece Respirator. A fabric covering (facelet) available from some manufacturers shall not be used.

can be donned quickly.

(3) Mouthpiece Respirator. Shall be used only for escape application. Mouth breathing prevents detection of contaminant by odor. <sup>1</sup>Nose clamp must be securely in place to prevent ~~((prevent))~~ nasal breathing.

A small lightweight device that can be donned quickly.

Combination Particulate-and-Vapor-and Gas-Removing Respirators

The advantages and disadvantages of the component sections of the combination respirator as described above apply.

Combination Atmosphere-Supplying and Air-Purifying Respirators

The advantages and disadvantages, expressed above, of the mode of operation being used will govern. The mode with the greater limitations (air-purifying mode) will mainly determine the overall capabilities and limitations of the respirator, since the wearer may for some reason fail to change the mode of operation even though conditions would require such a change.

Combination Airline Respirators with Auxiliary ((SC)) SCBA Air Supply

The auxiliary self-contained air supply on this type of device allows the wearer to escape from a dangerous atmosphere. This device with auxiliary self-contained air supply is approved for escape and may be used for entry when it contains at least 15-minute auxiliary self-contained air supply. (See Table 5).

Table 5  
Respirator Protection Factors<sup>a</sup>

Type of Respirator	Permitted for Use in Oxygen-Deficient Atmosphere	Permitted for Use in Immediately-Dangerous-to-Life-or-Health Atmosphere <sup>f</sup>	Qualitative Test	Quantitative Test
Particulate-filter quarter-mask or half-mask facepiece <sup>b,c</sup>	No	No	10	As measured on each person with maximum of 100.
Vapor- or gas-removing, quarter-mask or half-mask facepiece <sup>c</sup>	No	No	10, or maximum use limit of cartridge or canister for vapor or gas, whichever is less	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or gas <sup>i,j</sup> , whichever is less.
Combination particulate-filter and vapor- or gas-removing, quarter-mask or half-mask facepiece <sup>b,c</sup>	No	No	10, or maximum use limit of cartridge or canister for vapor or gas, whichever is less	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or gas <sup>i,j</sup> , whichever is less.
Particulate-filter, full facepiece <sup>b</sup>	No	No	100	As measured on each person with maximum of 100 if dust, fume, or mist filter is used or maximum of 1,000 if high-efficiency filter is used.
Vapor- or gas-removing, full facepiece	No	No	100, or maximum use limit of cartridge or canister for vapor or gas, whichever is less	As measured on each person with maximum of 1000, or maximum use limit of cartridge or canister for vapor or gas <sup>i,j</sup> , whichever is less.
Combination particulate-filter and vapor- or gas-removing, full facepiece <sup>b</sup>	No	No	100, or maximum use limit of cartridge or canister for vapor or gas, whichever is less	As measured on each person with maximum of 100 if dust, fume, or mist filter is used and maximum of 1,000 if high-efficiency filter is used, or maximum use limit of cartridge or canister for vapor or gas <sup>i,j</sup> , whichever is less.
Powered particulate-filter, any respiratory-inlet covering <sup>b,c,d</sup>	No	No (yes, if escape provisions are provided <sup>d</sup> )	NA No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 100 if dust, fume, or mist filter is used and 3,000 if high-efficiency filter is used.	NA
Powered vapor- or gas-removing, any respiratory-inlet covering <sup>c,d</sup>	No	No (yes, if escape provisions are provided <sup>d</sup> )	NA No tests are required due to positive-pressure operation <del>((or))</del> of respirator. The maximum protection factor is 3,000 or maximum use limit of cartridge or canister for vapor or gas <sup>i,j</sup> , whichever is less.	NA
Powered combination particulate-filter and vapor-	No	No (yes, if escape provisions are provided <sup>d</sup> )	NA No tests are required due to positive-pressure operation of respirator.	NA

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or gas-removing, any respirator-inlet covering<sup>b,c,d</sup>

The maximum protection factor is 100 if dust, fume, or mist filter is used and 3,000 if high-efficiency filter is used, or maximum use limit of cartridge or canister for vapor of gas<sup>i,j</sup>, whichever is less.

Air-line, demand, quarter-mask or half-mask facepiece, with or without escape provisions <sup>c,e</sup>	Yes <sup>f</sup>	No	10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Air-line, demand, full face-piece, with or without escape provisions <sup>e</sup>	Yes <sup>f</sup>	No	100	As measured on each person but limited to the use of the respirators in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Air-line, continuous-flow or pressure-demand type, any facepiece without escape provisions <sup>c</sup>	Yes <sup>f</sup>	No	NA	NA No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Air-line, continuous-flow or pressure-demand type, any facepiece with escape provisions <sup>c,e</sup>	Yes <sup>g</sup>	Yes	NA	NA No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus <sup>h</sup> .
Air-line, continuous flow, helmet, hood, or suit, without escape provisions	Yes <sup>f</sup>	No	NA	NA No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Air-line, continuous flow, helmet, hood, or suit, with escape provisions <sup>e</sup>	Yes <sup>g</sup>	No	NA	NA No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus <sup>h</sup> .
Hose mask, with or without blower, full facepiece	Yes <sup>f</sup>	No	10	As measured on each person, but limited to the use of the respirators in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Self-contained breathing apparatus, demand-type open-circuit, or negative-pressure-type closed-circuit quarter-mask or half-mask facepiece <sup>c</sup>	Yes <sup>f</sup>	No	10	As measured on each person, but limited to the use of the respirators in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Self-contained breathing apparatus, demand-type open-circuit, or negative-pressure-type closed-circuit, full facepiece or mouthpiece/nose clamp <sup>c</sup>	Yes <sup>l</sup> (Yes <sup>g</sup> , if respirator is used for mine rescue and mine recovery operations.)	No (Yes if respirator is used for mine rescue and mine recovery operations.)	100	As measured on each person, but limited to the use of the respirators in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values, except when the respirator is used for mine rescue and mine recovery operations.
Self-contained breathing apparatus, pressure-demand type open-circuit, or positive-pressure-type closed-circuit quarter-mask or half-mask facepiece or mouthpiece/nose clamp <sup>c</sup>	Yes <sup>g</sup>	Yes	NA	NA No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus <sup>h</sup> .

Combination respirators. The type and mode of operation having the lowest respirator protection factor shall be applied to the Combination Respirator not listed.

N/A means not applicable since a respirator-fitting test is not carried out.

a A respirator protection factor is a measure of the degree of protection provided by a respirator to a respirator wearer. Multiplying the permissible time-weighted average concentration or the permissible ceiling concentration, whichever is applicable, for a toxic substance, or the maximum permissible airborne concentration for a radionuclide, by a protection factor assigned to a respirator gives the maximum concentration of the hazardous substance for which the respirator can be used. Limitations of filters, cartridges, and canisters used in air-purifying respirators shall be considered in determining protection factors.

b When the respirator is used for protection against airborne particulate matter having a permissible time-weighted average concentration less than 0.05 milligram particulate matter per cubic meter of air or less than 2 million particles per cubic foot of air, or for protection against airborne radionuclide particulate matter, the respirator shall be equipped with a high-efficiency filter(s).

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- c If the air contaminant causes eye irritation, the wearer of a respirator equipped with a quarter-mask or half-mask facepiece or mouthpiece and nose clamp shall be permitted to use a protective goggle or to use a respirator equipped with a full facepiece. Mouthpiece and nose clamp respirators are approved by NIOSH only for escape from IDLH atmospheres.
- d If the powered air-purifying respirator is equipped with a facepiece, the escape provision means that the wearer is able to breathe through the filter, cartridge, or canister and through the pump. If the powered air-purifying respirator is equipped with a helmet, hood, or suit, the escape provision shall be an auxiliary self-contained supply of respirable air.
- e The escape provision shall be an auxiliary self-contained supply of respirable air.
- f For definition of "oxygen deficiency-not immediately dangerous to life or health" see WAC 296-62-07105.
- g For definition of "oxygen deficiency-immediately dangerous to life or health" see WAC 296-62-07105.
- h The protection factor measurement exceeds the limit of sensitivity of the test apparatus. Therefore, the respirator has been classified for use in atmospheres having unknown concentrations of contaminants.
- i The service life of a vapor-or-gas removing cartridge canister depends on the specific vapor or gas, the concentration of the vapor or gas in air, the temperature and humidity of the air, the type and quantity of the sorbent in the cartridge or canister, and the activity of the respirator wearer. Cartridges and canisters may provide only very short service lives for certain vapors and gases. Vapor/gas service life testing is recommended to ensure that cartridges and canisters provide adequate service lines. Reference should be made to published reports which give vapor/gas life data for cartridges and canisters.
- j Vapor-and-gas removing respirators are not approved for contaminants that lack adequate warning properties of odor, irritation, or taste at concentrations in air at or above the permissible exposure limits.

Note: Respirator protection factors for air-purifying-type respirators equipped with a mouthpiece/nose clamp form of respirator-inlet covering are not given, since such respirators are approved only for escape purposes.

## NEW SECTION

**WAC 296-62-07460 Butadiene.** (1) Scope and application.

(a) This section applies to all occupational exposures to 1,3-Butadiene (BD), Chemical Abstracts Service Registry No. 106-99-0, except as provided in (b) of this subsection.

(b)(i) Except for the recordkeeping provisions in subsection (13)(a) of this section, this section does not apply to the processing, use, or handling of products containing BD or to other work operations and streams in which BD is present where objective data are reasonably relied upon that demonstrate the work operation or the product or the group of products or operations to which it belongs may not reasonably be foreseen to release BD in airborne concentrations at or above the action level or in excess of the STEL under the expected conditions of processing, use, or handling that will cause the greatest possible release or in any plausible accident.

(ii) This section also does not apply to work operations, products or streams where the only exposure to BD is from liquid mixtures containing 0.1% or less of BD by volume or the vapors released from such liquids, unless objective data become available that show that airborne concentrations generated by such mixtures can exceed the action level or STEL under reasonably predictable conditions of processing, use or handling that will cause the greatest possible release.

(iii) Except for labeling requirements and requirements for emergency response, this section does not apply to the storage, transportation, distribution or sale of BD or liquid mixtures in intact containers or in transportation pipelines sealed in such a manner as to fully contain BD vapors or liquids.

(c) Where products or processes containing BD are exempted under (b) of this subsection, the employer shall maintain records of the objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in subsection (13)(a) of this section.

(2) Definitions: For the purpose of this section, the following definitions shall apply:

"Action level" means a concentration of airborne BD of 0.5 ppm calculated as an 8-hour time-weighted average.

"Director" means the director of the department of labor and industries, or authorized representatives.

"Authorized person" means any person specifically designated by the employer, whose duties require entrance into a regulated area, or a person entering such an area as a designated representative of employees to exercise the right to observe monitoring and measuring procedures under subsection (4)(h) of this section, or a person designated under the WISH Act or regulations issued under the WISH Act to enter a regulated area.

"1,3-Butadiene" means an organic compound with chemical formula  $\text{CH}_2=\text{CH}-\text{CH}=\text{CH}_2$  that has a molecular weight of approximately 54.15 gm/mole.

"Business day" means any Monday through Friday, except those days designated as federal, state, local or company specific holidays.

"Complete blood count (CBC)" means laboratory tests performed on whole blood specimens and includes the following: White blood cell count (WBC), hematocrit (Hct), red blood cell count (RBC), hemoglobin (Hgb), differential count of white blood cells, red blood cell morphology, red blood cell indices, and platelet count.

"Day" means any part of a calendar day.

"Emergency situation" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment that may or does result in an uncontrolled significant release of BD.

"Employee exposure" means exposure of a worker to airborne concentrations of BD which would occur if the employee were not using respiratory protective equipment.

"Objective data" means monitoring data, or mathematical modelling or calculations based on composition, chemical and physical properties of a material, stream or product.

"Permissible exposure limits (PELs)" means either the 8-hour time-weighted average (8-hr TWA) exposure or the short-term exposure limit (STEL).

"Physician or other licensed health care professional" is an individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently provide or be delegated the responsibility to provide one or more of the specific health care services required by (k) of this subsection.

"Regulated area" means any area where airborne concentrations of BD exceed or can reasonably be expected to exceed the 8-hour time-weighted average (8-hr TWA) exposure of 1 ppm or the short-term exposure limit (STEL) of 5 ppm for 15 minutes.

"This section" means this 1,3-butadiene standard.

(3) Permissible exposure limits (PELs).

(a) Time-weighted average (TWA) limit. The employer shall ensure that no employee is exposed to an airborne concentration of BD in excess of one part BD per million parts of air (ppm) measured as an eight (8)-hour time-weighted average.

(b) Short-term exposure limit (STEL). The employer shall ensure that no employee is exposed to an airborne concentration of BD in excess of five parts of BD per million parts of air (5 ppm) as determined over a sampling period of fifteen minutes.

(4) Exposure monitoring.

(a) General.

(i) Determinations of employee exposure shall be made from breathing zone air samples that are representative of the 8-hour TWA and 15-minute short-term exposures of each employee.

(ii) Representative 8-hour TWA employee exposure shall be determined on the basis of one or more samples representing full-shift exposure for each shift and for each job classification in each work area.

(iii) Representative 15-minute short-term employee exposures shall be determined on the basis of one or more samples representing 15-minute exposures associated with operations that are most likely to produce exposures above the STEL for each shift and for each job classification in each work area.

(iv) Except for the initial monitoring required under (b) of this subsection, where the employer can document that exposure levels are equivalent for similar operations on different work shifts, the employer need only determine representative employee exposure for that operation from the shift during which the highest exposure is expected.

(b) Initial monitoring.

(i) Each employer who has a workplace or work operation covered by this section, shall perform initial monitoring to determine accurately the airborne concentrations of BD to which employees may be exposed, or shall rely on objective data pursuant to subsection (1)(b)(i) of this section to fulfill this requirement.

(ii) Where the employer has monitored within two years prior to the effective date of this section and the monitoring satisfies all other requirements of this section, the employer may rely on such earlier monitoring results to satisfy the requirements of (b)(i) of this subsection, provided that the conditions under which the initial monitoring was conducted have not changed in a manner that may result in new or additional exposures.

(c) Periodic monitoring and its frequency.

(i) If the initial monitoring required by (b) of this subsection reveals employee exposure to be at or above the action level but at or below both the 8-hour TWA limit and the STEL, the employer shall repeat the representative monitoring required by (a) of this subsection every twelve months.

(ii) If the initial monitoring required by (b) of this subsection reveals employee exposure to be above the 8-hour TWA limit, the employer shall repeat the representative monitoring required by (a)(ii) of this subsection at least every three months until the employer has collected two samples per quarter (each at least 7 days apart) within a two-year period, after which such monitoring must occur at least every six months.

(iii) If the initial monitoring required by (b) of this subsection reveals employee exposure to be above the STEL, the employer shall repeat the representative monitoring required by (a)(iii) of this subsection at least every three months until the employer has collected two samples per quarter (each at least 7 days apart) within a two-year period, after which such monitoring must occur at least every six months.

(iv) The employer may alter the monitoring schedule from every six months to annually for any required representative monitoring for which two consecutive measurements taken at least 7 days apart indicate that employee exposure has decreased to or below the 8-hour TWA, but is at or above the action level.

(d) Termination of monitoring.

(i) If the initial monitoring required by (b) of this subsection reveals employee exposure to be below the action level and at or below the STEL, the employer may discontinue the monitoring for employees whose exposures are represented by the initial monitoring.

(ii) If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by at least two consecutive measurements taken at least 7 days apart, are below the action level and at or below the STEL, the employer may discontinue the monitoring for those employees who are represented by such monitoring.

(e) Additional monitoring.

(i) The employer shall institute the exposure monitoring required under subsection (4) of this section whenever there has been a change in the production, process, control equipment, personnel or work practices that may result in new or additional exposures to BD or when the employer has any reason to suspect that a change may result in new or additional exposures.

(ii) Whenever spills, leaks, ruptures or other breakdowns occur that may lead to employee exposure above the 8-hr TWA limit or above the STEL, the employer shall monitor (using leak source, such as direct reading instruments, area or personal monitoring), after the cleanup of the spill or repair of the leak, rupture or other breakdown, to ensure that exposures have returned to the level that existed prior to the incident.

(f) Accuracy of monitoring.

Monitoring shall be accurate, at a confidence level of 95 percent, to within plus or minus 25 percent for airborne concentrations of BD at or above the 1 ppm TWA limit and to within plus or minus 35 percent for airborne concentra-

tions of BD at or above the action level of 0.5 ppm and below the 1 ppm TWA limit.

(g) Employee notification of monitoring results.

(i) The employer shall, within 5 business days after the receipt of the results of any monitoring performed under this section, notify the affected employees of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(ii) The employer shall, within 15 business days after receipt of any monitoring performed under this section indicating the 8-hour TWA or STEL has been exceeded, provide the affected employees, in writing, with information on the corrective action being taken by the employer to reduce employee exposure to or below the 8-hour TWA or STEL and the schedule for completion of this action.

(h) Observation of monitoring.

(i) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to BD conducted in accordance with this section.

(ii) Observation procedures. When observation of the monitoring of employee exposure to BD requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer at no cost with protective clothing and equipment, and shall ensure that the observer uses this equipment and complies with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish a regulated area wherever occupational exposures to airborne concentrations of BD exceed or can reasonably be expected to exceed the permissible exposure limits, either the 8-hr TWA or the STEL.

(b) Access to regulated areas shall be limited to authorized persons.

(c) Regulated areas shall be demarcated from the rest of the workplace in any manner that minimizes the number of employees exposed to BD within the regulated area.

(d) An employer at a multi-employer worksite who establishes a regulated area shall communicate the access restrictions and locations of these areas to other employers with work operations at that worksite whose employees may have access to these areas.

(6) Methods of compliance.

(a) Engineering controls and work practices.

(i) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to or below the PELs, except to the extent that the employer can establish that these controls are not feasible or where subsection (8)(a)(i) of this section applies.

(ii) Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the 8-hour TWA or STEL, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of subsection (8) of this section.

(b) Compliance plan.

(i) Where any exposures are over the PELs, the employer shall establish and implement a written plan to reduce employee exposure to or below the PELs primarily by means

of engineering and work practice controls, as required by (a) of this subsection, and by the use of respiratory protection where required or permitted under this section. No compliance plan is required if all exposures are under the PELs.

(ii) The written compliance plan shall include a schedule for the development and implementation of the engineering controls and work practice controls including periodic leak detection surveys.

(iii) Copies of the compliance plan required in (b) of this subsection shall be furnished upon request for examination and copying to the director, affected employees and designated employee representatives. Such plans shall be reviewed at least every 12 months, and shall be updated as necessary to reflect significant changes in the status of the employer's compliance program.

(iv) The employer shall not implement a schedule of employee rotation as a means of compliance with the PELs.

(7) Exposure goal program.

(a) For those operations and job classifications where employee exposures are greater than the action level, in addition to compliance with the PELs, the employer shall have an exposure goal program that is intended to limit employee exposures to below the action level during normal operations.

(b) Written plans for the exposure goal program shall be furnished upon request for examination and copying to the director, affected employees and designated employee representatives.

(c) Such plans shall be updated as necessary to reflect significant changes in the status of the exposure goal program.

(d) Respirator use is not required in the exposure goal program.

(e) The exposure goal program shall include the following items unless the employer can demonstrate that the item is not feasible, will have no significant effect in reducing employee exposures, or is not necessary to achieve exposures below the action level:

(i) A leak prevention, detection, and repair program.

(ii) A program for maintaining the effectiveness of local exhaust ventilation systems.

(iii) The use of pump exposure control technology such as, but not limited to, mechanical double-sealed or seal-less pumps.

(iv) Gauging devices designed to limit employee exposure, such as magnetic gauges on rail cars.

(v) Unloading devices designed to limit employee exposure, such as a vapor return system.

(vi) A program to maintain BD concentration below the action level in control rooms by use of engineering controls.

(8) Respiratory protection.

(a) General. The employer shall provide respirators that comply with the requirements of this subsection, at no cost to each affected employee, and ensure that each affected employee uses such respirator where required by this section. Respirators shall be used in the following circumstances:

(i) During the time interval necessary to install or implement feasible engineering and work practice controls;

(ii) In nonroutine work operations which are performed infrequently and in which exposures are limited in duration;

(iii) In work situations where feasible engineering controls and work practice controls are not yet sufficient to reduce exposures to or below the PELs; or

(iv) In emergencies.

(b) Respirator selection.

(i) Where respirators are required, the employer shall select and provide the appropriate respirator as specified in Table 1 of this section, and ensure its use.

(ii) The employer shall select respirators from among those approved by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 42 CFR Part 84, "Respiratory Protective Devices." Air purifying respirators shall have filter element(s) approved by NIOSH for organic vapors or BD.

(iii) If an employee whose job requires the use of a respirator cannot use a negative pressure respirator, the employee must be provided with a respirator having less breathing resistance, such as a powered air-purifying respirator or supplied air respirator, if the employee is able to use it and if it will provide adequate protection.

(c) Respirator program. Where respiratory protection is required, the employer shall institute a respirator program in accordance with WAC 296-62-071.

(d) Respirator use.

(i) Where air-purifying respirators are used, the employer shall replace the air purifying filter element(s) according to the replacement life interval set for the class of respirator listed in Table 1 in (e) of this subsection and at the beginning of each work shift.

(ii) In lieu of the replacement intervals listed in Table 1, the employer may replace cartridges or canisters at 90% of the expiration of service life, provided the employer can demonstrate that employees will be adequately protected. BD breakthrough data relied upon by the employer must derive from tests conducted under worst case conditions of humidity, temperature, and air flow rate through the filter

element. The employer shall describe the data supporting the cartridge/canister change schedule and the basis for reliance on the data in the employer's respirator program.

(iii) A label shall be attached to the filter element(s) to indicate the date and time it is first installed on the respirator. If an employee detects the odor of BD, the employer shall replace the air-purifying element(s) immediately.

(iv) If a NIOSH-approved end of service life indicator (ESLI) for BD becomes available for an air-purifying filter element, the element may be used until such time as the indicator shows no further useful service life or until replaced at the beginning of the next work shift, whichever comes first. If an employee detects the odor of BD, the employer shall replace the air-purifying element(s) immediately.

(v) The employer shall permit employees who wear respirators to leave the regulated area to wash their faces and respirator facepieces as necessary in order to prevent skin irritation associated with respirator use or to change the filter elements of air-purifying respirators whenever they detect a change in breathing resistance or whenever the odor of BD is detected.

(e) Respirator fit testing.

(i) The employer shall perform either qualitative fit testing (QLFT) or quantitative fit testing (QNFT), as required in Appendix E to this section, at the time of initial fitting and at least annually thereafter for employees who wear tight-fitting negative pressure respirators. Fit testing shall be used to select a respirator facepiece which exhibits minimum leakage and provides the required protection as prescribed in Table 1 of this section.

(ii) For each employee wearing a tight-fitting full facepiece negative pressure respirator who is exposed to airborne concentrations of BD that exceed 10 times the TWA PEL (10 ppm), the employer shall perform quantitative fit testing as required in Appendix E to this section, at the time of initial fitting and at least annually thereafter.

Table 1. - Minimum Requirements for Respiratory Protection for Airborne BD

Concentration of Airborne BD (ppm) or condition of use	Minimum required respirator
Less than or equal to 5 ppm(5 times PEL)	(a) Air-purifying half mask or full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 4 hours.
Less than or equal to 10 ppm(10 times PEL)	(a) Air-purifying half mask or full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 3 hours.
Less than or equal to 25 ppm(25 times PEL)	(a) Air-purifying full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 2 hours. (b) Any powered air-purifying respirator equipped with approved BD or organic vapor cartridges. PAPR cartridges shall be replaced every 2 hours. (c) Continuous flow supplied air respirator equipped with a hood or helmet.
Less than or equal to 50 ppm(50 times PEL)	(a) Air-purifying full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 1 hour.

PERMANENT

Less than or equal to 1,000 ppm (1,000 times PEL)

Greater than 1,000 ppm

Escape from IDLH Conditions

Notes: Respirators approved for use in higher concentrations are permitted to be used in lower concentrations. Full facepiece is required when eye irritation is anticipated.

(iii) The employer shall ensure that employees wearing tight-fitting respirators perform a facepiece seal fit check to ensure that a proper facepiece seal is obtained prior to entry into a BD atmosphere. The recommended positive or negative pressure fit check procedures listed in Appendix E to this section or the respirator manufacturer's recommended fit check procedure shall be used.

(9) Protective clothing and equipment. Where appropriate to prevent eye contact and limit dermal exposure to BD, the employer shall provide protective clothing and equipment at no cost to the employee and shall ensure its use. Eye and face protection shall meet the requirements of WAC 296-24-078.

(10) Emergency situations. Written plan. A written plan for emergency situations shall be developed, or an existing plan shall be modified, to contain the applicable elements specified in WAC 296-24-567, Employee emergency plans and fire prevention plans, and in WAC 296-62-3112, hazardous waste operations and emergency responses, for each workplace where there is a possibility of an emergency.

(11) Medical screening and surveillance.

(a) Employees covered. The employer shall institute a medical screening and surveillance program as specified in this subsection for:

(i) Each employee with exposure to BD at concentrations at or above the action level on 30 or more days or for employees who have or may have exposure to BD at or above the PELs on 10 or more days a year;

(ii) Employers (including successor owners) shall continue to provide medical screening and surveillance for employees, even after transfer to a non-BD exposed job and regardless of when the employee is transferred, whose work histories suggest exposure to BD:

(A) At or above the PELs on 30 or more days a year for 10 or more years;

(B) At or above the action level on 60 or more days a year for 10 or more years; or

(C) Above 10 ppm on 30 or more days in any past year; and

(b) Powered air purifying respirator equipped with a tight-fitting facepiece and an approved BD or organic vapor cartridges. PAPR cartridges shall be replaced every 1 hour.

(a) Supplied air respirator equipped with a half mask or full facepiece and operated in a pressure demand or other positive pressure mode.

(a) Self-contained breathing unknown concentration, or apparatus equipped with a fire fighting full facepiece and operated in a pressure demand or other positive pressure mode.

(b) Any supplied air respirator equipped with a full facepiece and operated in a pressure demand or other positive pressure mode in combination with an auxiliary self-contained breathing apparatus operated in a pressure demand or other positive pressure mode.

(a) Any positive pressure self-contained breathing apparatus with an appropriate service life.

(b) Any air-purifying full facepiece respirator equipped with a front or back mounted BD or organic vapor canister.

(iii) Each employee exposed to BD following an emergency situation.

(b) Program administration.

(i) The employer shall ensure that the health questionnaire, physical examination and medical procedures are provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(ii) Physical examinations, health questionnaires, and medical procedures shall be performed or administered by a physician or other licensed health care professional.

(iii) Laboratory tests shall be conducted by an accredited laboratory.

(c) Frequency of medical screening activities. The employer shall make medical screening available on the following schedule:

(i) For each employee covered under (a)(i) and (ii) of this subsection, a health questionnaire and complete blood count (CBC) with differential and platelet count every year, and a physical examination as specified below:

(A) An initial physical examination that meets the requirements of this rule, if twelve months or more have elapsed since the last physical examination conducted as part of a medical screening program for BD exposure;

(B) Before assumption of duties by the employee in a job with BD exposure;

(C) Every 3 years after the initial physical examination;

(D) At the discretion of the physician or other licensed health care professional reviewing the annual health questionnaire and CBC;

(E) At the time of employee reassignment to an area where exposure to BD is below the action level, if the employee's past exposure history does not meet the criteria of (a)(ii) of this subsection for continued coverage in the screening and surveillance program, and if twelve months or more have elapsed since the last physical examination; and

(F) At termination of employment if twelve months or more have elapsed since the last physical examination.

(ii) Following an emergency situation, medical screening shall be conducted as quickly as possible, but not later than 48 hours after the exposure.

(iii) For each employee who must wear a respirator, physical ability to perform the work and use the respirator must be determined as required by WAC 296-62-071.

(d) Content of medical screening.

(i) Medical screening for employees covered by (a)(i) and (ii) of this subsection shall include:

(A) A baseline health questionnaire that includes a comprehensive occupational and health history and is updated annually. Particular emphasis shall be placed on the hematopoietic and reticuloendothelial systems, including exposure to chemicals, in addition to BD, that may have an adverse effect on these systems, the presence of signs and symptoms that might be related to disorders of these systems, and any other information determined by the examining physician or other licensed health care professional to be necessary to evaluate whether the employee is at increased risk of material impairment of health from BD exposure. Health questionnaires shall consist of the sample forms in Appendix C to this section, or be equivalent to those samples;

(B) A complete physical examination, with special emphasis on the liver, spleen, lymph nodes, and skin;

(C) A CBC; and

(D) Any other test which the examining physician or other licensed health care professional deems necessary to evaluate whether the employee may be at increased risk from exposure to BD.

(ii) Medical screening for employees exposed to BD in an emergency situation shall focus on the acute effects of BD exposure and at a minimum include: A CBC within 48 hours of the exposure and then monthly for three months; and a physical examination if the employee reports irritation of the eyes, nose, throat, lungs, or skin, blurred vision, coughing, drowsiness, nausea, or headache. Continued employee participation in the medical screening and surveillance program, beyond these minimum requirements, shall be at the discretion of the physician or other licensed health care professional.

(e) Additional medical evaluations and referrals.

(i) Where the results of medical screening indicate abnormalities of the hematopoietic or reticuloendothelial systems, for which a nonoccupational cause is not readily apparent, the examining physician or other licensed health care professional shall refer the employee to an appropriate specialist for further evaluation and shall make available to the specialist the results of the medical screening.

(ii) The specialist to whom the employee is referred under this subsection shall determine the appropriate content for the medical evaluation, e.g., examinations, diagnostic tests and procedures, etc.

(f) Information provided to the physician or other licensed health care professional. The employer shall provide the following information to the examining physician or other licensed health care professional involved in the evaluation:

(i) A copy of this section including its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's BD exposure;

(iii) The employee's actual or representative BD exposure level during employment tenure, including exposure incurred in an emergency situation;

(iv) A description of pertinent personal protective equipment used or to be used; and

(v) Information, when available, from previous employment-related medical evaluations of the affected employee which is not otherwise available to the physician or other licensed health care professional or the specialist.

(g) The written medical opinion.

(i) For each medical evaluation required by this section, the employer shall ensure that the physician or other licensed health care professional produces a written opinion and provides a copy to the employer and the employee within 15 business days of the evaluation. The written opinion shall be limited to the following information:

(A) The occupationally pertinent results of the medical evaluation;

(B) A medical opinion concerning whether the employee has any detected medical conditions which would place the employee's health at increased risk of material impairment from exposure to BD;

(C) Any recommended limitations upon the employee's exposure to BD; and

(D) A statement that the employee has been informed of the results of the medical evaluation and any medical conditions resulting from BD exposure that require further explanation or treatment.

(ii) The written medical opinion provided to the employer shall not reveal specific records, findings, and diagnoses that have no bearing on the employee's ability to work with BD.

Note: This provision does not negate the ethical obligation of the physician or other licensed health care professional to transmit any other adverse findings directly to the employee.

(h) Medical surveillance.

(i) The employer shall ensure that information obtained from the medical screening program activities is aggregated (with all personal identifiers removed) and periodically reviewed, to ascertain whether the health of the employee population of that employer is adversely affected by exposure to BD.

(ii) Information learned from medical surveillance activities must be disseminated to covered employees, as defined in (a) of this subsection, in a manner that ensures the confidentiality of individual medical information.

(12) Communication of BD hazards to employees.

(a) Hazard communication. The employer shall communicate the hazards associated with BD exposure in accordance with the requirements of the hazard communication standard, WAC 296-62-054.

(b) Employee information and training.

(i) The employer shall provide all employees exposed to BD with information and training in accordance with the requirements of the hazard communication standard, WAC 296-62-054.

(ii) The employer shall institute a training program for all employees who are potentially exposed to BD at or above the action level or the STEL, ensure employee participation in the program and maintain a record of the contents of such program.

(iii) Training shall be provided prior to or at the time of initial assignment to a job potentially involving exposure to

BD at or above the action level or STEL and at least annually thereafter.

(iv) The training program shall be conducted in a manner that the employee is able to understand. The employer shall ensure that each employee exposed to BD over the action level or STEL is informed of the following:

(A) The health hazards associated with BD exposure, and the purpose and a description of the medical screening and surveillance program required by this section;

(B) The quantity, location, manner of use, release, and storage of BD and the specific operations that could result in exposure to BD, especially exposures above the PEL or STEL;

(C) The engineering controls and work practices associated with the employee's job assignment, and emergency procedures and personal protective equipment;

(D) The measures employees can take to protect themselves from exposure to BD;

(E) The contents of this standard and its appendices; and

(F) The right of each employee exposed to BD at or above the action level or STEL to obtain:

(I) Medical examinations as required by subsection (10) of this section at no cost to the employee;

(II) The employee's medical records required to be maintained by subsection (13)(d) of this section; and

(III) All air monitoring results representing the employee's exposure to BD and required to be kept by subsection (13)(b) of this section.

(c) Access to information and training materials.

(i) The employer shall make a copy of this standard and its appendices readily available without cost to all affected employees and their designated representatives and shall provide a copy if requested.

(ii) The employer shall provide to the director, or the designated employee representatives, upon request, all materials relating to the employee information and the training program.

(13) Recordkeeping.

(a) Objective data for exemption from initial monitoring.

(i) Where the processing, use, or handling of products or streams made from or containing BD are exempted from other requirements of this section under subsection (1)(b) of this section, or where objective data have been relied on in lieu of initial monitoring under subsection (4)(b)(ii) of this section, the employer shall establish and maintain a record of the objective data reasonably relied upon in support of the exemption.

(ii) This record shall include at least the following information:

(A) The product or activity qualifying for exemption;

(B) The source of the objective data;

(C) The testing protocol, results of testing, and analysis of the material for the release of BD;

(D) A description of the operation exempted and how the data support the exemption; and

(E) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to BD as prescribed in subsection (4) of this section.

(ii) The record shall include at least the following information:

(A) The date of measurement;

(B) The operation involving exposure to BD which is being monitored;

(C) Sampling and analytical methods used and evidence of their accuracy;

(D) Number, duration, and results of samples taken;

(E) Type of protective devices worn, if any;

(F) Name, Social Security number and exposure of the employees whose exposures are represented; and

(G) The written corrective action and the schedule for completion of this action required by subsection (4)(g)(ii) of this section.

(iii) The employer shall maintain this record for at least 30 years in accordance with WAC 296-62-052.

(c) Respirator fit test.

(i) The employer shall establish a record of the fit tests administered to an employee including:

(A) The name of the employee;

(B) Type of respirator;

(C) Brand and size of respirator;

(D) Date of test; and

(E) Where QNFT is used, the fit factor, strip chart recording or other recording of the results of the test.

(ii) Fit test records shall be maintained for respirator users until the next fit test is administered.

(d) Medical screening and surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical screening and surveillance under this section.

(ii) The record shall include at least the following information:

(A) The name and Social Security number of the employee;

(B) Physician's or other licensed health care professional's written opinions as described in subsection (11)(f) of this section;

(C) A copy of the information provided to the physician or other licensed health care professional as required by subsections (11)(f) of this section.

(iii) Medical screening and surveillance records shall be maintained for each employee for the duration of employment plus 30 years, in accordance with WAC 296-62-052.

(e) Availability.

(i) The employer, upon written request, shall make all records required to be maintained by this section available for examination and copying to the director.

(ii) Access to records required to be maintained by (a) through (c) of this subsection shall be granted in accordance with WAC 296-62-05209.

(f) Transfer of records.

(i) Whenever the employer ceases to do business, the employer shall transfer records required by this section to the successor employer. The successor employer shall receive and maintain these records. If there is no successor employer, the employer shall notify the director, at least three

months prior to disposal, and transmit them to the director if requested by the director within that period.

(ii) The employer shall transfer medical and exposure records as set forth in WAC 296-62-05215.

(14) Dates.

(a) Effective date. This section shall become effective (day,month), 1997.

(b) Start-up dates.

(i) The initial monitoring required under subsection (4)(b) of this section shall be completed immediately or within sixty days of the introduction of BD into the workplace.

(ii) The requirements of subsections (3) through (13) of this section, including feasible work practice controls but not including engineering controls specified in subsection (6)(a) of this section, shall be complied with immediately.

(iii) Engineering controls specified by subsection (6)(a) of this section shall be implemented by February 4, 1999, and the exposure goal program specified in subsection (7) of this section shall be implemented by February 4, 2000.

(15) Appendices.

(a) Appendix E to this section is mandatory.

(b) Appendices A, B, C, D, and F to this section are informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

Appendix A. Substance Safety Data Sheet For 1,3-Butadiene (Non-Mandatory)

(1) Substance Identification.

(a) Substance: 1,3-Butadiene ( $\text{CH}_2=\text{CH}-\text{CH}=\text{CH}_2$ ).

(b) Synonyms: 1,3-Butadiene (BD); butadiene; biethylene; bi-vinyl; divinyl; butadiene-1,3; buta-1,3-diene; erythrene; NCI-C50602; CAS-106-99-0.

(c) BD can be found as a gas or liquid.

(d) BD is used in production of styrene-butadiene rubber and polybutadiene rubber for the tire industry. Other uses include copolymer latexes for carpet backing and paper coating, as well as resins and polymers for pipes and automobile and appliance parts. It is also used as an intermediate in the production of such chemicals as fungicides.

(e) Appearance and odor: BD is a colorless, non-corrosive, flammable gas with a mild aromatic odor at standard ambient temperature and pressure.

(f) Permissible exposure: Exposure may not exceed 1 part BD per million parts of air averaged over the 8-hour workday, nor may short-term exposure exceed 5 parts of BD per million parts of air averaged over any 15-minute period in the 8-hour workday.

(2) Health Hazard Data.

(a) BD can affect the body if the gas is inhaled or if the liquid form, which is very cold (cryogenic), comes in contact with the eyes or skin.

(b) Effects of overexposure: Breathing very high levels of BD for a short time can cause central nervous system effects, blurred vision, nausea, fatigue, headache, decreased blood pressure and pulse rate, and unconsciousness. There are no recorded cases of accidental exposures at high levels that have caused death in humans, but this could occur. Breathing lower levels of BD may cause irritation of the

eyes, nose, and throat. Skin contact with liquefied BD can cause irritation and frostbite.

(c) Long-term (chronic) exposure: BD has been found to be a potent carcinogen in rodents, inducing neoplastic lesions at multiple target sites in mice and rats. A recent study of BD-exposed workers showed that exposed workers have an increased risk of developing leukemia. The risk of leukemia increases with increased exposure to BD. OSHA has concluded that there is strong evidence that workplace exposure to BD poses an increased risk of death from cancers of the lymphohematopoietic system.

(d) Reporting signs and symptoms: You should inform your supervisor if you develop any of these signs or symptoms and suspect that they are caused by exposure to BD.

(3) Emergency First Aid Procedures.

In the event of an emergency, follow the emergency plan and procedures designated for your work area. If you have been trained in first aid procedures, provide the necessary first aid measures. If necessary, call for additional assistance from co-workers and emergency medical personnel.

(a) Eye and Skin Exposures: If there is a potential that liquefied BD can come in contact with eye or skin, face shields and skin protective equipment must be provided and used. If liquefied BD comes in contact with the eye, immediately flush the eyes with large amounts of water, occasionally lifting the lower and the upper lids. Flush repeatedly. Get medical attention immediately. Contact lenses should not be worn when working with this chemical. In the event of skin contact, which can cause frostbite, remove any contaminated clothing and flush the affected area repeatedly with large amounts of tepid water.

(b) Breathing: If a person breathes in large amounts of BD, move the exposed person to fresh air at once. If breathing has stopped, begin cardiopulmonary resuscitation (CPR) if you have been trained in this procedure. Keep the affected person warm and at rest. Get medical attention immediately.

(c) Rescue: Move the affected person from the hazardous exposure. If the exposed person has been overcome, call for help and begin emergency rescue procedures. Use extreme caution so that you do not become a casualty. Understand the plant's emergency rescue procedures and know the locations of rescue equipment before the need arises.

(4) Respirators and Protective Clothing.

(a) Respirators: Good industrial hygiene practices recommend that engineering and work practice controls be used to reduce environmental concentrations to the permissible exposure level. However, there are some exceptions where respirators may be used to control exposure. Respirators may be used when engineering and work practice controls are not technically feasible, when such controls are in the process of being installed, or when these controls fail and need to be supplemented or during brief, non-routine, intermittent exposure. Respirators may also be used in situations involving non-routine work operations which are performed infrequently and in which exposures are limited in duration, and in emergency situations. In some instances cartridge respirator use is allowed, but only with strict time constraints. For example, at exposure below 5 ppm BD, a cartridge (or canister) respirator, either full or half face, may

be used, but the cartridge must be replaced at least every 4 hours, and it must be replaced every 3 hours when the exposure is between 5 and 10 ppm.

If the use of respirators is necessary, the only respirators permitted are those that have been approved by the National Institute for Occupational Safety and Health (NIOSH). In addition to respirator selection, a complete respiratory protection program must be instituted which includes regular training, maintenance, fit testing, inspection, cleaning, and evaluation of respirators. If you can smell BD while wearing a respirator, proceed immediately to fresh air, and change cartridge (or canister) before re-entering an area where there is BD exposure. If you experience difficulty in breathing while wearing a respirator, tell your supervisor.

(b) Protective Clothing: Employees should be provided with and required to use impervious clothing, gloves, face shields (eight-inch minimum), and other appropriate protective clothing necessary to prevent the skin from becoming frozen by contact with liquefied BD (or a vessel containing liquid BD).

Employees should be provided with and required to use splash-proof safety goggles where liquefied BD may contact the eyes.

(5) Precautions for Safe Use, Handling, and Storage.

(a) Fire and Explosion Hazards: BD is a flammable gas and can easily form explosive mixtures in air. It has a lower explosive limit of 2%, and an upper explosive limit of 11.5%. It has an autoignition temperature of 420 deg. C (788 deg. F). Its vapor is heavier than air (vapor density, 1.9) and may travel a considerable distance to a source of ignition and flash back. Usually it contains inhibitors to prevent self-polymerization (which is accompanied by evolution of heat) and to prevent formation of explosive peroxides. At elevated temperatures, such as in fire conditions, polymerization may take place. If the polymerization takes place in a container, there is a possibility of violent rupture of the container.

(b) Hazard: Slightly toxic. Slight respiratory irritant. Direct contact of liquefied BD on skin may cause freeze burns and frostbite.

(c) Storage: Protect against physical damage to BD containers. Outside or detached storage of BD containers is preferred. Inside storage should be in a cool, dry, well-ventilated, noncombustible location, away from all possible sources of ignition. Store cylinders vertically and do not stack. Do not store with oxidizing material.

(d) Usual Shipping Containers: Liquefied BD is contained in steel pressure apparatus.

(e) Electrical Equipment: Electrical installations in Class I hazardous locations, as defined in Article 500 of the National Electrical Code, should be in accordance with Article 501 of the Code. If explosion-proof electrical equipment is necessary, it shall be suitable for use in Group B. Group D equipment may be used if such equipment is isolated in accordance with Section 501-5(a) by sealing all conduit 1/2-inch size or larger. See Venting of Deflagrations (NFPA No. 68, 1994), National Electrical Code (NFPA No. 70, 1996), Static Electricity (NFPA No. 77, 1993), Lightning Protection Systems (NFPA No. 780, 1995), and Fire Hazard Properties of Flammable Liquids, Gases and Volatile Solids (NFPA No. 325, 1994).

(f) Fire Fighting: Stop flow of gas. Use water to keep fire-exposed containers cool. Fire extinguishers and quick drenching facilities must be readily available, and you should know where they are and how to operate them.

(g) Spill and Leak: Persons not wearing protective equipment and clothing should be restricted from areas of spills or leaks until clean-up has been completed. If BD is spilled or leaked, the following steps should be taken:

(i) Eliminate all ignition sources.

(ii) Ventilate area of spill or leak.

(iii) If in liquid form, for small quantities, allow to evaporate in a safe manner.

(iv) Stop or control the leak if this can be done without risk. If source of leak is a cylinder and the leak cannot be stopped in place, remove the leaking cylinder to a safe place and repair the leak or allow the cylinder to empty.

(h) Disposal: This substance, when discarded or disposed of, is a hazardous waste according to Federal regulations (40 CFR part 261). It is listed as hazardous waste number D001 due to its ignitability. The transportation, storage, treatment, and disposal of this waste material must be conducted in compliance with 40 CFR parts 262, 263, 264, 268 and 270. Disposal can occur only in properly permitted facilities. Check state and local regulation of any additional requirements as these may be more restrictive than federal laws and regulation.

(i) You should not keep food, beverages, or smoking materials in areas where there is BD exposure, nor should you eat or drink in such areas.

(j) Ask your supervisor where BD is used in your work area and ask for any additional plant safety and health rules.

(6) Medical Requirements.

Your employer is required to offer you the opportunity to participate in a medical screening and surveillance program if you are exposed to BD at concentrations exceeding the action level (0.5 ppm BD as an 8-hour TWA) on 30 days or more a year, or at or above the 8-hr TWA (1 ppm) or STEL (5 ppm for 15 minutes) on 10 days or more a year. Exposure for any part of a day counts. If you have had exposure to BD in the past, but have been transferred to another job, you may still be eligible to participate in the medical screening and surveillance program.

The WISHA rule specifies the past exposures that would qualify you for participation in the program. These past exposure are work histories that suggest the following:

(a) That you have been exposed at or above the PELs on 30 days a year for 10 or more years;

(b) That you have been exposed at or above the action level on 60 days a year for 10 or more years; or

(c) That you have been exposed above 10 ppm on 30 days in any past year.

Additionally, if you are exposed to BD in an emergency situation, you are eligible for a medical examination within 48 hours. The basic medical screening program includes a health questionnaire, physical examination, and blood test. These medical evaluations must be offered to you at a reasonable time and place, and without cost or loss of pay.

(7) Observation of Monitoring.

Your employer is required to perform measurements that are representative of your exposure to BD and you or your designated representative are entitled to observe the monitoring procedure. You are entitled to observe the steps taken

in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you or your representative must also be provided with, and must wear, the protective clothing and equipment.

(8) Access to Information.

(a) Each year, your employer is required to inform you of the information contained in this appendix. In addition, your employer must instruct you in the proper work practices for using BD, emergency procedures, and the correct use of protective equipment.

(b) Your employer is required to determine whether you are being exposed to BD. You or your representative has the right to observe employee measurements and to record the results obtained. Your employer is required to inform you of your exposure. If your employer determines that you are being overexposed, he or she is required to inform you of the actions which are being taken to reduce your exposure to within permissible exposure limits and of the schedule to implement these actions.

(c) Your employer is required to keep records of your exposures and medical examinations. These records must be kept by the employer for at least thirty (30) years.

(d) Your employer is required to release your exposure and medical records to you or your representative upon your request.

Appendix B. Substance Technical Guidelines for 1,3-Butadiene (Non-Mandatory)

(1) Physical and Chemical Data.

(a) Substance identification:

(i) Synonyms: 1,3-Butadiene (BD); butadiene; biethylene; bivinyl; divinyl; butadiene-1,3; buta-1,3-diene; erythrene; NCI-C50620; CAS-106-99-0.

(ii) Formula:  $(CH_2)=CH-CH=CH_2$ .

(iii) Molecular weight: 54.1.

(b) Physical data:

(i) Boiling point (760 mm Hg): -4.7 deg. C (23.5 deg. F).

(ii) Specific gravity (water=1): 0.62 at 20 deg. C (68 deg. F).

(iii) Vapor density (air=1 at boiling point of BD): 1.87.

(iv) Vapor pressure at 20 deg. C (68 deg. F): 910 mm Hg.

(v) Solubility in water, g/100 g water at 20 deg. C (68 deg. F): 0.05.

(vi) Appearance and odor: Colorless, flammable gas with a mildly aromatic odor. Liquefied BD is a colorless liquid with a mildly aromatic odor.

(2) Fire, Explosion, and Reactivity Hazard Data.

(a) Fire:

(i) Flash point: -76 deg. C (-105 deg. F) for take out; liquefied BD; Not applicable to BD gas.

(ii) Stability: A stabilizer is added to the monomer to inhibit formation of polymer during storage. Forms explosive peroxides in air in absence of inhibitor.

(iii) Flammable limits in air, percent by volume: Lower: 2.0; Upper: 11.5.

(iv) Extinguishing media: Carbon dioxide for small fires, polymer or alcohol foams for large fires.

(v) Special fire fighting procedures: Fight fire from protected location or maximum possible distance. Stop flow of gas before extinguishing fire. Use water spray to keep fire-exposed cylinders cool.

(vi) Unusual fire and explosion hazards: BD vapors are heavier than air and may travel to a source of ignition and flash back. Closed containers may rupture violently when heated.

(vii) For purposes of compliance with the requirements of WAC 296-24-330, BD is classified as a flammable gas. For example, 7,500 ppm, approximately one-fourth of the lower flammable limit, would be considered to pose a potential fire and explosion hazard.

(viii) For purposes of compliance with WAC 296-24-585, BD is classified as a Class B fire hazard.

(ix) For purposes of compliance with WAC 296-24-956, locations classified as hazardous due to the presence of BD shall be Class I.

(b) Reactivity:

(i) Conditions contributing to instability: Heat. Peroxides are formed when inhibitor concentration is not maintained at proper level. At elevated temperatures, such as in fire conditions, polymerization may take place.

(ii) Incompatibilities: Contact with strong oxidizing agents may cause fires and explosions. The contacting of crude BD (not BD monomer) with copper and copper alloys may cause formations of explosive copper compounds.

(iii) Hazardous decomposition products: Toxic gases (such as carbon monoxide) may be released in a fire involving BD.

(iv) Special precautions: BD will attack some forms of plastics, rubber, and coatings. BD in storage should be checked for proper inhibitor content, for self-polymerization, and for formation of peroxides when in contact with air and iron. Piping carrying BD may become plugged by formation of rubbery polymer.

(c) Warning Properties:

(i) Odor Threshold: An odor threshold of 0.45 ppm has been reported in The American Industrial Hygiene Association (AIHA) Report, Odor Thresholds for Chemicals with Established Occupational Health Standards. (Ex. 32-28C).

(ii) Eye Irritation Level: Workers exposed to vapors of BD (concentration or purity unspecified) have complained of irritation of eyes, nasal passages, throat, and lungs. Dogs and rabbits exposed experimentally to as much as 6700 ppm for 7 1/2 hours a day for 8 months have developed no histologically demonstrable abnormality of the eyes.

(iii) Evaluation of Warning Properties: Since the mean odor threshold is about half of the 1 ppm PEL, and more than 10-fold below the 5 ppm STEL, most wearers of air purifying respirators should still be able to detect breakthrough before a significant overexposure to BD occurs.

(3) Spill, Leak, and Disposal Procedures.

(a) Persons not wearing protective equipment and clothing should be restricted from areas of spills or leaks until cleanup has been completed. If BD is spilled or leaked, the following steps should be taken:

(i) Eliminate all ignition sources.

(ii) Ventilate areas of spill or leak.

(iii) If in liquid form, for small quantities, allow to evaporate in a safe manner.

(iv) Stop or control the leak if this can be done without risk. If source of leak is a cylinder and the leak cannot be stopped in place, remove the leaking cylinder to a safe place and repair the leak or allow the cylinder to empty.

(b) Disposal: This substance, when discarded or disposed of, is a hazardous waste according to Federal regulations (40 CFR part 261). It is listed by the EPA as hazardous waste number D001 due to its ignitability. The transportation, storage, treatment, and disposal of this waste material must be conducted in compliance with 40 CFR parts 262, 263, 264, 268 and 270. Disposal can occur only in properly permitted facilities. Check state and local regulations for any additional requirements because these may be more restrictive than federal laws and regulations.

(4) Monitoring and Measurement Procedures.

(a) Exposure above the Permissible Exposure Limit (8-hr TWA) or Short-Term Exposure Limit (STEL):

(i) 8-hr TWA exposure evaluation: Measurements taken for the purpose of determining employee exposure under this standard are best taken with consecutive samples covering the full shift. Air samples must be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee).

(ii) STEL exposure evaluation: Measurements must represent 15 minute exposures associated with operations most likely to exceed the STEL in each job and on each shift.

(iii) Monitoring frequencies: Table 1 gives various exposure scenarios and their required monitoring frequencies, as required by the final standard for occupational exposure to butadiene.

Table 1. — Five Exposure Scenarios and Their Associated Monitoring Frequencies

Action Level	8-hr TWA	STEL	Required Monitoring Activity
—*	—	—	No 8-hr TWA or STEL monitoring required.
+*	—	—	No STEL monitoring required. Monitor 8-hr TWA annually.
+	—	—	No STEL monitoring required. Periodic monitoring 8-hr TWA, in accordance with (4)(c)(iii).**
+	+	+	Periodic monitoring 8-hr TWA, in accordance with (4)(c)(iii)**. Periodic monitoring STEL in accordance with (4)(c)(iii).
+	—	+	Periodic monitoring STEL, in accordance with (4)(c)(iii). Monitor 8-hr TWA annually.

Footnote(\*) Exposure Scenario, Limit Exceeded: + = Yes, - = No.

Footnote(\*\*) The employer may decrease the frequency of exposure monitoring to annually when at least 2 consecutive measurements taken at least 7 days apart show exposures to be below the 8-hr TWA, but at or above the action level.

(iv) Monitoring techniques: Appendix D describes the validated method of sampling and analysis which has been tested by OSHA for use with BD. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his or her unique field conditions. The standard requires that the method of monitoring must be accurate, to a 95 percent confidence level, to plus or minus 25 percent for concentrations of BD at or above 1 ppm, and to plus or minus 35 percent for concentrations below 1 ppm.

(5) Personal Protective Equipment.

(a) Employees should be provided with and required to use impervious clothing, gloves, face shields (eight-inch minimum), and other appropriate protective clothing necessary to prevent the skin from becoming frozen from contact with liquid BD.

(b) Any clothing which becomes wet with liquid BD should be removed immediately and not re-worn until the butadiene has evaporated.

(c) Employees should be provided with and required to use splash proof safety goggles where liquid BD may contact the eyes.

(6) Housekeeping and Hygiene Facilities.

For purposes of complying with WAC 296-24-120 (Part B-1 Sanitation), the following items should be emphasized:

(a) The workplace should be kept clean, orderly, and in a sanitary condition.

(b) Adequate washing facilities with hot and cold water are to be provided and maintained in a sanitary condition.

(7) Additional Precautions.

(a) Store BD in tightly closed containers in a cool, well-ventilated area and take all necessary precautions to avoid any explosion hazard.

(b) Non-sparking tools must be used to open and close metal containers. These containers must be effectively grounded.

(c) Do not incinerate BD cartridges, tanks or other containers.

(d) Employers must advise employees of all areas and operations where exposure to BD might occur.

Appendix C. Medical Screening and Surveillance for 1,3-Butadiene (Non-Mandatory)

(1) Basis for Medical Screening and Surveillance Requirements.

(a) Route of Entry Inhalation.

PERMANENT

## (b) Toxicology.

Inhalation of BD has been linked to an increased risk of cancer, damage to the reproductive organs, and fetotoxicity. Butadiene can be converted via oxidation to epoxybutene and diepoxybutane, two genotoxic metabolites that may play a role in the expression of BD's toxic effects. BD has been tested for carcinogenicity in mice and rats. Both species responded to BD exposure by developing cancer at multiple primary organ sites. Early deaths in mice were caused by malignant lymphomas, primarily lymphocytic type, originating in the thymus.

Mice exposed to BD have developed ovarian or testicular atrophy. Sperm head morphology tests also revealed abnormal sperm in mice exposed to BD; lethal mutations were found in a dominant lethal test. In light of these results in animals, the possibility that BD may adversely affect the reproductive systems of male and female workers must be considered.

Additionally, anemia has been observed in animals exposed to butadiene. In some cases, this anemia appeared to be a primary response to exposure; in other cases, it may have been secondary to a neoplastic response.

## (c) Epidemiology.

Epidemiologic evidence demonstrates that BD exposure poses an increased risk of leukemia. Mild alterations of hematologic parameters have also been observed in synthetic rubber workers exposed to BD.

## (2) Potential Adverse Health Effects.

## (a) Acute.

Skin contact with liquid BD causes characteristic burns or frostbite. BD in gaseous form can irritate the eyes, nasal passages, throat, and lungs. Blurred vision, coughing, and drowsiness may also occur. Effects are mild at 2,000 ppm and pronounced at 8,000 ppm for exposures occurring over the full workshift.

At very high concentrations in air, BD is an anesthetic, causing narcosis, respiratory paralysis, unconsciousness, and death. Such concentrations are unlikely, however, except in an extreme emergency because BD poses an explosion hazard at these levels.

## (b) Chronic.

The principal adverse health effects of concern are BD-induced lymphoma, leukemia and potential reproductive toxicity. Anemia and other changes in the peripheral blood cells may be indicators of excessive exposure to BD.

## (c) Reproductive.

Workers may be concerned about the possibility that their BD exposure may be affecting their ability to procreate a healthy child. For workers with high exposures to BD, especially those who have experienced difficulties in conceiving, miscarriages, or stillbirths, appropriate medical and laboratory evaluation of fertility may be necessary to determine if BD is having any adverse effect on the reproductive system or on the health of the fetus.

## (3) Medical Screening Components At-A-Glance.

## (a) Health Questionnaire.

The most important goal of the health questionnaire is to elicit information from the worker regarding potential signs or symptoms generally related to leukemia or other blood abnormalities. Therefore, physicians or other licensed health care professionals should be aware of the presenting symptoms and signs of lymphohematopoietic disorders and

cancers, as well as the procedures necessary to confirm or exclude such diagnoses. Additionally, the health questionnaire will assist with the identification of workers at greatest risk of developing leukemia or adverse reproductive effects from their exposures to BD.

Workers with a history of reproductive difficulties or a personal or family history of immune deficiency syndromes, blood dyscrasias, lymphoma, or leukemia, and those who are or have been exposed to medicinal drugs or chemicals known to affect the hematopoietic or lymphatic systems may be at higher risk from their exposure to BD. After the initial administration, the health questionnaire must be updated annually.

## (b) Complete Blood Count (CBC).

The medical screening and surveillance program requires an annual CBC, with differential and platelet count, to be provided for each employee with BD exposure. This test is to be performed on a blood sample obtained by phlebotomy of the venous system or, if technically feasible, from a fingerstick sample of capillary blood. The sample is to be analyzed by an accredited laboratory.

Abnormalities in a CBC may be due to a number of different etiologies. The concern for workers exposed to BD includes, but is not limited to, timely identification of lymphohematopoietic cancers, such as leukemia and non-Hodgkin's lymphoma. Abnormalities of portions of the CBC are identified by comparing an individual's results to those of an established range of normal values for males and females. A substantial change in any individual employee's CBC may also be viewed as "abnormal" for that individual even if all measurements fall within the population-based range of normal values. It is suggested that a flowsheet for laboratory values be included in each employee's medical record so that comparisons and trends in annual CBCs can be easily made.

A determination of the clinical significance of an abnormal CBC shall be the responsibility of the examining physician, other licensed health care professional, or medical specialist to whom the employee is referred. Ideally, an abnormal CBC should be compared to previous CBC measurements for the same employee, when available. Clinical common sense may dictate that a CBC value that is very slightly outside the normal range does not warrant medical concern. A CBC abnormality may also be the result of a temporary physical stressor, such as a transient viral illness, blood donation, or menorrhagia, or laboratory error. In these cases, the CBC should be repeated in a timely fashion, i.e., within 6 weeks, to verify that return to the normal range has occurred. A clinically significant abnormal CBC should result in removal of the employee from further exposure to BD. Transfer of the employee to other work duties in a BD-free environment would be the preferred recommendation.

## (c) Physical Examination.

The medical screening and surveillance program requires an initial physical examination for workers exposed to BD; this examination is repeated once every three years. The initial physical examination should assess each worker's baseline general health and rule out clinical signs of medical conditions that may be caused by or aggravated by occupational BD exposure. The physical examination should be directed at identification of signs of lymphohematopoietic

disorders, including lymph node enlargement, splenomegaly, and hepatomegaly.

Repeated physical examinations should update objective clinical findings that could be indicative of interim development of a lymphohematopoietic disorder, such as lymphoma, leukemia, or other blood abnormality. Physical examinations may also be provided on an as needed basis in order to follow up on a positive answer on the health questionnaire, or in response to an abnormal CBC. Physical examination of workers who will no longer be working in jobs with BD exposure are intended to rule out lymphohematopoietic disorders.

The need for physical examinations for workers concerned about adverse reproductive effects from their exposure to BD should be identified by the physician or other licensed health care professional and provided accordingly. For these workers, such consultations and examinations may relate to developmental toxicity and reproductive capacity.

Physical examination of workers acutely exposed to significant levels of BD should be especially directed at the respiratory system, eyes, sinuses, skin, nervous system, and any region associated with particular complaints. If the worker has received a severe acute exposure, hospitalization may be required to assure proper medical management. Since this type of exposure may place workers at greater risk of blood abnormalities, a CBC must be obtained within 48 hours and repeated at one, two, and three months.

Appendix D: Sampling and Analytical Method for 1,3-Butadiene (Non-Mandatory)

OSHA Method No.: 56.

Matrix: Air.

Target concentration: 1 ppm (2.21 mg/m(3)).

Procedure: Air samples are collected by drawing known volumes of air through sampling tubes containing charcoal adsorbent which has been coated with 4-tert-butylcatechol. The samples are desorbed with carbon disulfide and then analyzed by gas chromatography using a flame ionization detector.

Recommended sampling rate and air volume: 0.05 L/min and 3 L.

Detection limit of the overall procedure: 90 ppb (200 ug/m(3)) (based on 3 L air volume).

Reliable quantitation limit: 155 ppb (343 ug/m(3)) (based on 3 L air volume).

Standard error of estimate at the target concentration: 6.5%.

Special requirements: The sampling tubes must be coated with 4-tert-butylcatechol. Collected samples should be stored in a freezer.

Status of method: A sampling and analytical method has been subjected to the established evaluation procedures of the Organic Methods Evaluation Branch, OSHA Analytical Laboratory, Salt Lake City, Utah 84165.

(1) Background.

This work was undertaken to develop a sampling and analytical procedure for BD at 1 ppm. The current method recommended by OSHA for collecting BD uses activated coconut shell charcoal as the sampling medium (Ref. 5.2). This method was found to be inadequate for use at low BD levels because of sample instability.

The stability of samples has been significantly improved through the use of a specially cleaned charcoal which is coated with 4-tert-butylcatechol (TBC). TBC is a polymerization inhibitor for BD (Ref. 5.3).

(a) Toxic effects.

Symptoms of human exposure to BD include irritation of the eyes, nose and throat. It can also cause coughing, drowsiness and fatigue. Dermatitis and frostbite can result from skin exposure to liquid BD. (Ref. 5.1)

NIOSH recommends that BD be handled in the workplace as a potential occupational carcinogen. This recommendation is based on two inhalation studies that resulted in cancers at multiple sites in rats and in mice. BD has also demonstrated mutagenic activity in the presence of a liver microsomal activating system. It has also been reported to have adverse reproductive effects. (Ref. 5.1)

(b) Potential workplace exposure.

About 90% of the annual production of BD is used to manufacture styrene-butadiene rubber and Polybutadiene rubber. Other uses include: Polychloroprene rubber, acrylonitrile butadiene-styrene resins, nylon intermediates, styrene-butadiene latexes, butadiene polymers, thermoplastic elastomers, nitrile resins, methyl methacrylate-butadiene styrene resins and chemical intermediates. (Ref. 5.1)

(c) Physical properties (Ref. 5.1).

CAS No.: 106-99-0

Molecular weight: 54.1

Appearance: Colorless gas

Boiling point: -4.41 deg. C (760 mm Hg)

Freezing point: -108.9 deg. C

Vapor pressure: 2 atm (a) 15.3 deg. C; 5 atm (a) 47 deg. C

Explosive limits: 2 to 11.5% (by volume in air)

Odor threshold: 0.45 ppm

Structural formula: H(2)C:CHCH:CH(2)

Synonyms: BD; biethylene; bivinylyl; butadiene; divinyl; buta-1,3-diene; alpha-gamma-butadiene; erythrene; NCI-C50602; pyrrolylene; vinyethylene.

(d) Limit defining parameters.

The analyte air concentrations listed throughout this method are based on an air volume of 3 L and a desorption volume of 1 mL. Air concentrations listed in ppm are referenced to 25 deg. C and 760 mm Hg.

(e) Detection limit of the analytical procedure.

The detection limit of the analytical procedure was 304 pg per injection. This was the amount of BD which gave a response relative to the interferences present in a standard.

(f) Detection limit of the overall procedure.

The detection limit of the overall procedure was 0.60 ug per sample (90 ppb or 200 ug/m(3)). This amount was determined graphically. It was the amount of analyte which, when spiked on the sampling device, would allow recovery approximately equal to the detection limit of the analytical procedure.

(g) Reliable quantitation limit.

The reliable quantitation limit was 1.03 ug per sample (155 ppb or 343 ug/m(3)). This was the smallest amount of analyte which could be quantitated within the limits of a recovery of at least 75% and a precision (+/- 1.96 SD) of +/- 25% or better.

(h) Sensitivity.(1)

Footnote(1) The reliable quantitation limit and detection limits reported in the method are based upon optimization of the instrument for the smallest possible amount of analyte. When the target concentration of an analyte is exceptionally higher than these limits, they may not be attainable at the routine operation parameters.

The sensitivity of the analytical procedure over a concentration range representing 0.6 to 2 times the target concentration, based on the recommended air volume, was 387 area units per ug/mL. This value was determined from the slope of the calibration curve. The sensitivity may vary with the particular instrument used in the analysis.

(i) Recovery.

The recovery of BD from samples used in storage tests remained above 77% when the samples were stored at ambient temperature and above 94% when the samples were stored at refrigerated temperature. These values were determined from regression lines which were calculated from the storage data. The recovery of the analyte from the collection device must be at least 75% following storage.

(j) Precision (analytical method only).

The pooled coefficient of variation obtained from replicate determinations of analytical standards over the range of 0.6 to 2 times the target concentration was 0.011.

(k) Precision (overall procedure).

The precision at the 95% confidence level for the refrigerated temperature storage test was +/- 12.7%. This value includes an additional +/- 5% for sampling error. The overall procedure must provide results at the target concentrations that are +/- 25% at the 95% confidence level.

(l) Reproducibility.

Samples collected from a controlled test atmosphere and a draft copy of this procedure were given to a chemist unassociated with this evaluation. The average recovery was 97.2% and the standard deviation was 6.2%.

(2) Sampling procedure.

(a) Apparatus. Samples are collected by use of a personal sampling pump that can be calibrated to within +/- 5% of the recommended 0.05 L/min sampling rate with the sampling tube in line.

(b) Samples are collected with laboratory prepared sampling tubes. The sampling tube is constructed of silane-treated glass and is about 5-cm long. The ID is 4 mm and the OD is 6 mm. One end of the tube is tapered so that a glass wool end plug will hold the contents of the tube in place during sampling. The opening in the tapered end of the sampling tube is at least one-half the ID of the tube (2 mm). The other end of the sampling tube is open to its full 4-mm ID to facilitate packing of the tube. Both ends of the tube are fire-polished for safety. The tube is packed with 2 sections of pretreated charcoal which has been coated with TBC. The tube is packed with a 50-mg backup section, located nearest the tapered end, and with a 100-mg sampling section of charcoal. The two sections of coated adsorbent are separated and retained with small plugs of silanized glass wool. Following packing, the sampling tubes are sealed with two 7/32 inch OD plastic end caps. Instructions for the pretreatment and coating of the charcoal are presented in Section 4.1 of this method.

(c) Reagents.

None required.

(d) Technique.

(i) Properly label the sampling tube before sampling and then remove the plastic end caps.

(ii) Attach the sampling tube to the pump using a section of flexible plastic tubing such that the larger front section of the sampling tube is exposed directly to the atmosphere. Do not place any tubing ahead of the sampling tube. The sampling tube should be attached in the worker's breathing zone in a vertical manner such that it does not impede work performance.

(iii) After sampling for the appropriate time, remove the sampling tube from the pump and then seal the tube with plastic end caps. Wrap the tube lengthwise.

(iv) Include at least one blank for each sampling set. The blank should be handled in the same manner as the samples with the exception that air is not drawn through it.

(v) List any potential interferences on the sample data sheet.

(vi) The samples require no special shipping precautions under normal conditions. The samples should be refrigerated if they are to be exposed to higher than normal ambient temperatures. If the samples are to be stored before they are shipped to the laboratory, they should be kept in a freezer. The samples should be placed in a freezer upon receipt at the laboratory.

(e) Breakthrough.

(Breakthrough was defined as the relative amount of analyte found on the backup section of the tube in relation to the total amount of analyte collected on the sampling tube. Five-percent breakthrough occurred after sampling a test atmosphere containing 2.0 ppm BD for 90 min. at 0.05 L/min. At the end of this time 4.5 L of air had been sampled and 20.1 ug of the analyte was collected. The relative humidity of the sampled air was 80% at 23 deg. C.)

Breakthrough studies have shown that the recommended sampling procedure can be used at air concentrations higher than the target concentration. The sampling time, however, should be reduced to 45 min. if both the expected BD level and the relative humidity of the sampled air are high.

(f) Desorption efficiency.

The average desorption efficiency for BD from TBC coated charcoal over the range from 0.6 to 2 times the target concentration was 96.4%. The efficiency was essentially constant over the range studied.

(g) Recommended air volume and sampling rate.

(h) The recommended air volume is 3 L.

(i) The recommended sampling rate is 0.05 L/min. for 1 hour.

(j) Interferences.

There are no known interferences to the sampling method.

(k) Safety precautions.

(i) Attach the sampling equipment to the worker in such a manner that it will not interfere with work performance or safety.

(ii) Follow all safety practices that apply to the work area being sampled.

(3) Analytical procedure.

(a) Apparatus.

(i) A gas chromatograph (GC), equipped with a flame ionization detector (FID).(2)

Footnote(2) A Hewlett-Packard Model 5840A GC was used for this evaluation. Injections were performed using a Hewlett-Packard Model 7671A automatic sampler.

(ii) A GC column capable of resolving the analytes from any interference.(3)

Footnote(3) A 20-ft x 1/8-inch OD stainless steel GC column containing 20% FFAP on 80/100 mesh Chromabsorb W-AW-DMCS was used for this evaluation.

(iii) Vials, glass 2-mL with Teflon-lined caps.

(iv) Disposable Pasteur-type pipets, volumetric flasks, pipets and syringes for preparing samples and standards, making dilutions and performing injections.

(b) Reagents.

(i) Carbon disulfide.(4)

Footnote(4) Fisher Scientific Company A.C.S. Reagent Grade solvent was used in this evaluation.

The benzene contaminant that was present in the carbon disulfide was used as an internal standard (ISTD) in this evaluation.

(ii) Nitrogen, hydrogen and air, GC grade.

(iii) BD of known high purity.(5)

Footnote(5) Matheson Gas Products, CP Grade 1,3-butadiene was used in this study.

(c) Standard preparation.

(i) Prepare standards by diluting known volumes of BD gas with carbon disulfide. This can be accomplished by injecting the appropriate volume of BD into the headspace above the 1-mL of carbon disulfide contained in sealed 2-mL vial. Shake the vial after the needle is removed from the septum.(6)

Footnote(6) A standard containing 7.71 ug/mL (at ambient temperature and pressure) was prepared by diluting 4 uL of the gas with 1-mL of carbon disulfide.

(ii) The mass of BD gas used to prepare standards can be determined by use of the following equations:

$$MV=(760/BP)(273+t)/(273)(22.41)$$

Where:

MV = ambient molar volume BP = ambient barometric pressure T = ambient temperature ug/uL  
= 54.09/MV ug/standard = (ug/uL)(uL) BD used to prepare the standard

(d) Sample preparation.

(i) Transfer the 100-mg section of the sampling tube to a 2-mL vial. Place the 50-mg section in a separate vial. If the glass wool plugs contain a significant amount of charcoal, place them with the appropriate sampling tube section.

(ii) Add 1-mL of carbon disulfide to each vial.

(iii) Seal the vials with Teflon-lined caps and then allow them to desorb for one hour. Shake the vials by hand vigorously several times during the desorption period.

(iv) If it is not possible to analyze the samples within 4 hours, separate the carbon disulfide from the charcoal, using a disposable Pasteur-type pipet, following the one hour. This separation will improve the stability of desorbed samples.

(v) Save the used sampling tubes to be cleaned and repacked with fresh adsorbent.

(e) Analysis.

(i) GC Conditions.

Column temperature: 95 deg. C

Injector temperature: 180 deg. C

Detector temperature: 275 deg. C

Carrier gas flow rate: 30 mL/min.

Injection volume: 0.80 uL

GC column: 20-ft x 1/8-in OD stainless steel GC column containing 20%

FFAP on 80/100 Chromabsorb W-AW-DMCS.

(ii) Chromatogram. See Section 4.2.

(iii) Use a suitable method, such as electronic or peak heights, to measure detector response.

(iv) Prepare a calibration curve using several standard solutions of different concentrations. Prepare the calibration curve daily. Program the integrator to report the results in ug/mL.

(v) Bracket sample concentrations with standards.

(f) Interferences (analytical).

(i) Any compound with the same general retention time as the analyte and which also gives a detector response is a potential interference. Possible interferences should be reported by the industrial hygienist to the laboratory with submitted samples.

(ii) GC parameters (temperature, column, etc.) may be changed to circumvent interferences.

(iii) A useful means of structure designation is GC/MS. It is recommended that this procedure be used to confirm samples whenever possible.

(g) Calculations.

(i) Results are obtained by use of calibration curves. Calibration curves are prepared by plotting detector response against concentration for each standard. The best line through the data points is determined by curve fitting.

(ii) The concentration, in ug/mL, for a particular sample is determined by comparing its detector response to the calibration curve. If any analyte is found on the backup section, this amount is added to the amount found on the front section. Blank corrections should be performed before adding the results together.

(iii) The BD air concentration can be expressed using the following equation:

$$\text{mg/m}(3)=(A)(B)/(C)(D)$$

Where:

A = ug/mL from Section 3.7.2 B = volume C = L of air sampled D = efficiency

(iv) The following equation can be used to convert results in mg/m(3) to ppm:

$$\text{ppm}=(\text{mg/m}(3))(24.46)/54.09$$

Where:

mg/m(3) = result from Section 3.7.3. 24.46 = molar volume of an ideal gas at 760 mm Hg and 25 deg. C.

(h) Safety precautions (analytical).

(i) Avoid skin contact and inhalation of all chemicals.

(ii) Restrict the use of all chemicals to a fume hood whenever possible.

(iii) Wear safety glasses and a lab coat in all laboratory areas.

(4) Additional Information.

(a) A procedure to prepare specially cleaned charcoal coated with TBC.

(i) Apparatus.

(A) Magnetic stirrer and stir bar.

(B) Tube furnace capable of maintaining a temperature of 700 deg. C and equipped with a quartz tube that can hold 30 g of charcoal.(8)

Footnote(8) A Lindberg Type 55035 Tube furnace was used in this evaluation.

(C) A means to purge nitrogen gas through the charcoal inside the quartz tube.

(D) Water bath capable of maintaining a temperature of 60 deg. C.

(E) Miscellaneous laboratory equipment: One-liter vacuum flask, 1-L Erlenmeyer flask, 350-Ml Buchner funnel with a coarse fitted disc, 4-oz brown bottle, rubber stopper, Teflon tape etc.

(ii) Reagents.

(A) Phosphoric acid, 10% by weight, in water.(9)

Footnote(9) Baker Analyzed Reagent grade was diluted with water for use in this evaluation.

(B) 4-tert-Butylcatechol (TBC).(10)

Footnote(10) The Aldrich Chemical Company 99% grade was used in this evaluation.

(C) Specially cleaned coconut shell charcoal, 20/40 mesh.(11)

Footnote(11) Specially cleaned charcoal was obtained from Supelco, Inc. for use in this evaluation. The cleaning process used by Supelco is proprietary.

(D) Nitrogen gas, GC grade.

(iii) Procedure.

Weigh 30g of charcoal into a 500-mL Erlenmeyer flask. Add about 250 mL of 10% phosphoric acid to the flask and then swirl the mixture. Stir the mixture for 1 hour using a magnetic stirrer. Filter the mixture using a fitted Buchner funnel. Wash the charcoal several times with 250-mL portions of deionized water to remove all traces of the acid. Transfer the washed charcoal to the tube furnace quartz tube. Place the quartz tube in the furnace and then connect the nitrogen gas purge to the tube. Fire the charcoal to 700 deg. C. Maintain that temperature for at least 1 hour. After the charcoal has cooled to room temperature, transfer it to a tared beaker. Determine the weight of the charcoal and then add an amount of TBC which is 10% of the charcoal, by weight.

CAUTION-TBC is toxic and should only be handled in a fume hood while wearing gloves.

Carefully mix the contents of the beaker and then transfer the mixture to a 4-oz bottle. Stopper the bottle with a clean rubber stopper which has been wrapped with Teflon tape. Clamp the bottle in a water bath so that the water level is above the charcoal level. Gently heat the bath to 60 deg. C and then maintain that temperature for 1 hour. Cool the charcoal to room temperature and then transfer the coated charcoal to a suitable container.

The coated charcoal is now ready to be packed into sampling tubes. The sampling tubes should be stored in a sealed container to prevent contamination. Sampling tubes should be stored in the dark at room temperature. The sampling tubes should be segregated by coated adsorbent lot number.

(b) Chromatograms.

The chromatograms were obtained using the recommended analytical method. The chart speed was set at 1

cm/min. for the first three min. and then at 0.2 cm/min. for the time remaining in the analysis.

The peak which elutes just before BD is a reaction product between an impurity on the charcoal and TBC. This peak is always present, but it is easily resolved from the analyte. The peak which elutes immediately before benzene is an oxidation product of TBC.

(5) References.

(a) "Current Intelligence Bulletin 41, 1,3-Butadiene", U.S. Dept. of Health and Human Services, Public Health Service, Center for Disease Control, NIOSH.

(b) "NIOSH Manual of Analytical Methods", 2nd ed.; U.S. Dept. of Health Education and Welfare, National Institute for Occupational Safety and Health: Cincinnati, OH. 1977, Vol. 2, Method No. S91 DHEW (NIOSH) Publ. (U.S.), No. 77-157-B.

(c) Hawley, G.C., Ed. "The Condensed Chemical Dictionary", 8th ed.; Van Nostrand Rienhold Company: New York, 1971; 139.5.4. Chem. Eng. News (June 10, 1985), (63), 22-66.

Appendix E: Respirator Fit Testing Procedures (Mandatory)

A. The Employer Shall Conduct Fit Testing Using the Following Procedures.

These provisions apply to both QLFT and QNFT.

1. The test subject shall be allowed to pick the most comfortable respirator from a selection of respirators of various sizes and models.

2. Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a comfortable fit. A mirror shall be available to assist the subject in evaluating the fit and positioning the respirator. This instruction may not constitute the subject's formal training on respirator use, because it is only a review.

3. The test subject shall be informed that he/she is being asked to select the respirator which provides the most comfortable fit. Each respirator represents a different size and shape, and if fitted and used properly, will provide adequate protection.

4. The test subject shall be instructed to hold each chosen facepiece up to the face and eliminate those which obviously do not give a comfortable fit.

5. The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. Assistance in assessing comfort can be given by discussing the points in item 6 below. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times and to adjust the straps each time to become adept at setting proper tension on the straps.

6. Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

(a) Position of the mask on the nose.

(b) Room for eye protection.

(c) Room to talk.

(d) Position of mask on face and cheeks.

7. The following criteria shall be used to help determine the adequacy of the respirator fit:

- (a) Chin properly placed;
- (b) Adequate strap tension, not overly tightened;
- (c) Fit across nose bridge;
- (d) Respirator of proper size to span distance from nose to chin;
- (e) Tendency of respirator to slip;
- (f) Self-observation in mirror to evaluate fit and respirator position.

8. The test subject shall conduct the negative and positive pressure fit checks using procedures in Appendix A or those recommended by the respirator manufacturer. Before conducting the negative or positive pressure fit checks, the subject shall be told to seat the mask on the face by moving the head from side-to-side and up and down slowly while taking in a few slow deep breaths. Another facepiece shall be selected and retested if the test subject fails the fit check tests.

9. The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, or sideburns which cross the respirator sealing surface. Any type of apparel which interferes with a satisfactory fit shall be altered or removed.

10. If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician to determine whether the test subject can wear a respirator while performing her or his duties.

11. If the employee finds the fit of the respirator unacceptable, the test subject shall be given the opportunity to select a different respirator and to be retested.

12. Exercise regimen. Prior to the commencement of the fit test, the test subject shall be given a description of the fit test and the test subject's responsibilities during the test procedure. The description of the process shall include a description of the test exercises that the subject will be performing. The respirator to be tested shall be worn for at least 5 minutes before the start of the fit test.

13. Test Exercises. The test subject shall perform exercises, in the test environment, while wearing any applicable safety equipment that may be worn during actual respirator use which could interfere with fit, in the manner described below:

- (a) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally.
- (b) Deep breathing. In a normal standing position, the subject shall breathe slowly and deeply, taking caution so as to not hyperventilate.
- (c) Turning head side to side. Standing in place, the subject shall slowly turn his/her head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.
- (d) Moving head up and down. Standing in place, the subject shall slowly move his/her head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).
- (e) Talking. The subject shall talk out loud slowly and loud enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from 100, or recite a memorized poem or song.

Rainbow Passage

When the sunlight strikes raindrops in the air, they act like a prism and form a rainbow. The rainbow is a division of white light into many beautiful colors. These take the shape of a long round arch, with its path high above, and its two ends apparently beyond the horizon. There is, according to legend, a boiling pot of gold at one end. People look, but no one ever finds it. When a man looks for something beyond reach, his friends say he is looking for the pot of gold at the end of the rainbow.

(f) Grimace. The test subject shall grimace by smiling or frowning. (Only for QNFT testing, not performed for QLFT)

(g) Bending over. The test subject shall bend at the waist as if he/she were to touch his/her toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.

(h) Normal breathing. Same as exercise (a). Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for 15 seconds.

The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

## B. Qualitative Fit Test (QLFT) Protocols

### 1. General

(a) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator qualitative fit test program.

(b) The employer shall ensure that persons administering QLFT are able to prepare test solutions, calibrate equipment and perform tests properly, recognize invalid tests, and assure that test equipment is in proper working order.

(c) The employer shall assure that QLFT equipment is kept clean and well maintained so as to operate within the parameters for which it was designed.

### 2. Isoamyl Acetate Protocol

#### (a) Odor threshold screening.

The odor threshold screening test, performed without wearing a respirator, is intended to determine if the individual tested can detect the odor of isoamyl acetate.

(1) Three 1 liter glass jars with metal lids are required.

(2) Odor free water (e.g. distilled or spring water) at approximately 25 degrees C shall be used for the solutions.

(3) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a 1 liter jar and shaking for 30 seconds. A new solution shall be prepared at least weekly.

(4) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated to prevent the odor of IAA from becoming evident in the general room air where testing takes place.

(5) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into 500 cc of odor free water using a clean dropper or pipette. The solution shall be shaken for 30 seconds and allowed to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution shall be used for only one day.

(6) A test blank shall be prepared in a third jar by adding 500 cc of odor free water.

(7) The odor test and test blank jars shall be labeled 1 and 2 for jar identification. Labels shall be placed on the lids so they can be periodically peeled off and switched to maintain the integrity of the test.

(8) The following instruction shall be typed on a card and placed on the table in front of the two test jars (i.e., 1 and 2): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contains a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(9) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(10) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test shall not be performed.

(11) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(b) Isoamyl acetate fit test

(1) The fit test chamber shall be similar to a clear 55-gallon drum liner suspended inverted over a 2-foot diameter frame so that the top of the chamber is about 6 inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(2) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors.

(3) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(4) A copy of the test exercises and any prepared text from which the subject is to read shall be taped to the inside of the test chamber.

(5) Upon entering the test chamber, the test subject shall be given a 6-inch by 5-inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half and wetted with 0.75 cc of pure IAA. The test subject shall hang the wet towel on the hook at the top of the chamber.

(6) Allow two minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject; to explain the fit test, the importance of his/her cooperation, and the purpose for the test exercises; or to demonstrate some of the exercises.

(7) If at any time during the test, the subject detects the banana like odor of IAA, the test is failed. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(8) If the test is failed, the subject shall return to the selection room and remove the respirator. The test subject shall repeat the odor sensitivity test, select and put on

another respirator, return to the test area and again begin the fit test procedure described in (1) through (7) above. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about 5 minutes before retesting. Odor sensitivity will usually have returned by this time.

(9) When the subject wearing the respirator passes the test, its efficiency shall be demonstrated for the subject by having the subject break the face seal and take a breath before exiting the chamber.

(10) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to the person conducting the test, so there is no significant IAA concentration buildup in the chamber during subsequent tests. The used towels shall be kept in a self-sealing bag to keep the test area from being contaminated.

3. Saccharin Solution Aerosol Protocol

The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

(a) Taste threshold screening. The saccharin taste threshold screening, performed without wearing a respirator, is intended to determine whether the individual being tested can detect the taste of saccharin.

(1) During threshold screening as well as during fit testing, subjects shall wear an enclosure about the head and shoulders that is approximately 12 inches in diameter by 14 inches tall with at least the front portion clear and that allows free movements of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly, parts # FT 14 and # FT 15 combined, is adequate.

(2) The test enclosure shall have a 3/4-inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

(3) The test subject shall don the test enclosure. Throughout the threshold screening test, the test subject shall breathe through his/her slightly open mouth with tongue extended.

(4) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer or equivalent the test conductor shall spray the threshold check solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the fit test solution nebulizer.

(5) The threshold check solution consists of 0.83 grams of sodium saccharin USP in 100 ml of warm water. It can be prepared by putting 1 ml of the fit test solution (see (b)(5) below) in 100 ml of distilled water.

(6) To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely, then released and allowed to fully expand.

(7) Ten squeezes are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

(8) If the first response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(9) If the second response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(10) The test conductor will take note of the number of squeezes required to solicit a taste response.

(11) If the saccharin is not tasted after 30 squeezes (step 10), the test subject may not perform the saccharin fit test.

(12) If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

(13) Correct use of the nebulizer means that approximately 1 ml of liquid is used at a time in the nebulizer body.

(14) The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least each morning and afternoon or at least every four hours.

(b) Saccharin solution aerosol fit test procedure

(1) The test subject may not eat, drink (except plain water), smoke, or chew gum for 15 minutes before the test.

(2) The fit test uses the same enclosure described in (a) above.

(3) The test subject shall don the enclosure while wearing the respirator selected in section (a) above. The respirator shall be properly adjusted and equipped with a particulate filter(s).

(4) A second DeVilbiss Model 40 Inhalation Medication Nebulizer or equivalent is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

(5) The fit test solution is prepared by adding 83 grams of sodium saccharin to 100 ml of warm water.

(6) As before, the test subject shall breathe through the slightly open mouth with tongue extended.

(7) The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the enclosure using the same number of squeezes required to elicit a taste response in the screening test. A minimum of 10 squeezes is required.

(8) After generating the aerosol the test subject shall be instructed to perform the exercises in section A. 13 above.

(9) Every 30 seconds the aerosol concentration shall be replenished using one half the number of squeezes as initially.

(10) The test subject shall indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

(11) If the taste of saccharin is detected, the fit is deemed unsatisfactory and a different respirator shall be tried.

4. Irritant Fume Protocol

(a) The respirator to be tested shall be equipped with high-efficiency particulate air (HEPA) filters.

(b) No form of test enclosure or hood for the test subject shall be used.

(c) The test subject shall be allowed to smell a weak concentration of the irritant smoke before the respirator is donned to become familiar with its irritating properties.

(d) Break both ends of a ventilation smoke tube containing stannic chloride. Attach one end of the smoke tube to an aspirator squeeze bulb and cover the other end with a short piece of tubing to prevent potential injury from the jagged end of the smoke tube.

(d) Advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep his/her eyes closed while the test is performed.

(e) The test conductor shall direct the stream of irritant smoke from the smoke tube towards the face seal area of the test subject. He/She shall begin at least 12 inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(f) The exercises identified in section A. 13 above shall be performed by the test subject while the respirator seal is being challenged by the smoke.

(g) Each test subject passing the smoke test without evidence of a response (involuntary cough) shall be given a sensitivity check of the smoke from the same tube once the respirator has been removed to determine whether he/she reacts to the smoke. Failure to evoke a response shall void the fit test.

(h) The fit test shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agent.

C. Quantitative Fit Test (QNFT) Protocols

The following quantitative fit testing procedures have been demonstrated to be acceptable.

(1) Quantitative fit testing using a non-hazardous challenge aerosol (such as corn oil or sodium chloride) generated in a test chamber, and employing instrumentation to quantify the fit of the respirator.

(2) Quantitative fit testing using ambient aerosol as the challenge agent and appropriate instrumentation (condensation nuclei counter) to quantify the respirator fit.

(3) Quantitative fit testing using controlled negative pressure and appropriate instrumentation to measure the volumetric leak rate of a facepiece to quantify the respirator fit.

1. General

(a) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator quantitative fit test program.

(b) The employer shall ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and assure that test equipment is in proper working order.

(c) The employer shall assure that QNFT equipment is kept clean, maintained and calibrated according to the manufacturer's instructions so as to operate at the parameters for which it was designed.

2. Generated aerosol quantitative fit testing protocol Apparatus

(a) Instrumentation. Aerosol generation, dilution, and measurement systems using particulates (corn oil or sodium chloride) or gases or vapors as test aerosols shall be used for quantitative fit testing.

(b) Test chamber. The test chamber shall be large enough to permit all test subjects to perform freely all required exercises without disturbing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air, yet uniform in concentration throughout the chamber.

(c) When testing air-purifying respirators, the normal filter or cartridge element shall be replaced with a high-efficiency particulate air (HEPA) filter supplied by the same manufacturer in the case of particulate QNFT aerosols or a sorbent offering contaminant penetration protection equivalent to high-efficiency filters where the QNFT test agent is a gas or vapor.

(d) The sampling instrument shall be selected so that a computer record or strip chart record may be made of the test showing the rise and fall of the challenge agent concentration with each inspiration and expiration at fit factors of

at least 2,000. Integrators or computers which integrate the amount of test agent penetration leakage into the respirator for each exercise may be used provided a record of the readings is made.

(e) The combination of substitute air-purifying elements, challenge agent and challenge agent concentration shall be such that the test subject is not exposed in excess of an established exposure limit for the challenge agent at any time during the testing process based upon the length of the exposure and the exposure limit duration.

(f) The sampling port on the test specimen respirator shall be placed and constructed so that no leakage occurs around the port (e.g. where the respirator is probed), a free air flow is allowed into the sampling line at all times and so that there is no interference with the fit or performance of the respirator. The in-mask sampling device (probe) shall be designed and used so that the air sample is drawn from the breathing zone of the test subject, midway between the nose and mouth and with the probe extending into the facepiece cavity at least 1/4 inch.

(g) The test set up shall permit the person administering the test to observe the test subject inside the chamber during the test.

(h) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent constant to within a 10 percent variation for the duration of the test.

(i) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) shall be kept to a minimum. There shall be a clear association between the occurrence of an event and its being recorded.

(j) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port shall be of equal diameter and of the same material. The length of the two lines shall be equal.

(k) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release.

(l) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed 50 percent.

(m) The limitations of instrument detection shall be taken into account when determining the fit factor.

(n) Test respirators shall be maintained in proper working order and inspected for deficiencies such as cracks, missing valves and gaskets, etc.

3. Procedural Requirements

(a) When performing the initial positive or negative pressure fit check the sampling line shall be crimped closed in order to avoid air pressure leakage during either of these fit checks.

(b) The use of an abbreviated screening QLFT test is optional and may be utilized in order to quickly identify poor fitting respirators which passed the positive and/or negative pressure test and thus reduce the amount of QNFT time. The use of the CNC QNFT instrument in the count mode is another optional method to use to obtain a quick estimate of fit and eliminate poor fitting respirators before going on to perform a full QNFT.

(c) A reasonably stable challenge agent concentration shall be measured in the test chamber prior to testing. For canopy or shower curtain type of test units the determination of the challenge agent stability may be established after the test subject has entered the test environment.

(d) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed 5 percent for a half mask or 1 percent for a full facepiece respirator.

(e) A stable challenge concentration shall be obtained prior to the actual start of testing.

(f) Respirator restraining straps shall not be over tightened for testing. The straps shall be adjusted by the wearer without assistance from other persons to give a reasonably comfortable fit typical of normal use.

(g) The test shall be terminated whenever any single peak penetration exceeds 5 percent for half masks and 1 percent for full facepiece respirators. The test subject shall be refitted and retested.

(h) Calculation of fit factors.

(1) The fit factor shall be determined for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration measured inside the respirator for each test exercise except the grimace exercise.

(2) The average test chamber concentration shall be calculated as the arithmetic average of the concentration measured before and after each test (i.e. 8 exercises) or the arithmetic average of the concentration measured before and after each exercise or the true average measured continuously during the respirator sample.

(3) The concentration of the challenge agent inside the respirator shall be determined by one of the following methods:

(i) Average peak penetration method means the method of determining test agent penetration into the respirator utilizing a strip chart recorder, integrator, or computer. The agent penetration is determined by an average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers which calculate the actual test agent penetration into the respirator for each exercise will also be considered to meet the requirements of the average peak penetration method.

(ii) Maximum peak penetration method means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is taken to be representative of average penetration into the respirator for that exercise.

(iii) Integration by calculation of the area under the individual peak for each exercise except the grimace exercise. This includes computerized integration.

(iv) The calculation of the overall fit factor using individual exercise fit factors involves first converting the exercise fit factors to penetration values, determining the average, and then converting that result back to a fit factor. This procedure is described in the following equation:

$$\text{Overall Fit Factor} = \frac{\text{Number of exercises}}{1/ff(1)+1/ff(2)+1/ff(3)+1/ff(4)+1/ff(5)+1/ff(7)+1/ff(8)}$$

where ff(1), ff(2), ff(3), etc. are the fit factors for exercise 1,2,3, etc. (Results of the grimace exercise (7) are not used in this calculation.)

(j) The test subject shall not be permitted to wear a half mask or quarter facepiece respirator unless a minimum fit

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factor of 100 is obtained, or a full facepiece respirator unless a minimum fit factor of 500 is obtained.

(k) Filters used for quantitative fit testing shall be replaced whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced if there is any indication of breakthrough by a test agent.

4. Ambient aerosol condensation nuclei counter (CNC) quantitative fit testing protocol

The ambient aerosol condensation nuclei counter (CNC) quantitative fit testing (Portacount(TM)) protocol quantitatively fit tests respirators with the use of a probe. The probed respirator is only used for quantitative fit tests. A probed respirator has a special sampling device, installed on the respirator, that allows the probe to sample the air from inside the mask. A probed respirator is required for each make, model, and size in which your company requires and can be obtained from the respirator manufacturer or distributor. The CNC instrument manufacturer Dynatech Nevada also provides probe attachments (TSI sampling adapters) that permits fit testing in an employee's own respirator. A fit factor pass level of 100 is necessary for a half-mask respirator and a fit factor of at least 10 times greater than the assigned protection factor for any other negative pressure respirator. The Agency does not recommend the use of homemade sampling adapters. The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

(a) Portacount Fit Test Requirements.

(1) Check the respirator to make sure the respirator is fitted with a high efficiency filter and that the sampling probe and line are properly attached to the facepiece.

(2) Instruct the person to be tested to don the respirator several minutes before the fit test starts. This purges the particles inside the respirator and permits the wearer to make certain the respirator is comfortable. This individual should have already been trained on how to wear the respirator properly.

(3) Check the following conditions for the adequacy of the respirator fit: Chin properly placed; Adequate strap tension, not overly tightened; Fit across nose bridge; Respirator of proper size to span distance from nose to chin; Tendencies for the respirator to slip; Self-observation in a mirror to evaluate fit and respirator position.

(4) Have the person wearing the respirator do a fit check. If leakage is detected, determine the cause. If leakage is from a poorly fitting facepiece, try another size of the same type of respirator.

(5) Follow the instructions for operating the Portacount and proceed with the test.

(b) Portacount Test Exercises.

(1) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally for 1 minute.

(2) Deep breathing. In a normal standing position, the subject shall breathe slowly and deeply for 1 minute, taking caution so as not to hyperventilate.

(3) Turning head side to side. Standing in place, the subject shall slowly turn his or her head from side to side between the extreme positions on each side for 1 minute.

The head shall be held at each extreme momentarily so the subject can inhale at each side.

(4) Moving head up and down. Standing in place, the subject shall slowly move his or her head up and down for 1 minute. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).

(5) Talking. The subject shall talk out loud slowly and loud enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from 100, or recite a memorized poem or song for 1 minute.

(6) Grimace. The test subject shall grimace by smiling or frowning for 15 seconds.

(7) Bending Over. The test subject shall bend at the waist as if he or she were to touch his or her toes for 1 minute. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.

(8) Normal Breathing. Remove and re-don the respirator within a one-minute period. Then, in a normal standing position, without talking, the subject shall breathe normally for 1 minute.

After the test exercises, the test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

(c) Portacount Test Instrument.

(1) The Portacount will automatically stop and calculate the overall fit factor for the entire set of exercises. The overall fit factor is what counts. The Pass or Fail message will indicate whether or not the test was successful. If the test was a Pass, the fit test is over.

(2) A record of the test needs to be kept on file assuming the fit test was successful. The record must contain the test subject's name; overall fit factor; make, model and size of respirator used, and date tested.

APPENDIX F, MEDICAL QUESTIONNAIRES, (Non-mandatory)

1,3-Butadiene (BD) Initial Health Questionnaire

DIRECTIONS:

You have been asked to answer the questions on this form because you work with BD (butadiene). These questions are about your work, medical history, and health concerns. Please do your best to answer all of the questions. If you need help, please tell the doctor or health care professional who reviews this form.

This form is a confidential medical record. Only information directly related to your health and safety on the job may be given to your employer. Personal health information will not be given to anyone without your consent.

Date: \_\_\_\_\_

Name: \_\_\_\_\_ SSN \_\_\_/\_\_\_/\_\_\_  
Last First MI

Job Title: \_\_\_\_\_

Company's Name: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_

Supervisor's Phone No.: ( ) \_\_\_-\_\_\_

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Work History

1. Please list all jobs you have had in the past, starting with the job you have now and moving back in time to your first job. (For more space, write on the back of this page.)

Main Job Duty

Year

Company Name

City, State

Chemicals

- 1.
2.
3.
4.
5.
6.
7.
8.

2. Please describe what you do during a typical work day. Be sure to tell about your work with BD.

3. Please check any of these chemicals that you work with now or have worked with in the past:

- benzene
glues
toluene
inks, dyes
other solvents, grease cutters
insecticides (like DDT, lindane, etc.)
paints, varnishes, thinners, strippers
dusts
carbon tetrachloride ("carbon tet")
arsine
carbon disulfide
lead
cement
petroleum products
nitrites

4. Please check the protective clothing or equipment you use at the job you have now:

- gloves
coveralls
respirator
dust mask
safety glasses, goggles

Please circle your answer.

5. Does your protective clothing or equipment fit you properly? yes no

6. Have you ever made changes in your protective clothing or equipment to make it fit better? yes no

7. Have you been exposed to BD when you were not wearing protective clothing or equipment? yes no

8. Where do you eat, drink and/or smoke when you are at work? (Please check all that apply.)

- Cafeteria/restaurant/snack bar
Break room/employee lounge
Smoking lounge
At my work station

Please circle your answer.

9. Have you been exposed to radiation (like x-rays or nuclear material) at the job you have now or at past jobs? yes no

10. Do you have any hobbies that expose you to dusts or chemicals (including paints, glues, etc.)? yes no

11. Do you have any second or side jobs? yes no
If yes, what are your duties there?

12. Were you in the military? yes no

If yes, what did you do in the military?

Family Health History

1. In the FAMILY MEMBER column, across from the disease name, write which family member, if any, had the disease.

Table with 2 columns: DISEASE, FAMILY MEMBER. Rows include Cancer, Lymphoma, Sickle Cell Disease or Trait, Immune Disease, Leukemia, Anemia.

2. Please fill in the following information about family health

Relative
Alive?
Age at Death?
Cause of Death?

- Father
Mother
Brother/Sister
Brother/Sister
Brother/Sister

Personal Health History

Birth Date \_\_/\_\_/\_\_ Age \_\_ Sex \_\_ Height \_\_
Weight \_\_

Please circle your answer.

1. Do you smoke any tobacco products? yes no

2. Have you ever had any kind of surgery or operation? yes no

If yes, what type of surgery:

Blank lines for writing answers to question 2.

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3. Have you ever been in the hospital for any other reasons? yes no

If yes, please describe the reason \_\_\_\_\_

4. Do you have any on-going or current medical problems or conditions? yes no

If yes, please describe: \_\_\_\_\_

5. Do you now have or have you ever had any of the following? Please check all that apply to you.

- unexplained fever \_\_\_\_\_
- anemia ("low blood") \_\_\_\_\_
- HIV/AIDS \_\_\_\_\_
- weakness \_\_\_\_\_
- sickle cell \_\_\_\_\_
- miscarriage \_\_\_\_\_
- skin rash \_\_\_\_\_
- bloody stools \_\_\_\_\_
- leukemia/lymphoma \_\_\_\_\_
- neck mass/swelling \_\_\_\_\_
- wheezing \_\_\_\_\_
- yellowing of skin \_\_\_\_\_
- bruising easily \_\_\_\_\_
- lupus \_\_\_\_\_
- weight loss \_\_\_\_\_
- kidney problems \_\_\_\_\_
- enlarged lymph nodes \_\_\_\_\_
- liver disease \_\_\_\_\_
- cancer \_\_\_\_\_
- infertility \_\_\_\_\_
- drinking problems \_\_\_\_\_
- thyroid problems \_\_\_\_\_
- night sweats \_\_\_\_\_
- chest pain \_\_\_\_\_
- still birth \_\_\_\_\_
- eye redness \_\_\_\_\_
- lumps you can feel \_\_\_\_\_
- child with birth defect \_\_\_\_\_
- autoimmune disease \_\_\_\_\_
- overly tired \_\_\_\_\_
- lung problems \_\_\_\_\_
- rheumatoid arthritis \_\_\_\_\_
- mononucleosis ("mono") \_\_\_\_\_
- nagging cough \_\_\_\_\_

Please circle your answer.

6. Do you have any symptoms or health problems that you think may be related to your work with BD? yes no

If yes, please describe: \_\_\_\_\_

7. Have any of your co-workers had similar symptoms or problems? yes no don't know

If yes, please describe: \_\_\_\_\_

8. Do you notice any irritation of your eyes, nose, throat, lungs, or skin when working with BD? yes no

9. Do you notice any blurred vision, coughing, drowsiness, nausea, or headache when working with BD? yes no

10. Do you take any medications (including birth control or over-the-counter)? yes no

If yes, please list: \_\_\_\_\_

11. Are you allergic to any medication, food, or chemicals? yes no

If yes, please list: \_\_\_\_\_

12. Do you have any health conditions not covered by this questionnaire that you think are affected by your work with BD? yes no

If yes, please explain: \_\_\_\_\_

13. Did you understand all the questions? yes no

Signature \_\_\_\_\_

1,3-Butadiene (BD) Health Update Questionnaire

DIRECTIONS:

You have been asked to answer the questions on this form because you work with BD (butadiene). These questions are about your work, medical history, and health concerns. Please do your best to answer all of the questions. If you need help, please tell the doctor or health care professional who reviews this form.

This form is a confidential medical record. Only information directly related to your health and safety on the job may be given to your employer. Personal health information will not be given to anyone without your consent.

Date: \_\_\_\_\_

Name: \_\_\_\_\_ SSN \_\_\_/\_\_\_/\_\_\_  
Last First MI

Job Title: \_\_\_\_\_

Company's Name: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_

Supervisor's Phone No.: ( ) \_\_\_-\_\_\_

1. Please describe any NEW duties that you have at your job. \_\_\_\_\_

2. Please describe any additional job duties you have:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please circle your answer.

3. Are you exposed to any other chemicals in your work since the last time you were evaluated for exposure to BD? yes no

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If yes, please list what they are: \_\_\_\_\_

4. Does your personal protective equipment and clothing fit you properly? yes no

5. Have you made changes in this equipment or clothing to make if fit better? yes no

6. Have you been exposed to BD when you were not wearing protective clothing or equipment? yes no

7. Are you exposed to any NEW chemicals at home or while working on hobbies? yes no

If yes, please list what they are: \_\_\_\_\_

8. Since your last BD health evaluation, have you started working any new second or side jobs? yes no

If yes, what are your duties there? \_\_\_\_\_

Personal Health History

1. What is your current weight? \_\_\_\_\_ pounds

2. Have you been diagnosed with any new medical conditions or illness since your last evaluation? yes no

If yes, please tell what they are: \_\_\_\_\_

3. Since your last evaluation, have you been in the hospital for any illnesses, injuries, or surgery? yes no

If yes, please describe: \_\_\_\_\_

4. Do you have any of the following? Please place a check for all that apply to you.

- unexplained fever \_\_\_\_\_
- anemia ("low blood") \_\_\_\_\_
- HIV/AIDS \_\_\_\_\_
- weakness \_\_\_\_\_
- sickle cell \_\_\_\_\_
- miscarriage \_\_\_\_\_
- skin rash \_\_\_\_\_
- bloody stools \_\_\_\_\_
- leukemia/lymphoma \_\_\_\_\_
- neck mass/swelling \_\_\_\_\_
- wheezing \_\_\_\_\_
- yellowing of skin \_\_\_\_\_
- bruising easily \_\_\_\_\_
- lupus \_\_\_\_\_
- weight loss \_\_\_\_\_
- kidney problems \_\_\_\_\_
- enlarged lymph nodes \_\_\_\_\_
- liver disease \_\_\_\_\_
- cancer \_\_\_\_\_
- infertility \_\_\_\_\_
- drinking problems \_\_\_\_\_
- thyroid problems \_\_\_\_\_
- night sweats \_\_\_\_\_
- chest pain \_\_\_\_\_
- still birth \_\_\_\_\_

- eye redness \_\_\_\_\_
- lumps you can feel \_\_\_\_\_
- child with birth defect \_\_\_\_\_
- autoimmune disease \_\_\_\_\_
- overly tired \_\_\_\_\_
- lung problems \_\_\_\_\_
- rheumatoid arthritis \_\_\_\_\_
- mononucleosis ("mono") \_\_\_\_\_
- nagging cough \_\_\_\_\_

Please circle your answer.

5. Do you have any symptoms or health problems that you think may be related to your work with BD? yes no

If yes, please describe: \_\_\_\_\_

6. Have any of your co-workers had similar symptoms or problems? yes no don't know

If yes, please describe: \_\_\_\_\_

7. Do you notice any irritation of your eyes, nose, throat, lungs, or skin when working with BD? yes no

8. Do you notice any blurred vision, coughing, drowsiness, nausea, or headache when working with BD? yes no

9. Have you been taking any NEW medications (including birth control or over-the-counter)? yes no

If yes, please list: \_\_\_\_\_

10. Have you developed any new allergies to medications, foods, or chemicals? yes no

If yes, please list: \_\_\_\_\_

11. Do you have any health conditions not covered by this questionnaire that you think are affected by your work with BD? yes no

If yes, please explain: \_\_\_\_\_

12. Do you understand all the questions? yes no

Signature \_\_\_\_\_

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

AMENDATORY SECTION (Amending Order 89-06, filed 7/6/89, effective 8/7/89)

WAC 296-62-075 Air contaminants. (1) An employee's exposure to any substance listed in Table((s)) 1 ((or 2)) of WAC 296-62-07515 shall be limited in accordance with the requirements of WAC 296-62-07501 through 296-62-07513.

(2) The following definitions are applicable to the limits in Table((s)) 1 ((and 2)).

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(a) Time weighted average (TWA) is the employee's average airborne exposure to any 8-hour work shift of a 40-hour work week which shall not be exceeded.

(b) Short term exposure limit (STEL) is the employee's 15-minute time weighted average exposure which shall not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time weighted average exposure over that time period shall not be exceeded at any time during the working day.

(c) Ceiling is the employee's exposure which shall not be exceeded during any part of the work day. If instantaneous monitoring is not feasible, then the ceiling shall be assessed as a 15-minute time weighted average exposure which shall not be exceeded at any time over a working day.

(d) The terms "substance," "air contaminant," and "material" are equivalent in meaning for WAC 296-62-07515.

~~((3) The transitional limits listed in Table 2 of WAC 296-62-07515 may be utilized to determine the need for engineering controls until December 31, 1992.)~~

**AMENDATORY SECTION** (Amending Order 89-06, filed 7/6/89, effective 8/7/89)

**WAC 296-62-07501 Airborne contaminants.** (1) Permissible exposure limits (PELs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. Because of wide variation in individual susceptibility, however, a small percentage of workers may experience discomfort from some substances at concentrations at or below the permissible limit, a smaller percentage may be affected more seriously by aggravation of a preexisting condition or by development of an occupational illness.

(2) Permissible exposure limits refer to time-weighted concentrations for an 8-hour workday within a 40-hour workweek which shall not be exceeded.

(a) The cumulative time-weighted average exposure for an 8-hour work shift shall be computed as follows:

$$E = \frac{C_a T_a + C_b T_b + \dots + C_n T_n}{8}$$

where:

E is the equivalent exposure for the working shift.

C is the concentration during any period of time T where the concentration remains constant.

T is the duration in hours of the exposure at the concentration C.

The value of E shall not exceed the eight-hour time-weighted average (TWA) limit in Table((s)) 1 (~~(or 2)~~) (see WAC 296-62-07515), for the material involved.

(b) To illustrate the formula, assume that substance A has an 8-hour time-weighted average limit of 100 ppm as

noted in Table 1 of WAC 296-62-07515. Assume that an employee is subject to the following exposure:

- Two hours exposure at 150 ((~~p/m~~)) ppm
- Two hours exposure at 75 ((~~p/m~~)) ppm
- Four hours exposure at 50 ((~~p/m~~)) ppm

Substituting this information in the formula, we have  
 $(2 \times 150 + 2 \times 75 + 4 \times 50) \div 8 = 81.25$  ((~~p/m~~)) ppm

Since 81.25 ppm is less than 100 ((~~p-p-m-~~)) ppm, the 8-hour time-weighted average limit, the exposure is acceptable.

(3) Methods of compliance:

(a) To achieve compliance with these standards, the employer shall determine and implement feasible administrative or engineering controls.

(b) When administrative or engineering controls are not feasible to achieve full compliance, they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls.

(c) Any control equipment or technical measure utilized for the purpose of complying with WAC 296-62-07501(3) must be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used their use shall comply with WAC 296-62-071 through 296-62-07121.

(d) Upon request, the employer shall prepare and submit a written compliance plan to the director. This plan must include a description of the manner in which compliance will be achieved with respect to cited violations of WAC 296-62-07501(3), and shall include proposed abatement methods, anticipated completion dates, and provision for progress reports to be sent to the department.

(4) An employee's exposure to any substance in Table 1 (~~(or 2)~~) (see WAC 296-62-07515) which does not have a ceiling or a specified short-term exposure limit (STEL) shall not exceed the generic STEL which is computed by multiplying the applicable eight-hour time-weighted average (TWA) for the substance by the appropriate multiplier listed below.

Eight-hour TWA	Multiplier
PEL > 0-1	(ppm or mg/M <sup>3</sup> ) x 3
PEL > 1-10	(ppm or mg/M <sup>3</sup> ) x 2
PEL > 10-100	(ppm or mg/M <sup>3</sup> ) x 1.5
PEL > 100-1000	(ppm or mg/M <sup>3</sup> ) x 1.25
PEL > 1000	(ppm or mg/M <sup>3</sup> ) x 1

(5) Permissible limits are based on the best available information from industrial experience, from experimental human and animal studies, and, when possible, from a combination of the three. The basis on which the values are established may differ from substance to substance; protection against impairment of health may be a guiding factor for some, whereas reasonable freedom from irritation, narcosis, nuisance or other forms of stress may form the basis for others.

(6) The limits based on physical irritation shall be considered no less binding than those based on physical impairment. There is increasing evidence that physical irritation may initiate, promote or accelerate physical

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impairment through interaction with other chemical or biologic agents.

(7) In spite of the fact that serious injury is not believed likely as a result of exposure to the permissible limit concentrations, the best practice is to maintain concentrations of all atmospheric contaminants as low as is practical.

(8) These limits are intended for use in the practice of industrial hygiene and should be interpreted and applied only by a technically qualified person.

**AMENDATORY SECTION** (Amending Order 89-06, filed 7/6/89, effective 8/7/89)

**WAC 296-62-07510 Total particulate.** Total particulate exposure shall not exceed a permissible limit of 10 milligrams per cubic meter (mg/M<sup>3</sup>) of air for total dust or 5 milligrams per cubic meter (mg/M<sup>3</sup>) for respirable dust.

The use of this eight-hour time-weighted-average exposure limit does not preclude the application of other applicable limits in WAC 296-62-075 through 296-62-07515. Nor does it preclude the use of WAC 296-62-060 when substances not specifically listed in Table 1 ((~~or 2~~)) are found to require a lower limit. This section does, however, limit the combined total concentration of all particulate contaminants whether or not specifically listed in Table 1 ((~~or 2~~)).

**AMENDATORY SECTION** (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

**WAC 296-62-07515 Control of chemical agents.** Chemical agents shall be controlled in such a manner that the workers exposure shall not exceed the applicable limits in WAC 296-62-075 through 296-62-07515.

**TABLE 1: LIMITS FOR AIR CONTAMINANTS**  
Permissible Exposure Limits (PEL)

Substance	CAS <sup>i</sup> Number	TWA		STEL <sup>c</sup>		CEILING		Skin Designation
		ppm <sup>a</sup>	mg/m <sup>3b</sup>	ppm <sup>a</sup>	mg/m <sup>3b</sup>	ppm <sup>a</sup>	mg/m <sup>3b</sup>	
Abate, see Temephos	—	—	—	—	—	—	—	—
Acetaldehyde	75-07-0	100	180	150	270	—	—	—
Acetic acid	64-19-7	10	25	—	—	—	—	—
Acetic anhydride	108-24-7	—	—	—	—	5.0	20	—
Acetone	67-64-1	750	1800	1000	2400	—	—	—
Acetonitrile	75-05-8	40	70	60	105	—	—	—
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	—	—	—	—	—	—	—
Acetylene	74-86-2	Simple	Asphyxiant	—	—	—	—	—
Acetylene dichloride (see 1,2-Dichloroethylene)	—	—	—	—	—	—	—	—
Acetylene tetrabromide	79-27-6	1.0	14	—	—	—	—	—
Acetylsalicylic acid (Aspirin)	50-78-2	—	5.0	—	—	—	—	—
Acrolein	107-02-8	0.1	0.25	0.3	0.8	—	—	—
Acrylamide	79-06-1	—	0.03	—	—	—	—	X
Acrylic acid	79-10-7	10	30	—	—	—	—	X
Acrylonitrile (see WAC 296-62-07341)	107-13-1	—	—	—	—	—	—	—
Aldrin	309-00-2	—	0.25	—	—	—	—	X
Allyl alcohol	107-18-6	2.0	5.0	4.0	10	—	—	X
Allyl Chloride	107-05-1	1.0	3.0	2.0	6.0	—	—	—
Allyl glycidyl ether (AGE)	106-92-3	5.0	22	10	44	—	—	—
Allyl propyl disulfide	2179-59-1	2.0	12	3.0	18	—	—	—
alpha-Alumina (see Aluminum oxide)	1344-28-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Aluminum, metal and oxide (as Al)	7429-90-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
pyro powders	—	—	5.0	—	—	—	—	—
welding fumes f/ soluble salts	—	—	5.0	—	—	—	—	—
alkyls (NOC)	—	—	2.0	—	—	—	—	—
Alundum (see Aluminum oxide)	—	—	—	—	—	—	—	—

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4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	—	—	—	—	—	—	—
2-Aminoethanol (see Ethanolamine)	—	—	—	—	—	—	—	—
2-Aminopyridine	504-29-0	0.5	2.0	—	—	—	—	—
Amitrole	61-82-5	—	0.2	—	—	—	—	—
Ammonia	7664-41-7	25	18	35	27	—	—	—
Ammonium chloride, fume	12125-02-9	—	10	—	20	—	—	—
Ammonium sulfamate (Ammate)	7773-06-0	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
n-Amyl acetate	628-63-7	100	525	—	—	—	—	—
sec-Amyl acetate	626-38-0	125	650	—	—	—	—	—
Aniline and homologues	62-53-3	2.0	8.0	—	—	—	—	X
Anisidine (o, p-isomers)	29191-52-4	0.1	0.5	—	—	—	—	X
Anitmony and Compounds (as Sb)	7440-36-0	—	0.5	—	—	—	—	—
ANTU (alpha Naphthyl thiourea)	86-88-4	—	0.3	—	—	—	—	—
Argon	7440-37-1	Simple	Asphyxiant	—	—	—	—	—
Arsenic, Organic compounds (as As)	7440-38-2	—	0.2	—	—	—	—	—
Arsenic, Inorganic compounds, (as As) (see WAC 296-62-07347 for applications and exclusions)	7440-38-2	—	0.2	—	—	—	—	—
Arsine	7784-42-1	0.05	0.2	—	—	—	—	—
Asbestos (see WAC 296-62-077 through 296-62-07753)	—	—	—	—	—	—	—	—
Asphalt (Petroleum fumes)	8052-42-4	—	5.0	—	—	—	—	—
Atrazine	1912-24-9	—	5.0	—	—	—	—	—
Azinphos methyl	86-50-0	—	0.2	—	—	—	—	X
Barium, soluble compounds (as Ba)	7440-39-3	—	0.5	—	—	—	—	—
Barium Sulfate	7727-43-7	—	—	—	—	—	—	—
Total dust	—	—	10.0	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Benomyl	17804-35-2	—	—	—	—	—	—	—
Total dust	—	0.8	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Benzene, (see WAC 296-62-07523)d/	71-43-2	1.0	—	5.0	—	—	—	—
Benzidine, (see WAC 296-62-073)	92-87-5	—	—	—	—	—	—	—
p-Benzoquinone, (see Quinone)	—	—	—	—	—	—	—	—
Benzo(a) pyrene; (see Coal tar pitch volatiles)	—	—	—	—	—	—	—	—
Benzoyl peroxide	94-36-0	—	5.0	—	—	—	—	—
Benzyl chloride	100-44-7	1.0	5.0	—	—	—	—	—
Beryllium and beryllium compounds (as Be)	7440-41-7	—	0.002	—	0.005 (30 min.)	—	0.025	—
Biphenyl (see ((Diphenyl)) Diphenyl)	—	—	—	—	—	—	—	—
Bismuth telluride, Undoped	1304-82-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Bismuth telluride, Se-doped	—	—	5.0	—	—	—	—	—
Borates, tetra, sodium salts:	—	—	—	—	—	—	—	—
Anhydrous	1330-43-4	—	1.0	—	—	—	—	—
Decahydrate	1303-96-4	—	5.0	—	—	—	—	—

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Pentahydrate	12179-04-3	—	1.0	—	—	—	—	—
Boron oxide	1303-86-2	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Boron tribromide	10294-33-4	—	—	—	—	1.0	10	—
Boron trifluoride	7637-07-2	—	—	—	—	1.0	3.0	—
Bromacil	314-40-9	1.0	10	—	—	—	—	—
Bromine	7726-95-6	0.1	0.7	0.3	2.0	—	—	—
Bromine pentafluoride	7789-30-2	0.1	0.7	—	—	—	—	—
Bromochloromethane, (see Chlorobromethane)	—	—	—	—	—	—	—	—
Bromoform	15-25-2	0.5	5.0	—	—	—	—	X
Butadiene	106-99-0	((40))	((22))	((—))	—	—	—	—
(1,3-butadiene)	—	<u>1</u>	<u>2.2</u>	<u>5</u>	—	—	—	—
Butane	106-97-8	800	1,900	—	—	—	—	—
Butanethiol (see Butyl mercaptan)	—	—	—	—	—	—	—	—
2-Butanone (Methyl ethyl ketone)	78-93-3	200	590	300	885	—	—	—
2-Butoxy ethanol (Butyl Cellosolve)	111-76-2	25	120	—	—	—	—	X
n-Butyl acetate	123-86-4	150	710	200	950	—	—	—
sec-Butyl acetate	105-46-4	200	950	—	—	—	—	—
tert-Butyl acetate	540-88-5	200	950	—	—	—	—	—
Butyl acrylate	141-32-2	10	55	—	—	—	—	—
n-Butyl alcohol	71-36-3	—	—	—	—	50	150	X
sec-Butyl alcohol	78-92-2	100	305	—	—	—	—	—
tert-Butyl alcohol	75-65-0	100	300	150	450	—	—	—
Butylamine	109-73-9	—	—	—	—	5.0	15	X
tert-Butyl chromate (see CrO3)	1189-85-1	—	—	—	—	—	0.1	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25	135	—	—	—	—	—
n-Butyl lactate	138-22-7	5.0	25	—	—	—	—	—
Butyl mercaptan	109-79-5	0.5	1.5	—	—	—	—	—
o-sec-Butylphenol	89-72-5	5.0	30	—	—	—	—	X
p-tert-Butyl-toluene	98-51-1	10	60	20	120	—	—	—
Cadmium oxide fume, (as Cd) (see WAC 296-62-074)	1306-19-0	—	—	—	—	—	—	—
Cadmium dust and salts (as Cd) (see WAC 296-62-074)	7440-43-9	—	—	—	—	—	—	—
Calcium arsenate (see WAC 296-62-07347)	—	—	—	—	—	—	—	—
Calcium carbonate	1317-65-3	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Calcium cyanamide	156-62-7	—	0.5	—	—	—	—	—
Calcium hydroxide	1305-62-0	—	5.0	—	—	—	—	—
Calcium oxide	1305-78-8	—	2.0	—	—	—	—	—
Calcium silicate	1344-95-2	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Calcium sulfate	7778-18-9	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Camphor (synthetic)	76-22-2	—	2.0	—	—	—	—	—
Caprolactam; Dust	105-60-2	—	—	—	—	—	—	—
Vapor	—	—	1.0	—	3.0	—	—	—
Captafol (Difolatan)	2425-06-1	—	0.1	—	—	—	—	X
Captan	133-06-2	—	5.0	—	—	—	—	—

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Carbaryl (Sevin)	63-25-2	—	5.0	—	—	—	—	—
Carbofuran (Furadon)	1563-66-2	—	0.1	—	—	—	—	—
Carbon black	1333-86-4	—	3.5	—	—	—	—	—
Carbon dioxide	124-38-9	5,000	9,000	( <del>30,000</del> )	54,000	—	—	—
				<u>30,000</u>				
Carbon disulfide	75-15-0	4.0	12	12	36	—	—	X
Carbon monoxide	630-08-0	35	40	—	—	200 m/	229 m/	—
Carbon tetrabromide	558-13-4	0.1	1.4	0.3	4.0	—	—	—
Carbon tetrachloride	56-23-5	2.0	12.6	—	—	—	—	—
Carbonyl chloride (see Phosgene)	—	—	—	—	—	—	—	—
Carbonyl fluoride	353-50-4	2.0	5.0	5.0	15	—	—	—
Catechol (Pyrocatechol)	120-80-9	5.0	20	—	—	—	—	X
Cellulose (paper fiber)	9004-34-6	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Cesium hydroxide	21351-79-1	—	2.0	—	—	—	—	—
Chlordane	57-74-9	—	0.5	—	—	—	—	X
Chlorinated camphene	8001-35-2	—	0.5	—	1.0	—	—	X
Chlorinated diphenyl oxide	55720-99-5	—	0.5	—	—	—	—	—
Chlorine	7782-50-5	0.5	1.5	1.0	3.0	1.0	3.0	—
Chlorine dioxide	10049-04-4	0.1	0.3	0.3	0.9	—	—	—
Chlorine trifluoride	7790-91-2	—	—	—	—	0.1	0.4	—
Chloroacetaldehyde	107-20-0	—	—	—	—	1.0	3.0	—
a-Chloroacetophenone (Phenacyl chloride)	532-21-4	0.05	0.3	—	—	—	—	—
Chloroacetyl chloride	79-04-9	0.05	0.2	—	—	—	—	—
Chlorobenzene (Monochlorobenzene)	108-90-7	75	350	—	—	—	—	—
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	—	—	—	—	0.05	0.4	X
Chlorobromomethane	74-97-5	200	1,050	—	—	—	—	—
2-Chloro-1, 3-butadiene (see beta-Chloroprene)	—	—	—	—	—	—	—	—
Chlorodifluoromethane	75-45-6	1,000	3,500	—	—	—	—	—
Chlorodiphenyl (42% Chlorine) (PCB)	53469-21-9	—	1.0	—	—	—	—	X
Chlorodiphenyl (54% Chlorine) (PCB)	11097-69-1	—	0.5	—	—	—	—	X
1-Chloro-2, 3-epoxypropane, (see Epichlorhydrin)	—	—	—	—	—	—	—	—
2-Chloroethanol (see Ethylene chlorohydrin)	—	—	—	—	—	—	—	—
Chloroethylene (see vinyl chloride)	—	—	—	—	—	—	—	—
Chloroform (Trichloromethane)	67-66-3	2.0	9.78	—	—	—	—	—
1-Chloro-1-nitropropane	600-25-9	2.0	10	—	—	—	—	—
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	—	—	—	—	—	—	—
Chloromethyl methyl ether (see Methyl carbomethyl ether)	107-30-2	—	—	—	—	—	—	—
Chloropentafluoroethane	76-15-3	1,000	6,320	—	—	—	—	—
Chloropicrin	76-06-2	0.1	0.7	—	—	—	—	—
beta-Chloroprene	126-99-8	10	35	—	—	—	—	X
o-Chlorostyrene	2039-87-4	50	285	75	428	—	—	—
o-Chlorotoluene	95-49-8	50	250	—	—	—	—	—
2-Chloro-6-trichloromethyl pyridine (see Nitrapyrin)	1929-82-4	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Chlorpyrifos	2921-88-2	—	0.2	—	—	—	—	X

Chromic acid and chromates	Varies	—	((—))	—	—	—	((0.1))	—
(as CrO3)	w/compounds		0.1					
Chromium, sol, chromic, chromous salts (as Cr)	7440-47-3	—	0.5	—	—	—	—	—
Chromium (VI) compounds (as Cr)	—	—	0.05	—	—	—	—	—
Chromium Metal and insoluble salts	7440-47-3	—	0.5	—	—	—	—	—
Chromyl chloride	14977-61-8	0.025	0.15	—	—	—	—	—
Chrysene: (see Coal tar pitch volatiles)	—	—	—	—	—	—	—	—
Clopidol	2971-90-6	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Coal Dust (less than 5% SiO2)	—	—	2.0	—	—	—	—	—
Respirable fraction	—	—	0.1	—	—	—	—	—
Coal dust (greater than or equal to 5% SiO2)	—	—	0.1	—	—	—	—	—
Respirable fraction	—	—	0.1	—	—	—	—	—
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	65996-93-2	—	0.2	—	—	—	—	—
Cobalt, metal fume & dust, (as Co)	7440-48-4	—	0.05	—	—	—	—	—
Cobalt carbonyl (as Co)	10210-68-1	—	0.1	—	—	—	—	—
Cobalt hydrocarbonyl (as Co)	16842-03-8	—	0.1	—	—	—	—	—
Coke oven emissions (see WAC 296-62-200)	—	—	—	—	—	—	—	—
Copper fume (as Cu)	7440-50-8	—	0.1	—	—	—	—	—
Dusts and mists (as Cu)	—	—	1.0	—	—	—	—	—
Cotton dust (raw) e/	—	—	1.0	—	—	—	—	—
Corundum, (see Aluminum oxide)	—	—	—	—	—	—	—	—
Crag herbicide (Sesone)	136-78-7	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Cresol (all isomers)	1319-77-3	5.0	22	—	—	—	—	X
Crotonaldehyde	123-73-9;	2.0	6.0	—	—	—	—	—
4170-30-3	—	—	—	—	—	—	—	—
Crufomate	299-86-5	—	5.0	—	—	—	—	—
Cumene	98-82-8	50	245	—	—	—	—	X
Cyanamide	420-04-2	—	2.0	—	—	—	—	—
Cyanide (as CN)	Varies	—	5.0	—	—	—	—	X
	with Compound							
Cyanogen	460-19-5	10	20	—	—	—	—	—
Cyanogen chloride	506-77-4	—	—	—	—	0.3	0.6	—
Cyclohexane	110-82-7	300	1,050	—	—	—	—	—
Cyclohexanol	108-93-0	50	200	—	—	—	—	X
Cyclohexanone	108-94-1	25	100	—	—	—	—	X
Cyclohexene	110-83-8	300	1,015	—	—	—	—	—
Cyclohexylamine	108-91-8	10	40	—	—	—	—	—
Cyclonite (see RDX)	121-82-4	—	1.5	—	—	—	—	X
Cyclopentadiene	542-92-7	75	200	—	—	—	—	—
Cyclopentane	287-92-3	600	1,720	—	—	—	—	—
Cyhexatin	13121-70-5	—	5.0	—	—	—	—	—
2,4-D (Dichlorophenoxy-acetic acid)	94-75-7	—	10	—	—	—	—	—
DDT (Dichlorodiphenyltri-chloroethane)	50-29-3	—	1.0	—	—	—	—	X

DDVP, Dichlorvos	62-73-7	0.1	1.0	—	—	—	—	X
Decaborane	17702-41-9	0.05	0.3	0.15	0.9	—	—	X
Demeton	8065-48-3	0.01	0.1	—	—	—	—	X
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	123-42-2	50	240	—	—	—	—	—
1, 2-Diaminoethane (see Ethylenediamine)	—	—	—	—	—	—	—	—
Diazinon	333-41-5	—	0.1	—	—	—	—	X
Diazomethane	334-88-3	0.2	0.4	—	—	—	—	—
Diborane	19287-45-7	0.1	0.1	—	—	—	—	—
Dibrom, (see Naled)	—	—	—	—	—	—	—	—
1, 2-Dibromo-3-chloropropane ( <del>96-12-3</del> ) 96-12-8 (see WAC 296-62-07345)	—	—	—	—	—	—	—	—
2-N-Dibutylamino ethanol	102-81-8	2.0	14	—	—	—	—	X
Dibutyl phosphate	107-66-4	1.0	5.0	2.0	10	—	—	—
Dibutyl phthalate	84-74-2	—	5.0	—	—	—	—	—
Dichloroacetylene	7572-29-4	—	—	—	—	0.1	0.4	—
o-Dichlorobenzene	95-50-1	—	—	—	—	50	300	—
p-Dichlorobenzene	106-46-7	75	450	110	675	—	—	—
3, 3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	—	—	—	—	—	—	—
Dichlorodifluoromethane	75-71-8	1,000	4,950	—	—	—	—	—
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	—	0.2	—	0.4	—	—	—
1, 1-Dichloroethane	75-34-3	100	400	—	—	—	—	—
1, 2-Dichloroethane (see Ethylene dichloride)	—	—	—	—	—	—	—	—
1, 2-Dichloroethylene	540-59-0	200	790	—	—	—	—	—
1, 1-Dichloroethylene (see Vinylidene chloride)	—	—	—	—	—	—	—	—
Dichloroethyl ether	111-44-4	5.0	30	10	60	—	—	X
Dichlorofluoromethane	75-43-4	10	40	—	—	—	—	—
Dichloromethane (see Methylene chloride)	—	—	—	—	—	—	—	—
1, 1-Dichloro-1-nitroethane	594-72-9	2.0	10.	10.	—	—	—	—
1, 2-Dichloropropane (see Propylene dichloride)	—	—	—	—	—	—	—	—
Dichloropropene	542-75-6	1.0	5.0	—	—	—	—	X
2, 2-Dichloropropionic acid	75-99-0	1.0	6.0	—	—	—	—	—
Dichlorotetrafluoroethane	76-14-2	1,000	7,000	—	—	—	—	—
Dichlorvos (DDVP)	62-73-7	0.1	1.0	—	—	—	—	X
Dicrotophos	141-66-2	—	0.25	—	—	—	—	X
Dicyclopentadiene	77-73-6	5.0	30	—	—	—	—	—
Dicyclopentadienyl iron	102-54-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Dieldrin	60-57-1	—	0.25	—	—	—	—	X
Diethanolamine	111-42-2	3.0	15	—	—	—	—	—
Diethylamine	109-89-7	10	30	25	75	—	—	—
2-Diethylaminoethanol	100-37-8	10	50	—	—	—	—	X
Diethylene triamine	111-40-0	1.0	4.0	—	—	—	—	X
Diethyl ether (see Ethyl ether)	—	—	—	—	—	—	—	—
Diethyl ketone	96-22-0	200	705	—	—	—	—	—
Diethyl phthalate	84-66-2	—	5.0	—	—	—	—	—
Difluorodibromomethane	75-61-6	100	860	—	—	—	—	—
Diglycidyl ether (DGE)	2238-07-5	0.1	0.5	—	—	—	—	—
Dihydroxybenzene (see Hydroquinone)	—	—	—	—	—	—	—	—
Diisobutyl ketone	108-83-8	25	150	—	—	—	—	—
Diisopropylamine	108-18-9	5.0	20	—	—	—	—	X

Dimethoxymethane (see Methylal)	—	—	—	—	—	—	—	—
Dimethyl acetamide	127-19-5	10	35	—	—	—	—	X
Dimethylamine	124-40-3	10	18	—	—	—	—	—
4-Dimethylaminoazobenzene (see WAC 296-62-073)	60-11-7	—	—	—	—	—	—	—
Dimethylaminobenzene (see Xylidene)	—	—	—	—	—	—	—	—
Dimethylaniline (N, N-Dimethylaniline)	121-69-7	5.0	25	10	50	—	—	X
Dimethylbenzene (see Xylene)	—	—	—	—	—	—	—	—
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (see Naled)	300-76-5	—	3.0	—	—	—	—	X
Dimethylformamide	68-12-2	10	30	—	—	—	—	X
2, 6-Dimethylheptanone (see Diisobutyl ketone)	—	—	—	—	—	—	—	—
1, 1-Dimethylhydrazine	57-14-7	0.5	1.0	—	—	—	—	X
Dimethyl phthalate	131-11-3	—	5.0	—	—	—	—	—
Dimethyl sulfate	77-78-1	0.1	0.5	—	—	—	—	X
Dinitolmide (3, 5-Dinitro-o-toluamide)	148-01-6	—	5.0	—	—	—	—	—
Dinitrobenzene (all isomers)	(alpha) 528-29-0; (meta) 99-65-0; (para) 100-25-4	0.15	1.0	—	—	—	—	X
Dinitro-o-cresol	534-52-1	—	0.2	—	—	—	—	X
Dinitrotoluene	25321-14-6	—	1.5	—	—	—	—	X
Dioxane (Diethylene dioxide)	123-91-1	25	90	—	—	—	—	X
Dioxathion	78-34-2	—	0.2	—	—	—	—	X
Diphenyl (Biphenyl)	92-52-4	0.2	1.0	—	—	—	—	—
Diphenylamine	122-39-4	—	10	—	—	—	—	—
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	—	—	—	—	—	—	—	—
Dipropylene glycol methyl ether	34590-94-8	100	600	150	900	—	—	X
Dipropyl ketone	123-19-3	50	235	—	—	—	—	—
Diquat	85-00-7	—	0.5	—	—	—	—	—
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	—	5.0	—	10	—	—	—
Disulfram	97-77-8	—	2.0	—	—	—	—	—
Disulfoton	298-04-4	—	0.1	—	—	—	—	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	—	10	—	—	—	—	—
Diuron	330-54-1	—	10	—	—	—	—	—
Divinyl benzene	1321-74-0	10	50	—	—	—	—	—
Emery	12415-34-8	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Endosulfan (Thiodan)	115-29-7	—	0.1	—	—	—	—	X
Endrin	72-20-8	—	0.1	—	—	—	—	X
Epichlorhydrin	106-89-8	2.0	8.0	—	—	—	—	X
EPN	2104-64-5	—	0.5	—	—	—	—	X
1, 2-Epoxypropane (see Propylene oxide)	—	—	—	—	—	—	—	—
2, 3-Epoxy-1-propanol (see Glycidol)	—	—	—	—	—	—	—	—
Ethane	—	Simple	Asphyxiant	—	—	—	—	—
Ethanethiol (see Ethyl mercaptan)	—	—	—	—	—	—	—	—
Ethanolamine	141-43-5	3.0	8.0	6.0	15	—	—	—
Ethion	563-12-2	—	0.4	—	—	—	—	X
2-Ethoxyethanol	110-80-5	5.0	19	—	—	—	—	X

PERMANENT

2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5.0	27	—	—	—	—	X
Ethyl acetate	141-78-6	400	1,400	—	—	—	—	—
Ethyl acrylate	140-88-5	5.0	20	25	100	—	—	X
Ethyl alcohol (ethanol)	64-17-5	1,000	1,900	—	—	—	—	—
Ethylamine	75-04-07	10	18	—	—	—	—	—
Ethyl amyl ketone (5-Methyl-3-hepatone)	541-85-5	25	130	—	—	—	—	—
Ethyl benzene	100-41-4	100	435	125	545	—	—	—
Ethyl bromide	74-96-4	200	890	250	1,110	—	—	—
Ethyl butyl ketone (3-Heptanone)	106-35-4	50	230	—	—	—	—	—
Ethyl chloride	75-00-3	1,000	2,600	—	—	—	—	—
Ethylene	74-85-1	Simple	Asphyxiant	—	—	—	—	—
Ethylene chlorohydrin	107-07-3	—	—	—	—	1.0	3.0	X
Ethylenediamine	107-15-3	10	25	—	—	—	—	X
Ethylene dibromide	106-93-4	0.1	—	0.5	—	—	—	—
Ethylene dichloride	107-06-2	1.0	4.0	2.0	8.0	—	—	—
Ethylene glycol	107-21-1	—	—	—	—	50	125	—
Ethylene glycol dinitrate	628-96-6	—	—	—	0.1	—	—	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	—	5.0	24	—	—	—	—	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	—	—	—	—	—	—	X
Ethylene oxide (see WAC 296-62-07353)	75-21-8	1.0	2.0	—	—	—	—	—
Ethyl ether	60-29-7	400	1,200	500	1,500	—	—	—
Ethyl formate	109-94-4	100	300	—	—	—	—	—
Ethylidene chloride (see 1, 1-Dichloroethane)	—	—	—	—	—	—	—	—
Ethylidene norbornene	16219-75-3	—	—	—	—	5.0	25	—
Ethyl mercaptan	75-08-1	0.5	1.0	—	—	—	—	—
n-Ethylmorpholine	100-74-3	5.0	23	—	—	—	—	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	—	25	130	—	—	—	—	—
Ethyl silicate	78-10-4	10	85	—	—	—	—	—
Fenamiphos	22224-92-6	—	0.1	—	—	—	—	X
Fensulfothion (Dasanit)	115-90-2	—	0.1	—	—	—	—	—
Fenthion	55-38-9	—	0.2	—	—	—	—	X
Ferbam	14484-64-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Ferovanadium dust	12604-58-9	—	1.0	—	3.0	—	—	—
Fluorides (as F)	Varies	—	2.5	—	—	—	—	—
	w/compound	—	—	—	—	—	—	—
Fluorine	7782-41-4	0.1	0.2	—	—	—	—	—
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	—	—	—	—	1,000	5,600	—
Fonofos	944-22-9	—	0.1	—	—	—	—	X
Formaldehyde  (see WAC 296-62-07540)	50-00-0	((1.0)) 0.75	—	2.0	—	—	—	—
Formamide	75-12-7	20	30	30	45	—	—	—
Formic acid	64-18-6	5.0	9.0	—	—	—	—	—
Furfural	98-01-1	2.0	8.0	—	—	—	—	X
Furfuryl alcohol	98-00-0	10	40	15	60	—	—	X
Gasoline	8006-61-9	300	900	500	1,500	—	—	—
Germanium tetrahydride	7782-65-2	0.2	0.6	—	—	—	—	—
Glass, fibrous or dust	—	—	10	—	—	—	—	—
Gluteraldehyde	111-30-8	—	—	—	—	0.2	0.8	—
Glycerin mist	56-81-5	—	—	—	—	—	—	—

PERMANENT

Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Glycidol (2, 3-Epoxy-1- propanol)	556-52-5	25	75	—	—	—	—	—
Glycol monoethyl ether (see 2-Ethoxyethanol)	—	—	—	—	—	—	—	—
Grain dust (oat, wheat, barley)	—	—	10	—	—	—	—	—
Graphite, natural	7782-42-5	—	—	—	—	—	—	—
Respirable dust	—	—	2.5	—	—	—	—	—
Graphite, Synthetic	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Guthion (see Azinphosmethyl)	—	—	—	—	—	—	—	—
Gypsum	13397-24-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Hafnium	7440-58-6	—	0.5	—	—	—	—	—
Helium	—	Simple	Asphyxiant	—	—	—	—	—
Heptachlor	76-44-8	—	0.5	—	—	—	—	X
Heptane (n-heptane)	142-82-5	400	1,600	500	2,000	—	—	—
2-Heptanone, (see Methyl n-amyl ketone)	—	—	—	—	—	—	—	—
3-Heptanone (see Ethyl butyl ketone)	—	—	—	—	—	—	—	—
Hexachlorobutadiene	87-68-3	0.02	0.24	—	—	—	—	X
Hexachlorocyclopentadiene	77-47-4	0.01	0.1	—	—	—	—	—
Hexachloroethane	67-72-1	1.0	10	—	—	—	—	X
Hexachloronaphthalene	1335-87-1	—	0.2	—	—	—	—	X
Hexafluoroacetone	684-16-2	0.1	0.7	—	—	—	—	X
Hexane	—	—	—	—	—	—	—	—
n-hexane	110-54-3	50	180	—	—	—	—	—
other Isomers	Varies w/compound	500	1,800	1,000	3,600	—	—	—
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5.0	20	—	—	—	—	—
Hexone (Methyl isobutyl ketone)	108-10-1	50	205	75	300	—	—	—
sec-Hexyl acetate	108-84-9	50	300	—	—	—	—	—
Hexylene Glycol	107-41-5	—	—	—	—	25	125	—
Hydrazine	302-01-2	0.1	0.1	—	—	—	—	X
Hydrogen	—	Simple	Asphyxiant	—	—	—	—	—
Hydrogenated terphenyls	61788-32-7	0.5	5.0	—	—	—	—	—
Hydrogen bromide	10035-10-6	—	—	—	—	3.0	10	—
Hydrogen chloride	7647-01-0	—	—	—	—	5.0	7.0	—
Hydrogen cyanide	74-90-8	—	—	4.7	5.0	—	—	X
Hydrogen fluoride	7664-39-3	—	—	—	—	3.0	2.5	—
Hydrogen peroxide	7722-84-1	1.0	1.4	—	—	—	—	—
Hydrogen selenide (as Se)	7783-07-5	0.05	0.2	—	—	—	—	—
Hydrogen Sulfide	7783-06-4	10	14	15	21	—	—	—
Hydroquinone	123-31-9	—	2.0	—	—	—	—	—
4-Hydroxy-4-methyl-2-pentanone (see Diacetone alcohol)	—	—	—	—	—	—	—	—
2-Hydroxypropyl acrylate	999-61-1	0.5	3.0	—	—	—	—	X
Indene	95-13-6	10	45	—	—	—	—	—
Indium and compounds (as In)	7440-74-6	—	0.1	—	—	—	—	—
Iodine	7553-56-2	—	—	—	—	0.1	1.0	—
Iodoform	75-47-8	0.6	10	—	—	—	—	—
Iron oxide dust and fume (as Fe)	1309-37-1	—	—	—	—	—	—	—
Total particulate	—	—	5.0	—	—	—	—	—
Iron pentacarbonyl (as Fe)	13463-40-6	0.1	0.8	0.2	1.6	—	—	—

PERMANENT

Iron salts, soluble (as Fe)	Varies	—	1.0	—	—	—	—	—
	w/compound							
Isoamyl acetate	123-92-2	100	525	—	—	—	—	—
Isoamyl alcohol	123-51-3	100	360	125	450	—	—	—
(primary and secondary)								
Isobutyl acetate	110-19-0	150	700	—	—	—	—	—
Isobutyl alcohol	78-83-1	50	150	—	—	—	—	—
Isooctyl alcohol	26952-21-6	50	270	—	—	—	—	X
Isophorone	78-59-1	4.0	23	—	—	5.0	25	—
Isophorone diisocyanate	4098-71-9	0.005	0.045	0.02	—	—	—	X
Isopropoxyethanol	109-59-1	25	105	—	—	—	—	—
Isopropyl acetate	108-21-4	250	950	310	1,185	—	—	—
Isopropyl alcohol	67-63-0	400	980	500	1,225	—	—	—
Isopropylamine	75-31-0	5.0	12	10	24	—	—	—
N-Isopropylaniline	768-52-5	2.0	10	—	—	—	—	X
Isopropyl ether	108-20-3	250	1,050	—	—	—	—	—
Isopropyl glycidyl ether (IGE)	4016-14-2	50	240	75	360	—	—	—
Kaolin								
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Ketene	463-51-4	0.5	0.9	1.5	3.0	—	—	—
Lead inorganic (as Pb)	7439-92-1	—	0.05	—	—	—	—	—
(see WAC 296-62-07521)								
Lead arsenate	3687-31-8	—	0.05	—	—	—	—	—
(see WAC 296-62-07347)								
Lead chromate	7758-97-6	—	0.05	—	—	—	—	—
Limestone	1317-65-3							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Lindane	58-89-9	—	0.5	—	—	—	—	X
Lithium hydride	7580-67-8	—	0.025	—	—	—	—	—
L.P.G.	68476-85-7	1,000	1,800	—	—	—	—	—
(liquified petroleum gas)								
Magnesite	546-93-0							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Magnesium oxide fume	1309-48-4	—	—	—	—	—	—	—
Total particulate	—	—	10	—	—	—	—	—
Malathion	121-75-5							
Total dust	—	—	10	—	—	—	—	X
Maleic anhydride	108-31-6	0.25	1.0	—	—	—	—	—
Manganese and compound (as Mn)	7439-96-5	—	—	—	—	—	5.0	—
Manganese tetroxide and fume	7439-96-5	—	1.0	—	3.0	—	—	—
(as Mn)								
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	—	0.1	—	—	—	—	X
Manganese tetroxide (as Mn)	1317-35-7	—	1.0	—	—	—	—	—
Marble	1317-65-3							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Mercury (aryl and inorganic)	7439-97-6	—	((—))	—	—	—	((0.1))	X
(as Hg)			0.1					
Mercury (organo-alkyl compounds)	7439-97-6	—	0.01	—	0.03	—	—	X
(as Hg)								
Mercury (vapor) (as Hg)	7439-97-6	—	0.05	—	—	—	—	X
Mesityl oxide	141-79-7	15	60	25	100	—	—	—
Methacrylic acid	79-41-4	20	70	—	—	—	—	X
Methane	—	Simple	Asphyxiant	—	—	—	—	—
Methanethiol	—	—	—	—	—	—	—	—
(see Methyl mercaptan)								

PERMANENT

Methomyl (lannate)	16752-77-5	—	2.5	—	—	—	—	—
Methoxychlor	72-43-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
2-Methoxyethanol	109-86-4	5.0	16	—	—	—	—	X
(Methyl cellosolve)	—	—	—	—	—	—	—	—
4-Methoxyphenol	150-76-5	—	5.0	—	—	—	—	—
Methyl acetate	79-20-9	200	610	250	760	—	—	—
Methyl acetylene (propyne)	74-99-7	1,000	1,650	—	—	—	—	—
Methyl acetylene-propadiene mixture (MAPP)	—	1,000	1,800	1,250	2,250	—	—	—
Methyl acrylate	96-33-3	10	35	—	—	—	—	X
Methylacrylonitrile	126-98-7	1.0	3.0	—	—	—	—	X
Methylal (Dimethoxy-methane)	109-87-5	1,000	3,100	—	—	—	—	—
Methyl alcohol (methanol)	67-56-1	200	260	250	325	—	—	X
Methylamine	74-89-5	10	12	—	—	—	—	—
Methyl amyl alcohol	—	—	—	—	—	—	—	—
(see Methyl isobutyl carbinol)	—	—	—	—	—	—	—	—
Methyl n-amyl ketone	110-43-0	50	235	—	—	—	—	—
(2-Heptanone)	—	—	—	—	—	—	—	—
N-Methyl aniline	—	—	—	—	—	—	—	—
(see Monomethyl aniline)	—	—	—	—	—	—	—	—
Methyl bromide	74-83-9	5.0	20	—	—	—	—	X
Methyl butyl ketone	—	—	—	—	—	—	—	—
(see 2-Hexanone)	—	—	—	—	—	—	—	—
Methyl cellosolve	109-86-4	5.0	16	—	—	—	—	X
(see 2-Methoxyethanol)	—	—	—	—	—	—	—	—
Methyl cellosolve acetate	110-49-6	5.0	24	—	—	—	—	X
(2-Methoxyethyl acetate)	—	—	—	—	—	—	—	—
Methyl chloride	74-87-3	50	105	100	210	—	—	—
Methyl chloroform	71-55-6	350	1,900	450	2,450	—	—	—
(1, 1, 1-trichlorethane)	—	—	—	—	—	—	—	—
Methyl chloromethyl ether	107-30-2	—	—	—	—	—	—	—
(see WAC 296-62-073)	—	—	—	—	—	—	—	—
Methyl 2-cyanoacrylate	137-05-3	2.0	8.0	4.0	16	—	—	—
Methylcyclohexane	108-87-2	400	1,600	—	—	—	—	—
Methylcyclohexanol	25639-42-3	50	235	—	—	—	—	—
Methylcyclohexanone	583-60-8	50	230	75	345	—	—	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	—	0.2	—	—	—	—	X
Methyl demeton	8022-00-2	—	0.5	—	—	—	—	X
Methylene bisphenyl isocyanate (MDI)	101-68-8	—	—	—	—	0.02	0.2	—
4, 4'-Methylene bis (2-chloroaniline (MBOCA))	101-14-4	0.02	0.22	—	—	—	—	X
(see WAC 296-62-073)	—	—	—	—	—	—	—	—
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	—	—	—	—	0.01	0.11	—
Methylene chloride	75-09-2	100	—	500	—	—	—	—
4, 4-Methylene dianiline	101-77-9	0.1	0.8	—	—	—	—	X
Methyl ethyl ketone (MEK)	78-93-3	—	—	—	—	—	—	—
(see 2-Butanone)	—	—	—	—	—	—	—	—
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	—	—	—	—	0.2	1.5	—
Methyl formate	107-31-3	100	250	150	375	—	—	—
5-Methyl-3-heptanone	—	—	—	—	—	—	—	—
(see Ethyl amyl ketone)	—	—	—	—	—	—	—	—
Methyl hydrazine	60-34-4	—	—	—	—	0.2	0.35	X
(see Monomethyl hydrazine)	—	—	—	—	—	—	—	—
Methyl iodide	74-88-4	2.0	10	—	—	—	—	X
Methyl isoamyl ketone	110-12-3	50	240	—	—	—	—	—
Methyl isobutyl carbinol	108-11-2	25	100	40	165	—	—	X

Methyl isobutyl ketone (see Hexone)	—	—	—	—	—	—	—	—
Methyl isocyanate	624-83-9	0.02	0.05	—	—	—	—	X
Methyl isopropyl ketone	563-80-4	200	705	—	—	—	—	—
Methyl mercaptan	74-93-1	0.5	1.0	—	—	—	—	—
Methyl methacrylate	80-62-6	100	410	—	—	—	—	—
Methyl parathion	298-00-0	—	0.2	—	—	—	—	X
Methyl propyl ketone (see 2-Pentanone)	—	—	—	—	—	—	—	—
Methyl silicate	684-84-5	1.0	6.0	—	—	—	—	—
alpha-Methyl styrene	98-83-9	50	240	100	485	—	—	—
<del>((Methylene bisphenyl isocyanate (MDI)))</del>	<del>101-68-8</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>0.02</del>	<del>0.2</del>	<del>—</del>
Mevinphos (see Phosdrin)	—	—	—	—	—	—	—	—
Metribuzin	21087-64-9	—	5.0	—	—	—	—	—
Mica (see Silicates)	—	—	—	—	—	—	—	—
Molybdenum (as Mo)	7439-98-7	—	—	—	—	—	—	—
Soluble compounds	—	—	5.0	—	—	—	—	—
Insoluble compounds	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Monocrotophos (Azodrin)	6923-22-4	—	0.25	—	—	—	—	—
Monomethyl aniline	100-61-8	0.5	2.0	—	—	—	—	X
Monomethyl hydrazine	—	—	—	—	—	0.2	0.35	—
Morpholine	110-91-8	20	70	30	105	—	—	X
Naled	300-76-5	—	3.0	—	—	—	—	X
Naphtha (Coal tar)	8030-30-6	100	400	—	—	—	—	X
Naphthalene	91-20-3	10	50	15	75	—	—	—
alpha-Naphthylamine (see WAC 296-62-073)	134-32-7	—	—	—	—	—	—	—
beta-Naphthylamine (see WAC 296-62-073)	91-59-8	—	—	—	—	—	—	—
Neon	7440-01-9	Simple	Asphyxiant	—	—	—	—	—
Nickel carbonyl (as Ni)	13463-39-3	0.001	0.007	—	—	—	—	—
Nickle, (as Ni)	7440-02-0	—	—	—	—	—	—	—
Metal and insoluble compounds	—	—	1.0	—	—	—	—	—
Soluble compounds	—	—	0.1	—	—	—	—	—
Nicotine	54-11-5	—	0.5	—	—	—	—	X
Nitrapyrin (see 2-Chloro-6 trichloromethyl pyridine)	1929-82-4	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Nitric acid	7697-37-2	2.0	5.0	4.0	10	—	—	—
Nitric oxide	10102-43-9	25	30	—	—	—	—	—
p-Nitroaniline	100-01-6	—	3.0	—	—	—	—	X
Nitrobenzene	98-95-3	1.0	5.0	—	—	—	—	X
4-Nitrobiphenyl (see WAC 296-62-073)	92-93-3	—	—	—	—	—	—	—
p-Nitrochlorobenzene	100-00-5	—	0.5	—	—	—	—	X
4-Nitrodiphenyl (see WAC 296-62-073)	—	—	—	—	—	—	—	—
Nitroethane	79-24-3	100	310	—	—	—	—	—
Nitrogen	7727-37-9	Simple	Asphyxiant	—	—	—	—	—
Nitrogen dioxide	10102-44-0	—	—	1.0	1.8	—	—	—
Nitrogen trifluoride	7783-54-2	10	29	—	—	—	—	—
Nitroglycerin	55-63-0	—	—	—	0.1	—	—	X
Nitromethane	75-52-5	100	250	—	—	—	—	—
1-Nitropropane	108-03-2	25	90	—	—	—	—	—
2-Nitropropane	79-46-9	10	35	—	—	—	—	—
N-Nitrosodimethylamine (see WAC 296-62-073)	62-75-9	—	—	—	—	—	—	—

PERMANENT

Nitrotoluene:								
o-isomer	88-72-2	2.0	11	—	—	—	—	X
m-isomer	98-08-2	2.0	11	—	—	—	—	X
p-isomer	99-99-0	2.0	11	—	—	—	—	X
(Nitrotetrachloromethane)	—	—	—	—	—	—	—	—
<u>Nitrotrichloromethane</u>								
(see Chloropicrin)								
Nitrous Oxide	10024-97-2	50	90	—	—	—	—	—
(Nitrogen oxide)								
Nonane	111-84-2	200	1,050	—	—	—	—	—
Octachloronaphthalene	2234-13-1	—	0.1	—	0.3	—	—	X
Octane	111-65-9	300	1,450	375	1,800	—	—	—
Oil mist, mineral (particulate)	8012-95-1	—	5.0	—	—	—	—	—
Osmium tetroxide (as Os)	20816-12-0	0.0002	0.002	0.0006	0.006	—	—	—
Oxalic acid	144-62-7	—	1.0	—	2.0	—	—	—
Oxygen difluoride	7783-41-7	—	—	—	—	0.05	0.1	—
Ozone	10028-15-6	0.1	0.2	0.3	0.6	—	—	—
Paraffin wax fume	8002-74-2	—	2.0	—	—	—	—	—
Paraquat (Respirable dust)	4685-14-7	—	0.1	—	—	—	—	X
	1910-42-5							
	2074-50-2							
Parathion	56-38-2	—	0.1	—	—	—	—	X
Particulate polycyclic aromatic hydrocarbons (see coal tar pitch volatiles)								
Particulates not otherwise regulated (see WAC 296-62-07510)								
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Pentaborane	19624-22-7	0.005	0.01	0.015	0.03	—	—	—
Pentachloronaphthalene	1321-64-8	—	0.5	—	—	—	—	X
Pentachlorophenol	87-86-5	—	0.5	—	—	—	—	X
Pentaerythritol	115-77-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Pentane	109-66-0	600	1,800	750	2,250	—	—	—
2-Pentanone	107-87-9	200	700	250	875	—	—	—
(methyl propyl ketone)								
Perchloroethylene	127-18-4	25	170	—	—	—	—	—
(tetrachloroethylene)								
Perchloromethyl mercaptan	594-42-3	0.1	0.8	—	—	—	—	—
Perchloryl fluoride	7616-94-6	3.0	14	6.0	28	—	—	—
Perlite	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Petroleum distillates	—	100	400	—	—	—	—	—
(Naptha) (Rubber Solvent)								
Phenol	108-95-2	5.0	19	—	—	—	—	X
Phenothiazine	92-84-2	—	5.0	—	—	—	—	X
p-Phenylene diamine	106-50-3	—	0.1	—	—	—	—	X
Phenyl ether (vapor)	101-84-8	1.0	7.0	—	—	—	—	—
Phenyl ether-diphenyl mixture (vapor)	—	1.0	7.0	—	—	—	—	—
Phenylethylene, (see Styrene)								
Phenyl glycidyl ether (PGE)	122-60-1	1.0	6.0	—	—	—	—	—
Phenylhydrazine	100-63-0	5.0	20	10	45	—	—	X
Phenyl mercaptan	108-98-5	0.5	2.0	—	—	—	—	—
Phenylphosphine	638-21-1	—	—	—	—	0.05	0.25	—
Phorate	298-02-2	—	0.05	—	0.2	—	—	X
Phosdrin (Mevinphos)	7786-34-7	0.01	0.1	0.03	0.3	—	—	X
Phosgene (carbonyl chloride)	75-44-5	0.1	0.4	—	—	—	—	—

PERMANENT

Phosphine	7803-51-2	0.3	0.4	1.0	1.0	—	—	—
Phosphoric acid	7664-38-2	—	1.0	—	3.0	—	—	—
Phosphorus (yellow)	7723-14-0	—	0.1	—	—	—	—	—
Phosphorous oxychloride	10025-87-3	0.1	0.6	—	—	—	—	—
Phosphorus pentachloride	10026-13-8	0.1	1.0	—	—	—	—	—
Phosphorus pentasulfide	1314-80-3	—	1.0	—	3.0	—	—	—
Phosphorus trichloride	7719-12-2	0.2	1.5	0.5	3.0	—	—	—
Phthalic anhydride	85-44-9	1.0	6.0	—	—	—	—	—
m-Phthalodinitrile	626-17-5	—	5.0	—	—	—	—	—
Picloram	1918-02-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Picric acid	88-89-1	—	0.1	—	—	—	—	X
Pindone (see Pival)	83-26-1	—	0.1	—	—	—	—	—
(2-Pivalyl-1, 3-indandione)	—	—	—	—	—	—	—	—
Piperazine dihydrochloride	142-64-3	—	5.0	—	—	—	—	—
Pival (see Pindone)	—	—	—	—	—	—	—	—
Plaster of Paris	26499-65-0	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Platinum (as Pt)	7440-06-4	—	—	—	—	—	—	—
Metal	—	—	1.0	—	—	—	—	—
Soluble salts	—	—	0.002	—	—	—	—	—
Polychlorobiphenyls (see Chlorodiphenyls)	—	—	—	—	—	—	—	—
Portland cement	65997-15-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Potassium hydroxide	1310-58-3	—	—	—	—	—	2.0	—
Propane	74-98-6	1,000	1,800	—	—	—	—	—
Propargyl alcohol	107-19-7	1.0	2.0	—	—	—	—	X
beta-Propiolactone (see WAC 296-62-073)	57-57-8	—	—	—	—	—	—	—
Propionic acid	79-09-4	10	30	—	—	—	—	—
Propoxur (Baygon)	114-26-1	—	0.5	—	—	—	—	—
n-Propyl acetate	109-60-4	200	840	250	1,050	—	—	—
n-Propyl alcohol	71-23-8	200	500	250	625	—	—	X
n-Propyl nitrate	627-13-4	25	105	40	170	—	—	—
Propylene	—	Simple	Asphyxiant	—	—	—	—	—
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75	350	110	510	—	—	—
Propylene glycol dinitrate	6423-43-4	0.05	0.3	—	—	—	—	X
Propylene glycol monomethyl ether	107-98-2	100	360	150	540	—	—	—
Propylene imine	75-55-8	2.0	5.0	—	—	—	—	X
Propylene oxide	75-56-9	20	50	—	—	—	—	—
Propyne, (see Methyl acetylene)	—	—	—	—	—	—	—	—
Pyrethrum	8003-34-7	—	5.0	—	—	—	—	—
Pyridine	110-86-1	5.0	15	—	—	—	—	—
Quinone	106-51-4	0.1	0.4	—	—	—	—	—
RDX (see Cyclonite)	—	—	1.5	—	—	—	—	X
Resorcinol	108-46-3	10	45	20	90	—	—	—
Rhodium (as Rh)	7440-16-6	—	—	—	—	—	—	—
Insoluble compounds, Metal fumes and dusts	—	—	0.1	—	—	—	—	—
Soluble compounds, salts	—	—	0.001	—	—	—	—	—
Ronnel	299-84-3	—	10	—	—	—	—	—
Rosin core solder, pyrolysis products (as formaldehyde)	—	—	0.1	—	—	—	—	—
Rotenone	83-79-4	—	5.0	—	—	—	—	—

Rouge								
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Rubber solvent (naphtha)	8002-05-9	100	400	—	—	—	—	—
Selenium compounds (as Se)	7782-49-2	—	0.2	—	—	—	—	—
Selenium hexafluoride (as Se)	7783-79-1	0.05	0.2	—	—	—	—	—
Sesone (see Crag herbicide)	—	—	—	—	—	—	—	—
Silane (see Silicon tetrahydride)	—	—	—	—	—	—	—	—
Silica, amorphous, precipitated and gel	112926-00-8	—	6.0	—	—	—	—	—
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	—	6.0	—	—	—	—	—
Total dust	—	—	6.0	—	—	—	—	—
Respirable fraction	—	—	3.0	—	—	—	—	—
Silica, crystalline cristobalite, respirable dust	14464-46-1	—	0.05	—	—	—	—	—
Silica, crystalline quartz, respirable dust	14808-60-7	—	0.1 g/ h/	—	—	—	—	—
Silica, crystalline tripoli (as quartz), respirable dust	1317-95-9	—	0.1	—	—	—	—	—
Silica, crystalline tridymite, respirable dust	15468-32-3	—	0.05	—	—	—	—	—
Silica, fused, respirable dust	60676-86-0	—	0.1	—	—	—	—	—
Silicates (less than 1% crystalline silica:								
Mica (Respirable dust)	12001-26-2	—	3.0	—	—	—	—	—
Soapstone, Total dust	—	—	6.0	—	—	—	—	—
Soapstone, Respirable dust	—	—	3.0	—	—	—	—	—
Talc (containing asbestos): use asbestos limit (see WAC 296-62-07517)								
Talc (containing no asbestos), Respirable dust	14807-96-6	—	2.0	—	—	—	—	—
Tremolite (see WAC 296-62-07517)								
Silicon	7440-21-3							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Silicon Carbide	409-21-2							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Silicon tetrahydride	7803-62-5	5.0	7.0	—	—	—	—	—
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	—	0.01	—	—	—	—	—
Soapstone (see Silicates)	—	—	—	—	—	—	—	—
Sodium azide	26628-22-8							
(as HN <sub>3</sub> )	—	—	—	—	—	0.1	0.3	X
(as NaN <sub>3</sub> )	—	—	—	—	—	0.1	0.3	X
Sodium bisulfite	7631-90-5	—	5.0	—	—	—	—	—
Sodium-2, 4-dichlorophenoxyethyl sulfate (see Crag herbicide)	—	—	—	—	—	—	—	—
Sodium fluoroacetate	62-74-8	—	0.05	—	0.15	—	—	X
Sodium hydroxide	1310-73-2	—	—	—	—	—	2.0	—
Sodium metabisulfite	7681-57-4	—	5.0	—	—	—	—	—
Starch	9005-25-8	—	—	—	—	—	—	—

Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Stibine	7803-52-3	0.1	0.5	—	—	—	—	—
Stoddard solvent	8052-41-3	100	525	—	—	—	—	—
Strychnine	57-24-9	—	0.15	—	—	—	—	—
Styrene	100-42-5	50	215	100	425	—	—	—
Subtilisins	9014-01-1	—	—	—	0.00006 (60 min.)j/	—	—	—
Sucrose	57-50-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Sulfotep (see TEDP)	—	—	—	—	—	—	—	X
Sulfur dioxide	7446-09-5	2.0	5.0	5.0	13	—	—	—
Sulfur hexafluoride	2551-62-4	1,000	6,000	—	—	—	—	—
Sulfuric acid	7664-93-9	—	1.0	—	—	—	—	—
Sulfur monochloride	10025-67-9	—	—	—	—	1.0	6.0	—
Sulfur pentafluoride	5714-22-1	—	—	—	—	0.01	0.1	—
Sulfur tetrafluoride	7783-60-0	—	—	—	—	0.1	0.4	—
Sulfuryl fluoride	2699-79-8	5.0	20	10	40	—	—	—
Sulprofos	35400-43-2	—	1.0	—	—	—	—	—
Systox (see Demeton)	—	—	—	—	—	—	—	—
2, 4, 5-T	93-76-5	—	10	—	—	—	—	—
Talc (see Silicates)	—	—	—	—	—	—	—	—
Tantalum	7440-25-7	—	5.0	—	—	—	—	—
Metal and oxide dusts	—	—	—	—	—	—	—	—
TEDP (Sulfotep)	3689-24-5	—	0.2	—	—	—	—	X
Tellurium and compounds (as Te)	13494-80-9	—	0.1	—	—	—	—	—
Tellurium hexafluoride (as Te)	7783-80-4	0.02	0.2	—	—	—	—	—
Temephos	3383-96-8	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
TEPP	107-49-3	0.004	0.05	—	—	—	—	X
Terphenyls	26140-60-3	—	—	—	—	0.5	5.0	—
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500	4,170	—	—	—	—	—
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500	4,170	—	—	—	—	—
1, 1, 2, 2-Tetrachloroethane	79-34-5	1.0	7.0	—	—	—	—	X
Tetrachloroethylene (see Perchloroethylene)	—	—	—	—	—	—	—	—
Tetrachloromethane (see Carbon tetrachloride)	—	—	—	—	—	—	—	—
Tetrachloronaphthalene	1335-88-2	—	2.0	—	—	—	—	X
Tetraethyl lead (as Pb)	78-00-2	—	0.075	—	—	—	—	X
Tetrahydrofuan	109-99-9	200	590	250	735	—	—	—
Tetramethyl lead (as Pb)	75-74-1	—	0.075	—	—	—	—	X
Tetramethyl succinonitrile	3333-52-6	0.5	3.0	—	—	—	—	X
Tetranitromethane	509-14-8	1.0	8.0	—	—	—	—	—
Tetrasodium pyrophosphate	7722-88-5	—	5.0	—	—	—	—	—
Tetryl (2, 4, 6-trinitrophenyl- methylnitramine)	479-45-8	—	1.5	—	—	—	—	X
Thallium (soluble compounds) (as Tl)	7440-28-0	—	0.1	—	—	—	—	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Thioglycolic acid	68-11-1	1.0	4.0	—	—	—	—	X
Thionyl chloride	7719-09-7	—	—	—	—	1.0	5.0	—
Thiram (see WAC 296-62-07519)	137-26-8	—	5.0	—	—	—	—	—

PERMANENT

Tin (as Sn)	7440-31-5	—	2.0	—	—	—	—	—
Inorganic compounds (except oxides)								
Tin, Organic compounds (as Sn)	7440-31-5	—	0.1	—	—	—	—	X
Tin Oxide (as Sn)	21651-19-4	—	2.0	—	—	—	—	—
Titanium dioxide	13463-67-7	—	—	—	—	—	—	—
Total dust								
Toulene	108-88-3	100	375	150	560	—	—	—
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005	0.04	0.02	0.15	—	—	—
m-Toluidine	108-44-1	2.0	9.0	—	—	—	—	X
o-Toluidine	95-53-4	2.0	9.0	—	—	—	—	X
p-Toluidine	106-49-0	2.0	9.0	—	—	—	—	X
Toxaphene	—	—	—	—	—	—	—	—
(see Chlorinated camphene)								
Tremolite (see Silicates)	—	—	—	—	—	—	—	—
Tributyl phosphate	126-73-8	0.2	2.5	—	—	—	—	—
Trichloroacetic acid	76-03-9	1.0	7.0	—	—	—	—	—
1, 2, 4-Trichlorobenzene	120-82-1	—	—	—	—	5.0	40	—
1, 1, 1-Trichloroethane	—	—	—	—	—	—	—	—
(see Methyl chloroform)								
1, 1, 2-Trichloroethane	79-00-5	10	45	—	—	—	—	—
Trichloroethylene	79-01-6	50	270	200	1,080	—	—	—
Trichlorofluoromethane	75-69-4	—	—	—	—	1,000	5,600	—
Trichloromethane	—	—	—	—	—	—	—	—
(see Chloroform)								
Trichloronaphthalene	1321-65-9	—	5.0	—	—	—	—	X
1, 2, 3-Trichloropropane	96-18-4	10	60	—	—	—	—	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000	7,600	1,250	9,500	—	—	—
Tricyclohexyltin hydroxide	—	—	—	—	—	—	—	—
(see Cyhexatin)								
Triethylamine	121-44-8	10	40	15	60	—	—	—
Trifluorobromomethane	75-63-8	1,000	6,100	—	—	—	—	—
Trimellitic anhydride	552-30-7	0.005	0.04	—	—	—	—	—
Trimethylamine	75-50-3	10	24	15	36	—	—	—
Trimethyl benzene	25551-13-7	25	125	—	—	—	—	—
Trimethyl phosphite	121-45-9	2.0	10	—	—	—	—	—
2, 4, 6-Trinitrophenol	—	—	—	—	—	—	—	—
(see Picric acid)								
2, 4, 6-Trinitrophenyl-methylnitramine	—	—	—	—	—	—	—	—
(see Tetryl)								
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	—	0.5	—	—	—	—	X
Triorthocresyl phosphate	78-30-8	—	0.1	—	—	—	—	X
Triphenyl amine	603-34-9	—	5.0	—	—	—	—	—
Triphenyl phosphate	115-86-6	—	3.0	—	—	—	—	—
Tungsten (as W)	7440-33-7	—	—	—	—	—	—	—
Soluble compounds								
Insoluble compounds	—	—	1.0	—	3.0	—	—	—
Turpentine	8006-64-2	100	560	—	—	—	—	—
Uranium (as U)	7440-61-1	—	—	—	—	—	—	—
Soluble compounds								
Insoluble compounds	—	—	0.05	—	—	—	—	—
n-Valeraldehyde	110-62-3	50	175	—	—	—	—	—
Vanadium (as V2O5)	1314-62-1	—	0.05	—	—	—	—	—
Respirable dust and fume								
Vegetable oil mist	—	—	—	—	—	—	—	—
Total dust								
Respirable fraction	—	—	10	—	—	—	—	—
Vinyl acetate	108-05-1	10	30	20	60	—	—	—
Vinyl benzene (see Styrene)	—	—	—	—	—	—	—	—
Vinyl bromide	593-60-2	5.0	20	—	—	—	—	—

Vinyl chloride (see WAC 296-62-07329)	75-01-4	—	—	—	—	—	—	—
Vinyl (( <del>cyanide</del> ) cyanide (see Acrylonitrile)	—	—	—	—	—	—	—	—
Vinyl cyclohexene dioxide	106-87-6	10	60	—	—	—	—	X
Vinyl toluene	25013-15-4	50	240	—	—	—	—	—
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1.0	4.0	—	—	—	—	—
VM & P Naphtha	8032-32-4	300	1,350	400	1,800	—	—	—
Warfarin	81-81-2	—	0.1	—	—	—	—	—
Welding fumes f/ (total particulate)	—	—	5.0	—	—	—	—	—
Wood dust:	—	—	—	—	—	—	—	—
Nonallergenic;	—	—	—	—	—	—	—	—
All soft woods and hard woods except allergenics	—	—	5.0	—	10	—	—	—
Allergenics; (e.g. cedar, mahogany and teak)	—	—	2.5	—	—	—	—	—
Xylenes(Xylol) (o-, m-, p-isomers)	1330-20-7	100	435	150	655	—	—	—
m-Xylene alpha, alpha-diamine	1477-55-0	—	—	—	—	—	0.1	X
Xylidine	1300-73-8	2.0	10	—	—	—	—	X
Yttrium	7440-65-5	—	1.0	—	—	—	—	—
Zinc chloride fume	7646-85-7	—	1.0	—	2.0	—	—	—
Zinc chromate (as CrO3)	Varies w/compound	—	0.05	—	—	—	0.1	—
Zinc oxide	1314-13-2	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Zinc oxide fume	1314-13-2	—	5.0	—	10	—	—	—
Zinc stearate	557-05-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Zirconium compounds (as Zr)	7440-67-2	—	5.0	—	10	—	—	—

- Notes: a/ Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure (torr).
- b/ Milligrams of substance per cubic meter of air. When a numerical entry for a substance is in the mg/m<sup>3</sup> column and not in the ppm column, then the number in the mg/m<sup>3</sup> column is exact. When numerical entries for a substance are in both the ppm and mg/m<sup>3</sup> columns, then the number in the ppm column is exact and the number in the mg/m<sup>3</sup> column may be rounded off.
- c/ Duration is for 15 minutes, unless otherwise noted.
- d/ The final benzene standard in WAC 296-62-07523 applies to all occupational exposures to benzene except some sub-segments of industry where exposures are consistently under the action level (i.e., distribution and sale of fuels, sealed containers and pipelines, coke production, oil and gas drilling and production, natural gas processing, and the percentage exclusion for liquid mixtures).
- e/ This 8-hour TWA applies to respirable dust as measured by a vertical elutriator cotton dust

sampler or equivalent instrument. The time-weighted average applies to the cotton waste processing operations of waste recycling (sorting, blending, cleaning, and willowing) and garretting. See also WAC 296-62-14533 for cotton dust limits applicable to other sectors.

- f/ As determined from breathing-zone air samples.
- g/ Total dust formula for Silica (as quartz) is:  

$$\frac{(30 \frac{mg}{m^3}}{\% SiO_2 + 3)}$$

$$\frac{30mg/m^3}{\% SiO_2 + 3}$$
- h/ Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit_density_sphere)	Percent passing_selector
2	90
2.5	75
3.5	50

5.0	25
10	0

~~((containing less than 1% quartz. If 1% quartz, use quartz limit.~~

~~The measurements under this note refer to the use of an AEC (now NRC) instrument. The respirable fraction of coal dust is determined with an MRE the figure corresponding to that of 2.4 mg/m<sup>3</sup> in the table for coal dust is 4.5 mg/m<sup>3</sup>.)~~

- Notes: i/ The CAS number is for information only. Enforcement is based on the substance name. For an entry covering more than one metal compound measured as the metal, the CAS number for the metal is given — not CAS numbers for the individual compounds.
- j/ Compliance with the subtilisins PEL is assessed by sampling with a high volume sampler (600-800 liters per minute) for at least 60 minutes.
- m/ Sampling for the carbon monoxide ceiling shall be averaged over 5 minutes but an instantaneous reading over 1500 ppm shall not be exceeded.

((TABLE 2  
TRANSITIONAL LIMITS

~~The transitional limits listed are in effect until December 31, 1992. These limits require the use of engineering controls, where feasible, the additional protection to achieve the more protective limits listed in Table 1 may be achieved using protective control measures as set forth in WAC 296-62-07501(3).~~

Substance	Acceptable Ceiling Concentration	
	PEL ppm	mg/m <sup>3</sup>
Carbon disulfide	10	15
Carbon monoxide	50	55
Carbon tetrachloride	5.0	20
Chloroform (Trichloro-methane)	10	50
Coal dust respirable (less than 5% SiO <sub>2</sub> )		2.4
Cobalt metal, dust and fume (as Co)		0.1
Ethylene dichloride	10	15
Ethylene glycol dinitrate	0.05	0.3
Nitrogen dioxide		5.0
Nitroglycerin	0.05	0.2
Perchloroethylene (Tetra-chloroethylene)	50	200
Styrene	100	200

AMENDATORY SECTION (Amending WSR 97-01-079, filed 12/17/96, effective 3/1/97)

**WAC 296-62-07711 Regulated areas.** (1) General. The employer shall establish a regulated area in work areas where airborne concentrations of asbestos exceed or can reasonably be expected to exceed the permissible exposure limits prescribed in WAC 296-62-07705. All Class I, II and III asbestos work shall be conducted within regulated areas. All other operations covered by this standard shall be conducted within the regulated area where airborne concentrations of asbestos exceed or can reasonably be expected to exceed permissible exposure limits. Regulated areas shall comply with the requirements of subsections (2), (3), (4), (5), (6), (7), and (8) of this section.

(2) Demarcation. The regulated area shall be demarcated in any manner that minimizes the number of persons within the area and protects persons outside the area from exposure to airborne asbestos. Where critical barriers or negative pressure enclosures are used, they may demarcate the regulated area. Signs shall be provided and displayed pursuant to the requirements of WAC 296-62-07721.

(3) Access. Access to regulated areas shall be limited to authorized persons or to persons authorized by the Washington Industrial Safety and Health Act or regulations issued pursuant thereto.

(4) Provision of respirators. Each person entering a regulated area where employees are required in WAC 296-62-07715(1) to wear respirators shall be supplied with and required to use a respirator, selected in accordance with WAC 296-62-07715(2).

(5) Protective clothing. All persons entering a regulated area shall be supplied with and required to wear protective clothing, selected in accordance with WAC 296-62-07717.

(6) Prohibited activities. The employer shall ensure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in the regulated areas.

(7) Permit-required confined space. The employer shall determine if a permit-required confined space hazard exists and shall take any necessary precautions in accordance with chapter 296-62 WAC Part M.

(8) Competent persons. For construction and shipyard work the employer shall ensure that all asbestos work performed within regulated areas is supervised by a competent person, as defined in WAC 296-62-07703. The duties of the competent person are set out in WAC 296-62-07728.

AMENDATORY SECTION (Amending WSR 97-01-079, filed 12/17/96, effective 3/1/97)

**WAC 296-62-07712 Requirements for asbestos activities in construction and shipyard work.** (1) Methods of compliance, the following engineering controls and work practices of this section shall be used for construction work defined in WAC 296-155-012 and for all ship repair defined in WAC 296-304-010.

(2) Engineering controls and work practices for all operations covered by this section. The employer shall use the following engineering controls and work practices in all operations covered by this section, regardless of the levels of exposure:

(a) Vacuum cleaners equipped with HEPA filters to collect all debris and dust containing ACM and PACM, except as provided in subsection (10)(b) of this section in the case of roofing material.

(b) Wet methods, or wetting agents, to control employee exposures during asbestos handling, mixing, removal, cutting, application, and cleanup, except where employers demonstrate that the use of wet methods is infeasible due to, for example, the creation of electrical hazards, equipment malfunction, and, in roofing, except as provided in subsection (10)(b) of this section.

(c) Asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet saturated state to prevent the emission of airborne fibers unless the usefulness of the product would be diminished thereby.

(d) Prompt cleanup and disposal of wastes and debris contaminated with asbestos in leak-tight containers except in roofing operations, where the procedures specified in this section apply.

(3) In addition to the requirements of subsection (2) of this section, the employer shall use the following control methods to achieve compliance with the TWA permissible exposure limit and excursion limit prescribed by WAC 296-62-07705:

(a) Local exhaust ventilation equipped with HEPA filter dust collection systems;

(b) Enclosure or isolation of processes producing asbestos dust;

(c) Ventilation of the regulated area to move contaminated air away from the breathing zone of employees and toward a filtration or collection device equipped with a HEPA filter;

(d) Use of other work practices and engineering controls that the department can show to be feasible;

(e) Wherever the feasible engineering and work practice controls described above are not sufficient to reduce employee exposure to or below the permissible exposure limit and/or excursion limit prescribed in WAC 296-62-07705, the employer shall use them to reduce employee exposure to the lowest levels attainable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of WAC 296-62-07715.

(4) Prohibitions. The following work practices and engineering controls shall not be used for work related to asbestos or for work which disturbs ACM or PACM, regardless of measured levels of asbestos exposure or the results of initial exposure assessments:

(a) High-speed abrasive disc saws that are not equipped with point or cut ventilator or enclosures with HEPA filtered exhaust air;

(b) Compressed air used to remove asbestos, or materials containing asbestos, unless the compressed air is used in conjunction with an enclosed ventilation system designed to capture the dust cloud created by the compressed air;

(c) Dry sweeping, shoveling or other dry cleanup of dust and debris containing ACM and PACM;

(d) Employee rotation as a means of reducing employee exposure to asbestos.

(5) Cleanup.

(a) After completion of asbestos removal, demolition, and renovation operations, all surfaces in and around the work area shall be cleared of any asbestos debris.

(b) Lock-down. Where asbestos has been removed, encapsulant shall be applied to ensure binding of remaining fibers.

(c) The employer shall demonstrate by monitoring that the airborne fiber concentration is below the permissible exposure limits; or, at or below the airborne fiber level existing prior to the start of the removal, demolition, or renovation project; whichever level is lower.

(6) Class I requirements. The following engineering controls and work practices and procedures shall be used:

(a) All Class I work, including the installation and operation of the control system shall be supervised by a competent person as defined in WAC 296-62-07703;

(b) For all Class I jobs involving the removal of more than 25 linear or 10 square feet of thermal system insulation or surfacing material; for all other Class I jobs, where the employer cannot produce a negative exposure assessment pursuant to WAC 296-62-07709(3), or where employees are working in areas adjacent to the regulation area, while the Class I work is being performed, the employer shall use one of the following methods to ensure that airborne asbestos does not migrate from the regulated area:

(i) Critical barriers shall be placed over all the openings to the regulated area, except where activities are performed outdoors; or

(ii) The employer shall use another barrier or isolation method which prevents the migration of airborne asbestos from the regulated area, as verified by perimeter area surveillance during each work shift at each boundary of the regulated area, showing no visible asbestos dust; and perimeter area monitoring showing that clearance levels contained in 40 CFR Part 763, Subpart E, of the EPA Asbestos in Schools Rule are met, or that perimeter area levels, measured by Phase Contrast Microscopy (PCM) are no more than background levels representing the same area before the asbestos work began. The results of such monitoring shall be made known to the employer no later than 24 hours from the end of the work shift represented by such monitoring. Exception: For work completed outdoors where employees are not working in areas adjacent to the regulated areas, (a) of this subsection is satisfied when the specific control methods in subsection (7) of this section are used;

(c) For all Class I jobs, HVAC systems shall be isolated in the regulated area by sealing with a double layer of 6 mil plastic or the equivalent;

(d) For all Class I jobs, impermeable dropcloths shall be placed on surfaces beneath all removal activity;

(e) For all Class I jobs, all objects within the regulated area shall be covered with impermeable dropcloths or plastic sheeting which is secured by duct tape or an equivalent;

(f) For all Class I jobs where the employer cannot produce a negative exposure assessment, or where exposure monitoring shows that a PEL is exceeded, the employer shall ventilate the regulated area to move contaminated air away from the breathing zone of employees toward a HEPA filtration or collection device.

(7) Specific control methods for Class I work. In addition, Class I asbestos work shall be performed using one or more of the following control methods pursuant to the limitations stated below:

(a) Negative pressure enclosure (NPE) systems: NPE systems may be used where the configuration of the work area does not make the erection of the enclosure infeasible, with the following specifications and work practices:

(i) Specifications:

(A) The negative pressure enclosure (NPE) may be of any configuration;

(B) At least 4 air changes per hour shall be maintained in the NPE;

(C) A minimum of -0.02 column inches of water pressure differential, relative to outside pressure, shall be maintained within the NPE as evidenced by manometric measurements;

(D) The NPE shall be kept under negative pressure throughout the period of its use; and

(E) Air movement shall be directed away from employees performing asbestos work within the enclosure, and toward a HEPA filtration or collection device.

(ii) Work practices:

(A) Before beginning work within the enclosure and at the beginning of each shift, the NPE shall be inspected for breaches and smoke-tested for leaks, and any leaks sealed.

(B) Electrical circuits in the enclosure shall be deactivated, unless equipped with ground-fault circuit interrupters.

(b) Glove bag systems may be used to remove PACM and/or ACM from straight runs of piping and elbows and other connections with the following specifications and work practices:

(i) Specifications:

(A) Glove bags shall be made of 6 mil thick plastic and shall be seamless at the bottom.

(B) Glove bags used on elbows and other connections must be designed for that purpose and used without modifications.

(ii) Work practices:

(A) Each glove bag shall be installed so that it completely covers the circumference of pipe or other structure where the work is to be done.

(B) Glove bags shall be smoke-tested for leaks and any leaks sealed prior to use.

(C) Glove bags may be used only once and may not be moved.

(D) Glove bags shall not be used on surfaces whose temperature exceeds 150°F.

(E) Prior to disposal, glove bags shall be collapsed by removing air within them using a HEPA vacuum.

(F) Before beginning the operation, loose and friable material adjacent to the glove bag/box operation shall be wrapped and sealed in two layers of six mil plastic or otherwise rendered intact.

(G) Where system uses attached waste bag, such bag shall be connected to collection bag using hose or other material which shall withstand pressure of ACM waste and water without losing its integrity.

(H) Sliding valve or other device shall separate waste bag from hose to ensure no exposure when waste bag is disconnected.

(I) At least two persons shall perform Class I glove bag removal operations.

(c) Negative pressure glove bag systems. Negative pressure glove bag systems may be used to remove ACM or PACM from piping.

(i) Specifications: In addition to specifications for glove bag systems above, negative pressure glove bag systems shall attach HEPA vacuum systems or other devices to bag during removal.

(ii) Work practices:

(A) The employer shall comply with the work practices for glove bag systems in this section.

(B) The HEPA vacuum cleaner or other device used during removal shall run continually during the operation until it is completed at which time the bag shall be collapsed prior to removal of the bag from the pipe.

(C) Where a separate waste bag is used along with a collection bag and discarded after one use, the collection bag may be reused if rinsed clean with amended water before reuse.

(d) Negative pressure glove box systems: Negative pressure glove boxes may be used to remove ACM or PACM from pipe runs with the following specifications and work practices:

(i) Specifications:

(A) Glove boxes shall be constructed with rigid sides and made from metal or other material which can withstand the weight of the ACM and PACM and water used during removal.

(B) A negative pressure generator shall be used to create negative pressure in the system.

(C) An air filtration unit shall be attached to the box.

(D) The box shall be fitted with gloved apertures.

(E) An aperture at the base of the box shall serve as a bagging outlet for waste ACM and water.

(F) A back-up generator shall be present on site.

(G) Waste bags shall consist of 6 mil thick plastic double-bagged before they are filled or plastic thicker than 6 mil.

(ii) Work practices:

(A) At least two persons shall perform the removal.

(B) The box shall be smoke-tested for leaks and any leaks sealed prior to each use.

(C) Loose or damaged ACM adjacent to the box shall be wrapped and sealed in two layers of 6 mil plastic prior to the job, or otherwise made intact prior to the job.

(D) A HEPA filtration system shall be used to maintain pressure barrier in box.

(e) Water spray process system. A water spray process system may be used for removal of ACM and PACM from cold line piping if, employees carrying out such process have completed a 40-hour separate training course in its use, in addition to training required for employees performing Class I work. The system shall meet the following specifications and shall be performed by employees using the following work practices:

(i) Specifications:

(A) Piping shall be surrounded on 3 sides by rigid framing.

(B) A 360 degree water spray, delivered through nozzles supplied by a high pressure separate water line, shall be formed around the piping.

(C) The spray shall collide to form a fine aerosol which provides a liquid barrier between workers and the ACM and PACM.

(ii) Work practices:

(A) The system shall be run for at least 10 minutes before removal begins.

(B) All removal shall take place within the water barrier.

(C) The system shall be operated by at least three persons, one of whom shall not perform removal, but shall check equipment, and ensure proper operation of the system.

(D) After removal, the ACM and PACM shall be bagged while still inside the water barrier.

(f) A small walk-in enclosure which accommodates no more than two persons (mini-enclosure) may be used if the disturbance or removal can be completely contained by the enclosure with the following specifications and work practices:

(i) Specifications:

(A) The fabricated or job-made enclosure shall be constructed of 6 mil plastic or equivalent.

(B) The enclosure shall be placed under negative pressure by means of a HEPA filtered vacuum or similar ventilation unit.

(C) Change room. A small change room made of 6-mil-thick polyethylene plastic should be contiguous to the mini-enclosure, and is necessary to allow the worker to vacuum off his/her protective coveralls and remove them before leaving the work area. While inside the enclosure, the worker should wear Tyvek disposable coveralls and use the appropriate HEPA-filtered dual cartridge respiratory protection. The advantages of mini-enclosures are that they limit the spread of asbestos contamination, reduce the potential exposure of bystanders and other workers who may be working in adjacent areas, and are quick and easy to install. The disadvantage of mini-enclosures is that they may be too small to contain the equipment necessary to create a negative-pressure within the enclosure; however, the double layer of plastic sheeting will serve to restrict the release of asbestos fibers to the area outside the enclosure.

(ii) Work practices:

(A) Before use, the mini-enclosure shall be inspected for leaks and smoke-tested to detect breaches, and any breaches sealed.

(B) Before reuse, the interior shall be completely washed with amended water and HEPA-vacuumed.

(C) During use, air movement shall be directed away from the employee's breathing zone within the mini-enclosure.

(8) Alternative control methods for Class I work. Class I work may be performed using a control method which is not referenced in subsection (2)(a) through (3)(e) of this section, or which modifies a control method referenced in subsection (2)(a) through (3)(e) of this section, if the following provisions are complied with:

(a) The control method shall enclose, contain or isolate the processes or source of airborne asbestos dust, or other-

wise capture or redirect such dust before it enters the breathing zone of employees.

(b) A certified industrial hygienist or licensed professional engineer who is also qualified as a project designer as defined in WAC 296-62-07703, shall evaluate the work area, the projected work practices and the engineering controls and shall certify in writing that the planned control method is adequate to reduce direct and indirect employee exposure to below the PELs under worst-case conditions of use, and that the planned control method will prevent asbestos contamination outside the regulated area, as measured by clearance sampling which meets the requirements of EPA's Asbestos in Schools rule issued under AHERA, or perimeter monitoring which meets the criteria in subsection (6)(b)(ii) of this section. Where the TSI or surfacing material to be removed is 25 linear or 10 square feet or less, the evaluation required in subsection (8)(b) of this section may be performed by a competent person.

(c) Before work which involves the removal of more than 25 linear or 10 square feet of thermal system insulation or surfacing material is begun using an alternative method which has been the subject of subsection (2)(a) through (3)(e) of this section required evaluation and certification, the employer shall send a copy of such evaluation and certification to the Department of Labor and Industries, Asbestos Certification Program, P.O. Box 44614, Olympia, Washington 98504-4614. The submission shall not constitute approval by WISHA.

(9) Work practices and engineering controls for Class II work.

(a) All Class II work shall be supervised by a competent person as defined in WAC 296-62-07703.

(b) For all indoor Class II jobs, where the employer has not produced a negative exposure assessment pursuant to WAC 296-62-07709(3), or where during the job, changed conditions indicate there may be exposure above the PEL or where the employer does not remove the ACM in a substantially intact state, the employer shall use one of the following methods to ensure that airborne asbestos does not migrate from the regulated area:

(i) Critical barriers shall be placed over all openings to the regulated area; or

(ii) The employer shall use another barrier or isolation method which prevents the migration of airborne asbestos from the regulated area, as verified by perimeter area monitoring or clearance monitoring which meets the criteria set out in subsection (6)(b)(ii) of this section; or

(iii) Impermeable dropcloths shall be placed on surfaces beneath all removal activity.

(c) (Reserved.)

(d) All Class II asbestos work shall be performed using the work practices and requirements set out above in subsection (9)(a) and (b) of this section.

(10) Additional controls for Class II work. Class II asbestos work shall also be performed by complying with the work practices and controls designated for each type of asbestos work to be performed, set out in this paragraph. Where more than one control method may be used for a type of asbestos work, the employer may choose one or a combination of designated control methods. Class II work also may be performed using a method allowed for Class I

work, except that glove bags and glove boxes are allowed if they fully enclose the Class II material to be removed.

(a) For removing vinyl and asphalt flooring materials which contain ACM or for which in buildings constructed no later than 1980, the employer has not verified the absence of ACM pursuant to WAC 296-62-07712 ~~((9))~~ (10)(a)(ix). The employer shall ensure that employees comply with the following work practices and that employees are trained in these practices pursuant to WAC 296-62-07722.

(i) Flooring or its backing shall not be sanded.

(ii) Vacuums equipped with HEPA filter, disposable dust bag, and metal floor tool (no brush) shall be used to clean floors.

(iii) Resilient sheeting shall be removed by cutting with wetting of the snip point and wetting during delamination. Rip-up of resilient sheet floor material is prohibited.

(iv) All scraping of residual adhesive and/or backing shall be performed using wet methods.

(v) Dry sweeping is prohibited.

(vi) Mechanical chipping is prohibited unless performed in a negative pressure enclosure which meets the requirements of subsection (7)(a) of this section.

(vii) Tiles shall be removed intact, unless the employer demonstrates that intact removal is not possible.

(viii) When tiles are heated and can be removed intact, wetting may be omitted.

(ix) Resilient flooring material including associated mastic and backing shall be assumed to be asbestos-containing unless an industrial hygienist determines that it is asbestos-free using recognized analytical techniques.

(b) For removing roofing material which contains ACM the employer shall ensure that the following work practices are followed:

(i) Roofing material shall be removed in an intact state to the extent feasible.

(ii) Wet methods shall be used to remove roofing materials that are not intact, or that will be rendered not intact during removal, unless such wet methods are not feasible or will create safety hazards.

(iii) Cutting machines shall be continuously misted during use, unless a competent person determines that misting substantially decreases worker safety.

(iv) When removing built-up roofs with asbestos-containing roofing felts and an aggregate surface using a power roof cutter, all dust resulting from the cutting operation shall be collected by a HEPA dust collector, or shall be HEPA vacuumed by vacuuming along the cut line. When removing built-up roofs with asbestos-containing roofing felts and a smooth surface using a power roof cutter, the dust resulting from the cutting operation shall be collected either by a HEPA dust collector or HEPA vacuuming along the cut line, or by gently sweeping and then carefully and completely wiping up the still wet dust and debris left along the cut line. The dust and debris shall be immediately bagged or placed in covered containers.

(v) Asbestos-containing material that has been removed from a roof shall not be dropped or thrown to the ground. Unless the material is carried or passed to the ground by hand, it shall be lowered to the ground via covered, dust-tight chute, crane or hoist:

(A) Any ACM that is not intact shall be lowered to the ground as soon as is practicable, but in any event no later than the end of the work shift. While the material remains on the roof it shall either be kept wet, placed in an impermeable waste bag, or wrapped in plastic sheeting.

(B) Intact ACM shall be lowered to the ground as soon as is practicable, but in any event no later than the end of the work shift.

(vi) Upon being lowered, unwrapped material shall be transferred to a closed receptacle in such manner so as to preclude the dispersion of dust.

(vii) Roof level heating and ventilation air intake sources shall be isolated or the ventilation system shall be shut down.

(viii) Notwithstanding any other provision of this section, removal or repair of sections of intact roofing less than 25 square feet in area does not require use of wet methods or HEPA vacuuming as long as manual methods which do not render the material nonintact are used to remove the material and no visible dust is created by the removal method used. In determining whether a job involves less than 25 square feet, the employer shall include all removal and repair work performed on the same roof on the same day.

(c) When removing cementitious asbestos-containing siding and shingles or transite panels containing ACM on building exteriors (other than roofs, where subsection (10)(b) of this section applies) the employer shall ensure that the following work practices are followed:

(i) Cutting, abrading or breaking siding, shingles, or transite panels, shall be prohibited unless the employer can demonstrate that methods less likely to result in asbestos fiber release cannot be used.

(ii) Each panel or shingle shall be sprayed with amended water prior to removal.

(iii) Unwrapped or unbagged panels or shingles shall be immediately lowered to the ground via covered dust-tight chute, crane or hoist, or placed in an impervious waste bag or wrapped in plastic sheeting and lowered to the ground no later than the end of the work shift.

(iv) Nails shall be cut with flat, sharp instruments.

(d) When removing gaskets containing ACM, the employer shall ensure that the following work practices are followed:

(i) If a gasket is visibly deteriorated and unlikely to be removed intact, removal shall be undertaken within a glove bag as described in subsection (7)(b) of this section.

(ii) (Reserved.)

(iii) The gasket shall be immediately placed in a disposal container.

(iv) Any scraping to remove residue must be performed wet.

(e) When performing any other Class II removal of asbestos-containing material for which specific controls have not been listed in subsection (10) of this section, the employer shall ensure that the following work practices are complied with.

(i) The material shall be thoroughly wetted with amended water prior to and during its removal.

(ii) The material shall be removed in an intact state unless the employer demonstrates that intact removal is not possible.

(iii) Cutting, abrading or breaking the material shall be prohibited unless the employer can demonstrate that methods less likely to result in asbestos fiber release are not feasible.

(iv) Asbestos-containing material removed, shall be immediately bagged or wrapped, or kept wet until transferred to a closed receptacle, no later than the end of the work shift.

(f) Alternative work practices and controls. Instead of the work practices and controls listed in subsection (10) of this section, the employer may use different or modified engineering and work practice controls if the following provisions are complied with.

(i) The employer shall demonstrate by data representing employee exposure during the use of such method under conditions which closely resemble the conditions under which the method is to be used, that employee exposure will not exceed the PELs under any anticipated circumstances.

(ii) A competent person shall evaluate the work area, the projected work practices and the engineering controls, and shall certify in writing, that the different or modified controls are adequate to reduce direct and indirect employee exposure to below the PELs under all expected conditions of use and that the method meets the requirements of this standard. The evaluation shall include and be based on data representing employee exposure during the use of such method under conditions which closely resemble the conditions under which the method is to be used for the current job, and by employees whose training and experience are equivalent to employees who are to perform the current job.

(11) Work practices and engineering controls for Class III asbestos work. Class III asbestos work shall be conducted using engineering and work practice controls which minimize the exposure to employees performing the asbestos work and to bystander employees.

(a) The work shall be performed using wet methods.

(b) To the extent feasible, the work shall be performed using local exhaust ventilation.

(c) Where the disturbance involves drilling, cutting, abrading, sanding, chipping, braking, or sawing of thermal system insulation or surfacing material, the employer shall use impermeable dropcloths, and shall isolate the operation using mini-enclosures or glove bag systems pursuant to subsection (7) of this section or another isolation method.

(d) Where the employer does not produce a "negative exposure assessment" for a job, or where monitoring results show the PEL has been exceeded, the employer shall contain the area using impermeable dropcloths and plastic barriers or their equivalent, or shall isolate the operation using a control system listed in and in compliance with subsection (7) of this section.

(e) Employees performing Class III jobs, which involve the disturbance of thermal system insulation or surfacing material, or where the employer does not produce a "negative exposure assessment" or where monitoring results show a PEL has been exceeded, shall wear respirators which are selected, used and fitted pursuant to provisions of WAC 296-62-07715.

(12) Class IV asbestos work. Class IV asbestos jobs shall be conducted by employees trained pursuant to the asbestos awareness training program set out in WAC 296-62-07722. In addition, all Class IV jobs shall be conducted in conformity with the requirements set out in this section, mandating wet methods, HEPA vacuums, and prompt clean up of debris containing ACM and PACM.

(a) Employees cleaning up debris and waste in a regulated area where respirators are required shall wear respirators which are selected, used and fitted pursuant to provisions of WAC 296-62-07715.

(b) Employers of employees who clean up waste and debris in, and employers in control of, areas where friable thermal system insulation or surfacing material is accessible, shall assume that such waste and debris contain asbestos.

(13) Alternative methods of compliance for installation, removal, repair, and maintenance of certain roofing and pipeline coating materials. Notwithstanding any other provision of this section, an employer who complies with all provisions of subsection (10)(a) and (b) of this section when installing, removing, repairing, or maintaining intact pipeline asphaltic wrap, or roof cements, mastics, coatings, or flashings which contain asbestos fibers encapsulated or coated by bituminous or resinous compounds shall be deemed to be in compliance with this section. If an employer does not comply with all provisions of this subsection (13), or if during the course of the job the material does not remain intact, the provisions of subsection (10) of this section apply instead of this subsection (13).

(a) Before work begins and as needed during the job, a competent person who is capable of identifying asbestos hazards in the workplace and selecting the appropriate control strategy for asbestos exposure, and who has the authority to take prompt corrective measures to eliminate such hazards, shall conduct an inspection of the worksite and determine that the roofing material is intact and will likely remain intact.

(b) All employees performing work covered by this subsection (13) shall be trained in a training program that meets the requirements of WAC 296-62-07722.

(c) The material shall not be sanded, abraded, or ground. Manual methods which do not render the material nonintact shall be used.

(d) Material that has been removed from a roof shall not be dropped or thrown to the ground. Unless the material is carried or passed to the ground by hand, it shall be lowered to the ground via covered, dust-tight chute, crane or hoist. All such material shall be removed from the roof as soon as is practicable, but in any event no later than the end of the work shift.

(e) Where roofing products which have been labeled as containing asbestos pursuant to WAC 296-62-07721, installed on nonresidential roofs during operations covered by this subsection (13), the employer shall notify the building owner of the presence and location of such materials no later than the end of the job.

(f) All removal or disturbance of pipeline asphaltic wrap shall be performed using wet methods.

**AMENDATORY SECTION** (Amending WSR 97-01-079, filed 12/17/96, effective 3/1/97)

**WAC 296-62-07715 Respiratory protection.** (1) General. The employer shall provide respirators, and ensure that they are used, where required by WAC 296-62-077 through 296-62-07753. Respirators shall be used in the following circumstances:

- (a) During the interval necessary to install or implement feasible engineering and work practice controls;
- (b) In work operations, such as maintenance and repair activities, or other activities for which engineering and work practice controls are not feasible;
- (c) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits;
- (d) In emergencies;
- (e) In all regulated areas, except for construction activities which follow requirements set forth in WAC 296-62-07715 (1)(g);
- (f) Whenever employee exposure exceeds the permissible exposure limits;
- (g) During ~~((all Class I asbestos jobs;))~~ the following construction activities:
  - ~~((h))~~ (i) During all Class I asbestos jobs;
  - (ii) During all Class II work where the ACM is not removed in a substantially intact state;
  - ~~((i))~~ (iii) During all Class II and Class III work which is not performed using wet methods, provided, however, that respirators need not be worn during removal of ACM from sloped roofs when a negative exposure assessment has been made and the ACM is removed in an intact state;
  - ~~((j))~~ (iv) During all Class II and Class III asbestos jobs where the employer does not produce a "negative exposure assessment";

- ~~((k))~~ (v) During all Class III jobs where TSI or surfacing ACM or PACM is being disturbed; and
- ~~((l))~~ (vi) During all Class IV work performed within regulated areas where employees performing other work are required to wear respirators.

(2) Respirator selection.

(a) Where respirators are used, the employer shall select and provide, at no cost to the employee, the appropriate respirator as specified in Table 1 of this section or in WAC 296-62-07715(2), and shall ensure that the employee uses the respirator provided.

(b) The employer shall select respirators from among those jointly approved as being acceptable for protection by the Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) The employer shall provide a tight fitting powered, air-purifying respirator in lieu of any negative pressure respirator specified in Table 1 of this section whenever:

(i) An employee chooses to use this type of respirator; and

(ii) This respirator will provide adequate protection to the employee.

(d) The employer shall inform any employee required to wear a respirator under this subsection that the employee may require the employer to provide a powered air purifying respirator in lieu of a negative pressure respirator.

(e) In addition to the selection criterion below, the employer shall provide a half-mask air purifying respirator, other than a disposable respirator, equipped with high efficiency filters whenever the employee performs the following activities: Class II and III asbestos jobs where the employer does not produce a negative exposure assessment; and Class III jobs where TSI or surfacing ACM or PACM is being disturbed.

TABLE 1—RESPIRATORY PROTECTION FOR ASBESTOS FIBERS

Airborne concentration of asbestos or conditions of use	Required respirator. (See Note a.)
Not in excess of 1 f/cc (10 X PEL), or otherwise as required independent of exposure	Half-mask air-purifying respirator other than a disposable respirator, equipped with high efficiency filters. (See Note b.)
Not in excess of 5 f/cc (50 X PEL)	Full facepiece air-purifying respirator equipped with high efficiency filters.
Not in excess of 10 f/cc (100 X PEL)	Any powered air-purifying respirator equipped with high efficiency filters or any supplied-air respirator operated in continuous flow mode.
Not in excess of 100 f/cc (1,000 X PEL)	Full facepiece supplied-air respirator operated in pressure demand mode.

PERMANENT

Greater than 100 f/cc (1,000 X PEL) or unknown concentration

Full facepiece supplied-air respirator operated in pressure demand mode, equipped with an auxiliary positive pressure self-contained breathing apparatus or HEPA filter egress cartridges.  
(See Note c.)

Note:

- a. Respirators assigned for higher environmental concentrations may be used at lower concentrations.
- b. A high-efficiency filter means a filter that is capable of trapping and retaining at least 99.97 percent of all monodispersed particles of 0.3 micrometers mean aerodynamic diameter or larger.
- c. See subsection (5)(c) of this section for fit testing requirements.

(3) Special respiratory protection requirements.

(a) Unless specifically identified in this subsection, respirator selection for asbestos removal, demolition, and renovation operations shall be in accordance with Table 1 of subsection (2) of this section. The employer shall provide and require to be worn, at no cost to the employee, a full facepiece supplied-air respirator operated in the pressure demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter egress cartridge, to employees engaged in the following asbestos operations:

(i) Inside negative pressure enclosures used for removal, demolition, and renovation of friable asbestos from walls, ceilings, vessels, ventilation ducts, elevator shafts, and other structural members, but does not include pipes or piping systems; or

(ii) Any dry removal of asbestos.

(b) For all Class I work excluded or not specified in (a)(i) and (ii) of this subsection, the employer shall provide a tight-fitting powered air purifying respirator equipped with high-efficiency filters or a full facepiece supplied-air respirator operated in the pressure demand mode equipped with HEPA filter egress cartridges or an auxiliary positive pressure self-contained breathing apparatus for all employees within the regulated area where asbestos work is being performed for which a negative exposure assessment has not been produced and, the exposure assessment indicates the exposure level will not exceed 1 f/cc as an 8-hour time weighted average. A full facepiece supplied-air respirator operated in the pressure demand mode equipped with an auxiliary positive pressure self-contained breathing apparatus, or a HEPA filter egress cartridge, shall be provided under such conditions, if the exposure assessment indicates exposure levels above 1 f/cc as an 8-hour time weighted average.

**Exception:** In lieu of the supplied-air respirator required by subsection (3) of this section, an employer may provide and require to be worn, at no cost to the employee, a full facepiece supplied-air respirator operated in the continuous flow mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a back-up HEPA filter egress cartridge where daily and historical personal monitoring data indicates the concentration of asbestos fibers is not reasonably expected to exceed 10 f/cc. The

continuous flow respirator shall be operated at a minimum air flow rate of six cubic feet per minute at the facepiece using respirable air supplied in accordance with WAC 296-62-07111.

(4) Respirator program.

(a) Where respiratory protection is used, the employer shall institute a respirator program in accordance with WAC 296-62-071.

(b) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(c) Employees who wear respirators shall be permitted to leave work areas to wash their faces and respirator facepieces whenever necessary to prevent skin irritation associated with respirator use.

(d) No employee shall be assigned to tasks requiring the use of respirators if, based upon his or her most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by the use of a respirator. Such employee shall be assigned to another job or given the opportunity to transfer to a different position whose duties he or she is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay the employee had just prior to such transfer, if such a different position is available.

(5) Respirator fit testing.

(a) The employer shall ensure that the respirator issued to the employee exhibits the least possible facepiece leakage and that the respirator is fitted properly.

(b) For each employee wearing negative pressure respirators, employers shall perform either quantitative or qualitative face fit tests at the time of initial fitting and at least every six months thereafter. The qualitative fit tests may be used only for testing the fit of half-mask respirators where they are permitted to be worn, and shall be conducted in accordance with WAC 296-62-07739, Appendix C. The tests shall be used to select facepieces that provide the required protection as prescribed in Table 1 of this section.

(c) Any supplied-air respirator facepiece equipped with a back-up HEPA filter egress cartridge shall be quantitatively fit tested with the air supply disconnected at the time of initial fitting and at least every six months thereafter. The quantitative fit tests shall be conducted using the procedures described in WAC 296-62-07739(2), Appendix C, for negative pressure respirators.

**AMENDATORY SECTION** (Amending WSR 97-01-079, filed 12/17/96, effective 3/1/97)

**WAC 296-62-07717 Protective work clothing and equipment.** (1) Provision and use. If an employee is exposed to asbestos above the permissible exposure limits, or where the possibility of eye irritation exists, or for which a required negative exposure assessment is not produced and for any employee performing Class I operations, the employer shall provide at no cost to the employee and require that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(a) Coveralls or similar full-body work clothing;  
 (b) Gloves, head coverings, and foot coverings; and  
 (c) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-07801.

(2) Removal and storage.

(a) The employer shall ensure that employees remove work clothing contaminated with asbestos only in change rooms provided in accordance with WAC 296-62-07719(1).

(b) The employer shall ensure that no employee takes contaminated work clothing out of the change room, except those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(c) Contaminated clothing. Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and be labeled in accordance with WAC 296-62-07721.

(d) Containers of contaminated protective devices or work clothing which are to be taken out of change rooms or the workplace for cleaning, maintenance, or disposal, shall bear labels in accordance with WAC 296-62-07721(~~(3)~~)  
 (6).

(3) Cleaning and replacement.

(a) The employer shall clean, launder, repair, or replace protective clothing and equipment required by this paragraph to maintain their effectiveness. The employer shall provide clean protective clothing and equipment at least weekly to each affected employee.

(b) The employer shall prohibit the removal of asbestos from protective clothing and equipment by blowing or shaking.

(c) Laundering of contaminated clothing shall be done so as to prevent the release of airborne fibers of asbestos in excess of the permissible exposure limits prescribed in WAC 296-62-07705.

(d) Any employer who gives contaminated clothing to another person for laundering shall inform such person of the requirement in (c) of this subsection to effectively prevent the release of airborne fibers of asbestos in excess of the permissible exposure limits.

(e) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with asbestos of the potentially harmful effects of exposure to asbestos.

(f) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with WAC 296-62-07721.

(4) Inspection of protective clothing for construction and shipyard work.

(a) The competent person shall examine worksuits worn by employees at least once per workshift for rips or tears that may occur during performance of work.

(b) When rips or tears are detected while an employee is working, rips and tears shall be immediately mended, or the worksuit shall be immediately replaced.

**AMENDATORY SECTION** (Amending WSR 97-01-079, filed 12/17/96, effective 3/1/97)

**WAC 296-62-07721 Communication of hazards to employees.** (1) Communication of hazards to employees. General industry requirements.

(a) Introduction. This section applies to the communication of information concerning asbestos hazards in general industry. Asbestos exposure in industry occurs in a wide variety of industrial and commercial settings. Employees who manufacture asbestos-containing products may be exposed to asbestos fibers. Employees who repair and replace automotive brakes and clutches may be exposed to asbestos fibers. In addition, employees engaged in housekeeping activities in industrial facilities with asbestos product manufacturing operations, and in public and commercial buildings with installed asbestos-containing materials may be exposed to asbestos fibers. It should be noted that employees who perform housekeeping activities during and after construction activities are covered by asbestos construction work requirements in WAC 296-62-077. Housekeeping employees, regardless of industry designation, should know whether building components they maintain may expose them to asbestos. Building owners are often the only and/or best source of information concerning the presence of previously installed asbestos-containing building materials. Therefore they, along with employers of potentially exposed employees, are assigned specific information conveying and retention duties under this section.

(b) Installed asbestos-containing material. Employers and building owners are required to treat installed TSI and sprayed-on and troweled-on surfacing materials as ACM for the purposes of this standard. These materials are designated "presumed ACM or PACM," and are defined in WAC 296-62-07703. Asphalt and vinyl flooring installed no later than 1980 also shall be treated as asbestos-containing. The employer or building owner may demonstrate that PACM and flooring materials do not contain asbestos by complying with WAC (~~(296-62-07721(3))~~) 296-62-07712 (10)(a)(ix).

(c) Duties of employers and building and facility owners.

(i) Building and facility owners shall determine the presence, location, and quantity of ACM and/or PACM at the worksite. Employers and building and facility owners shall exercise due diligence in complying with these requirements to inform employers and employees about the presence and location of ACM and PACM.

(ii) Before authorizing or allowing any construction, renovation, remodeling, maintenance, repair, or demolition project, an owner or owner's agent shall perform, or cause to be performed, a good faith inspection to determine whether materials to be worked on or removed contain asbestos. The inspection shall be documented by a written

report maintained on file and made available upon request to the director.

(A) The good faith inspection shall be conducted by an accredited inspector.

(B) Such good faith inspection is not required if the owner or owner's agent is reasonably certain that asbestos will not be disturbed by the project or the owner or owner's agent assumes that the suspect material contains asbestos and handles the material in accordance with WAC 296-62-07701 through 296-62-07753.

(iii) The owner or owner's agent shall provide, to all contractors submitting a bid to undertake any construction, renovation, remodeling, maintenance, repair, or demolition project, the written statement either of the reasonable certainty of nondisturbance of asbestos or of assumption of the presence of asbestos. Contractors shall be provided with the written report before they apply or bid to work.

(iv) Any owner or owner's agent who fails to comply with (c)(ii) and (iii) of this subsection shall be subject to a mandatory fine of not less than two hundred fifty dollars for each violation. Each day the violation continues shall be considered a separate violation. In addition, any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of this section shall be halted immediately and cannot be resumed before meeting such requirements.

(v) Building and facility owners shall inform employers of employees, and employers shall inform employees who will perform housekeeping activities in areas which contain ACM and/or PACM of the presence and location of ACM and/or PACM in such areas which may be contacted during such activities.

(vi) Upon written or oral request, building or facility owners shall make a copy of the written report required in this section available to the department of labor and industries and the collective bargaining representatives or employee representatives of any employee who may be exposed to any asbestos or asbestos-containing materials. A copy of the written report shall be posted conspicuously at the location where employees report to work.

(vii) Building and facility owners shall maintain records of all information required to be provided pursuant to this section and/or otherwise known to the building owner concerning the presence, location and quantity of ACM and PACM in the building/facility. Such records shall be kept for the duration of ownership and shall be transferred to successive owners.

(2) Communication of hazards to employees. Requirements for construction and shipyard employment activities.

(a) Introduction. This section applies to the communication of information concerning asbestos hazards in construction and shipyard employment activities. Most asbestos-related construction and shipyard activities involve previously installed building materials. Building/vessel owners often are the only and/or best sources of information concerning them. Therefore, they, along with employers of potentially exposed employees, are assigned specific information conveying and retention duties under this section. Installed Asbestos Containing Building/Vessel Material: Employers and building/vessel owners shall identify TSI and sprayed or troweled on surfacing materials as asbestos-containing unless

the employer, by complying with WAC 296-62-07721(3) determines it is not asbestos containing. Asphalt or vinyl flooring/decking material installed in buildings or vessels no later than 1980 shall also be considered as asbestos containing unless the employer/owner, pursuant to WAC (~~296-62-07721(3)~~) 296-62-07712 (10)(a)(ix) determines it is not asbestos containing. If the employer or building/vessel owner has actual knowledge or should have known, through the exercise of due diligence, that materials other than TSI and sprayed-on or troweled-on surfacing materials are asbestos containing, they shall be treated as such. When communicating information to employees pursuant to this standard, owners and employers shall identify "PACM" as ACM. Additional requirements relating to communication of asbestos work on multi-employer worksites are set out in WAC 296-62-07706.

(b) Duties of building/vessel and facility owners.

(i) Before work subject to this section is begun, building/vessel and facility owners shall identify the presence, location and quantity of ACM, and/or PACM at the work site. All thermal system insulation and sprayed on or troweled on surfacing materials in buildings/vessels or substrates constructed no later than 1980 shall be identified as PACM. In addition, resilient flooring/decking material installed no later than 1980 shall also be identified as asbestos containing.

(ii) Before authorizing or allowing any construction, renovation, remodeling, maintenance, repair, or demolition project, a building/vessel and facility owner or owner's agent shall perform, or cause to be performed, a good faith inspection to determine whether materials to be worked on or removed contain asbestos. The inspection shall be documented by a written report maintained on file and made available upon request to the director.

(A) The good faith inspection shall be conducted by an accredited inspector.

(B) Such good faith inspection is not required if the building/vessel and facility owner or owner's agent assumes that the suspect material contains asbestos and handles the material in accordance with WAC 296-62-07701 through 296-62-07753 or if the owner or the owner's agent is reasonably certain that asbestos will not be distributed by the project.

(iii) The building/vessel and facility owner or owner's agent shall provide, to all contractors submitting a bid to undertake any construction, renovation, remodeling, maintenance, repair, or demolition project, the written statement either of the reasonable certainty of nondisturbance of asbestos or of assumption of the presence of asbestos. Contractors shall be provided the written report before they apply or bid on work.

(iv) Any building/vessel and facility owner or owners agent who fails to comply with WAC 296-62-07719 (2)(b)(ii) and (iii) shall be subject to a mandatory fine of not less than two hundred fifty dollars for each violation. Each day the violation continues shall be considered a separate violation. In addition, any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of this section shall be halted immediately and cannot be resumed before meeting such requirements.

(v) Upon written or oral request, building/vessel and facility owner or owner's agent shall make a copy of the written report required in this section available to the department of labor and industries and the collective bargaining representatives or employee representatives of any employee who may be exposed to any asbestos or asbestos-containing materials. A copy of the written report shall be posted conspicuously at the location where employees report to work.

(vi) Building/vessel and facility owner or owner's agent shall notify in writing the following persons of the presence, location and quantity of ACM or PACM, at work sites in their buildings/facilities/vessels.

(A) Prospective employers applying or bidding for work whose employees reasonably can be expected to work in or adjacent to areas containing such material;

(B) Employees of the owner who will work in or adjacent to areas containing such material;

(C) On multi-employer worksites, all employers of employees who will be performing work within or adjacent to areas containing such materials;

(D) Tenants who will occupy areas containing such materials.

(c) Duties of employers whose employees perform work subject to this standard in or adjacent to areas containing ACM and PACM. Building/vessel and facility owner or owner's agents whose employees perform such work shall comply with these provisions to the extent applicable.

(i) Before work subject to this standard is begun, building/vessel and facility owner or owner's agents shall determine the presence, location, and quantity of ACM and/or PACM at the work site pursuant to WAC 296-62-07721 (2)(b).

(ii) Before work under this standard is performed employers of employees who will perform such work shall inform the following persons of the location and quantity of ACM and/or PACM present at the work site and the precautions to be taken to insure that airborne asbestos is confined to the area.

(A) Owners of the building/vessel or facility;

(B) Employees who will perform such work and employers of employees who work and/or will be working in adjacent areas;

(iii) Upon written or oral request, a copy of the written report required in this section shall be made available to the department of labor and industries and the collective bargaining representatives or employee representatives of any employee who may be exposed to any asbestos or asbestos-containing materials. A copy of the written report shall be posted conspicuously at the location where employees report to work.

(iv) Within 10 days of the completion of such work, the employer whose employees have performed work subject to this standard, shall inform the building/vessel or facility owner and employers of employees who will be working in the area of the current location and quantity of PACM and/or ACM remaining in the former regulated area and final monitoring results, if any.

(d) In addition to the above requirements, all employers who discover ACM and/or PACM on a work site shall convey information concerning the presence, location and

quantity of such newly discovered ACM and/or PACM to the owner and to other employers of employees working at the work site, within 24 hours of the discovery.

(e) No contractor may commence any construction, renovation, remodeling, maintenance, repair, or demolition project without receiving a copy of the written response or statement required by WAC 296-62-07721 (2)(b). Any contractor who begins any project without the copy of the written report or statement shall be subject to a mandatory fine of not less than two hundred fifty dollars per day. Each day the violation continues shall be considered a separate violation.

(3) Criteria to rebut the designation of installed material as PACM.

(a) At any time, an employer and/or building/vessel owner may demonstrate, for purposes of this standard, that PACM does not contain asbestos. Building/vessel owners and/or employers are not required to communicate information about the presence of building material for which such a demonstration pursuant to the requirements of (b) of this subsection has been made. However, in all such cases, the information, data and analysis supporting the determination that PACM does not contain asbestos, shall be retained pursuant to WAC 296-62-07727.

(b) An employer or owner may demonstrate that PACM does not contain asbestos by the following:

(i) Having a completed inspection conducted pursuant to the requirements of AHERA (40 CFR Part 763, Subpart E) which demonstrates that the material is not ACM;

(ii) Performing tests of the material containing PACM which demonstrate that no asbestos is present in the material. Such tests shall include analysis of ~~((3 bulk samples of each homogeneous area of PACM collected in a randomly distributed manner))~~ bulk samples collected in the manner described in 40 CFR 763.86. The tests, evaluation and sample collection shall be conducted by an accredited inspector. Analysis of samples shall be performed by persons or laboratories with proficiency demonstrated by current successful participation in a nationally recognized testing program such as the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute for Standards and Technology (NIST) ~~((or))~~ or the Round Robin for bulk samples administered by the American Industrial Hygiene Associate (AIHA), or an equivalent nationally recognized Round Robin testing program.

(4) At the entrance to mechanical rooms/areas in which employees reasonably can be expected to enter and which contain TSI or surfacing ACM and PACM, the building/vessel and facility owner or owner's agent shall post signs which identify the material which is present, its location, and appropriate work practices which, if followed, will ensure that ACM and/or PACM will not be disturbed. The employer shall ensure, to the extent feasible, that employees who come in contact with these signs can comprehend them. Means to ensure employee comprehension may include the use of foreign languages, pictographs, graphics, and awareness training.

(5) Warning signs.

(a) Warning signs that demarcate the regulated area shall be provided and displayed at each location where a regulated area is required. In addition, warning signs shall

be posted at all approaches to regulated areas and be posted at such a distance from such a location that an employee may read the signs and take necessary protective steps before entering the area marked by the signs.

(b) The warning signs required by (a) of this subsection shall bear the following information:

DANGER  
ASBESTOS  
CANCER AND LUNG DISEASE HAZARD  
AUTHORIZED PERSONNEL ONLY  
RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED  
IN THIS AREA

(c) The employer shall ensure that employees working in and contiguous to regulated areas comprehend the warning signs required to be posted by (a) of this subsection. Means to ensure employee comprehension may include the use of foreign languages, pictographs, and graphics.

(6) Warning labels.

(a) Warning labels shall be affixed to all products containing asbestos including raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, and to their containers including waste containers. Where feasible, installed asbestos products shall contain a visible label.

(b) Labels shall be printed in large, bold letters on a contrasting background.

(c) The labels shall comply with the requirements of WAC 296-62-05411, and shall include the following information:

DANGER  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD  
AVOID BREATHING AIRBORNE ASBESTOS FIBERS

(7) The provisions for labels required by subsection (6)(a) of this section or for material safety data sheets required by subsection (8) of this section do not apply where:

(a) Asbestos fibers have been modified by a bonding agent, coating, binder, or other material, provided that the manufacturer can demonstrate that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of fibers of asbestos in excess of the excursion limit will be released; or

(b) Asbestos is present in a product in concentrations less than 0.1 percent by weight.

(8) Material safety data sheets. Employers who are manufacturers or importers of asbestos, or asbestos products shall comply with the requirements regarding development of material safety data sheets as specified in WAC 296-62-05413, except as provided by subsection (7) of this section.

(9) When a building/vessel owner/or employer identifies previously installed PACM and/or ACM, labels or signs shall be affixed or posted so that employees will be notified of what materials contain PACM and/or ACM. The employer shall attach such labels in areas where they will clearly be noticed by employees who are likely to be exposed, such as at the entrance to mechanical rooms/areas. Signs required by subsection (5)(a) of this section may be posted in lieu of

labels so long as they contain information required for labeling. The employer shall ensure, to the extent feasible, that employees who come in contact with these signs can comprehend them. Means to ensure employee comprehension may include the use of foreign languages, pictographs, graphics, and awareness training.

AMENDATORY SECTION (Amending WSR 97-01-079, filed 12/17/96, effective 3/1/97)

**WAC 296-62-07725 Medical surveillance.** (1) General.

(a) Employees covered. The employer shall institute a medical surveillance program for all employees who are or will be exposed to airborne concentrations of fibers of asbestos at or above the permissible exposure limits. Exception.

Employers in the construction or shipyard industries shall institute a medical surveillance program for all employees who for a combined total of 30 or more days per year are engaged in Class I, II, and III work, or are exposed at or above the permissible exposure limit for combined 30 days or more per year; or who are required by the ~~((section))~~ standard to wear negative pressure respirators. For the purpose of this subsection, any day in which an employee engaged in Class II or III work or a combination thereof for one hour or less (taking into account the entire time spent on the removal operation, including cleanup), and, while doing so adheres to the work practices specified in this standard, shall not ~~((count))~~ be counted.

(b) Examination by a physician.

(i) The employer shall ensure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee and at a reasonable time and place.

(ii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section, shall complete a training course in spirometry sponsored by an appropriate academic or professional institution.

(2) Preplacement examinations.

(a) Except as provided by WAC 296-62-07725 (1)(a), before an employee is assigned to an occupation exposed to airborne concentrations of asbestos, a preplacement medical examination shall be provided or made available by the employer. Examinations administered using the thirty or more days per year criteria of WAC 296-62-07725 (1)(a) shall be given within ten working days following the thirtieth day of exposure. Examinations must be given prior to assignment of employees to areas where negative-pressure respirators are worn.

(b) All examinations shall include, as a minimum, a medical and work history: A complete physical examination of all systems with special emphasis on the pulmonary, cardiovascular, and gastrointestinal systems; completion of the respiratory disease standardized questionnaire in WAC 296-62-07741, Appendix D, Part 1; a chest roentgenogram (posterior-anterior 14x17 inches); pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV<sub>1,0</sub>); and any additional tests deemed appropriate by the examining physician. Interpretation and classification of chest roentgenograms shall be

conducted in accordance with WAC 296-62-07743, Appendix E.

(3) Periodic examinations.

(a) Periodic medical examinations shall be made available annually.

(b) The scope of the medical examination shall be in conformance with the protocol established in subsection (2)(b) of this section, except that the frequency of chest roentgenograms shall be conducted in accordance with Table 2 of this section, and the abbreviated standardized questionnaire contained in WAC 296-62-07741, Appendix D, Part 2, shall be administered to the employee.

TABLE 2—FREQUENCY OF CHEST ROENTGENOGRAMS

Years since first exposure	Age of employee		
	15 to 35	35+ to 45	45+
0 to 10 . . . . .	Every 5 years	Every 5 years	Every 5 years.
10+ . . . . .	Every 5 years	Every 2 years	Every 1 year.

(c) If the examining physician determines that any of the examinations should be provided more frequently than specified, the employer shall provide such examinations to affected employees at the frequencies specified by the physician.

(4) Termination of employment examinations.

(a) The employer shall provide, or make available, a termination of employment medical examination for any employee who has been exposed to airborne concentrations of fibers of asbestos at or above the permissible exposure limits.

(b) The medical examination shall be in accordance with the requirements of the periodic examinations stipulated in subsection (3) of this section, and shall be given within thirty calendar days before or after the date of termination of employment.

(5) Recent examinations. No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with subsection (2), (3), or (4) of this section within the past one-year period.

(6) Information provided to the physician. The employer shall provide the following information to the examining physician:

(a) A copy of this standard and Appendices D, E, and H of WAC 296-62-07741, 296-62-07743, and 296-62-07749 respectively.

(b) A description of the affected employee's duties as they relate to the employee's exposure.

(c) The employee's representative exposure level or anticipated exposure level.

(d) A description of any personal protective and respiratory equipment used or to be used.

(e) Information from previous medical examinations of the affected employee that is not otherwise available to the examining physician.

(7) Physician's written opinion.

(a) The employer shall obtain a written signed opinion from the examining physician. This written opinion shall

contain the results of the medical examination and shall include:

(i) The physician's opinion as to whether the employee has any detected medical conditions that would place the employee at an increased risk of material health impairment from exposure to asbestos;

(ii) Any recommended limitations on the employee or upon the use of personal protective equipment such as clothing or respirators;

(iii) A statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions resulting from asbestos exposure that require further explanation or treatment; and

(iv) A statement that the employee has been informed by the physician of the increased risk of lung cancer attributable to the combined effect of smoking and asbestos exposure.

(b) The employer shall instruct the physician not to reveal in the written opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to asbestos.

(c) The employer shall provide a copy of the physician's written opinion to the affected employee within thirty days from its receipt.

**AMENDATORY SECTION** (Amending WSR 97-01-079, filed 12/17/96, effective 3/1/97)

**WAC 296-62-07728 Competent person.** (1) General. For all construction and shipyard work covered by this standard, the employer shall designate a competent person, having the qualifications and authorities for ensuring worker safety and health as required by chapter 296-155 WAC.

(2) Required inspections by the competent person. WAC 296-155-110(9) which requires health and safety prevention programs to provide for frequent and regular inspections on the job sites, materials, and equipment to be made by the competent person, is incorporated.

(3) Additional inspections. In addition, the competent person shall make frequent and regular inspections of the job sites in order to perform the duties set out below in this section. For Class I jobs, on-site inspections shall be made at least once during each work shift, and at any time at employee request. For Class II and III jobs, on-site inspections shall be made at intervals sufficient to assess whether conditions have changed, and at any reasonable time at employee request.

~~((a))~~ (4) On all worksites where employees are engaged in Class I or II asbestos work, the competent person designated in accordance with WAC 296-62-07712 shall perform or supervise the following duties, as applicable:

~~((i))~~ (a) Set up the regulated area, enclosure, or other containment;

~~((ii))~~ (b) Ensure (by on-site inspection) the integrity of the enclosure or containment;

~~((iii))~~ (c) Set up procedures to control entry and exit from the enclosure and/or area;

~~((iv))~~ (d) Supervise all employee exposure monitoring required by this section and ensure that it is conducted as required by WAC 296-62-07709;

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~~((v))~~ (e) Ensure that employees working within the enclosure and/or using glovebags wear protective clothing and respirators as required by WAC 296-62-07715 and 296-62-07717;

~~((vi))~~ (f) Ensure through on-site supervision, that employees set up and remove engineering controls, use work practices and personal protective equipment in compliance with all requirements;

~~((vii))~~ (g) Ensure that employees use the hygiene facilities and observe the decontamination procedures specified in WAC 296-62-07719;

~~((viii))~~ (h) Ensure that through on-site inspection engineering controls are functioning properly and employees are using proper work practices; and

~~((ix))~~ (i) Ensure that notification requirements in WAC 296-62-07721 are met.

~~((4))~~ (5) Training for competent person.

(a) For Class I and II asbestos work the competent person shall be trained in all aspects of asbestos removal and handling, including: Abatement, installation, removal and handling, the contents of this standard, the identification of asbestos, removal procedures where appropriate, and other practices for reducing the hazard. Such training shall be the certified asbestos supervisor training specified in WAC 296-65-003, 296-65-012, and 296-65-030.

(b) For Class III and IV asbestos work:

(i) The competent person shall be certified as an asbestos supervisor as prescribed in WAC 296-65-012 and 296-65-030 for Class III and IV work involving 3 square feet or 3 linear feet or more of asbestos containing material.

(ii) For Class III and IV asbestos work involving less than 3 square feet or 3 linear feet of asbestos containing material, and asbestos work exempted from certification requirements in chapter 296-65 WAC, the competent person shall be trained in aspects of asbestos handling appropriate for the nature of the work, to include procedures for setting up glove bags and mini-enclosures, practices for reducing asbestos exposures, use of wet methods, the contents of this standard, and the identification of asbestos. Such training shall include successful completion of a course equivalent in curriculum and training method to the 16-hour Operations and Maintenance course developed by EPA for maintenance and custodial workers (see ~~((b)(i) of this subsection))~~ 40 CFR 763.92 (a)(2) or its equivalent in stringency, content and length.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-62-07761 Nonasbestiform tremolite, anthophyllite, and actinolite.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

**WAC 296-65-001 Purpose and scope.** This standard regulates asbestos removal and encapsulation, requires contractor certification, specifies minimum training for supervisors and workers on asbestos projects, requires notification of asbestos projects, and establishes a training

course approval program. This standard applies to the removal or encapsulation of any ~~((asbestos-containing material with the exception of those))~~ materials containing ~~((less))~~ more than one percent asbestos ~~((by volume))~~.

AMENDATORY SECTION (Amending WSR 96-05-056, filed 2/16/96, effective 4/1/96)

**WAC 296-65-030 Methods of compliance.** (1) Before submitting a bid or working on an asbestos abatement project, any person or individual shall obtain an asbestos contractor certificate as provided in WAC 296-65-017 and shall have in its employ at least one certified asbestos supervisor responsible for supervising all asbestos projects undertaken by the contractor.

(2) A certified asbestos supervisor will not be required on asbestos projects involving less than three square feet or three feet of asbestos-containing material unless the surface area of the pipe is greater than three square feet. A certified asbestos supervisor is required for all Class I and II asbestos work in accordance with WAC 296-62-07728 (4)(a).

(3) No employee or other individual is eligible to do work or supervise an asbestos project without being issued a certificate by the department.

(a) Employees performing Class I or Class II asbestos work shall be certified asbestos workers except when excluded in WAC 296-62-07722 (3)(b).

(b) Employees performing Class III or Class IV asbestos work as an asbestos project shall be certified asbestos workers.

Note: Exceptions to certification of asbestos work not considered to be an asbestos project are found in WAC 296-65-003 in the definition of "asbestos project," and in WAC 296-62-07722. If intact asbestos-containing materials or PACM are removed according to the required work practices, controls, respiratory protection, training and related provisions of WAC 296-62-077, certification is not required as specified in the exceptions. If asbestos-containing material or PACM is not intact, or becomes nonintact during removal, the asbestos work is considered as an asbestos project and the certification requirements of chapter 296-65 WAC apply.

(4) No person may assign any employee, contract with, or permit any individual, to remove or encapsulate asbestos in any facility without the project being performed by a certified asbestos worker and under the direct, on-site supervision of a certified asbestos supervisor.

(5) In cases in which an employer conducts an asbestos abatement project in its own facility by its own employees, supervision can be performed in the regular course of a certified asbestos supervisor's duties. Asbestos workers must have access to certified asbestos supervisors throughout the duration of the project.

(6) Any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of this section shall be halted immediately and cannot be resumed before meeting such requirements.

**WSR 97-19-015**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed September 5, 1997, 2:50 p.m.]

Date of Adoption: September 4, 1997.

Purpose: Implementation of SSB 5049, chapter 33, Laws of 1997. The proposed rule defines a commercial parking company and provides them a means of obtaining vehicle registered owner names and addresses, and vehicle description for the collection or attempted collection of parking dues and fees.

Statutory Authority for Adoption: RCW 46.01.110.

Other Authority: Chapter 33, Laws of 1997.

Adopted under notice filed as WSR 97-15-091 on July 17, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 1, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 4, 1997

John Swannack

Deputy Director

**WSR 97-19-018**  
**PERMANENT RULES**  
**DEPARTMENT OF COMMUNITY,  
 TRADE AND ECONOMIC DEVELOPMENT**  
 [Filed September 8, 1997, 1:04 p.m.]

Date of Adoption: September 5, 1997.

Purpose: To repeal obsolete rules.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 25-30-010 to 25-30-050.

Statutory Authority for Adoption: RCW 43.330.040 (2)(g).

Adopted under preproposal statement of inquiry filed as WSR 97-14-010 on June 19, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 5, 1997

Ann Bariekman

Administrative Assistant

**NEW SECTION**

**WAC 308-56A-095 Commercial parking companies.**

(1) Commercial parking companies may be provided the names and addresses of registered owners, and vehicle descriptions of vehicles assessed nongovernment vehicle parking fees. The commercial parking company shall execute a standard written agreement provided by the department. Any name or address provided by the department shall not be disclosed in any manner not otherwise approved by the department.

(2) "Commercial parking company" means any business entity directly engaged in the business of providing vehicle parking upon property owned or controlled by the business entity and approved for public parking of vehicles.

(3) The information provided may be used by the commercial parking company or its commercial agents or contractors only in connection with notification, collecting or attempting to collect the commercial parking company's own claims, owed or due or asserted to be owed or due for parking of vehicles.

**WSR 97-19-019**  
**PERMANENT RULES**  
**DEPARTMENT OF COMMUNITY,  
 TRADE AND ECONOMIC DEVELOPMENT**  
 [Filed September 8, 1997, 1:05 p.m.]

Reviser's note: This permanent filing has been rejected because it was filed earlier than the date stated as the date of adoption in the notice, WSR 97-15-107, filed on July 21, 1997. The agency will refile this permanent filing after October 1, 1997.

**WSR 97-19-020**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Adult Services Administration)  
 (Public Assistance)  
 [Filed September 8, 1997, 2:11 p.m.]

Date of Adoption: September 5, 1997.

Purpose: To allow providers who contract with the department to provide assisted living services, enhanced adult residential care, and adult residential care, the option of having their caregiving staff take a challenge test in lieu of attending required caregiver training class. This revision

will amend WAC 388-110-110 Caregiver education and training requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 388-110-110.

Statutory Authority for Adoption: RCW 74.39A.010 and 74.39A.020.

Adopted under notice filed as WSR 97-15-134 on July 23, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
September 5, 1997

Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 96-21-050, filed 10/11/96, effective 11/11/96)

**WAC 388-110-110 Caregiver education and training requirements.** (1) The contractor shall ensure that:

(a) All caregivers hired on or after July 1, 1996 successfully complete the department designated fundamentals of caregiving training within one hundred twenty days of employment, unless he or she meets the requirements in subsection (2) below;

(b) All caregivers hired prior to July 1, 1996 successfully complete the department designated fundamentals of caregiving training prior to March 1, 1997, unless he or she meets the requirements in subsection (2) below; and

(c) All caregivers complete a minimum of ten hours of continuing education credits per calendar year, on topics relevant to caregiving:

(i) Topics include but are not limited to residents' rights, personal care, dementia, mental illness, developmental disabilities, depression, medication assistance, communication skills, alternatives to restraints, and activities for residents;

(ii) Caregivers must receive a certificate of completion to meet the requirement for continuing education credit and each hour of completed instruction will count as one hour of continuing education credit; and

(iii) The continuing education requirement begins the calendar year after the year in which the caregiver completes the fundamentals or modified fundamentals of caregiving training.

(2) A caregiver who ~~((is a))~~ has successfully completed training as a registered or licensed practical nurse, a physical

or occupational therapist, a nursing assistant certified, a home health aide from a Medicare-certified home health agency or who has successfully completed a department approved adult family home training, or department approved personal care training from an area agency on aging or its subcontractor, is exempt from the fundamentals of caregiving training in subsection (1) above if the caregiver successfully completes the department designated modified fundamentals of caregiving training in accordance with the dates specified in subsection (1) above.

(3) Caregivers are exempt from attending the fundamentals of caregiving or modified fundamentals of caregiving trainings if they successfully pass the department's challenge test for the class they are required to take. The caregiver has only one opportunity to take the challenge test. If the caregiver does not successfully pass the challenge test, then he/she must attend the fundamentals of caregiving or modified fundamentals of caregiving trainings as required.

(4) Contractors who meet the prescribed criteria may be approved by the department to provide the department's designated caregiver training programs within the facility.

~~((4))~~ (5) Volunteers are exempt from the training requirements listed above unless they provide unsupervised direct personal care to residents.

~~((5))~~ (6) The contractor shall document that caregivers have met the education and training requirements.

**WSR 97-19-021**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Health and Rehabilitative Services)  
(General Provisions)

[Filed September 8, 1997, 2:13 p.m.]

Date of Adoption: September 8, 1997.

Purpose: To correct reference errors in recently adopted amendments in WAC 440-22-220.

Citation of Existing Rules Affected by this Order: Amending WAC 440-22-220.

Statutory Authority for Adoption: RCW 70.96A.040 and 70.96A.090.

Adopted under notice filed as WSR 97-15-133 on July 23, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
September 8, 1997  
Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 97-13-050, filed 6/13/97, effective 7/14/97)

**WAC 440-22-220 Chemical dependency counselor intern (CI) completion.** To complete CI internship, a person shall:

(1) Obtain a two-year degree, or its academic equivalent, from an accredited college or university. The course work shall include all WAC (~~((440-20-200))~~) 440-22-200 academic requirements and the course work listed in subsection (2) through (4) of this section.

(2) Complete twenty-four quarter or sixteen semester credits from an accredited college or university which includes a minimum of three quarter or two semester credits in distinct courses in the following three topic areas:

- (a) Group process in chemical dependency treatment;
- (b) Chemical dependency in the family; and
- (c) Case management and record keeping for chemically dependent patients.

(d) The remainder of the twenty-four quarter or sixteen semester credits noted in ~~((a))~~ (2) of this subsection shall include distinct courses in the following topic areas:

- (i) Ethics in chemical dependency treatment;
- (ii) Chemical dependency and the laws;
- (iii) Human growth and development; and
- (iv) Introductory or general psychology.

(3) Obtain one hundred eighty hours of state-approved training or equivalent credit from an accredited college or university in workshops or courses that address the following topic areas:

- (a) Relapse prevention;
- (b) Youth chemical dependency assessment and counseling;
- (c) Cultural awareness;
- (d) HIV/AIDS brief risk intervention for CDCs, as approved by the department; and
- (e) Other workshops or courses that will enhance skills as a chemical dependency counselor.

(4) Complete two thousand clock hours of directly supervised experience as a (CI) in a state-certified chemical dependency treatment agency. The internship shall include a minimum of one hundred sixty hours in each of the following clinical areas:

- (a) Conducting assessments;
- (b) Individual counseling; and
- (c) Group counseling.

**WSR 97-19-026**  
**PERMANENT RULES**  
**YAKIMA VALLEY**  
**COMMUNITY COLLEGE**  
[Filed September 8, 1997, 4:03 p.m.]

Date of Adoption: September 4, 1997.

**Purpose:** To update chapter 132P-116 WAC, parking and traffic regulations and to clarify the appeal of parking/traffic fine process.

**Citation of Existing Rules Affected by this Order:** Repealing WAC 132P-116-090 and 132P-116-160; and amending WAC 132P-116-010, 132P-116-020, 132P-116-040, 132P-116-050, 132P-116-060, 132P-116-070, 132P-116-080, 132P-116-100, 132P-116-110, 132P-116-120, 132P-116-130, 132P-116-140, 132P-116-150, 132P-116-170, 132P-116-200, 132P-116-210, 132P-116-220, 132P-116-230, 132P-116-240, 132P-116-250, 132P-116-260, 132P-116-270, 132P-116-280, and 132P-116-290.

**Statutory Authority for Adoption:** RCW 28B.50.140.

Adopted under notice filed as WSR 97-14-101 on July 2, 1997.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, amended 0, repealed 0; **Federal Rules or Standards:** New 0, amended 0, repealed 0; or **Recently Enacted State Statutes:** New 0, amended 0, repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, amended 0, repealed 0.

**Number of Sections Adopted on the Agency's own Initiative:** New 1, amended 24, repealed 2.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 1, amended 24, repealed 2.

**Number of Sections Adopted using Negotiated Rule Making:** New 0, amended 0, repealed 0; **Pilot Rule Making:** New 0, amended 0, repealed 0; or **Other Alternative Rule Making:** New 0, amended 0, repealed 0.

**Effective Date of Rule:** Thirty-one days after filing.  
September 4, 1997  
Suzanne M. West  
Executive Assistant  
to the President

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-010 Purpose.** Pursuant to the authority granted by RCW 28B.50.140, the board of trustees of Yakima Valley Community College, District 16 is granted authority to make rules and regulations for pedestrian and vehicular traffic over property owned, operated or maintained by the college district. The rules and regulations contained herein are established for the following purposes:

(1) To protect and control pedestrian and vehicular traffic.

(2) To assure access at all times for emergency equipment.

(3) To minimize traffic disturbances during class hours.

(4) To facilitate the operation of the ~~((community))~~ college ~~((of the district by assuring access for vehicles and to regulate the use of parking spaces))~~.

(5) To regulate the use of parking spaces.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-020 Definitions.** As used in this chapter, the following words shall mean:

(1) "College." Yakima Valley Community College, or any additional community college hereafter established with Community College District 16, state of Washington, and collectively, those responsible for its control and operations.

(2) "College community." Trustees, students, employees, and guests on college owned or controlled facilities.

(3) "College facilities." Includes any or all property ~~(controlled)~~ owned or operated by the college.

(4) "Student." Includes all ~~(persons)~~ individuals enrolled at the college, or in any educational program operating on the college facilities, both full and part time.

(5) ~~("Security coordinator.")~~ "Director of facilities operations." An employee of Yakima Valley Community College, District 16, state of Washington, who is responsible to the vice-president for administrative services for campus security, safety, parking and traffic control.

(6) "Vehicle." ~~(A\*)~~ All modes of transportation including, but not limited to automobiles, trucks, motor-driven cycles, scooters, or any vehicle powered by ~~(an)~~ a battery or engine ~~(-Also included are)~~, and also including bicycles and other nonengine vehicles.

(7) "Visitor." ~~(Any person or persons, who come upon the campus as guests and person or persons who lawfully visit the campus for purposes which are in keeping with the college's role as an institution of higher learning in Washington.)~~ Any individual who comes to campus who is neither an employee nor a registered student of the college.

(8) "Permanent permits." Permits ~~(which are)~~ valid for a ~~(school term, quarter,)~~ college year or ~~(portion thereof)~~ quarter.

(9) "Temporary permits." Permits ~~(which are)~~ valid for less than a quarter and/or a specific period designated on the permit ~~(or application)~~.

(10) ~~("School term.")~~ "College year." Unless otherwise designated, the time period commencing with the ~~(summer)~~ fall quarter of a community college calendar year and extending through the immediately subsequent ~~(fall,)~~ winter ~~(and)~~, spring, and summer quarters. The ~~(summer school session)~~ fall quarter shall be considered the first quarter of the college year for parking and traffic control purposes.

(11) "Special permits." Permits issued for specific purposes by campus security to enhance the business or operation of the college.

(12) "Car pool permits." Permits issued to individuals by campus security to individuals driving a car pool consisting of a minimum of two adults.

(13) "Resident student permits." Permits issued by campus security to students living in the student residence center.

(14) "Reserved parking permits." Permits issued by campus security for a specified parking space reserved for that permit holder only.

(15) "Disabled person permit." A permit issued to a person with a physical, mental, or sensory impairment.

(16) "Designated permit areas." Designated areas of parking on college facilities requiring a permit to park.

(17) "Parking/traffic appeals board." Board responsible for hearing appeals of parking/traffic citations.

(18) "Business day." Set forth in RCW 42.04.060.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-040 Permits required for vehicles ~~(on campus)~~ in designated permit areas.** Students, faculty and staff shall not stop, park or leave a vehicle ~~(whether)~~ attended or unattended ~~(upon the campus)~~ in designated permit areas without a parking permit. All persons parking ~~(on the campus)~~ in designated permit areas must have the permit properly placed in or on the vehicle by the ~~(beginning)~~ first business day of the second week of each quarter. Warning citations will be issued during the first week of the quarter.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-050 Registration of student, faculty, staff, and visitors vehicles.** Students ~~(\*)~~ shall register their vehicles per WAC 132P-116-060(1). Student permits are not required unless the student is a resident of the student residence center per WAC 132P-116-060(3). Faculty ~~(\*)~~ and staff ~~(and visitors who have motor vehicles on campus will register them with the security office and)~~ shall obtain ~~(a)~~ parking permits ~~(-Failure of these people to obtain and properly display the parking permit will result in a fine)~~ at the security office. Visitors shall park in areas designated as "visitor" parking and shall obtain a permit at the college information office or security office.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-060 Authorization for issuance of permits.** The campus security office is authorized to issue parking permits to ~~(students,)~~ faculty and staff ~~(members)~~ of the college pursuant to the following regulations:

(1) Students ~~(may be issued a parking permit upon the registration of)~~ will register their vehicle(s) with the ~~(campus security)~~ registration office at the beginning of each academic ~~(period)~~ quarter.

(2) Faculty and staff ~~(members)~~ shall be issued a parking permit upon the registration of their vehicles at the beginning of fall quarter ~~(-Provided, That new faculty and staff members employed during the regular academic year may be issued a parking permit upon the registration of their vehicles)~~ or at the time ~~(they begin)~~ of their employment ~~(at the college)~~.

(3) ~~(Full-time faculty and staff personnel shall be issued a second car permit for another personally owned vehicle. A condition of issuance is that at no time will more than one vehicle be parked on campus unless authorized by campus security.)~~ Resident students shall obtain a parking permit at the security office within five business days of becoming a resident of the student residence center.

(4) Campus security may issue temporary and special parking permits when such permits are necessary to enhance the business or operation of the college.

(5) Any permit holder may obtain temporary parking permits at the campus security office without charge for an unregistered vehicle when necessary due to the nonavailability of his or her registered vehicle. Issuance of such permit is left to the discretion of the campus security office.

(6) ~~(The parking permit is issued for the use of the person to whom it was issued and is not to be given to another person for their use.)~~

~~(7) The permit remains valid as long as the holder remains a student or member of the faculty or staff-)) Permits are issued to an individual and are not transferable. If the individual is no longer attending or employed by the college, the permit is invalid.~~

(7) Any permit holder may obtain a replacement permit for a replacement fee from the security office upon request and explanation of loss or destruction of original permit.

**AMENDATORY SECTION** (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-070 Valid permit.** A valid parking permit is:

(1) An unexpired **permanent** ~~((parking))~~ permit registered and properly displayed.

(2) A **temporary** permit issued by campus security and properly displayed.

(3) A **special** ~~((parking))~~ permit issued by campus security and properly displayed.

(4) A ~~((handicapped))~~ **disabled person** permit issued by campus security ~~((for a specified parking place))~~ and properly displayed.

(5) A valid **disabled person** parking sticker issued by the state of Washington and properly displayed.

(6) A **resident student** permit issued by campus security and properly displayed.

(7) A **car pool** permit issued by campus security and properly displayed.

(8) A **reserved** permit issued by campus security and properly displayed.

**AMENDATORY SECTION** (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-080 Display of permit.** All ~~((permanent))~~ parking permits shall be ~~((affixed to the front windshield on the lower left corner. Special and temporary parking permits shall be placed within the vehicle on the left side of the dashboard, where it can be plainly observed))~~ placed at a designated location within the vehicle in plain view. If the permit is not in plain view, a citation will be issued.

**AMENDATORY SECTION** (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-100 Permit revocation.** Parking permits are the property of the college and may be recalled for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists.

(2) When a permit is used for an unregistered vehicle or by an unregistered individual.

~~(3) ((Falsification of a parking permit application.~~

~~(4)) Continued violation of college parking and traffic rules and regulations.~~

~~((5))~~ (4) Counterfeiting or altering ((of)) a parking permit.

**AMENDATORY SECTION** (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-110 Right to refuse permit.** The college reserves the right to refuse ~~((the issuance of))~~ to issue a parking permit to anyone who has an outstanding parking fine(s) or penalties, or who has had a previous permit ((revoked)) revocation, or for other good cause shown.

**AMENDATORY SECTION** (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-120 Responsibility of person to whom permit is issued.** The person to whom a permit is issued is responsible for all violations of the parking and traffic rules and regulations involving the vehicle ~~((for))~~ to which the permit ~~((was issued and to which it was))~~ is affixed ~~((- Provided, however, That such responsibility shall not relieve other persons who violate these rules and regulations)).~~ In the event that a vehicle in violation ~~((is not registered with the college))~~ does not have a permit displayed, the current registered owner will be responsible for the violation(s) ~~((of the campus regulations)).~~

**AMENDATORY SECTION** (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-130 Designation of parking spaces.** The parking spaces available on campus shall be designated and allocated in such a manner as will best achieve the objective of the rules and regulations contained in this chapter ~~((:))~~ and shall include, but not be limited to:

(1) Faculty and staff spaces ~~((shall be designated)).~~

(2) Student spaces ~~((shall be designated for their use: Provided, That physically handicapped students may be granted special permits to park in proximity to the classrooms used by such students)).~~

(3) ~~((Parking spaces shall be designated for use of visitors on the campus.))~~ Disabled person spaces.

(4) Such parking spaces may be designated for other purposes as deemed necessary.

**AMENDATORY SECTION** (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-140 Parking within designated spaces.** (1) Any person parking a vehicle ~~((on Yakima Valley Community College property))~~ at a college facility shall park ~~((his))~~ the vehicle in designated parking areas only. These areas are marked by ~~((a))~~ curbs, signs, or white or yellow line(s). Parking on or over a line constitutes a violation.

(2) No vehicle may be parked on any area (~~(which)~~) that has been landscaped or designated ((for landscaping, or any eement)) as a walkway or ((unpaved)) pathway ((designated for pedestrian use)) (paved or unpaved), except for ((the purposes of maintenance by an appropriate Yakima Valley Community College employee or by an agent from an outside firm employed by Yakima Valley Community College, or in the case of)) college vehicles, emergency vehicles, or approved agents.

(3) No vehicle may be stopped, parked, or left (~~(on the Yakima Valley Community College campus))~~ at a college facility in a designated permit area without a valid parking permit, with the exception of trucks or cars making deliveries.

(4) No vehicle shall be parked on campus for a period in excess of seventy-two hours, unless cleared through the campus security office. Vehicles which have been parked in excess of seventy-two hours shall be impounded and stored at the expense of either or both owner and operator.

(5) (~~(Personnel)~~) Staff who require parking longer than normal parking hours may apply through the campus security office for permission.

(6) All vehicles shall follow traffic arrows and other markings established for the purpose of directing traffic on campus.

(7) No vehicle shall be parked so as to occupy any portion of more than one parking space (~~(or stall))~~ as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle to occupy a portion or more than one space or stall shall not constitute an excuse for a violation of this section unless weather conditions are such as to make this impossible.

(8) (~~(There are two designated parking areas on campus for student use. They will be open from 6:00 a.m. to 11:00 p.m. Monday through Friday.))~~ No vehicle shall be parked in such a manner as to interfere with traffic, create a hazardous condition, hinder maintenance, or emergency vehicles, or otherwise interfere with the operation of the college.

(9) No vehicle shall (~~(be parked on the campus except in those areas set aside and designated pursuant to these rules and regulations))~~ back into parking stalls.

**AMENDATORY SECTION** (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-150** (~~(Day parking.))~~ Designated permit area hours. The rules and regulations pertaining to (~~(the use of certain parking permits in specified))~~ designated permit areas ((shall be)) are in force ((during the hours of 6:00 a.m. to 11:00 p.m.)) as posted in the security office.

**AMENDATORY SECTION** (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-170** Parking in prohibited places.

(1) No person shall stop, stand, or park any vehicle so as to obstruct traffic along or upon any street or sidewalk.

(2) No vehicle shall be parked at any place where official signs or other markings prohibit parking, or within fifteen feet of a fire hydrant.

**AMENDATORY SECTION** (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-200** Pedestrian's right of way. (1) The operator of a vehicle shall yield the right of way (~~(, slow down and/or stop, if need be,))~~ for any pedestrian (~~((, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible or unsafe for the driver to yield)).~~

(2) Whenever any vehicle slows or stops (~~((so as))~~) to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such (~~((a))~~) vehicle (~~((which has slowed or stopped to yield to pedestrian traffic)).~~

(3) Where a sidewalk is provided, pedestrians shall proceed upon such a sidewalk.

**AMENDATORY SECTION** (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-210** Two-wheeled motorbikes ((or)),<sup>2</sup> bicycles, skateboards, or rollerblades. (1) All two-wheeled vehicles powered by (~~((a))~~) a battery or engine shall park in a space designated for motorcycles only. (~~((No vehicle shall be ridden on the sidewalks on campus at any time unless authorized by the president or his designee.))~~

(2) Bicycles and other nonengine cycles shall be subject to the posted or published regulations as established.

(3) No bicycle(~~((s))~~) shall be parked inside a building, near a building exit, or on a path or sidewalk. Bicycles must be secured to racks as provided.

(4) Skateboarding and rollerblading is not permitted on campus.

**AMENDATORY SECTION** (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-220** Report of accident. The operator of any vehicle involved in an accident on campus resulting in injury to, or death of any person, or (~~((total or))~~) claimed damage to either or both vehicles (~~((of))~~) in any amount, shall within twenty-four hours, report such accident to the campus security office. This does not relieve any person so involved in an accident from ((his)) the responsibility to file a state of Washington motor vehicle accident report ((within twenty-four hours of the accident)) as required by state law.

**AMENDATORY SECTION** (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-230** Specific traffic and parking regulations and restrictions authorized. Upon special occasions causing additional and/or heavy traffic and during emergencies, the (~~((security coordinator))~~) director of facilities operations is authorized to impose additional traffic and parking regulations and restrictions, (~~((with))~~) in coordination with the vice-president of administrative services or official designee, for the achievement of the objectives specified in this policy.

PERMANENT

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-240 Enforcement.** Parking rules and regulations will be enforced throughout the calendar year. ~~((Parking and traffic rules and regulations are enforced twenty-four hours a day, seven days a week.))~~

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-250 Issuance of traffic citations.** Upon violation(s) of any of the rules and regulations contained in this document, ~~((the))~~ security ~~((ordinator or subordinates))~~ officers or designee are authorized to issue traffic citations, setting forth the date, permit number, the approximate time, license number, name of permit holder, infraction, officer and schedule of fines. Such traffic citations may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the citation to the operator.

Violation(s) of the campus traffic code ~~((refers))~~ include but are not limited to:

(1) **No parking permit displayed.** A ~~((Yakima Valley Community))~~ college parking ~~((deal))~~ permit is necessary when parking in any designated permit area on ~~((campus))~~ college facilities. The permit must be ~~((prominently))~~ displayed as set forth herein.

(2) **Failure to stop at stop signs/signals.** ~~((The))~~ Failure to bring a vehicle to a complete stop at properly erected and identified stop signs/signals.

(3) **Failure to yield right of way.** The act of depriving another vehicle or pedestrian of the right of way at an intersection or crosswalk.

(4) **Improper parking.** Parking a vehicle in areas that are intended for purposes other than parking, i.e., fire lanes, driveways, sidewalk, lawns, or taking up more than one parking stall.

(5) ~~((Parking in the wrong area.))~~ **Permit violations.** Parking in ~~((faculty areas or any other area differing from the locations indicated on the issued))~~ designated permit areas without proper permit.

(6) **Negligent/reckless driving.** The operation of a vehicle in such a manner as to place persons or property in danger of injury or grievous harm.

(7) **Speeding.** The operation of a vehicle in ~~((such a manner as to exceed the))~~ excess of posted speed limits.

(8) **Other violations.** ~~((Clearly indicated and an))~~ Such other actual violations of ((the law or traffic ordinances. The violation must be recorded in the space provided)) these regulations or city, county, or state laws or ordinances.

(9) ~~((Repeated offenses. Repeated offenses or))~~ **Impoundment.** Violations that create a hazardous condition, impede traffic or otherwise interfere with the operation of a college facility may result in the immediate impoundment (removal) of the vehicle.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-260 Fines and penalties.** (1) Fines will be levied for ~~((all))~~ violations of the rules and regulations contained in this chapter.

(2) In addition to fines imposed under these regulations, ~~((illegally parked vehicles or those vehicles not displaying a valid parking permit))~~ vehicles violating these regulations may be impounded. ~~((Such))~~ Impounded vehicles will be taken to a place for storage as designated by the administration. The expenses of such impoundings and storage shall be the responsibility of the registered owner or driver of the vehicle. The college shall not be liable for loss or damage of any kind resulting from such impounding and storage.

(3) An accumulation of traffic violations by a student shall be cause for disciplinary action as stated in WAC 132P-116-110 and in subsection ~~((9))~~ (7) of this section.

(4) An accumulation of traffic violations by faculty and staff shall be cause for disciplinary action as stated in WAC 132P-116-100~~((4))~~ and subsection ~~((10))~~ (8) of this section.

(5) ~~((Vehicles involved in violations of these rules and regulations may be impounded as provided in subsection (2) herein.~~

~~((6))~~ Parking and traffic violations will be processed by the college. Parking fines are to be paid at the ~~((College Security Building, 1107 South 16th Avenue, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday))~~ college's cashier counter during business hours.

~~((7))~~ (6) A schedule of fines shall be ~~((set and))~~ reviewed annually by ~~((a parking advisory committee appointed by the president or his))~~ the director of facilities operations and the vice-president of administrative services or designee. This schedule shall be ~~((published in the summary of))~~ a supplement to the parking and traffic rules and regulations and ((the traffic violation form)) attached and printed on all college citation forms.

~~((8))~~ (8) ~~If the fine is paid during the business day following the date of the citation, the fine will be reduced to \$1.00.~~

~~((9))~~ (7) In the event a student fails or refuses to pay a fine, the following may result:

(a) The student ~~((may))~~ shall not be eligible to register for any further courses.

(b) The student ~~((may))~~ shall not be able to obtain a transcript of his or her grades or credits.

(c) ~~((The student may not receive a degree until all fines are paid.~~

~~((d))~~ The student may be denied future parking privileges.

~~((e))~~ The vehicle may be impounded.

~~((10))~~ In the event that a faculty or staff member fails to pay a fine the following may result:

(a) ~~The faculty or staff member may have his or her parking privileges on campus revoked.~~

~~The vehicle may be impounded.)~~ (8) In the event that faculty or staff fails to pay a fine, they may have their parking privileges on campus revoked.

(9) In the event that a faculty member, staff member or student has multiple unpaid fines, the vehicle may be impounded or immobilized.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-270 Parking fees.** Parking fees ~~((shall))~~ may be adopted by the board of trustees ~~((specifying the charges per quarter))~~. The fee schedule shall be published ~~((and summarized in a separate document entitled "parking fee schedule and administrative procedures manual."))~~ in the quarterly class schedule and posted in the security office.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-280 Liability of the college.** The college assumes no liability under any circumstances for the vehicles ~~((on campus))~~ parking or traveling on college property, nor shall it be held liable for loss of goods or property from vehicles parked on college property.

(1) The college, the college facility operations department, the college security department, the college security officers, members and employees shall not be held liable for any damages or losses occurring to or from vehicles or equipment when rendering motorists assistance, impounding vehicles, or performing any duties as described in these parking and traffic rules and regulations. This section also applies to nonvehicular modes of transportation.

(2) The college provides only limited maintenance to college parking lots. Persons using the college parking lots do so at their own risk. The college will not be responsible for any liability or damage claims.

(3) No bailment is created by the issuance of a parking permit.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

**WAC 132P-116-290 Appeal of fines and penalties.** ~~((4))~~ An appeal from any fine or penalty levied against an individual pursuant to these rules and regulations may be made in writing to the ~~((security coordinator or his or her designee))~~ parking/traffic appeals board within five ~~((working))~~ business days from the date of the citation. Within twenty ~~((working))~~ business days from the receipt of any such appeal, the ~~((security coordinator))~~ parking/traffic appeals board shall render a written decision that shall be final.

~~((2)) If the appellant is not satisfied with the decision of the security coordinator, he or she may appeal in writing to the dean of administrative services within five working days of the appellant's receipt of the decision. Within twenty working days from the receipt of any such appeal, the college dean shall render a written decision.~~

(3) ~~If the appellant is not satisfied with the decision of the dean of administrative services, he or she may appeal it to the president within five days of his or her receipt of the dean's decision for a final determination.)~~ As an alternative, an individual may, within five business days, request an appearance before the parking/traffic appeals board. Failure to appeal in writing or request an appearance within the five-day period constitutes a waiver of right to appeal. The decision of the parking/traffic appeals board shall be final.

## NEW SECTION

**WAC 132P-116-300 Parking/traffic appeals board.** The parking/traffic appeals board shall be appointed by the director of facilities operations. The board shall include a minimum representation of one student, one faculty, and one classified staff. The board shall meet on a regular basis at such times as the director of facilities operations shall designate. The board shall hear appeals of citations issued pursuant to these regulations and render a written decision within twenty business days of the hearing. The board's decision shall be final.

## REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132P-116-090 Transfer of permit.
- WAC 132P-116-160 Night parking.

**WSR 97-19-043**  
**PERMANENT RULES**  
**SECRETARY OF STATE**  
(Filed September 11, 1997, 9:17 a.m.)

Date of Adoption: September 10, 1997.

Purpose: To revise the form for charitable organization registration.

Citation of Existing Rules Affected by this Order: Amending WAC 434-120-105.

Statutory Authority for Adoption: RCW 19.09.075.

Adopted under notice filed as WSR 97-16-034 on July 30, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 11, 1997

Tracy Guerin

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

**WAC 434-120-105 Form.** (1) Charitable organizations registering under this act shall use the ~~((combined charitable organization, charitable trust, and public benefit))~~ registration form available in the office of the corporations division ~~((or~~

PERMANENT

shall provide, by letter, the required information organized and topically sectioned in exactly the following manner:

(1) Section I. The name, address, and telephone number of the charitable organization; and the name under which the organization will solicit contributions.

(2) Section II. The name, address, and telephone number of the corporate officers, directors of the board, or persons accepting responsibility for the organization; and the names of the three officers, directors, or employees who receive the greatest amount of compensation from the organization. If this is a consolidated registration, then list the names of the three officers or employees of the parent organization.

(3) Section III. The purpose of the charitable organization; the names and addresses of beneficiaries or the selected group of persons or activities which the charitable organization supports; and to whom assets would be given in the event of dissolution.

(4) Section IV. Whether or not the organization has a federal income tax exempt status, and, if so, the basis. Attach a copy of the letter or other written proof of the status declaration if granted under 26 U.S.C. 501 (c)(3) by the Internal Revenue Service. Include the name, address, and telephone number of the entity that prepares, compiles, reviews, or audits the financial statement of the charitable organization.

(5) Section V. A financial statement in the form of a solicitation report, which includes the following information:

(a) From a newly formed entity that has not completed its first accounting year, the annual budget expenditures approved by the board of directors or other responsible person(s), which must clearly identify the reported figures as budget estimates not based upon actual funds expended; or, from an entity that has completed one or more accounting years but has not previously registered under this act, its actual expenditures from the preceding fiscal year, and its proposed budget for the coming fiscal year; and

(i) The number and types of solicitations planned; and  
(ii) From the existing entity, total revenue for the preceding year and the amount that was used for the charitable purpose;

In addition, seven months after registration all newly formed entities shall file a six month report containing actual budget figures.

(b) From charitable organizations registering for the second or more years, the following information from the preceding fiscal year:

(i) The number and types of solicitations conducted;  
(ii) The total dollar value of gross revenue received from solicitations conducted by or on behalf of the organization and from all other sources (including revenue from activities regulated by the gambling commission) received, which must equal the total revenue of the organization;

(iii) A solicitation report that contains the gross revenue applied to charitable purposes, fund raising costs, and other expenses, which are figured in accordance with WAC 434-120-125, including the amount of any compensation allocated to charitable purposes and paid to a commercial fund raiser or other entity, who is not a bona fide employee, as defined in RCW 19.09.020(1), for fund raising services; and

(iv) The name, physical address, and telephone number of any commercial fund raiser used by the organization;). The secretary of state shall develop a form in compliance with this rule. The secretary's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 19.09 RCW shall not excuse the failure to comply. The secretary may accept the Uniform Registration Statement developed by the National Association of State Charity Officials if accompanied by an addendum developed by the secretary for use in Washington, if the uniform form and addendum contain all of the information required by this rule.

(2) A registration form is not complete, and will not be accepted for filing, unless it includes:

(a) The name of the organization, and every address (including both physical address and any mailing address if different), telephone number(s), FAX number(s), and taxpayer identification number, including those of all offices, chapters, branches, and affiliates used in charitable solicitations reflected in the registration including any electronic mail or Internet addresses used by the organization;

(b) All of the names under which the organization will solicit contributions;

(c) If incorporated, the corporate name, unified business identifier number, state and date of incorporation, or if not incorporated, the type of organization and date established;

(d) The end date of its current fiscal year;

(e) The court or other forum, case number and title of all legal actions, if any, in which a judgment or final order was entered, or action is currently pending, against any organization or individual required to be identified in the registration. "Actions" include any administrative or judicial proceeding alleging that the entity has failed to comply with these rules, chapter 19.09 RCW, or state or federal laws pertaining to taxation, revenue, charitable solicitation, or recordkeeping, whether such action has been instituted by a public agency or a private person or entity;

(f) A list of all states where the organization is registered for charitable solicitations, including any other names under which the organization is currently registered or has been registered in the past three years;

(g) The name, address, and telephone number of the officers or of persons accepting responsibility for the organization;

(h) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(i) The purpose of the charitable organization, including, if applicable, the names and addresses of any specific beneficiaries which the charitable organization supports and to whom assets would be distributed to in the event of dissolution;

(j) Whether the charitable organization is exempt from federal income tax, and, if so, attaching to its initial registration a copy of the letter by which the Internal Revenue Service granted such status;

(k) The name and address of the person or entity with authority for the preparation of financial statements or the maintenance of financial information on behalf of the organization;

(l) The name, address, and telephone number of an individual with expenditure authority who can respond to questions regarding expenditures of funds, and the names and addresses of any commercial fund-raiser and any commercial coventurer who have the authority to expend funds or incur obligations on behalf of the organization;

(m) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305;

(n) A solicitation report of the charitable organization for the preceding fiscal year including:

(i) The types of solicitations conducted; and

(ii) The name, physical address, and telephone number of any commercial fund-raiser, including any commercial coventurer conducting solicitations on behalf of the organization in Washington during the period covered by this report; and

(iii) Either:

(A) A copy of the charitable organization's federal informational tax return (Form 990 or Form 990 PF, but not Form 990 EZ) covering the period covered by this report. The form shall include lines on which to report the amounts reported on the return as "program services" and "total expenses"; or

(B) If, for the fiscal year covered by the report, the charitable organization either filed a federal informational tax return using Form 990 EZ, or did not file a federal informational tax return, (I) the total dollar value of all support received from solicitations, (II) the total dollar value of revenue from all other sources, (III) total expenditures, including amounts paid to or retained by a commercial fund-raiser, during the reporting period and (IV) the amount of those expenditures devoted directly to charitable program services. Amounts paid to or retained by a commercial fund-raiser include all revenue, as defined by WAC 434-120-025, including, without limitation, fees for services, contributions, proceeds from the sale of goods or services (including tickets to events), and all other revenue from solicitations;

(o) The form shall also include a space within which any charitable organization may provide additional information which the organization believes would be of assistance in understanding other reported information, or to provide context for reported information.

(3) Solicitation reports shall not report estimates, but shall report actual figures. If the organization did not directly or indirectly conduct any charitable solicitations in the previous accounting year, it shall file a supplemental registration form no later than the end of the ninth month after registering which provides a complete solicitation report with actual figures from the first six months of activity after registering, if its gross revenue from solicitations exceeds twelve thousand five hundred dollars during that six-month period or otherwise ceases to qualify for an exemption under WAC 434-120-100 (2)(c).

(4) A parent organization may file a consolidated registration form, including the solicitation report, when registering including the solicitation information required for each of its related foundations, supporting organizations, chapters, branches, or affiliates in the state of Washington, which are supervised or controlled by the parent organization. A parent organization may report financial information

either separately or in consolidated form for all subsidiary organizations. A filing by the parent organization relieves each subsidiary organization identified in that filing of any duty to file independently. ((Alternatively, it may file a single combined solicitation report including funds raised by all such units of the parent organization and listing the individual names of all units who raised five thousand dollars or more in the preceding year.

~~(6) Section VI: A signed statement from the entity who prepares, compiles, reviews, or audits the financial statement who is listed under the requirement of WAC 434-120-105(4), attesting that the figures of the solicitation report are consistent with the organization's annual financial statement; and a written list of the copies of any annual or periodic reports on file that were made by the charitable organization and its subsidiaries, or affiliates, if any, which substantiate the figures; and~~

~~(7) An irrevocable appointment of the secretary to receive service of process in non-criminal proceedings-))~~

(5) All charitable solicitation organization registrations shall be signed by the president, treasurer, or comparable officer of the organization or, in the absence of officers, person responsible for the organization, whose signature shall be notarized.

#### WSR 97-19-044

#### PERMANENT RULES

#### PERSONNEL RESOURCES BOARD

[Filed September 11, 1997, 1:41 p.m., effective November 1, 1997]

Date of Adoption: September 11, 1997.

Purpose: These modifications will allow temporary appointments to be made to reduce the effects of an impending or actual reduction in force.

Citation of Existing Rules Affected by this Order: Amending WAC 356-30-065 and 356-30-067.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 97-16-013 on July 25, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

Effective Date of Rule: November 1, 1997.

September 11, 1997

Dennis Karras

Secretary

PERMANENT

**AMENDATORY SECTION** (Amending WSR 88-18-096 (Order 308), filed 9/7/88, effective 11/1/88)

**WAC 356-30-065 Temporary appointments—From outside state service.** (1) Temporary appointments may be made to classified positions during the absence of a permanent employee, to reduce the effects of an impending or actual reduction in force, or during a workload peak when there is a need to fill a position for not more than nine months or 1560 nonovertime hours or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) Temporary appointments shall be approved by the director of personnel, or designee. Single or multiple temporary appointments shall last no more than nine months or 1560 nonovertime hours within a twelve-month period. Time spent in emergency appointments will be counted in the 1560 hours.

(4) No temporary appointment of an employee who has worked for the agency for nine months or 1560 nonovertime hours within the last twelve months may be made without a three-month break in service. Consecutive nonpermanent appointments of the same person in the same agency which would cause the employee to work more than 1560 nonovertime hours in a twelve-month period can only be made with the approval of the director of personnel. Extensions of temporary appointments of persons from outside classified service may be granted when a permanent employee's leave extends beyond nine months or 1560 nonovertime hours or as otherwise approved by the director of personnel. Such extensions must be approved by the director of personnel.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee given a temporary appointment following certification from the register to fill a position in the absence of a permanent employee may enter a probationary period when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary period.

(6) Compensation of temporary employees shall be consistent with the rules unless exempted by RCW 41.06.070 and WAC 356-06-020.

(7) Merit system rules governing all forms of leave will apply to temporary employees unless exempted by RCW 41.06.070 and WAC 356-06-020.

(8) An employee's temporary appointment may be ended by stipulating a termination date in the appointment letter or by giving one full working day's notice prior to the effective date. The employee receiving such notice shall not have the right of appeal or hearing.

(9) The appointing authority shall advise the temporary employee of the temporary status of the appointment.

Temporary employees not appointed from within the classified service have no appeal rights.

(10) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

**AMENDATORY SECTION** (Amending WSR 91-20-029 (Order 383), filed 9/23/91, effective 11/1/91)

**WAC 356-30-067 Temporary appointments from within classified service.** (1) Temporary appointments may be made with the approval of the director of personnel or designee to classified positions during the absence of a permanent employee, to reduce the effects of an impending or actual reduction in force, or during a workload peak when there is a need to fill a position for not more than nine months or 1560 nonovertime hours or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) All temporary appointments to supervisory or managerial positions must be made from within state service unless the director determines that such action is not practicable.

(4) Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee certified from the register to fill a position in the absence of a permanent employee may enter a probationary or trial service period and subsequently gain permanent status when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director of personnel must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary or trial service period.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Upon termination of such temporary appointment, permanent or probationary employees shall have the right to resume a permanent position within their permanent agency at their former status except as provided in (6) below. The employee's salary upon return will be determined as if the employee had remained in the permanent position.

(6) An employee who accepts a temporary appointment to a higher class in the same series in the same work unit shall continue the probationary or trial service period for the lower class.

(7) Temporary appointments made from within classified service will normally last no more than nine months or 1560 nonovertime hours for single or multiple appointments. An extension may be approved by the director when a temporary appointment is made to replace a permanent employee who has been granted a leave of absence, when temporarily filling a supervisory or managerial position when there is reorganization pending, or as otherwise approved by the director. Temporary appointments may extend to thirty days after the date the permanent employee returns or the

position is filled permanently. Time spent in emergency appointments will be counted in the 1560 hours.

(8) Compensation for temporary appointees shall be made in accordance with the rules governing promotions, demotions, or transfers.

(9) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

**WSR 97-19-045**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed September 11, 1997, 2:05 p.m.]

Date of Adoption: September 11, 1997.

Purpose: To require warning labels on bottles of raw milk to inform consumers that milk which has not been pasteurized (raw milk) might contain harmful microorganisms that are especially hazardous to persons with lowered immunity. This will allow consumers to make informed choices concerning whether or not they want to purchase and consume milk that has not been pasteurized.

Statutory Authority for Adoption: RCW 15.36.021(1) and 69.04.398(3).

Adopted under notice filed as WSR 97-15-115 on July 22, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 11, 1997

Jim Jesernig

Director

**NEW SECTION**

**WAC 16-101-800 Raw milk warning labels.** (1) **What authority does the department have to require warning labels on retail raw milk containers?** This rule is being promulgated under authority of RCW 15.36.021(1) and 69.04.398(3).

(2) **To what does this rule apply?** The labeling requirements in this rule apply to containers of raw milk intended for sale to consumers in the state of Washington.

(3) **Why is the Washington state department of agriculture adopting warning label requirements for retail raw milk sales?** The department is adopting this rule

to inform consumers about possible harm that may occur from consuming raw milk that contains harmful microorganisms.

(4) **What purpose will this rule serve?** The purpose of this rule is to warn purchasers about known hazards associated with the consumption of raw milk so that they may make informed choices about buying these products.

(5) **What warning label must be on raw milk containers?** The raw milk container must bear the following labeling: **WARNING: This product has not been pasteurized and may contain harmful bacteria. Pregnant women, children, the elderly and persons with lowered resistance to disease have the highest risk of harm from use of this product.**

(6) **What are the specific requirements for warning labels on raw milk?** The raw milk warning labels must meet the following requirements:

(a) The warning label type size must be consistent with the type size of other required labeling, but not less than one-sixteenth inch in height.

(b) The warning label must be conspicuous and in contrasting color from other labeling.

(c) The warning label must be prominently displayed on the container's principal display panel.

(d) The warning label must be clearly readable.

**WSR 97-19-063**  
**PERMANENT RULES**  
**ENVIRONMENTAL HEARINGS OFFICE**

(Shorelines Hearing Board)

[Filed September 15, 1997, 3:40 p.m.]

Date of Adoption: September 8, 1997.

Purpose: To conform rules to SHB 1314 and to clarify existing language of certain rules.

Citation of Existing Rules Affected by this Order: Amending WAC 461-08-310, 461-08-560, and 461-08-570.

Statutory Authority for Adoption: RCW 90.58.175 and SHB 1314.

Adopted under notice filed as WSR 97-15-057 on July 15, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 1, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 12, 1997  
Suzanne M. Skinner  
Administrative Appeals Judge

AMENDATORY SECTION (Amending WSR 96-17-017, filed 8/12/96, effective 9/12/96)

**WAC 461-08-310 Computation of time.** (1) In computing any period of time prescribed or allowed by these rules or applicable statute, the day of the act after which the designated period of time begins to run is not to be included. The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a legal holiday, and then it is excluded and the next succeeding day which is neither a Saturday, Sunday nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

(2) This section also pertains to the period for filing with the board any petition for review, petition for rule making, petition for declaratory ruling or any other adjudication which this chapter authorizes.

AMENDATORY SECTION (Amending WSR 96-15-002, filed 7/3/96, effective 8/3/96)

**WAC 461-08-560 Deadline for the board to issue final decision(s) on petitions for review of permitting decisions(,). Waivers and extensions of deadline.** (1) The board shall, pursuant to RCW 90.58.180, issue a final decision on ~~((appeals of permitting decisions pursuant to RCW 90.58.180 (1) and (2)))~~ petitions for review arising out of the granting, denying or rescinding of a permit within one hundred eighty days of the ~~((date of filing with the board of the petition for review or the petition to intervene, whichever is later))~~ following:

- (a) The date the petition for review is filed; or
- (b) The date a motion to intervene is filed by the department or the attorney general, whichever is later.

(2) The parties may agree to waive the one hundred eighty-day deadline.

(3) The board may, on its own motion, extend the deadline for thirty days after determining that good cause exists for the extension.

AMENDATORY SECTION (Amending WSR 96-15-002, filed 7/3/96, effective 8/3/96)

**WAC 461-08-570 Time for filing petitions for ((judicial)) review to superior court.** ~~((All appeals from orders of the board shall be to a superior court, unless the superior court certifies the order for direct review to the court of appeals or the court of appeals accepts a certificate of appealability issued by the board. In cases of appeal to superior court, and cases where certification to the court of appeals is sought, the appealing party shall file with the board and all parties of record a copy of the petition for judicial review to the superior court.))~~ An appeal of a final board order is called a petition for review. A petition for review must be filed with superior court within thirty days

of the date that the board issues its final order or decision. The petitioner shall file a copy of the petition for review to superior court with the board and all parties of record. All appeals must first be filed in superior court even if direct review to the court of appeals will be sought.

## WSR 97-19-064

### PERMANENT RULES

#### ENVIRONMENTAL HEARINGS OFFICE

(Pollution Control Hearings Board)

[Filed September 15, 1997, 3:41 p.m.]

Date of Adoption: September 8, 1997.

Purpose: To conform rules to SHB 1314 and to clarify existing language.

Citation of Existing Rules Affected by this Order: Amending WAC 371-08-310, 371-08-335, and 371-08-555.

Statutory Authority for Adoption: RCW 43.21B.170 and SHB 1314.

Adopted under notice filed as WSR 97-15-056 on July 15, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 2, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 12, 1997

Suzanne M. Skinner

Administrative Appeals Judge

AMENDATORY SECTION (Amending WSR 96-17-016, filed 8/12/96, effective 9/12/96)

**WAC 371-08-310 Computation of time.** (1) The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a legal holiday, and then it is excluded and the next succeeding day which is neither a Saturday, Sunday nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

(2) This section also pertains to the period for filing an appeal with the board.

**AMENDATORY SECTION** (Amending WSR 96-17-016, filed 8/12/96, effective 9/12/96)

**WAC 371-08-335 Filing a timely appeal with the board.** (1) An appeal before the board shall be begun by filing a notice of appeal with the board at the environmental hearings office and by serving a copy of the appeal notice on the agency whose decision is being appealed. For the board to acquire jurisdiction both such filing and such service must be timely accomplished.

(2) The notice of appeal shall be filed with the board within thirty days of the date that a copy of the order or decision is ~~((mailed))~~ posted in the United States mail, properly addressed, postage prepaid, to the appealing party. The board's rule governing the computation of time (WAC 371-08-310) shall determine how the thirty-day appeal period is calculated.

(3) An appeal is filed with the board on the date the board actually receives the notice of the appeal, not the date that the notice is mailed. Upon receiving the notice of appeal, the board will acknowledge receipt. The date stamped on the appeal notice shall be prima facie evidence of the filing date. The board may thereafter require that additional copies be filed.

**AMENDATORY SECTION** (Amending WSR 96-15-003, filed 7/3/96, effective 8/3/96)

**WAC 371-08-555 ~~((Notice of appeal to the))~~ Time for filing petitions for review to superior court.** ~~((All appeals from orders of the board shall be to a superior court, unless the board certifies the order for direct review to the court of appeals. In cases of appeal to superior court, the appealing party shall file with the board and all parties of record a copy of the notice of appeal to the superior court.))~~ An appeal of a final board order is called a petition for review. A petition for review must be filed with superior court within thirty days of the date that the board issues its final order or decision. The petitioner shall file a copy of the petition for review to superior court with the board and all parties of record. All appeals must first be filed in superior court even if direct review to the court of appeals will be sought.

**WSR 97-19-075  
PERMANENT RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Order 97-03—Filed September 16, 1997, 10:53 a.m.]

Date of Adoption: September 15, 1997.

Purpose: Repealing chapter 392-130 WAC because legislature has removed authority of subject matter.

Citation of Existing Rules Affected by this Order: Repealing chapter 392-130 WAC.

Statutory Authority for Adoption: RCW 48.62.030 and 48.62.035.

Adopted under notice filed as WSR 97-16-001 on July 23, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal

Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 15, 1997

Dr. Terry Bergeson  
Superintendent of  
Public Instruction

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 392-130-005	Authority.
WAC 392-130-010	Purposes.
WAC 392-130-015	Definition—Joint self-funded plan for employee benefits.
WAC 392-130-020	Definition—Individual self-funded plan for employee benefits.
WAC 392-130-025	Definition—Self-funded employee loss of time and health benefit plans.
WAC 392-130-030	Definition—Self-funded plan or a plan.
WAC 392-130-035	Definition—Self-funded plan for employee benefits.
WAC 392-130-040	Definition—Joint self-funded plan.
WAC 392-130-045	Definition—Fund.
WAC 392-130-050	Definition—Enterprise fund.
WAC 392-130-055	Definition—Beneficiary.
WAC 392-130-060	Definition—Member.
WAC 392-130-065	Definition—Contribution.
WAC 392-130-070	Definition—Employer.
WAC 392-130-075	Definition—Third party administrator.
WAC 392-130-080	Definition—Claim.
WAC 392-130-085	Definition—Life insurance.
WAC 392-130-090	Definition—Health insurance.
WAC 392-130-095	Definition—Health benefit insurance.
WAC 392-130-100	Definition—Health care insurance.
WAC 392-130-105	Definition—Accident insurance.
WAC 392-130-110	Definition—Disability insurance.
WAC 392-130-115	Definition—Salary protection insurance.

PERMANENT

- WAC 392-130-120 Definition—Loss of time insurance.
- WAC 392-130-125 Definition—Fiscal year.
- WAC 392-130-130 Definition—Board of directors of a self-funded plan for employee benefits.
- WAC 392-130-135 Definition—Excess loss insurance.
- WAC 392-130-140 Definition—Certificate authorizing an insurer to provide insurance.
- WAC 392-130-145 Joint self-funded plans for employee benefits to be in accordance with the Interlocal Cooperation Act.
- WAC 392-130-150 Adoption of an individual self-funded plan for employee benefits by a sponsoring board of directors.
- WAC 392-130-155 Budgeting and accounting policies for self-funded plans for employee benefits.
- WAC 392-130-160 Records and accounts of a self-funded plan for employee benefits.
- WAC 392-130-165 Management and operational standards for self-funded plans for employee benefits—General provisions.
- WAC 392-130-170 Management and operational standards for self-funded plans for employee benefits—Administrative standards.
- WAC 392-130-175 Management and operational standards for self-funded plans for employee benefits—Actuarial standards.
- WAC 392-130-180 Management and operational standards for self-funded plans for employee benefits—Required powers and duties of the sponsoring board of directors.
- WAC 392-130-185 Management and operational standards for self-funded plans for employee benefits—Optional powers and duties of the sponsoring board of directors.
- WAC 392-130-190 Management and operational standards for self-funded plans for employee benefits—Liabilities of a self-funded plan for employee benefits.
- WAC 392-130-195 Management and operational standards for self-funded plans for employee benefits—Plan deposits and investments.
- WAC 392-130-200 Management and operational standards of a self-funded plan for employee benefits—Bonding of administrators.

WAC 392-130-205 Management and operational standards of a self-funded plan for employee benefits—Prohibited pecuniary interests.

**WSR 97-19-078  
PERMANENT RULES  
CLARK COLLEGE**

[Filed September 16, 1997, 11:00 a.m.]

Date of Adoption: August 27, 1997.

Purpose: To adopt new sections WAC 132N-108-010, 132N-108-020, 132N-108-030, 132N-108-040, 132N-108-050, 132N-108-060, 132N-108-070, 132N-108-080, and 132N-108-090. Adopt model rules of procedure: provide rules for adjudicative proceedings.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 97-15-078 on August 6 [July 16], 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
September 8, 1997

Tana L. Hasart  
Interim President

**Chapter 132N-108 WAC  
PROCEDURE**

NEW SECTION

**WAC 132N-108-010 Model rules of procedure.** The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at Clark College. Those rules may be found at chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by Clark College shall govern.

NEW SECTION**WAC 132N-108-020 Brief adjudicative procedure.**

This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Appeals from residency classifications made pursuant to RCW 28B.15.013;
- (2) Appeals from actions due to parking and traffic infractions;
- (3) Appeals from actions from student conduct or disciplinary proceedings;
- (4) Appeals from actions due to outstanding debts of college employees or students;
- (5) Appeals from actions regarding loss of eligibility to participate in athletic events;
- (6) Challenges to the contents of educational records pursuant to 34 C.F.R. §99.21.
- (7) Appeals from actions due to mandatory tuition and fee waivers.
- (8) Appeals pursuant to any other formal rule adopted by Clark College which specifically provides for a brief adjudicative procedure.

NEW SECTION

**WAC 132N-108-030 Procedure for closing parts of the hearings.** A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed and state the reasons thereof in writing within twenty days of receiving the request.

NEW SECTION

**WAC 132N-108-040 Appointment of presiding officers.** The president or his/her designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington Bar Association, a panel of individuals, the president or his/her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

**WAC 132N-108-050 Application for adjudicative proceeding.** An application for an adjudicative proceeding shall be in writing and should be submitted to the following address within twenty days of the college action giving rise to the application, unless provided for otherwise by statute or rule: President's Office, Clark College, 1800 E. McLoughlin Blvd., Vancouver, Washington 98663.

NEW SECTION

**WAC 132N-108-060 Discovery.** Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

**WAC 132N-108-070 Method of recording.** Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

**WAC 132N-108-080 Recording devices.** No camera or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132N-108-030, except for the method of official recording selected by the college.

NEW SECTION

**WAC 132N-108-090 Petitions for stay of effectiveness.** Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers who entered the final order.

**WSR 97-19-079****PERMANENT RULES****GAMBLING COMMISSION**

[Filed September 16, 1997, 1:36 p.m., effective January 1, 1998]

Date of Adoption: September 12, 1997.

Purpose: These rule amendments represent housekeeping changes to the definition of standards for disposable bingo cards and rule on bingo equipment to be used.

Citation of Existing Rules Affected by this Order: Amending WAC 230-20-192 and 230-20-240.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 97-15-093 on July 17, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: January 1, 1998.

Soojin Kim  
Rules and Policy Coordinator

**AMENDATORY SECTION** (Amending WSR 94-01-033, filed 12/6/93, effective 1/6/94)

**WAC 230-20-192 Standards for disposable bingo cards—Definitions.** Disposable bingo cards sold for use in the state of Washington (~~after December 31, 1993,~~) shall be manufactured and controlled using processes and procedures that ensure integrity of the activity and facilitates regulation by the commission. Manufacturers of disposable bingo cards shall comply with the following requirements:

(1) Manufacturers shall establish quality control procedures necessary to ensure manufacturing processes, including collating of cards into packs or packets, meet the requirements of this section. Quality control procedures shall be documented and provided to commission staff upon request;

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

(a) "Card" or "face" means a unique group and configuration of numbers or symbols imprinted on paper, cardboard, or other materials, and designed to be used to conduct bingo games;

(b) "Card number" means the number assigned by the manufacturer to identify a single card or face. A "card number" may also be referred to as a "face" or "perm" number;

(c) "Collate" means the process of cutting and/or assembling master sheets or precut sheets of cards from one or more sets of cards into packets or books for marketing purposes. "Collate" may also be referred to as "finish" or "finishing";

(d) "Collation" means a group of packets or books of cards assembled from more than one set of cards;

(e) "Consecutively numbered" means a numbering system normally beginning with the number one, increased by one for each individual unit added to the group, and ending with a number identical to the total number of units assigned to that group;

(f) "Cut" means the layout or orientation of cards or sheets of cards subdivided from a master sheet of cards or faces. A "cut" will be either square, horizontal, or vertical;

(g) "Disposable bingo card" means a nonreusable paper bingo card manufactured by a licensed manufacturer;

(h) "Duplicate cards" means two or more cards that are imprinted with the same numbers or symbols, regardless of the configuration or location of such numbers or symbols on the card;

(i) "On" means the number of cards or faces imprinted on a sheet or "cut." The term is normally preceded by the number of cards;

(j) "Pack" or "packet" means a group of cards or sheets of cards collated into a book when each page or sheet in the book is intended for use to play a separate bingo game, including "on-the-way" games, within a session;

(k) "Product line" means a specific type of card, identifiable by features or characteristics that are unique when compared to other types of cards marketed by the

manufacturer. A "product line" includes all series and all cards within each series as identified by the manufacturer;

(l) "Serial number" means a number assigned to a set of cards by a manufacturer for identification and tracking purposes when the same number is not used to identify another set of cards from the same product line, color, border pattern, and series in less than 999,999 occurrences or twelve months, whichever occurs first: *Provided*, That if the product line is used as a determining factor for assignment of a serial number, the difference between various product lines must be readily identifiable by observation;

(m) "Series" of cards means a specific group of cards or faces that have been assigned consecutive card or face numbers by a manufacturer. Series are typically identified by the first and last card number in the group of cards, such as "1 to 9000 series";

(n) "Set" of cards means a specific group of cards from the same product line, which are the same color, border pattern, and imprinted with the same serial number. A "set" of cards may include more than one series of cards or faces;

(o) "Sheet number" means the number assigned by the manufacturer to identify an arrangement of more than one card that results from dividing master sheets of cards to facilitate marketing;

(p) "Skip" means the standard spread or difference between card or sheet numbers at different page levels in packs or packets;

(q) "Subset" means a portion of a set of cards or collation of packets that has been divided by a licensed distributor to facilitate marketing; and

(r) "Up" means the number of pages or sheets collated into each packet or book of cards. The term is normally preceded by the number of pages or sheets.

(3) Each card or face in a particular type or product line must be imprinted with a unique set of numbers or symbols and configuration of numbers or symbols. Duplicate cards within a specific product line are prohibited. Manufacturers of disposable bingo cards are responsible for ensuring that there are no duplicate cards in a set or collation of cards sold to distributors or operators: *Provided*, That duplicate cards can be collated into packets if they are located at different page levels in the packets and intended only for use during separate games, including "on-the-way" games, within a session. If a manufacturer discovers a duplicate card error or is notified of such by the commission staff or a licensee, it shall immediately comply with the following steps:

(a) Stop marketing the product line containing duplicate cards in Washington;

(b) Recall all sets of cards and/or collations of packets or books containing duplicate cards at the same page level;

(c) Take steps to correct manufacturing or collating processes necessary to ensure duplicate cards are not sold to operators, and inform the commission in writing regarding steps taken;

(d) Reimburse all operators who submit a claim for prizes paid as a result of selling sets or collations containing duplicate cards when such claim has been validated by commission staff; and

(e) Reimburse the commission for all cost incurred investigating duplicate card complaints that result in findings that the error was caused by manufacturers.

(4) Packets of cards must be collated so that each page of the packet:

(a) Is from a different set of cards;

(b) Has skips that are consistent throughout the entire collation and contains cards that are different when compared to other cards or faces in the pack or packet; and

(c) Has a different color or border pattern.

(5) Each set must include an audit system that allows identification of that specific set and each specific card within that set, allows tracking of the transfer of cards from the point of manufacture to operators, and facilitates sale by the operator to the player: *Provided*, That audit systems that accomplish regulatory requirements using alternative controls may be approved by the commission staff. The audit system shall meet the following requirements:

(a) Each set of cards manufactured as a specific product line, using the same color and border pattern, will be assigned a unique serial number by the manufacturer. The serial number must be imprinted on each card or face;

(b) Each card or face must be identified by a card number imprinted on the face of the card: *Provided*, That cards used in "player selection" games, authorized by WAC 230-20-241 and "keno bingo" games, authorized by WAC 230-20-247, are exempted from this requirement (~~(if an alternative control numbering system is used)~~); and

(c) Each sheet of cards within a set must be consecutively numbered: *Provided*, That sheets of cards do not have to be numbered if alternative audit controls are available and disclosed to the operator.

(6) Each set of cards or collation of packets of cards shall be sold intact as a single unit: *Provided*, That for ease of marketing to Class E and below operators and to operators of authorized unlicensed activities, distributors may divide sets or collations as authorized below:

(a) Cartons or packages assembled by manufacturers can not be opened prior to sale to an operator, except that distributors may open cartons or packages as authorized below:

(i) At an operator's request to change the "on," "up," and "cut." When such modification is made, the distributor shall be responsible for resealing the carton and noting all changes on the packing label;

(ii) To provide cards to Class A or B bingo games and for unlicensed activities authorized by RCW 9.46.0321 or 9.46.0355; and

(iii) To provide cards to individuals for noncommercial recreational activities.

(b) Subsets must contain at least one carton or package: *Provided*, That cartons or packages may be broken and cards sold in smaller quantities under conditions described in subsection (6)(a)(i) and (ii) of this section; and

(c) Subsets of cards used for "hidden face" bingo games must contain at least one thousand cards or sheets of cards.

(7) In addition to the requirements of subsections (1) through (6) of this section, cards sold to operators for use in the operation of "hidden face" bingo games, authorized by WAC 230-20-243, must meet the following requirements:

(a) Each card or sheet of cards must be printed, folded, and sealed in a manner that prohibits determination of numbers or symbols, configurations of such on the card, or the card number prior to opening by the player;

(b) Each card or sheet of cards must have a separate numbering system that is randomly distributed when compared to the card number imprinted in the "free" space. Manufacturers must utilize procedures that mix cards or sheets of cards in a manner that ensures no consistent relationship exists between the "card numbers" and separate numbering system within a set or subset and that there are no patterns or consistent relationships of the location of a specific card number between subsets from different sets;

(c) The serial number and the additional card or sheet number, required by (b) of this subsection, must be imprinted on the outside of the cards or sheets of cards and visible for recording without opening the card or sheet of cards; and

(d) Each set of cards must contain at least six thousand unique faces or patterns of numbers or symbols.

(8) In addition to the requirements of subsections (1) through (6) of this section, cards sold to operators for use in "player selection" bingo games, authorized by WAC 230-20-241, must be printed on two-part, self-duplicating paper that provides an original and duplicate copy;

(9) A packing record must be completed for each set of cards or collation of packets and either enclosed inside or in an envelope attached to the carton or package. If the marketing unit contains more than one carton or package, the packing record must be located on carton or package number one. The packing record must include at least the following:

(a) Name of manufacturer;

(b) Description of product, including the "series," "on," "cut," and "up";

(c) Records entry labels that match the identification and inspection services stamp attached to the packing label on the outside of the carton or package;

(d) Serial number or, if packets, serial number of the top page;

(e) Color and border pattern or, if packets, colors and border patterns of all sets and the sequence they are collated in the packet; and

(f) A record of any missing cards, sheets of cards, or packets.

(10) Each separate packing or marketing unit containing a set of cards or collation of packets of cards must be identified in a manner that allows determination of the contents without opening the package. If the marketing unit contains more than one case or carton, each unit shall be labeled and numbered. Minimum information to be disclosed on each carton or package:

(a) The identification and inspection services stamp number;

(b) Serial number or, if packets, serial number of the top page;

(c) Color and border pattern or, if packets, color and border pattern of the top page; and

(d) Number of the carton and the total number of cartons included in the marketing unit.

(11) Sets of cards, collations of packets, or any other marketing units established by a manufacturer shall be complete and contain the correct number of cards or packets and the specific cards or packets noted on the packing slip: *Provided*, That up to one percent of the cards in the set may be missing if all missing cards, sheets, or packets are

documented on the packing record enclosed in carton or package number one of the marketing unit; and

(12) To provide the commission and operators the ability to verify the authenticity of winning cards, each manufacturer shall prepare and make available a master verification system for each type or product line of cards it manufactures. This master verification system shall provide a facsimile of each card within a set of cards by the card number. The master verification system shall display the exact numbers or symbols and the location or configuration of numbers or symbols on the card.

**AMENDATORY SECTION** (Amending WSR 97-05-056, filed 2/19/97, effective 7/1/97)

**WAC 230-20-240 Bingo equipment to be used.** The conduct of bingo must include the following required items:

(1) A mechanical device that uses air flow for mixing and randomly withdrawing balls to determine the letters and numbers or symbols to be called must be utilized by all Class D and above operators. This device shall be constructed in the following manner:

(a) It will allow participants full view of the mixing action of the balls; and

(b) The operation cannot be interrupted to change the random placement of the balls at the exit receptacle of the device, except when the device is shut off as allowed by WAC 230-20-246;

(2) A set of seventy-five balls bearing the numbers one through seventy-five and the letters B, I, N, G, or O. *Provided*, That the letters B, I, N, G, O need not appear if the balls are used for speed or hidden face bingo games. The following additional requirements regarding bingo balls must be met:

(a) The entire set of balls shall be available for inspection by the players before a bingo session begins to determine that all are present and in operating condition;

(b) Each numbered ball shall be the same weight as each of the other balls and free from any defects; and

(c) Each set of balls in play must be distinguishable from all other sets of balls in play;

(3) Flashboards shall be utilized to display numbers called at all Class D and above bingo games. They must be visible to all players and clearly indicate all numbers that have been called: *Provided*, That malfunctions occurring during a bingo occasion need not be repaired during that occasion, but must be repaired before use on any other occasion;

(4) Bingo cards must be preprinted, manufactured cards that meet the following standards:

(a) Have twenty-five spaces, one of which may be a free space, arranged in five even columns headed with the letters B, I, N, G, and O, and except for the free space, imprinted with numbers and symbols: *Provided*, That bingo cards used for conducting player selection games are exempt from the requirements of this subsection if the requirements of WAC 230-20-241 are followed: *Provided further*, That bingo cards used for conducting keno bingo games are exempt from the requirements of this subsection if the requirements of WAC 230-20-247 are followed;

(b) Be manufactured by a licensed manufacturer: *Provided*, That electronically generated bingo cards authorized by WAC 230-20-106 may be produced by the operator using a printer interfaced with an electronic data base system: *Provided further*, That cards used in player selection games and keno bingo games may be manufactured by unlicensed manufacturers if:

(i) The primary activity of such manufacturer is producing nongambling products;

(ii) Cards must meet the requirements of WAC 230-20-192 and 230-20-241 or 230-20-247. The licensee that initially purchases such cards from the unlicensed manufacturer shall assume responsibility for compliance with all commission requirements;

(iii) In addition to the requirements set out in WAC 230-08-024 and 230-08-040, the invoice transferring these cards must include the beginning card number. If an operator purchases such cards directly from an unlicensed manufacturer, the operator shall assume responsibility for compliance with this requirement.

(c) All disposable bingo cards must meet the requirements of WAC 230-20-192; ~~(and)~~

(d) No licensed operator shall have disposable bingo cards with the same serial number, color/border pattern, and card number on the premises. This includes player selection and keno bingo cards; and

(e) Electronically generated cards and supporting equipment must meet the requirements of WAC 230-20-106;

(5) Effective January 1, 1997, all Class F and above bingo licensees shall conduct bingo games using disposable bingo cards or electronically generated cards. All income must be receipted for by using the audit system required by WAC 230-20-192 in conjunction with appropriate receipting system required by WAC 230-20-106, 230-20-107, or 230-20-108;

(6) Duplicate cards, as defined in WAC 230-20-192, are prohibited in the operation of bingo games conducted by Class D or above licensees. Operators are advised that conducting games using cards manufactured by different manufacturers may result in duplicate cards being placed in play and that the majority of cards in the "1 to 9000 series" are duplicate, regardless of the manufacturer. Duplicate card violations that result from use of cards from different manufacturers shall be the responsibility of the operator: *Provided*, That this section shall not apply to braille cards, authorized by WAC 230-20-246(4), if the operator takes steps to prevent duplicate cards and informs players regarding limitations to prizes when winners have duplicate cards because braille cards are being played;

(7) If duplicate cards are inadvertently sold at bingo games conducted by Class D or above licensees, the following procedures and restrictions apply:

(a) If all winners with duplicate cards are paid the entire prize amount that would be due if there were no duplicate cards, the licensee shall not be deemed to be in violation of this section;

(b) The amount of the prize for games with winners having duplicate cards shall be computed and paid using the following guidelines:

(i) Games that provide a bonus for a single winner - If all winners have duplicate cards then all winners shall be paid the bonus;

(ii) Games that result in multiple winners, some of which are players with duplicate cards - The split of the prize pool will be computed by counting all duplicate card winners as one. After the prize pool split is computed using this method, all winners will be paid according to the computed prize split;

(iii) If the prize pool contains noncash or merchandise prizes, the amount added to the prize pool for computing the split shall be the licensee's cost or retail value, whichever is posted in the game schedule: *Provided*, That manufacturers [manufacturers] shall not be responsible for increases to the prize pool required by this subsection; and

(iv) If the prize is greater than one thousand dollars, the operator shall not be required to increase the total prize pool by more than fifty percent or five thousand dollars, whichever is less: *Provided*, That this limitation shall only be authorized once within a twelve-month period. If this limitation has been used within the last twelve months, the full prize amount shall be paid to all holders of duplicate cards;

(c) Increases to prize pools as a result of duplicate card errors, for which the manufacturer is responsible, may be deducted from prize payouts for computing compliance with WAC 230-20-064;

(d) Details of circumstances that resulted in duplicate cards being sold shall be documented and maintained as a part of the daily bingo record for the session;

(e) The commission shall be notified within forty-eight hours after discovery of a duplicate card error if:

(i) Caused by manufacturer printing, packaging, or collation errors; or

(ii) Any player winning with a duplicate card was not paid the entire prize amount;

(f) Licensees shall pursue reimbursement of all prizes paid due to errors from the manufacturer responsible for such errors.

**WSR 97-19-083**  
**PERMANENT RULES**  
**GAMBLING COMMISSION**

[Filed September 16, 1997, 4:32 p.m., effective January 1, 1998]

Date of Adoption: September 12, 1997.

Purpose: This new rule regulates the carry over of jackpot and the awarding of the prize so that the potential for fraud is minimized.

Citation of Existing Rules Affected by this Order: Amending [new section] WAC 230-30-045.

Statutory Authority for Adoption: RCW 9.46.070 (2), (11), and (14).

Adopted under notice filed as WSR 97-15-092 on July 17, 1997.

Changes Other than Editing from Proposed to Adopted Version: Subsection (6) was added to set the fee charged for identification and inspection services stamps at one dollar.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal

Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: January 1, 1998.

September 16, 1997

Soojin Kim

Rules and Policy Coordinator

**NEW SECTION**

**WAC 230-30-045 Pull tab series with carry-over jackpots—Definitions—Requirements.** Operators may utilize pull tab series that are specifically designed to include carry-over jackpots. The following definitions and requirements shall apply to these series:

*What definitions apply?*

(1) Definitions which apply to pull tab series with carry-over jackpots:

(a) "Carry-over jackpot" means a prize pool that is composed of accumulated contribution amounts from pull tab series which, if not won, are carried over to other pull tab series;

(b) "Contribution amount" means the amount from each series which is added to the carry-over jackpot; and

(c) "Guaranteed prizes" means all prizes available to be won, excluding the contribution amount or carry-over jackpot;

*What are the requirements that apply to prizes and prize payout calculations?*

(2) The following requirements apply to carry-over jackpot prizes and prize payout calculations:

(a) Guaranteed prizes must be 60% or more of gross receipts available from the pull tab series;

(b) The contribution amount for each series may not be more than five hundred dollars;

(c) The contribution amount and the method of play shall be determined by the manufacturer and disclosed on the flare;

(d) At no time shall an accumulated carry-over jackpot exceed two thousand dollars. Once it reaches this amount, the two thousand dollars accumulated carry-over jackpot shall be carried over to subsequent series until won; and

(e) The carry-over jackpot must be awarded. Failure to have sufficient funds available, or any attempt by an operator to utilize carry-over jackpots for personal or organizational purposes, shall be *prima facie* evidence of defrauding the players in violation of RCW 9.46.190;

*What additional requirements apply?*

(3) The following additional requirements apply to pull tab series with carry-over jackpots:

(a) If bonus pull tab series are used:

(i) The odds of winning the carry-over jackpot shall not exceed one winner out of ten chances, or the probability of winning the carry-over jackpot shall be .10 or higher, at the jackpot level;

(ii) There may only be one advance level on the flare;

(iii) There shall be at least one guaranteed chance to win the carry-over jackpot;

(iv) All chances that are included on the flare shall be covered in a manner that prevents determination of the concealed numbers or symbols prior to being opened by the player. If perforated windows are used, the numbers or symbols must be covered by latex, foil, or other approved means; and

(v) Standards for bonus pull tab flares, as set forth in WAC 230-30-106, shall apply;

(b) The maximum ticket count for pull tab series with carry-over jackpots shall be six thousand tickets; and

(c) The secondary win codes on pull tab series with carry-over jackpots must not repeat within a three-year period;

*What operating and recordkeeping requirements apply?*

(4) The following operating and recordkeeping requirements apply to pull tab series with carry-over jackpots:

(a) If the chances of winning the carry-over jackpot are obtained and the carry-over jackpot is not won, the series shall be removed from play within seven operating days;

(b) If a carry-over jackpot is not won prior to removing a series from play, it shall be carried over to a new series within one operating day from when the series was removed from play. The accrued contribution amounts from all previous series shall be added to the contribution amount from the new series, up to two thousand dollars;

(c) The following additional records must be maintained for pull tab series with carry-over jackpots:

(i) For carry-over jackpots six hundred dollars and over, the winner's full name, address, and Social Security number shall be recorded on a separate form for income tax purposes;

(ii) Each pull tab series contributing to a specific carry-over jackpot must be retained as one series. The retention period for these series shall be as required by WAC 230-30-072(3): *Provided*, That the retention period shall start on the last day of the month in which the carry-over jackpot was awarded rather than when the series was removed from play; and

(iii) Operators are required to maintain a separate record documenting the flow of carry-over jackpots from one game to another in a format prescribed by the commission; and

*What aspects of games must be approved prior to sale?*

(5) The director shall approve the following aspects of all pull tab games with carry-over jackpots prior to sale in Washington state:

(a) The design, payout, method of play, and flare for each pull tab series;

(b) The manufacturing process for the pull tab series and flares; and

(c) The secondary win code system for the pull tab series.

(6) The fee charged for identification and inspection services stamps shall be set at one dollar for pull tab series with carry-over jackpots.

**WSR 97-19-003**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Fisheries)

[Order 97-184—Filed September 3, 1997, 4:30 p.m., effective September 4, 1997, 12:01 a.m.]

Date of Adoption: September 3, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-47-812.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of sockeye and pink salmon is available, as determined by the Fraser River Salmon Management Forum. Openings in Areas 7 and 7A are consistent with management agreements among parties within this forum, and provide opportunity to harvest the nontreaty allocation of Fraser River-origin sockeye and pink salmon relative to preseason run size forecasts and in-season run size updates, relative to a target of over 900,000 sockeye remaining in the nontreaty allocation. Requirement for purse seine and reef net release of chinook salmon necessary due to higher than anticipated chinook incidental harvests and to protect weak chinook stocks.

Openings in Area 8 provide opportunity to harvest the nontreaty allocation of pink salmon destined for the Skagit region of origin, per preseason schedule. The area restriction in southern Area 8 is consistent with RCW 75.12.010(4). The opening in Area 12A provides opportunity to selectively harvest the nontreaty allocation of coho salmon destined for the Quilcene National Fish Hatchery while reducing impacts to summer chum. Beach seine gear specifications are defined in WAC 220-47-427(6). These openings and restrictions are consistent with agreements reached during the Pacific Fisheries Management Council - North of Falcon preseason process, and reflect the schedule adopted by the Washington Fish and Wildlife Commission.

All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Atlantic salmon have recently escaped from commercial net pen operations in the Puget Sound region, and removal of this nonnative species is required to reduce any possibility of adverse impacts on indigenous fishes.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have moved from the fishing grounds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 4, 1997, 12:01 a.m.  
 September 3, 1997

Evan Jacoby  
 for Bern Shanks  
 Director

NEW SECTION

**WAC 220-47-813 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Thursday September 4, 1997 until further notice, it is unlawful to take, fish for, or possess 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 7 and 7A** - Reef nets may fish from 6:00 a.m. to 9:00 p.m. Thursday September 4, 1997. Purse seines may fish from 6:00 a.m. to 9:00 p.m. Friday September 5, 1997.
- \* **AREA 8** - Gillnets using 5-inch minimum, 5 1/2-inch maximum mesh may fish from 6:00 a.m. to 9:00 p.m. daily, Thursday September 4, 1997 and Friday September 5, 1997. In addition to the exclusion zones listed in Section 220-47-307 WAC, Area 8 is closed south and west of a line projected from Rocky Point on Camano Island to Polnell Point on Whidbey Island.
- \* **AREA 12A** - Holders of Quilcene Bay salmon beach seine Experimental Fishery Permits may fish 7:00 a.m. to 7:00 p.m. daily:  
 Thursday September 4, 1997 through Friday September 5, 1997  
 Monday September 8, 1997 through Friday September 12, 1997  
 Monday September 15, 1997 through Friday September 19, 1997  
 Monday September 22, 1997 through Friday September 26, 1997  
 Monday September 29, 1997 through Friday October 3, 1997  
 Monday October 6, 1997 through Friday October 10, 1997  
 Monday October 13, 1997 through Friday October 17, 1997  
 All provisions of WAC 220-47-427 apply.
- \* Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7B, 7C, 7D, 7E, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 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 - Closed.
- \* Purse seines and reef nets may not retain chinook salmon in Areas 7 or 7A.
- \* Atlantic salmon may be retained during openings listed in this section.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Thursday September 4, 1997:

WAC 220-47-812 Puget Sound all-citizen commercial salmon fishery. (97-178)

**WSR 97-19-004**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 97-183—Filed September 3, 1997, 4:33 p.m., effective September 8, 1997, 12:01 a.m.]

Date of Adoption: September 3, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19100X; and amending WAC 220-56-191.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: It is estimated that the agreed guideline of 44,000 coho will be nearly taken by the end of Sunday, September 7, 1997. This rule prevents excessive harvest. There is insufficient time to promulgate permanent rules before the guideline will be exceeded.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 8, 1997, 12:01 a.m.  
September 3, 1997

Evan Jacoby  
for Bern Shanks  
Director

**NEW SECTION**

**WAC 220-56-19100Y Puget Sound salmon—Seasons and daily limits.** Notwithstanding the provisions of WAC 220-56-191, effective 12:01 a.m. September 8, 1997 until further notice it is unlawful to fish for or possess salmon taken for personal use from Catch Record Card Areas 5 through 13 except as provided for in this section:

(1) Areas 5 and 6:

(a) September 8 through September 15 - Open for salmon fishing but all species of salmon must be released immediately.

(2) Area 7:

(a) August 1 through September 30 - Special daily limit of 4 salmon, not more than 2 of which may be chinook or coho.

(3) Area 8.1:

(a) August 16 through September 15 - Special daily limit of 4 salmon not more than 2 of which may be coho and release chinook.

(b) September 16 through September 30 - Special daily limit of 2 salmon except release chinook.

(4) Area 8.2:

(a) August 1 through September 30 - Special daily limit of 2 salmon except release chinook taken outside the Tulalip Bay Zone, defined as waters west of a line from Mission Point to Hermosa Point and within 2,000 feet from shore between the pilings at Old Bowers Resort northerly to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point.

(5) Area 9:

(a) September 2 through September 30 - Closed.

(b) Notwithstanding the provision of this subsection, salmon fishing is permitted year-round from the Edmonds Public Fishing Pier - Special daily limit of 2 salmon and all salmon species may be retained.

(6) Area 10:

(a) Immediately until further notice - Special daily limit of two salmon, except:

(b) August 12 through October 15, Shilshole Bay east of a line from Meadow Point to West Point is closed to salmon angling.

(c) August 12 through September 15, Elliott Bay east of a line from West Point to Alki Point is closed to salmon angling, except salmon angling is permitted from the Elliott Bay Public Fishing Pier and Seacrest Pier.

(d) during the period September 16 through October 15, downstream of the First Avenue South Bridge to an east-west line through SW Hanford Street on Harbor Island and parallel to SW Spokane Street where it crosses Harbor Island, release chinook salmon. The non-buoyant lure and night closure restrictions of WAC 220-56-126 apply.

(7) Area 11 - Immediately until further notice - Special daily limit of 2 salmon.

(8) Area 12:

(a) Immediately through September 30 - Special daily limit of 4 salmon, not more than 2 of which may be pink salmon and release all chinook and chum.

(9) Area 13 - Immediately until further notice - Special daily limit of 2 salmon.

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**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 8, 1997:

WAC 220-56-19100X Puget Sound salmon—  
Seasons and daily limits.  
(97-150)

**WSR 97-19-005**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Order 97-160—Filed September 4, 1997, 10:55 a.m.]

Date of Adoption: September 3, 1997.

Purpose: To adopt WAC 232-28-42100A, goose season for Eastern Washington Goose Management Area 1.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-421.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: In the 1997-98 waterfowl seasons adopted by the commission on August 9, two holidays (Christmas and New Year's Day) were inadvertently omitted from goose seasons in Eastern Washington Goose Management Area 1. These holidays have been goose hunting days for many years. This emergency is needed to maintain traditional recreational opportunity in Eastern Washington Goose Management Area 1.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

September 3, 1997  
Evan Jacoby  
for Bern Shanks, PhD  
Director

**NEW SECTION**

**WAC 232-28-42100A Eastern Washington Goose Management Area 1 open Christmas and New Year's days.** Notwithstanding the provisions of WAC 232-28-241, it is lawful to hunt for geese in Eastern Washington Goose Management Area 1 on December 25, 1997 and January 1, 1998.

**WSR 97-19-016**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 97-185—Filed September 5, 1997, 4:35 p.m., effective September 6, 1997, 12:01 a.m.]

Date of Adoption: September 5, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-813.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of sockeye and pink salmon is available, as determined by the Fraser River Salmon Management Forum. Openings in Areas 7 and 7A are consistent with management agreements among parties within this forum, and provide opportunity to harvest the nontreaty allocation of Fraser River-origin sockeye and pink salmon relative to preseason run size forecasts and in-season run size updates, relative to a target of over 900,000 sockeye remaining in the nontreaty allocation. Requirement for purse seine and reef net release of chinook salmon necessary due to higher than anticipated chinook incidental harvests and to protect weak chinook stocks.

Opening in Area 7B provides opportunity to harvest the nontreaty allocation of coho salmon returning to the Nooksack-Samish region of origin, per preseason schedule. The gillnet mesh size restriction, area restriction, and purse seine release requirement in Area 7B is necessary to reduce nontreaty chinook catches relative to the nontreaty chinook allocation, relative to an in-season run size assessment of 30,000 chinook which is 22% below preseason forecast. Openings in Area 8 provide opportunity to harvest the nontreaty allocation of pink salmon destined for the Skagit region of origin, per preseason schedule relative to the in-season run size update of 750,000 pink salmon which is 30% below preseason forecast. The opening in Area 12A provides opportunity to selectively harvest the nontreaty allocation of coho salmon destined for the Quilcene National Fish Hatchery while reducing impacts to summer chum. Beach seine gear specifications are defined in WAC 220-47-427(6). These openings and restrictions are consistent with agreements reached during the Pacific Fisheries Management Council - North of Falcon preseason process, and reflect the

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schedule adopted by the Washington Fish and Wildlife Commission.

All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Atlantic salmon have recently escaped from commercial net pen operations in the Puget Sound region, and removal of this nonnative species is required to reduce any possibility of adverse impacts on indigenous fishes.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have moved from the fishing grounds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 6, 1997, 12:01 a.m.  
September 5, 1997

Dirk Brazil  
for Bern Shanks  
Director

NEW SECTION

**WAC 220-47-814 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Saturday September 6, 1997 until further notice, it is unlawful to take, fish for, or possess 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 7 AND 7A** - Reef nets may fish from 6:00 a.m. to 9:00 p.m. Sunday September 7, 1997. Purse seines may fish from 6:00 a.m. to 9:00 p.m. Saturday September 6, 1997. Gillnets using 5-inch minimum, 6-inch maximum mesh may fish from 8:00 a.m. to 11:59 p.m. Saturday September 6, 1997.
- \* **AREA 7B** - Gillnets using 5-inch minimum, 5 1/2-inch maximum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Monday September 8, 1997 to 4:00 p.m. Friday September 12, 1997. 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 8** - Gillnets using 5-inch minimum, 5 1/2-inch maximum mesh may fish from 6:00 a.m. to 9:00 p.m. daily, Monday September 8, 1997 and Tuesday September 9, 1997. Purse seines may fish from 6:00 a.m. to

8:00 p.m. daily, Wednesday September 10, 1997 and Thursday September 11, 1997.

- \* **AREA 12A** - Holders of Quilcene Bay salmon beach seine Experimental Fishery Permits may fish 7:00 a.m. to 7:00 p.m. daily:  
Monday September 8, 1997 through Friday September 12, 1997  
Monday September 15, 1997 through Friday September 19, 1997  
Monday September 22, 1997 through Friday September 26, 1997  
Monday September 29, 1997 through Friday October 3, 1997  
Monday October 6, 1997 through Friday October 10, 1997  
Monday October 13, 1997 through Friday October 17, 1997
- All provisions of WAC 220-47-427 apply.
- \* Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 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 - Closed.
- \* Purse seines and reef nets may not retain chinook salmon in Areas 7, 7A, 7B or 8.
- \* Atlantic salmon may be retained during openings listed in this section.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Saturday September 6, 1997:

WAC 220-47-813 Puget Sound all-citizen commercial salmon fishery. (97-184)

**WSR 97-19-028  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 97-186—Filed September 8, 1997, 4:53 p.m., effective September 9, 1997, 6:00 a.m.]

Date of Adoption: September 8, 1997.

Purpose: Commercial and subsistence fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100B; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are available. Provides treaty Indians access to their

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share of fall chinook. Rule is consistent with actions of the Columbia River Compact on September 4, 1997, and the 1996-98 Management Agreement and the Endangered Species Act. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 9, 1997, 6:00 a.m.

September 8, 1997

Bern Shanks

Director

## NEW SECTION

**WAC 220-32-05100B Columbia River salmon seasons above Bonneville.** (1) Notwithstanding the provisions of WAC 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 (SMCRA) 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open Periods:

6:00 a.m. Tuesday, September 9, 1997 to 6:00 p.m. Saturday, September 13, 1997.

(b) Open Area: SMCRA 1F, 1G, and 1H, except closed below the Hood River Bridge in SMCRA 1F.

(c) Mesh: No mesh restriction

(d) It is unlawful to retain sturgeon less than 48 inches or greater than 60 inches in length. Sturgeon may be retained for subsistence purposes only.

All sale of sturgeon is prohibited.

(2) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

(a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek are 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 are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between point one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River are 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 are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River are 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 are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

(h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia river between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half miles downstream from the western shoreline of the mouth of Spring Creek.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 13, 1997:

WAC 220-32-05100B Columbia River salmon seasons above Bonneville.

**WSR 97-19-033**  
**EMERGENCY RULES**  
**DEPARTMENT OF REVENUE**

[Filed September 9, 1997, 1:47 p.m.]

Date of Adoption: September 9, 1997.

Purpose: To implement SHB 1261 (chapter 238, Laws of 1997). This legislation authorizes the department to prepare a step-ranged tax credit table to be used by businesses when determining the amount of small business credit available to them. This table cannot require any taxpayer to owe a greater amount of tax than would be owed using the statutory formula.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-104 Small business tax relief based on volume of business.

Statutory Authority for Adoption: RCW 82.32.300 and 82.04.4451.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The purpose of this legislation was to provide taxpayers determining the amount of their small business B&O tax credit with an alternative to the calculations necessary under the statutory formula. The complexity of the currently required computations has proven frustrating to the taxpayers, and has result[ed] in a high number of errors. The step-range table contained in the rule will be much simpler to use, and will reduce the number of errors currently being made. No taxpayer will pay any greater amount of tax when using this step-ranged table.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 1, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

September 9, 1997  
James M. Thomas  
Acting Assistant Director

AMENDATORY SECTION (Amending WSR 97-08-050, filed 3/31/97)

**WAC 458-20-104 Small business tax relief based on volume of business.** (1) **Introduction.** This section explains the small business B&O tax credit (RCW 82.04.4451), and the public utility tax income exemptions (RCW 82.16.040). Chapter 111, Laws of 1996, amended RCW 82.16.040 to increase the income exemptions for the public utility tax, effective July 1, 1996. Substitute House Bill 1261, Chapter 238, Laws of 1997, authorized the department of revenue to create a tax credit table to be used by all taxpayers when determining the amount of their small business B&O tax credit. This table is required to be prepared in such a manner that no taxpayer will owe a greater amount of tax than would be owed by performing the statutory calculations. This change was effective July 27, 1997. (See also WAC 458-20-101 on tax registration and tax reporting requirements.)

(2) **Business and occupation tax.** Persons subject to B&O tax may be eligible to claim a small business tax credit against the amount of B&O tax otherwise due. The B&O tax credit operates completely independent of the volume exemption which applies to the public utility tax. This tax credit should be computed after claiming any other B&O tax credits available under chapter 82.04 RCW, but prior to any B&O tax credits provided under other chapters of Title 82 RCW. ((The maximum amount of small business tax credit available to a person is thirty five dollars multiplied by the number of months in the reporting period assigned by the department of revenue under the provisions of RCW 82.32.045-)) Taxpayers who are eligible for the small business credit use a step-ranged tax credit table to find the amount of credit available to them. Subsection (6) of this rule contains the tax credit tables for taxpayers with assigned reporting frequencies of either monthly, quarterly, or annual. ((The small business tax credit applies to the entire reporting period, even though the business may not have been operating during the entire period.))

(a) ((If the amount of B&O tax from all activities engaged in by the taxpayer is equal to or less than the maximum credit, a small business tax credit equal to the amount of the B&O tax will be allowed. If the amount of B&O tax from all activities is greater than the maximum credit, a reduced credit may be available. This reduced credit will be equal to twice the maximum credit minus the B&O tax otherwise due. The credit cannot be less than zero. RCW 82.04.4451.

~~((b))~~ Persons having multiple tax reporting accounts are eligible for only one small business tax credit per tax reporting period.

~~((c))~~ (b) Spouses who operate distinct and separate businesses that have different tax registrations are each eligible for the small business tax credit.

(3) **Retail sales tax.** Persons making retail sales must collect and remit all applicable retail sales taxes even if B&O tax is not due. There is no small business tax credit or volume of business exemption for retail sales tax.

(4) **Public utility tax.** Persons subject to public utility tax are exempt from payment of this tax for any reporting period in which the taxable amount reported under the combined total of all public utility tax classifications does

not equal or exceed the maximum exemption for the assigned reporting period. RCW 82.16.040. The maximum exemptions for public utility tax are:

Monthly reporting basis	.....	\$2,000 per month
Quarterly reporting basis	.....	\$6,000 per quarter
Annual reporting basis	.....	\$24,000 per annum

(a) If the taxable amount for a reporting period equals or exceeds the maximum exemption, tax must be remitted on the full taxable amount. The public utility tax maximum exemptions apply to the entire reporting period, even though the business may not have operated during the entire period. The public utility tax exemption is not affected by the amounts reported in other tax sections of the combined excise tax return (e.g. B&O).

(b) For example, assume that the ABC corporation registers and starts business activities on February 1st. A quarterly reporting frequency is assigned to ABC by the department of revenue. During the two months of the first quarter that ABC is actively in business, ABC's public utility tax gross is seven thousand dollars, but after deductions the total taxable is five thousand dollars. In this case, ABC does not owe any public utility tax because their taxable figure of five thousand dollars is less than the six thousand dollar threshold for quarterly taxpayers. The fact that ABC was in business during only two months out of the three months in the quarter has no effect on the threshold amount. However, if ABC had no deductions available, the corporation's taxable figure would be seven thousand dollars and public utility tax would be due on the full taxable amount.

(5) Tax reporting frequencies. Persons interested in knowing the thresholds used by the department when assigning tax reporting frequencies should refer to WAC 458-20-22801 (Tax reporting frequency—forms).

(6) (Examples. The following examples illustrate how the small business B&O tax credit and public utility income exemption systems apply to typical situations. These examples should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances.

(a) JD Inc. has been assigned a quarterly reporting period by the department of revenue. JD Inc.'s B&O tax liability from all business activities for the third quarter is ninety dollars. This B&O tax liability is less than the one hundred five dollar maximum small business B&O tax credit available for a quarterly reporting period (three times the monthly credit amount of thirty five dollars). JD Inc. may claim a small business B&O tax credit for the entire ninety dollar B&O tax liability.

Maximum Credit available for quarterly filers (3 x \$35)	.....	\$105
B&O Tax	.....	\$ 90
Credit Available	.....	\$ 90
Net B&O Tax Due	.....	0

(b) HM Corporation has been assigned a quarterly reporting period by the department of revenue. HM's B&O tax liability from all business activities for the fourth quarter is one hundred twenty dollars. This tax liability exceeds the one hundred five dollar maximum small business B&O tax credit available for a quarterly period (three times the

monthly credit amount of thirty five dollars). However, a reduced small business tax credit is available. This credit is computed by subtracting HM's B&O tax liability of one hundred twenty dollars from the figure of two hundred ten dollars (twice the maximum credit available for a quarterly reporting period). HM Corporation may claim a small business tax credit of ninety dollars.

Twice the Maximum Credit available for quarterly filers (2 x \$105)	.....	\$210
Less: B&O Tax	.....	\$120
Credit Available	.....	\$ 90
Net B&O Tax Due	.....	\$ 30

(c) XY Inc. has been assigned a quarterly reporting period by the department of revenue. XY's B&O tax liability for the first quarter is two hundred fifty dollars. As XY's B&O tax liability exceeds the two hundred ten dollar figure used to determine any reduced B&O tax credit (twice the maximum credit available for a quarterly reporting period), XY Inc. is not eligible for the small business B&O tax credit.

Twice the Maximum Credit available for quarterly filers (2 x \$105)	.....	\$210
Less: B&O Tax	.....	\$250
Credit Available	.....	\$ 0
Net B&O Tax Due	.....	\$250

(d) BG Manufacturing has been assigned a quarterly reporting period. BG has incurred a ninety dollar tax liability under the wholesaling B&O tax classification, and a seventy dollar tax liability under the manufacturing B&O tax classification, for a total B&O tax liability of one hundred sixty dollars during the first quarter. As BG manufactures much of what it sells at wholesale, BG qualifies for an internal multiple activities tax credit (MATC) of sixty dollars. (See WAC 458-20-19301 on multiple activities tax credits.) BG Manufacturing would claim its MATC prior to computing its small business B&O tax credit. BG's B&O tax liability net of the MATC is one hundred dollars, which is less than the one hundred five-dollar maximum credit available for the reporting period. BG may claim a one hundred dollar small business B&O tax credit.

Wholesaling B&O Tax	.....	\$ 90
Add: Manufacturing B&O Tax	.....	\$ 70
Subtotal of B&O Tax	.....	\$160
Less: MATC	.....	\$ 60
Total B&O Tax Liability	.....	\$100
Maximum Credit available for quarterly filers (3 x \$35)	.....	\$105
B&O Tax	.....	\$100
Credit Available	.....	\$100
Net B&O Tax Due	.....	0

(e) OK Inc. has two separate tax reporting accounts with the department, both of which have been assigned quarterly

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reporting periods. ~~OK Inc. is only allowed one small business B&O tax credit for the activity of both accounts. The total B&O tax for both accounts for this quarter is one hundred fifty dollars (one hundred dollars from the first account and fifty dollars from the second account). Its maximum small business tax credit is sixty dollars.~~

~~B&O tax account #1 ..... \$100  
B&O tax account #2 ..... \$ 50~~

~~Total B&O tax ..... \$150~~

~~Twice the Maximum Credit available for  
quarterly filers (2 x \$105) ..... \$210  
Less: B&O tax ..... (\$150)~~

~~Credit Available ..... \$ 60  
Net B&O Tax Due ..... \$ 90~~

~~The credit should be taken from the account that will allow for it to be deducted in full. If one account does not have enough B&O tax to absorb the full credit, it can be applied on the other account until the full credit is used. If the reporting frequency is different between the two accounts, the small business tax credit should not be taken until the filing of the less frequent tax reporting account (the credit computation for the two accounts must cover the same period of time).~~

~~BB Corporation has been assigned a quarterly reporting period by the department of revenue. BB's total taxable public utility income for the third quarter is five thousand eight hundred dollars. BB Corporation is exempt for the payment of public utility tax because BB's taxable public utility income does not exceed the six thousand dollar maximum exemption for this reporting period.)~~ **Tax credit tables.** As authorized in RCW 82.04.4451, the department of revenue has prepared tax credit tables for all taxpayers to use when taking the small business B&O tax credit. Taxpayers must use the tax credit table to determine the correct amount of small business credit available to them. The monthly, quarterly and annual reporting frequencies each have their own table to refer to. Taxpayers must be careful to use the table that matches their assigned reporting frequency.

(a) Small business credit table for MONTHLY reporting frequency:

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<u>If Your Total Business and Occupation Tax is:</u>		<u>Your Small Business Credit is:</u>
<u>At Least</u>	<u>But Less Than</u>	
<u>\$0</u>	<u>\$36</u>	<u>The Amount of Business and Occupation Tax Due</u>
<u>\$36</u>	<u>\$41</u>	<u>\$35</u>
<u>\$41</u>	<u>\$46</u>	<u>\$30</u>
<u>\$46</u>	<u>\$51</u>	<u>\$25</u>
<u>\$51</u>	<u>\$56</u>	<u>\$20</u>
<u>\$56</u>	<u>\$61</u>	<u>\$15</u>
<u>\$61</u>	<u>\$66</u>	<u>\$10</u>
<u>\$66</u>	<u>\$71</u>	<u>\$5</u>
<u>\$71</u>	<u>or more</u>	<u>\$0</u>

(b) Small business credit table for QUARTERLY reporting frequency:

<u>If Your Total Business and Occupation Tax is:</u>		<u>Your Small Business Credit is:</u>	<u>If Your Total Business and Occupation Tax is:</u>		<u>Your Small Business Credit is:</u>
<u>At Least</u>	<u>But Less Than</u>		<u>At Least</u>	<u>But Less Than</u>	
<u>\$0</u>	<u>\$106</u>	<u>The Amount of Business and Occupation Tax Due</u>	<u>\$161</u>	<u>\$166</u>	<u>\$50</u>
<u>\$106</u>	<u>\$111</u>	<u>\$105</u>	<u>\$166</u>	<u>\$171</u>	<u>\$45</u>
<u>\$111</u>	<u>\$116</u>	<u>\$100</u>	<u>\$171</u>	<u>\$176</u>	<u>\$40</u>
<u>\$116</u>	<u>\$121</u>	<u>\$95</u>	<u>\$176</u>	<u>\$181</u>	<u>\$35</u>
<u>\$121</u>	<u>\$126</u>	<u>\$90</u>	<u>\$181</u>	<u>\$186</u>	<u>\$30</u>
<u>\$126</u>	<u>\$131</u>	<u>\$85</u>	<u>\$186</u>	<u>\$191</u>	<u>\$25</u>
<u>\$131</u>	<u>\$136</u>	<u>\$80</u>	<u>\$191</u>	<u>\$196</u>	<u>\$20</u>
<u>\$136</u>	<u>\$141</u>	<u>\$75</u>	<u>\$196</u>	<u>\$201</u>	<u>\$15</u>
<u>\$141</u>	<u>\$146</u>	<u>\$70</u>	<u>\$201</u>	<u>\$206</u>	<u>\$10</u>
<u>\$146</u>	<u>\$151</u>	<u>\$65</u>	<u>\$206</u>	<u>\$211</u>	<u>\$5</u>
<u>\$151</u>	<u>\$156</u>	<u>\$60</u>	<u>\$211</u>	<u>or more</u>	<u>\$0</u>
<u>\$156</u>	<u>\$161</u>	<u>\$55</u>			

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(c) Small business credit table for ANNUAL reporting frequency:

If Your Total Business and Occupation Tax is:		Your Small Business Credit is:	If Your Total Business and Occupation Tax is:		Your Small Business Credit is:
At Least	But Less Than		At Least	But Less Than	
\$0	\$421	The Amount of Business and Occupation Tax Due	\$631	\$636	\$210
\$421	\$426	\$420	\$636	\$641	\$205
\$426	\$431	\$415	\$641	\$646	\$200
\$431	\$436	\$410	\$646	\$651	\$195
\$436	\$441	\$405	\$651	\$656	\$190
\$441	\$446	\$400	\$656	\$661	\$185
\$446	\$451	\$395	\$661	\$666	\$180
\$451	\$456	\$390	\$666	\$671	\$175
\$456	\$461	\$385	\$671	\$676	\$170
\$461	\$466	\$380	\$676	\$681	\$165
\$466	\$471	\$375	\$681	\$686	\$160
\$471	\$476	\$370	\$686	\$691	\$155
\$476	\$481	\$365	\$691	\$696	\$150
\$481	\$486	\$360	\$696	\$701	\$145
\$486	\$491	\$355	\$701	\$706	\$140
\$491	\$496	\$350	\$706	\$711	\$135
\$496	\$501	\$345	\$711	\$716	\$130
\$501	\$506	\$340	\$716	\$721	\$125
\$506	\$511	\$335	\$721	\$726	\$120
\$511	\$516	\$330	\$726	\$731	\$115
\$516	\$521	\$325	\$731	\$736	\$110
\$521	\$526	\$320	\$736	\$741	\$105
\$526	\$531	\$315	\$741	\$746	\$100
\$531	\$536	\$310	\$746	\$751	\$95
\$536	\$541	\$305	\$751	\$756	\$90
\$541	\$546	\$300	\$756	\$761	\$85
\$546	\$551	\$295	\$761	\$766	\$80
\$551	\$556	\$290	\$766	\$771	\$75
\$556	\$561	\$285	\$771	\$776	\$70
\$561	\$566	\$280	\$776	\$781	\$65
\$566	\$571	\$275	\$781	\$786	\$60
\$571	\$576	\$270	\$786	\$791	\$55
\$576	\$581	\$265	\$791	\$796	\$50
\$581	\$586	\$260	\$796	\$801	\$45
\$586	\$591	\$255	\$801	\$806	\$40
\$591	\$596	\$250	\$806	\$811	\$35
\$596	\$601	\$245	\$811	\$816	\$30
\$601	\$606	\$240	\$816	\$821	\$25
\$606	\$611	\$235	\$821	\$826	\$20
\$611	\$616	\$230	\$826	\$831	\$15
\$616	\$621	\$225	\$831	\$836	\$10
\$621	\$626	\$220	\$836	\$841	\$5
\$626	\$631	\$215	\$841	or more	\$0

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**(7) Using the table to find your small business credit.** The following steps explain how to use the tax table:

(a) Determine the total tax figure for the B&O tax classification from the combined excise tax return. This figure will normally be the total of the tax amounts calculated for each classification in the B&O section of the combined excise tax return. However, if additional B&O credits

will be taken on the return, refer to subsection (8) and the multiple B&O tax credit worksheet before going to step (b).

(b) Find the small business tax credit table which matches the assigned reporting frequency (i.e. the monthly table shown in subsection (6)(a), the quarterly table in (6)(b), or the annual table in (6)(c)).

(c) Find the "If Your Total Business and Occupation Tax is" column of the credit table and come down the column until you find the range of figures which includes the total B&O tax due figure obtained from the combined excise tax return or multiple B&O tax credit worksheet.

(d) Read across to the "Your Small Business Credit is" column. The figure shown is the amount of the small business tax credit that can be applied back to the credit lines on the combined excise tax return.

(e) For example, assume that DEF Company has been assigned an annual reporting frequency. At the end of the year DEF has retailing B&O tax due in the amount of five hundred thirty dollars. DEF goes to the small business tax credit table for annual reporting and finds the "If Your Total Business and Occupation Tax is" column. Following down that column, the taxpayer finds a tax range of five hundred twenty-six to five hundred thirty-one dollars and comes over to the "Your Small Business Credit is" column which shows that a credit in the amount of three hundred fifteen dollars is available. This credit amount should be entered on the appropriate lines of DEF's combined excise tax return before calculating the total tax due for that return.

(8) Multiple business and occupation tax credits and the small business credit. The B&O tax credits available in chapter 82.04 RCW (i.e. Multiple Activities Tax Credit, High Technology credit and Ride Share credit) should be taken before the small business credit is applied. The B&O tax credits available in other chapters of Title 82 RCW should be taken only after the small business credit is calculated. Application of the small business credit may never result in a B&O tax liability less than -0-. The following multiple B&O tax credit worksheet can be used by taxpayers to ensure that credits are applied in the necessary order.

<b>MULTIPLE B&amp;O TAX CREDIT WORKSHEET</b>		
1. Determine the total Business and Occupation (B&O) tax due from the B&O section of your Combined Excise Tax Return.	\$	
2. Add together the credit amounts taken for:		
<u>Multiple Activities Tax Credit (From Schedule C)</u>	\$	
<u>High Technology Credit</u>	+ \$	
<u>Ride Share Credit for B&amp;O Tax</u>	+ \$	
<u>Total (Enter 0 if none of these credits are being taken.)</u>	.....>	\$
3. Subtract line 2 from line 1. This is the total B&O tax allowable for the Small Business Credit.	\$	
4. Find the tax credit table which matches the reporting frequency assigned to the account, then find the total B&O tax due amount which include your figure from item 3, above.		
5. Read across to the next column. This is the amount of the Small Business Credit to be used on the Combined Excise Tax Return.	\$	

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For example, GHI Manufacturing and Distributing has been assigned a quarterly reporting frequency. During one quarter, GHI owes ninety dollars in wholesaling B&O tax, plus another seventy dollars in manufacturing B&O tax, for a total B&O tax due of one hundred sixty dollars. GHI qualifies for a multiple activities tax credit (MATC) and completes schedule C which identifies a MATC of seventy dollars. The multiple B&O tax credit worksheet shows that the MATC is one of the credits which should be subtracted from the B&O tax due amount before referring to the small business tax credit table. Using the worksheet, line one for GHI is the one hundred sixty dollars of total B&O tax due. Line two is the total of B&O credits available, in this case the MATC, and equals seventy dollars. Line three directs that the seventy dollars of B&O credits should be subtracted from the original one hundred sixty dollars of B&O taxes due which leaves ninety dollars of B&O taxes potentially available for application of the small business credit. The quarterly table for the small business credit shows that at the ninety dollar level a quarterly reporter receives an equal amount of credit and as a result owes no B&O tax liability.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 97-19-039  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 97-187—Filed September 9, 1997, 4:55 p.m., effective September 9, 1997, 6:00 p.m.]

Date of Adoption: September 9, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-36-02300U; and amending WAC 220-36-023.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There are insufficient numbers of harvestable fish remaining in Grays Harbor Salmon Management and Catch Reporting Area 2D to allow for a full two-day fishery. All the harvestable fish should be taken in twelve hours. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 9, 1997, 6:00 p.m.  
September 9, 1997

Dirk Brazil  
for Bern Shanks  
Director

## NEW SECTION

**WAC 220-36-02300U Grays Harbor salmon—Fall fishery.** Notwithstanding the provisions of WAC 220-36-023, it is unlawful to fish for or possess salmon taken from Grays Harbor for commercial purposes except as provided for in this section:

Fishing period

(1) Gill net gear may be used to fish for salmon from 6:00 p.m. September 9 to 6:00 p.m. September 11, 1997, in SMCRA 2C.

(2) Gill net gear may be used to fish for salmon from 6:00 p.m. September 10 to 6:00 a.m. September 11, 1997, in SMCRA 2D.

(3) Gill net gear shall be used as provided for in WAC 220-36-015, except that it shall not contain mesh smaller than 8 inches.

## REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 11, 1997:

WAC 220-36-02300U      Grays Harbor salmon—  
Fall fishery.

**WSR 97-19-040**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 97-188—Filed September 9, 1997, 4:58 p.m., effective September 10, 1997, 12:01 a.m.]

Date of Adoption: September 9, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-47-814.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of sockeye and pink salmon is available, as determined by the

Fraser River Salmon Management Forum. Openings in Areas 7 and 7A are consistent with management agreements among parties within this forum, and provide opportunity to harvest the nontreaty allocation of Fraser River-origin sockeye and pink salmon relative to preseason run size forecasts and in-season run size updates, relative to a target of over 125,000 pink salmon remaining in the nontreaty allocation. Requirement for purse seine and reef net release of chinook salmon necessary due to higher than anticipated chinook incidental harvests and to protect weak chinook stocks.

Opening in Area 7B provides opportunity to harvest the nontreaty allocation of coho salmon returning to the Nooksack-Samish region of origin, per preseason schedule. The gillnet mesh size restriction, area restriction, and purse seine release requirement in Area 7B is necessary to reduce nontreaty chinook catches relative to the nontreaty chinook allocation, relative to an in-season run size assessment of 30,000 chinook which is 22% below preseason forecast. Openings in Area 8 provide opportunity to harvest the nontreaty allocation of pink salmon destined for the Skagit region of origin, per preseason schedule relative to the in-season run size update of 750,000 pink salmon which is 30% below preseason forecast. The opening in Area 12A provides opportunity to selectively harvest the nontreaty allocation of coho salmon destined for the Quilcene National Fish Hatchery while reducing impacts to summer chum. Beach seine gear specifications are defined in WAC 220-47-427(6). These openings and restrictions are consistent with agreements reached during the Pacific Fisheries Management Council - North of Falcon preseason process, and reflect the schedule adopted by the Washington Fish and Wildlife Commission.

All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Atlantic salmon have recently escaped from commercial net pen operations in the Puget Sound region, and removal of this nonnative species is required to reduce any possibility of adverse impacts on indigenous fishes.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have moved from the fishing grounds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 10, 1997, 12:01 a.m.  
September 9, 1997

Bern Shanks  
Director

EMERGENCY

NEW SECTION

**WAC 220-47-815 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Wednesday September 10, 1997 until further notice, it is unlawful to take, fish for, or possess 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 7 AND 7A** - Reef nets may fish from 6:00 a.m. to 9:00 p.m. daily, Wednesday September 10, 1997 and Thursday September 11, 1997. Purse seines may fish from 6:00 a.m. to 9:00 p.m. Friday September 12, 1997. Gillnets using 5-inch minimum, 6-inch maximum mesh may fish from 8:10 a.m. to 11:59 p.m. daily, Friday September 12, 1997 and Saturday September 13, 1997.
- \* **AREA 7B** - Gillnets using 5-inch minimum, 5 1/2-inch maximum mesh and purse seines using the 5-inch strip may fish until 4:00 p.m. Friday September 12, 1997. 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 8** - Purse seines may fish from 6:00 a.m. to 8:00 p.m. daily, Wednesday September 10, 1997 and Thursday September 11, 1997.
- \* **AREA 12A** - Holders of Quilcene Bay salmon beach seine Experimental Fishery Permits may fish 7:00 a.m. to 7:00 p.m. daily:  
Through Friday September 12, 1997  
Monday September 15, 1997 through Friday September 19, 1997  
Monday September 22, 1997 through Friday September 26, 1997  
Monday September 29, 1997 through Friday October 3, 1997  
Monday October 6, 1997 through Friday October 10, 1997  
Monday October 13, 1997 through Friday October 17, 1997  
All provisions of WAC 220-47-427 apply.
- \* Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 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 - Closed.
- \* Purse seines and reef nets may not retain chinook salmon in Areas 7, 7A, 7B or 8.
- \* Atlantic salmon may be retained during openings listed in this section.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Wednesday September 10, 1997:

WAC 220-47-814 Puget Sound all-citizen commercial salmon fishery. (97-185)

**WSR 97-19-052  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 97-189—Filed September 12, 1997, 3:19 p.m., effective September 14, 1997, 12:01 a.m.]

Date of Adoption: September 12, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-47-815.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The closure of the scheduled reef net opportunity in Areas 7 and 7A is necessary to remain within the United States target of Fraser River-origin pink salmon, as determined by the Fraser River Salmon Management Forum.

Opening in Area 7B provides opportunity to harvest the nontreaty allocation of coho salmon returning to the Nooksack-Samish region of origin, per preseason schedule. The gillnet mesh size restriction, area restriction, and purse seine release requirement in Area 7B is necessary to reduce nontreaty chinook catches relative to the nontreaty chinook allocation, relative to an in-season run size assessment of 30,000 chinook which is 22% below preseason forecast.

Openings in Area 9A provide opportunity to harvest the nontreaty allocation of Hood Canal hatchery-origin coho salmon, per preseason schedule. The opening in Area 12A provides opportunity to selectively harvest the nontreaty allocation of coho salmon destined for the Quilcene National Fish Hatchery while reducing impacts to summer chum. Beach seine gear specifications are defined in WAC 220-47-427(6). These openings and restrictions are consistent with agreements reached during the Pacific Fisheries Management Council - North of Falcon preseason process, and reflect the schedule adopted by the Washington Fish and Wildlife Commission.

All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Atlantic salmon have recently escaped from commercial net pen operations in the Puget Sound region, and removal of this nonnative species is required to reduce any possibility of adverse impacts on indigenous fishes.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have moved from the fishing grounds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 14, 1997, 12:01 a.m.  
September 12, 1997

Dirk Brazil  
for Bern Shanks  
Director

NEW SECTION

**WAC 220-47-816 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday September 14, 1997 until further notice, it is unlawful to take, fish for, or possess 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** - Gillnets using 5-inch minimum, 5 1/2-inch maximum mesh and purse seines using the 5-inch strip may fish from 6:00 a.m. Monday September 15 to 4:00 p.m. Friday September 19, 1997. 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** - Gillnets using 5-inch minimum mesh may fish from 6:00 a.m. Sunday September 14, 1997 until 4:00 p.m. Saturday November 1, 1997.
- \* **AREA 12A** - Holders of Quilcene Bay salmon beach seine Experimental Fishery Permits may fish 7:00 a.m. to 7:00 p.m. daily:  
Monday September 15, 1997 through Friday September 19, 1997  
Monday September 22, 1997 through Friday September 26, 1997  
Monday September 29, 1997 through Friday October 3, 1997  
Monday October 6, 1997 through Friday October 10, 1997  
Monday October 13, 1997 through Friday October 17, 1997  
All provisions of WAC 220-47-427 apply.
- \* 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, 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 - Closed.
- \* Purse seines may not retain chinook salmon in Area 7B.
- \* Atlantic salmon may be retained during openings listed in this section.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Sunday September 14, 1997:

WAC 220-47-815 Puget Sound all-citizen commercial salmon fishery. (97-188)

**WSR 97-19-080  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 97-190—Filed September 16, 1997, 3:30 p.m., effective September 16, 1997, 6:00 p.m.]

Date of Adoption: September 16, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-36-02300V.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There are sufficient numbers of harvestable fish remaining in Grays Harbor Salmon Management and Catch Reporting Area 2C to allow for a three-day fishery. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 16, 1997, 6:00 p.m.  
September 16, 1997

Dirk Brazil  
for Bern Shanks  
Director

NEW SECTION

**WAC 220-36-02300V Grays Harbor salmon—Fall fishery.** Notwithstanding the provisions of WAC 220-36-023, it is unlawful to fish for or possess salmon taken from

EMERGENCY

Grays Harbor for commercial purposes except as provided for in this section:

**Fishing period**

(1) Gill net gear may be used to fish for salmon from 6:00 p.m. September 16 to 6:00 p.m. September 19, 1997, in Salmon Management and Catch Reporting Area 2C.

(2) Gill net gear shall be used as provided for in WAC 220-36-015, except that it shall not contain mesh smaller than 8 inches.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 19, 1997:

WAC 220-36-02300V      Grays Harbor salmon—  
Fall fishery.

**WSR 97-19-085  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 97-191—Filed September 16, 1997, 4:49 p.m., effective September 17, 1997, 6:00 a.m.]

Date of Adoption: September 16, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-32-05100C.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are available. Provides treaty Indians access to their share of fall chinook. Rule is consistent with actions of the Columbia River Compact on September 16, 1997, and the 1996-98 Management Agreement and the Endangered Species Act. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: September 17, 1997, 6:00 a.m.

September 16, 1997

Dirk Brazil

for Bern Shanks

Director

**NEW SECTION**

**WAC 220-32-05100C Columbia River salmon seasons above Bonneville.** (1) Notwithstanding the provisions of WAC 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 (SMCRA) 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open Periods:

6:00 a.m. Wednesday, September 17, 1997 to 6:00 p.m. Saturday, September 20, 1997.

(b) Open Area: SMCRA 1F, 1G, and 1H.

(c) Mesh: No mesh restriction

(d) It is unlawful to retain sturgeon less than 48 inches or greater than 60 inches in length. Sturgeon may be retained for subsistence purposes only. All sale of sturgeon is prohibited.

(2) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

(a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek are 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 are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between point one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River are 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 are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River are 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 are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle

Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

(h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia river between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek are those waters extending to midstream at right angles to the thread of the Columbia River between light "35" near the mouth of the Big White Salmon River and light "27" near the mouth of Little White Salmon River.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 20, 1997:

WAC 220-32-05100C Columbia River salmon seasons above Bonneville.



**WSR 97-19-001**  
**NOTICE OF PUBLIC MEETINGS**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**  
 [Memorandum—August 28, 1997]

THE GOVERNOR'S TASK FORCE  
 ON SCHOOL-TO-WORK TRANSITION  
 QUARTERLY MEETING  
 OCTOBER 8, 1997  
 2:30 P.M. TO 4:30 P.M.

In The Small Aviation Conference Room  
 SeaTac Airport

Directions: Walk past Delta Airlines Ticket Counter toward B gates. Turn right past gift shops. Walk a short distance to the elevator (on the left) which will take you to the third floor. Go through glass doors on the left to the reception area and ask for the small Aviation Conference Room.

The task force will discuss second year performance reports and year-three workplans of the state-level STWT partners.

The meeting site is barrier free. People needing special accommodations, please call Jan Hills at least ten days in advance at (360) 586-4530.

**WSR 97-19-009**  
**RULES REVIEW PLAN**  
**DEPARTMENT OF**  
**VETERANS AFFAIRS**  
 [Filed September 4, 1997, 4:41 p.m.]

**Reviser's note:** The following Rules Review Plan has been electronically generated directly from the agency and has not been through the usual editing and proofing processes.

**REGULATORY IMPROVEMENT PLAN**

1. Identify stakeholder groups to be notified of regulatory improvement initiative.

Responsible Staff: Executive Management Team  
 Date: August 12, 1997

2. Review draft regulatory improvement plan with key stakeholder groups.

Date: August 15 - 21, 1997

3. Finalize Regulatory Improvement Plan and Review Schedule, taking into consideration any comments received from stakeholders.

Start Date: August 21, 1997

Director and Executive Team to review and approve any changes to draft plan.

Send Regulatory Improvement Plan to Governor's office: August 29, 1997

Responsible Staff: Policy Analyst

4. Begin Regulatory Reviews per Rule Review Schedule. Involve all key stakeholder groups:

5. Continue regulatory improvement process, with annual progress reports to the Governor on completed regulatory reviews and any improvement measures taken.

Report Due Date: 10/15/97 and annually thereafter.  
 Responsible Staff: Policy Analyst

6. Conduct simultaneous review of agency policies to determine the need for potential rule revisions/additions/deletions to agency rules and/or policies.

- a. The Executive Policy Committee and Executive Management Team will conduct this assessment using established internal policy review procedures and review criteria listed in EO 97-02.

Begin August 1997

Complete By December 31, 1998

Responsible Staff: Executive Management Team

**List of Stakeholder and Constituent Groups**

- Veteran Service Organizations
- Veterans Affairs Advisory Committee (VAAC)
- Veterans Affairs Legislative Coalition
- Department of Health – professional licensing
- Department of Social and Health Services – Aging and Adult Services — Medicaid Certified Nursing Facilities - SVH
  - SVH – Survey Teams
- Washington State Long Term Care Ombudsman
- Legal Services – WSH — Columbia Legal Services
- Legal Services – WWH — June Gerard
- DVA AAG
- SVH Resident Councils
- Labor Representatives – WFSE & WSNA
- VA Regional Office – Fiduciary sections
- VA Health Administration – SVH sections
- State Legislators – from SVH districts
- Other interested parties – mailing list for rule making

**NOTE (Early Success):** The Department of Veterans Affairs has had early successes with coordination with major stakeholder groups. The above list was developed during the review and update of WAC 484-20, State Veterans Homes, that was effective in December 1994. Several sections of WAC 484-20 were subsequently reviewed and updated (based on stakeholder comments) and were effective 3/28/97.

MISC.

## WAC Review Schedule\*

WAC Chapter / Sections	Chapter / Section Title	Statutory Authority	Estimated Review Completion Date
484-10	DEPARTMENTAL HEADQUARTERS	43.60A.070	03/31/98
484-10-005	Purpose of Organization.	43.60A.070	03/31/98
484-10-010	State Veterans Institutions.	43.60A.070	03/31/98
484-10-015	Veterans Services.	43.60A.070	03/31/98
484-10-020	Personnel Services.	43.60A.070	03/31/98
484-10-025	Administrative Services.	43.60A.070	03/31/98
484-10-030	Fiduciary Services.	43.60A.070	03/31/98
484-10-035	Veterans' Affairs Advisory Committee.	43.60A.070	03/31/98
484-10-040	Coordination With Other Agencies.	43.60A.070	03/31/98
484-10-045	Practice and Procedures.	43.60A.070	03/31/98
484-10-050	Exception To Rules.	43.60A.070	03/31/98

## Stakeholder List

- Veteran Service Organizations
- Veterans Affairs Advisory Committee (VAAC)
- Veterans Affairs Legislative Coalition
- DVA AAG
- Legal Services – WSH — Columbia Legal Services
- Legal Services – WVH — June Gerard
- Labor Representatives – WFSE & WSNA
- Other interested parties – mailing list for rule making

WAC Chapter / Sections	Chapter / Section Title	Statutory Authority	Estimated Review Completion Date
484-20	STATE VETERANS HOMES	43.60A.070	09/30/00
484-20-010	Definitions.	43.60A.070	09/30/00
484-20-015	Application For Admission.	43.60A.070	09/30/00
484-20-020	Conditions of Eligibility For Admission.	43.60A.070	09/30/00
484-20-023	Admission to a State Veterans Home.	43.60A.070	09/30/00
484-20-024	Resident Payment Information.	43.60A.070	09/30/00
484-20-025	Eligibility -- State Residency.	43.60A.070	09/30/00
484-20-030	Eligibility -- Military Service.	43.60A.070	09/30/00
484-20-035	Eligibility -- Transfer of Resources.	43.60A.070	09/30/00
484-20-040	Eligibility -- Indigency.	43.60A.070	09/30/00
484-20-045	Eligibility -- Inability to Support Self/Need For Care.	43.60A.070	09/30/00
484-20-055	Eligibility -- Surviving Spouse of Veteran.	43.60A.070	09/30/00
484-20-060	Eligibility -- Married Couple.	43.60A.070	09/30/00
484-20-061	Resident Assessment and Care Plan.	43.60A.070	09/30/00
484-20-062	Vocational Rehabilitation Programs -- Eligibility, Admission and Discharge.	43.60A.070	09/30/00
484-20-063	Bed Hold.	43.60A.070	09/30/00
484-20-065	Use of Residents' Income and Resources.	43.60A.070	01/31/99
484-20-068	Resident Council.	43.60A.070	01/31/99
484-20-070	State Veterans Home Benefit Fund.	43.60A.070	01/31/99
484-20-080	Annual Declaration of Income and Resources.	43.60A.070	09/30/00
484-20-085	Residents' Rights and Facility Rules.	43.60A.070	09/30/00
484-20-086	Restraints/Prevention of Abuse -- Medicaid Certified Nursing Facility.	43.60A.070	09/30/00
484-20-087	Resident Rights.	43.60A.070	09/30/00
484-20-088	Quality of Life -- Medicaid Certified Nursing Facility.	43.60A.070	09/30/00

MISC.

WAC Chapter / Sections	Chapter / Section Title	Statutory Authority	Estimated Review Completion Date
484-20-089	Washington Soldiers Home Colony -- Rights and Responsibilities.	43.60A.070	09/30/00
484-20-090	State Veterans Home Rules.	43.60A.070	09/30/00
484-20-095	Supplementary Policies and Procedures.	43.60A.070	09/30/00
484-20-100	Violation -- Investigation.	43.60A.070	09/30/00
484-20-103	Administrative Action, Notice of.	43.60A.070	09/30/00
484-20-105	Dispute Settlement.	43.60A.070	09/30/00
484-20-111	Grievance Procedure.	43.60A.070	09/30/00
484-20-115	Furlough -- Residents Other Than Medicaid Certified Nursing Facility Residents.	43.60A.070	09/30/00
484-20-116	Social Leave -- Medicaid Funded Program Residents.	43.60A.070	09/30/00
484-20-117	Rehabilitation Leave.	43.60A.070	09/30/00
484-20-120	Transfer and Discharge of State Veterans Home Residents and Denial of Colony Benefits.	43.60A.070	09/30/00
484-20-135	Transfer From One State Veterans Home To Another.	43.60A.070	09/30/00
484-20-140	Readmission.	43.60A.070	09/30/00
484-20-145	Burial in the State Veterans Home Cemetery.	43.60A.070	09/30/00
484-20-150	Population Level.	43.60A.070	09/30/00

#### Stakeholder List

- Veteran Service Organizations
- Veterans Affairs Advisory Committee (VAAC)
- Veterans Affairs Legislative Coalition
- Department of Health – professional licensing
- Department of Social and Health Services – Aging and Adult Services — Medicaid Certified Nursing Facilities - SVH
- SVH – Survey Teams
- Washington State Long Term Care Ombudsman
- Legal Services – WSH — Columbia Legal Services
- Legal Services – WVH — June Gerard
- DVA AAG
- SVH Resident Councils
- Labor Representatives – WFSE & WSNA
- VA Health Administration – SVH sections
- State Legislators – from SVH districts
- Other interested parties – mailing list for rule making

WAC Chapter / Sections	Chapter / Section Title	Statutory Authority	Estimated Review Completion Date
484-30	VETERANS FIELD SERVICES	43.60A.070	12/31/98
484-30-005	Description and Purpose of Services.	43.60A.070	12/31/98
484-30-010	Data Gathering and Reporting.	43.60A.070	12/31/98
484-30-015	Auditing.	43.60A.070	12/31/98

## Stakeholder List

- Veteran Service Organizations
- Veterans Affairs Advisory Committee (VAAC)
- Veterans Affairs Legislative Coalition
- DVA AAG
- Legal Services – WSH — Columbia Legal Services
- Legal Services – WVH — June Gerard
- VA Regional Office – Fiduciary sections
- Other interested parties – mailing list for rule making

WAC Chapter / Sections	Chapter / Section Title	Statutory Authority	Estimated Review Completion Date
484-40	FIDUCIARY SERVICES	43.60A.070	12/31/98
484-40-005	Scope of Services.	43.60A.070	12/31/98
484-40-010	Conservation of Income.	43.60A.070	12/31/98
484-40-015	Case Level.	43.60A.070	12/31/98
484-40-020	Auditing.	43.60A.070	12/31/98

## Stakeholder List

- Veteran Service Organizations
- Veterans Affairs Advisory Committee (VAAC)
- Veterans Affairs Legislative Coalition
- SVH Resident Councils
- DVA – Veterans Benefit Specialist staff
- DVA AAG
- Legal Services – WSH — Columbia Legal Services
- Legal Services – WVH — June Gerard
- VA Regional Office – Fiduciary sections
- Other interested parties – mailing list for rule making

WAC Chapter / Sections	Chapter / Section Title	Statutory Authority	Estimated Review Completion Date
484-50	PUBLIC RECORDS	42.17.250	03/31/98
484-50-005	Disclosure.	42.17.250	03/31/98
484-50-010	Exemptions.	42.17.250	03/31/98

**Stakeholder List**

- Veteran Service Organizations
- Veterans Affairs Advisory Committee (VAAC)
- Veterans Affairs Legislative Coalition
- DVA – Medical Records Staff
- DVA AAG
- Legal Services – WSH — Columbia Legal Services
- Legal Services – WVH — June Gerard
- Other interested parties – mailing list for rule making

**NOTE (Early Success):** The Department of Veterans Affairs completed permanent rule making for Chapter 484-20 WAC, State Veterans Homes, in December 1994. This process included involvement of major stakeholder and constituent groups and public hearings.

- \* The WAC Review Schedule is subject to change depending on receipt of additional input from stakeholders.

**WSR 97-19-011**  
**NOTICE OF PUBLIC MEETINGS**  
**SEATTLE COMMUNITY COLLEGES**  
 [Memorandum—September 3, 1997]

The Seattle Community College District board of trustees will begin their regular meeting on September 9, 1997, with a work session, in 4180D, at 4:00 p.m., followed by a reception, in BA306, at 5:15 p.m. The regular meeting will begin at 6:00 p.m., in BA306.

The meeting will be held at Seattle Central Community College, 1701 Broadway, Seattle, WA 98122.

**WSR 97-19-012**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
 [Memorandum—September 2, 1997]

**EDMONDS COMMUNITY COLLEGE**  
**BOARD OF TRUSTEES**  
**NOTICE OF SPECIAL MEETINGS**  
**TO MEDIA/OTHER**

- September 9, 1997 Edmonds Community College board of trustees regular session: Edmonds Community College, Snohomish Hall, 20226 68th Avenue West, Lynnwood, WA, 4:00-6:30 p.m.
- September 22, 1997\* VIP Social (new student welcome): Edmonds Community College, Triton Union Building, 20200 68th Avenue West, Lynnwood, WA, 4:00-5:00 p.m.
- September 26, 1997\* Snohomish Hall Building Dedication: Edmonds Community College, Snohomish Hall, 20226 68th Avenue West, Lynnwood, WA, 3:30-5:00 p.m.

\*These events are being scheduled as special meetings, which are study sessions where no action will be taken.

**WSR 97-19-023**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Asparagus Commission)  
 [Memorandum—September 3, 1997]

The location of the October 21, 1997, meeting of the Washington Asparagus Commission has been changed from the Sunnyside Valley Irrigation District Office to the Snipes Mountain Restaurant, 905 Yakima Valley Highway, Sunnyside, WA. The time of 9:00 a.m. remains the same.

**WSR 97-19-024**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
 [Memorandum—September 4, 1997]

**EDMONDS COMMUNITY COLLEGE**  
**BOARD OF TRUSTEES**  
**NOTICE OF SPECIAL MEETINGS**  
**TO MEDIA/OTHER**  
*Revised*

- September 18, 1997 Edmonds Community College board of trustees regular session: Edmonds Community College, Snohomish Hall, Room 304, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.
- September 22, 1997\* VIP social (new student welcome): Edmonds Community College, Triton Union Building, Room 202, 20200 68th Avenue West, Lynnwood, WA, 4:00 p.m.
- September 26, 1997\* Snohomish Hall Building Dedication: Edmonds Community College, Snohomish Hall, 20226 68th Avenue West, Lynnwood, WA, 3:30 p.m.

\*These events are being scheduled as special meetings, which are study sessions where no action will be taken.

**WSR 97-19-034**  
**NOTICE OF PUBLIC MEETINGS**  
**ATTORNEY GENERAL'S OFFICE**  
**WASHINGTON STATE PATROL**  
 [Memorandum—September 4, 1997]

The following meetings will be held by the Investigative Study Group, co-chaired by Christine O. Gregoire, Attorney General and Chief Annette Sandberg, Washington State Patrol. These are the meetings of the Subgroups - Training, Policies and Procedures and Scope.

Questions can be directed to David M. Horn, Assistant Attorney General, Consumer Protection Division, (206) 464-6280.

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Tuesday, September 16  
 Training 10:00 to 11:30 Room 501  
 Policies and Procedures 1:00 to 2:30 Room 647  
 Scope 3:00 to 4:30 Room 647

Friday, September 26  
 Training 10:00 to 11:30 Room 701  
 Policies and Procedures 1:00 to 2:30 Room 701  
 Scope 3:00 to 4:30 Room 701

Friday, October 3  
 Training 8:30 to 10:00 Room 742  
 Policies and Procedures 10:30 to 12:00 Room 701  
 Scope 2:00 to 3:30 Room 701

Tuesday, October 14  
 Training 8:30 to 10:00 Room 701  
 Policies and Procedures 10:30 to 12:00 Room 701  
 Scope 2:30 to 4:00 Room 701

Thursday, October 30  
 Training 8:30 to 10:00 Room 701  
 Policies and Procedures 10:30 to 12:00 Room 701  
 Scope 2:00 to 3:30 Room 701

The full study group meets at 10:00 a.m. in Room 742 on September 30, October 23, and November 21.

**WSR 97-19-035**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Filed September 9, 1997, 2:30 p.m.]

(1) The following sections are each recodified as indicated and designated as a subchapter of chapter 415-108 WAC under the subchapter designation "Service Retirement":

- (a) WAC 415-108-530 is recodified as WAC 415-108-810;
  - (b) WAC 415-108-540 is recodified as WAC 415-108-820;
  - (c) WAC 415-108-580 is recodified as WAC 415-108-830.
- (2) WAC 415-108-300 is recodified as WAC 415-108-195.

(3) WAC 415-108-500 is recodified as WAC 415-108-730. The current title "Public Employees' Retirement Board" is stricken and replaced with the title "Membership for City Managers."

Paul Neal

**WSR 97-19-036**  
**NOTICE OF PUBLIC MEETINGS**  
**SEATTLE COMMUNITY COLLEGES**  
 [Memorandum—September 5, 1997]

REVISED

The Seattle Community College District board of trustees will begin their special meeting on September 9, 1997, with a work session, in 4180D, at 4:00 p.m., followed by a reception, in BA306, at 5:15 p.m. The special meeting will begin at 6:00 p.m., in BA306.

The meeting will be held at Seattle Central Community College, 1701 Broadway, Seattle, WA 98122.

**WSR 97-19-037**  
**PROCLAMATION**  
**OFFICE OF THE GOVERNOR**  
 [September 8, 1997]

**WHEREAS**, the Washington State Supreme Court ruled that law enforcement officers in our state need statutory authority to check for outstanding warrants when a person is stopped for a traffic infraction; and

**WHEREAS**, the safety of citizens and law enforcement officers is of utmost concern and would be severely compromised if warrant checks were not conducted in these situations;

**NOW, THEREFORE**, I, Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at 3:30 p.m. on September 17, 1997 for the sole purpose of enacting legislation to grant law enforcement officers authority to check for outstanding warrants when a person is stopped for a traffic infraction.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this eighth day of September, A.D., nineteen hundred and ninety-seven.

Gary Locke  
 Governor of Washington

BY THE GOVERNOR

Ralph Munro  
 Secretary of State

**WSR 97-19-042**  
**RULES REVIEW PLAN**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed September 10, 1997, 2:40 p.m.]

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 97-20 issue of the Register.

**WSR 97-19-046**  
**ATTORNEY GENERAL'S OFFICE**  
 [Filed September 11, 1997, 2:30 p.m.]

**NOTICE OF REQUEST FOR**  
**ATTORNEY GENERAL'S OPINION**  
**WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of

state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by October 8, 1997. 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 8, 1997, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 753-2678, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

**97-09-01 Request by Representative Phil Dyer and Others  
Washington State Representative,  
5th Legislative District**

**Is a commercial firm entitled to inspect and copy public records not otherwise exempt from public disclosure, including records containing lists of individuals, where the firm's purpose is not to contact individuals for purpose of commercial solicitation but the firm does expect to use the records for general business purposes?**

**WSR 97-19-047  
NOTICE OF PUBLIC MEETINGS  
UNIVERSITY OF WASHINGTON  
[Memorandum—September 10, 1997]**

In accordance with RCW 42.30.075, the University of Washington is providing the enclosed meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW public records office.

**ASUW Board of Control**

Meeting Dates	Location	Time
September 10, 1997	204 M HUB	3:30 p.m.

**Graduate and Professional Student GPSS Senate**

Meeting Dates	Location	Time
October 29, 1997 (additional meeting)	HUB 310	4:30 p.m.

**WSR 97-19-048  
NOTICE OF PUBLIC MEETINGS  
CONVENTION AND TRADE  
CENTER**

[Memorandum—September 9, 1997]

The Washington State Convention and Trade Center's (WSCTC) Expansion Art Selection Committee will meet on Monday, September 15, 1997, from 11:30 a.m. - 1:30 p.m. at the Seafirst Gallery, Floor 3, 701 Fifth Avenue, Seattle.

The WSCTC Design Committee will meet on Wednesday, September 17, from 10:30 a.m. - 1:00 p.m. in Room 206 of the Convention Center, 800 Convention Place, Seattle.

A regular meeting of the WSCTC board of directors will also be held on Wednesday, September 17, 1997, at 1:30 p.m. in Room 310 of the Convention Center.

If you have any questions regarding these meetings, please call 694-5000.

**WSR 97-19-049  
NOTICE OF PUBLIC MEETINGS  
INTERAGENCY COMMITTEE  
FOR OUTDOOR RECREATION**

[Memorandum—September 12, 1997]

**Regular Meeting  
September 25-26, 1997  
Natural Resources Building, Room 172  
1111 Washington Street S.E.  
Olympia, WA**

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 4, 1997, at (360) 902-3000 or TDD (360) 902-1996.

Thursday, September 25, 1997, 8:30 a.m. - 4:30 p.m.

Friday, September 26, 9:00 a.m. - 11:00 a.m.

Next Meeting: November 13-14, 1997, Natural Resources Building, Room 172, Olympia, Washington.

**WSR 97-19-053  
DEPARTMENT OF ECOLOGY  
[Filed September 15, 1997, 9:23 a.m.]**

**PUBLIC NOTICE**

**DRAFT GENERAL PERMIT AND PUBLIC HEARING FOR  
WATER TREATMENT PLANT WASTEWATER DISCHARGE**

**Introduction:** The Washington State Department of Ecology (ecology) is proposing to issue a wastewater discharge general permit for water treatment plants (WTPs) located in Washington State (state). WTPs treat water to produce potable water (drinking water) for distribution and some treatment processes result in the production of wastewater as well as drinking water. This general permit is intended to address legal requirements for this wastewater discharge, control the discharge of pollutants, and protect the water quality of waters of the state. Interested persons are

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encouraged to submit comments on the proposed permit and/or attend the workshop and hearing described below.

The proposed permit implements the Federal Clean Water Act and State Water Pollution Control Act. All WTPs that discharge to surface water and meet the following criteria require coverage under this general permit:

- Produce potable water or "industrial" water (primary treatment/settled water); and
- Discharge wastewater from water treatment filtration processes (filter backwash, sedimentation/presedimentation basin washwater, filter-to-waste); and
- Have a maximum production capacity of 50,000 gallons a day or more of treated drinking water.

**How to Request Copies of the Proposed Permit:**

Requests for copies of the proposed permit and fact sheet may be made by contacting Keith Johnson through the address noted below, by telephone at (360) 407-6442, by FAX at (360) 407-6426, by e-mail at [KJOH461@ecy.wa.gov](mailto:KJOH461@ecy.wa.gov) or the proposed permit and fact sheet may be downloaded from the World Wide Web (Internet) at <http://www.wa.gov/ecology/wq/wqpermit/>

**Where to Submit Written Comments:** If you wish to comment on the proposed permit you may send your written comments to Keith Johnson, Water Quality Program, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Written comments must be postmarked by midnight, Friday, November 14, 1997. Comments may also be made by attending and testifying at the public hearing.

**Public Workshop/Hearing:** The public workshop and hearing on the proposed permit will be held on Friday, November 7, 1997. The purpose of the workshop is to explain the general permit, answer questions, and facilitate meaningful testimony during the hearing. The purpose of the hearing is to provide interested parties an opportunity to give formal oral testimony and comments on the proposed general permit. The workshop and hearing will be held at the Washington State Department of Ecology, Headquarters Building, 300 Desmond Drive, Lacey, WA.

The public workshop will begin at 10:00 a.m. and last until 11:30 a.m. The formal public hearing will begin at 12:00 p.m.

**General Permit Issuance:** Ecology will evaluate all public testimony and written comments received pursuant to this notice. Contingent on the outcome of that evaluation, ecology expects to issue the general permit on December 3, 1997. A copy of the notice of issuance and the responsiveness summary will be sent to all persons who submitted written comment or gave public testimony.

Ecology is an equal opportunity agency. If you have special accommodation needs or require this document in an alternative format, please contact Keith Johnson at (360) 407-6442 or TDD (only) (360) 407-6006.

**WSR 97-19-066**  
**NOTICE OF PUBLIC MEETINGS**  
**GROWTH MANAGEMENT**  
**HEARINGS BOARDS**  
 [Memorandum—September 12, 1997]

**SPECIAL MEETING**

A joint meeting of the three Growth Management Hearings Boards (the Central Puget Sound GMH Board, the Western Washington GMH Board, and the Eastern Washington GMH Board) will take place in October:

Place: Woodland Park Zoo, Activities Resource Center, Seattle

Dates/Times: Thursday, October 2, 1997, noon - 5 p.m.  
 Friday, October 3, 1997, 8:30 a.m. - noon.

**WSR 97-19-068**  
**NOTICE OF PUBLIC MEETINGS**  
**SEATTLE COMMUNITY COLLEGES**  
 [Memorandum—September 12, 1997]

The Seattle Community College District board of trustees have scheduled a special board of trustees meeting, to be held Tuesday, September 16, 1997. The meeting will be conducted by telephone conference call beginning at 3:00 p.m. from the Seattle Community College District, in the Chancellor's Office, 1500 Harvard, Seattle, WA 98122.

**WSR 97-19-069**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
 [Memorandum—September 11, 1997]

In accordance with RCW 42.30.075, the University of Washington is providing the enclosed meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW public records office.

Graduate and Professional Student Senate Executive

Meeting Dates	Location	Time
September 15, 1997	HUB 204M	3:00 p.m.

ASUW Board of Control

Meeting Dates	Location	Time
September 17, 1997	HUB 204M	3:30

ASUW Student Senate/Governance

Meeting Dates	Location	Time
October 7, 1997	GOWEN 301	5:00 p.m.

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**WSR 97-19-071**  
**POLICY OR INTERPRETATIVE STATEMENT**  
**DEPARTMENT OF ECOLOGY**  
 [Filed September 15, 1997, 3:55 p.m.]

**Purpose:** In order to comply with RCW 34.05.230(4) of the Administrative Procedure Act, the Department of Ecology submits the following: Interim Remedial Action Grant Guidelines.

**Document Title:** Interim Remedial Action Grant Guidelines 1997-1999.

**Subject:** Remedial action grants for local governments.

**Document Description:** These guidelines provide eligibility requirements, the application process, and forms to enable local governments to obtain remedial action grants for the study and cleanup of hazardous waste sites.

**Effective Date:** July 1, 1997.

To receive a copy of the guidelines contact Steve Loftness, Department of Ecology, Solid Waste and Financial Assistance Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6060, FAX (360) 407-7157, TDD (360) 407-6006.

September 10, 1997  
 James T. Pendowski, Program Manager  
 Solid Waste and Financial Assistance

**WSR 97-19-072**  
**POLICY OR INTERPRETATIVE STATEMENT**  
**DEPARTMENT OF ECOLOGY**  
 [Filed September 15, 1997, 3:57 p.m.]

**Purpose:** In order to comply with RCW 34.05.230(4) of the Administrative Procedure Act, the Department of Ecology submits the following: Coordinated Prevention Grant Guidelines.

**Document Title:** Coordinated Prevention Grant Guidelines 1998-1999 by the solid waste and financial assistance program of the Department of Ecology.

**Subject:** Guidance for coordinated prevention grants.

**Document Description:** These guidelines detail the funding allocations, eligibility requirements, application process and performance monitoring for ecology's coordinated prevention grants program, which helps local governments with their waste management responsibilities.

**Effective Date:** July 1997.

To receive a copy of the guidelines contact Diane Christel, Department of Ecology, Solid Waste and Financial Assistance Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6062, FAX (360) 407-7157, TDD (360) 407-6006.

September 10, 1997  
 James T. Pendowski, Program Manager  
 Solid Waste and Financial Assistance

**WSR 97-19-073**  
**POLICY STATEMENT**  
**DEPARTMENT OF LICENSING**  
 [Filed September 16, 1997, 9:20 a.m.]

**POLICY STATEMENT**

**Date:** September 15, 1997.

**Agency:** Department of Licensing, Business and Professions Division.

**Title of Statement:** BPD.12 Suspension or nonrenewal of license or certificate of those certified by the Department of Social and Health Services for noncompliance of a child support order.

**Subject Matter:** Describes the procedure the Department of Licensing will utilize to suspend the license or certificate on any licensee who has been certified by the Department of Social and Health Services for noncompliance of a child support order.

**Effective Date:** July 1, 1997.

**Contact Person:** Pamela R. Miller, Executive Assistant, Department of Licensing, Business and Professions Division, P.O. Box 48001, Olympia, WA 98507-8001, (360) 753-1749.

Pamella R. Miller  
 Executive Assistant  
 Business and Professions Division

**WSR 97-19-088**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE UNIVERSITY**  
 [Memorandum—September 16, 1997]

In addition to its regularly scheduled meetings for 1997, the Washington State University board of regents has scheduled a meeting to be held in the month of October. Please publish in the Washington State Register the following date and location of an upcoming board of regents meeting: October 17, 1997, Pullman, Washington.

The ensuing meeting will take place on November 21, 1997, in Seattle, Washington. Information about these regents' meetings and future meetings of the board can be obtained from Ms. Christine Hoyt, WSU President's Office, (509) 335-6666.

**WSR 97-19-089**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC EMPLOYEES BENEFITS BOARD**  
**HEALTH CARE AUTHORITY**  
 [Memorandum—September 17, 1997]

Public Employees Benefits Board  
 Attorney General Conference Center  
 Lacey, Washington  
 1:15 p.m., September 23, 1997

If you are a person with a disability and need a special accommodation, please contact Judy Lamm at (360) 923-2828.

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Next Meeting Date: October 13 Board planning session; and  
November 4 Regular meeting.

Public Hearing  
1:00 p.m., September 23, 1997  
Attorney General Conference Room  
Olympia, Washington

Chapter 182-08 WAC, Eligible and noneligible employees  
and chapter 182-12 WAC, PEBB administration/eligibility.

**WSR 97-19-096**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF HEALTH**  
[Filed September 17, 1997, 11:15 a.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: "What is the scope of practice for LPN phone  
assessment of patients with colds to chest pain without the  
supervision of an RN or MD?"

Issuing Entity: Washington State Nursing Care Quality  
Assurance Commission.

Subject: The commission issued an advisory opinion in  
response to the request from Shelley K. Klinger, LPN,  
Silverdale Group Health Cooperative.

Effective Date: July 18, 1997.

Contact Person: Jeanne E. Vincent, RN, MS, Associate  
Nurse Practice Manager, Department of Health, Nursing  
Care Commission, P.O. Box 47864, Olympia, WA 98504-  
7864, (360) 664-2881.

**WSR 97-19-097**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF HEALTH**  
[Filed September 17, 1997, 11:16 a.m.]

NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: "May nurses paint fluoride varnish on the teeth  
of infants and toddlers?"

Issuing Entity: Washington State Nursing Care Quality  
Assurance Commission.

Subject: The commission issued an advisory opinion in  
response to the request from Carree Moore, Dental Program  
Manager, Medical Assistance Administration, Department of  
Social and Health Services, Olympia, Washington.

Effective Date: July 18, 1997.

Contact Person: Jeanne E. Vincent, RN, MS, Associate  
Nurse Practice Manager, Department of Health, Nursing  
Care Commission, P.O. Box 47864, Olympia, WA 98504-  
7864, (360) 664-2881.

MISC.



**Table of WAC Sections Affected**

**KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

**Suffixes:**

- C = Continuance of previous proposal
  - E = Emergency action
  - P = Proposed action
  - S = Supplemental notice
  - W = Withdrawal of proposed action
  - XA = Expedited adoption
  - XR = Expedited repeal
- Note: These filings will appear in a special section of Issue 97-21  
No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
1-21-010	AMD-P	97-12-068	16-101-800	NEW-P	97-15-115	16-324-394	NEW-P	97-07-075
1-21-010	AMD	97-15-035	16-101-800	NEW	97-19-045	16-324-394	NEW	97-11-028
1-21-020	AMD-P	97-12-068	16-105-001	PREP-X	97-14-074	16-324-395	NEW-P	97-07-075
1-21-020	AMD	97-15-035	16-105-001	REP	97-18-041	16-324-395	NEW	97-11-028
1-21-070	AMD-P	97-12-068	16-105-010	PREP-X	97-14-074	16-324-396	NEW-P	97-07-075
1-21-070	AMD	97-15-035	16-105-010	REP	97-18-041	16-324-396	NEW	97-11-028
1-21-170	AMD-P	97-12-068	16-105-020	PREP-X	97-14-074	16-324-397	NEW-P	97-07-075
1-21-170	AMD	97-15-035	16-105-020	REP	97-18-041	16-324-397	NEW	97-11-028
1-21-180	AMD-P	97-12-068	16-105-030	PREP-X	97-14-074	16-324-398	NEW-P	97-07-075
1-21-180	AMD	97-15-035	16-105-030	REP	97-18-041	16-324-398	NEW	97-11-028
16-08-031	AMD-P	97-08-086	16-156	PREP	97-16-066	16-324-400	REP-P	97-07-075
16-08-031	AMD	97-14-050	16-158	PREP	97-15-028	16-324-400	REP	97-11-028
16-08-141	AMD-P	97-08-086	16-162	PREP	97-04-065	16-324-401	NEW-P	97-07-075
16-08-141	AMD	97-14-050	16-164	PREP	97-15-029	16-324-401	NEW	97-11-028
16-08-171	AMD-P	97-08-086	16-168	PREP	97-16-009	16-324-402	NEW-P	97-07-075
16-08-171	AMD	97-14-050	16-218-02001	AMD	97-05-003	16-324-402	NEW	97-11-028
16-34-001	PREP-X	97-14-048	16-230-835	AMD-P	97-02-094	16-324-409	NEW-P	97-07-075
16-34-001	REP	97-18-042	16-230-835	AMD-W	97-06-003	16-324-409	NEW	97-11-028
16-34-010	PREP-X	97-14-048	16-230-862	AMD-P	97-02-094	16-324-410	REP-P	97-07-075
16-34-010	REP	97-18-042	16-230-862	AMD-W	97-06-003	16-324-410	REP	97-11-028
16-34-020	PREP-X	97-14-048	16-316-474	AMD-P	97-11-050	16-324-420	AMD-P	97-07-075
16-34-020	REP	97-18-042	16-316-474	AMD	97-16-026	16-324-420	AMD	97-11-028
16-34-030	PREP-X	97-14-048	16-316-715	AMD-P	97-11-050	16-324-430	REP-P	97-07-075
16-34-030	REP	97-18-042	16-316-715	AMD	97-16-026	16-324-430	REP	97-11-028
16-34-040	PREP-X	97-14-048	16-316-724	AMD-P	97-11-050	16-324-431	NEW-P	97-07-075
16-34-040	REP	97-18-042	16-316-724	AMD	97-16-026	16-324-431	NEW	97-11-028
16-46-001	PREP-X	97-14-048	16-324-360	REP-P	97-07-075	16-324-435	REP-P	97-07-075
16-46-001	REP	97-18-042	16-324-360	REP	97-11-028	16-324-435	REP	97-11-028
16-46-005	PREP-X	97-14-048	16-324-361	NEW-P	97-07-075	16-324-445	REP-P	97-07-075
16-46-005	REP	97-18-042	16-324-361	NEW	97-11-028	16-324-445	REP	97-11-028
16-46-020	PREP-X	97-14-048	16-324-370	AMD-P	97-07-075	16-324-446	NEW-P	97-07-075
16-46-020	REP	97-18-042	16-324-370	AMD	97-11-028	16-324-446	NEW	97-11-028
16-46-030	PREP-X	97-14-048	16-324-375	AMD-P	97-07-075	16-324-450	REP-P	97-07-075
16-46-030	REP	97-18-042	16-324-375	AMD	97-11-028	16-324-450	REP	97-11-028
16-46-035	PREP-X	97-14-048	16-324-380	REP-P	97-07-075	16-324-460	REP-P	97-07-075
16-46-035	REP	97-18-042	16-324-380	REP	97-11-028	16-324-460	REP	97-11-028
16-46-040	PREP-X	97-14-048	16-324-381	NEW-P	97-07-075	16-324-470	REP-P	97-07-075
16-46-040	REP	97-18-042	16-324-381	NEW	97-11-028	16-324-470	REP	97-11-028
16-46-045	PREP-X	97-14-048	16-324-382	NEW-P	97-07-075	16-324-480	REP-P	97-07-075
16-46-045	REP	97-18-042	16-324-382	NEW	97-11-028	16-324-480	REP	97-11-028
16-46-070	PREP-X	97-14-048	16-324-390	REP-P	97-07-075	16-324-490	REP-P	97-07-075
16-46-070	REP	97-18-042	16-324-390	REP	97-11-028	16-324-490	REP	97-11-028
16-50-001	PREP-X	97-14-048	16-324-391	NEW-P	97-07-075	16-324-500	REP-P	97-07-075
16-50-001	REP	97-18-042	16-324-391	NEW	97-11-028	16-324-500	REP	97-11-028
16-50-010	PREP-X	97-14-048	16-324-392	NEW-P	97-07-075	16-324-510	REP-P	97-07-075
16-50-010	REP	97-18-042	16-324-392	NEW	97-11-028	16-324-510	REP	97-11-028
16-50-020	PREP-X	97-14-048	16-324-393	NEW-P	97-07-075	16-324-520	REP-P	97-07-075
16-50-020	REP	97-18-042	16-324-393	NEW	97-11-028	16-324-520	REP	97-11-028

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16-324-530	REP	97-11-028	16-573-060	NEW-C	97-19-002	16-666-130	PREP-X	97-14-049
16-324-540	REP-P	97-07-075	16-573-070	NEW-P	97-11-084	16-666-130	REP	97-18-040
16-324-540	REP	97-11-028	16-573-070	NEW-C	97-19-002	16-670-001	PREP-X	97-14-049
16-324-600	REP-P	97-07-075	16-573-080	NEW-P	97-11-084	16-670-001	REP	97-18-040
16-324-600	REP	97-11-028	16-573-080	NEW-C	97-19-002	16-670-010	PREP-X	97-14-049
16-324-605	REP-P	97-07-075	16-580	PREP	97-10-098	16-670-010	REP	97-18-040
16-324-605	REP	97-11-028	16-580	AMD-C	97-17-095	16-675-010	AMD-P	97-09-103
16-324-610	REP-P	97-07-075	16-580-020	AMD-P	97-14-102	16-675-010	AMD	97-12-024
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16-324-620	REP-P	97-07-075	16-650-001	PREP-X	97-14-049	16-675-020	AMD	97-12-024
16-324-620	REP	97-11-028	16-650-001	REP	97-18-040	16-675-030	AMD-P	97-09-103
16-324-630	REP-P	97-07-075	16-654-030	PREP-X	97-14-049	16-675-030	AMD	97-12-024
16-324-630	REP	97-11-028	16-654-030	REP	97-18-040	16-675-040	AMD-P	97-09-103
16-324-650	REP-P	97-07-075	16-654-040	PREP-X	97-14-049	16-675-040	AMD	97-12-024
16-324-650	REP	97-11-028	16-654-040	REP	97-18-040	16-695-005	NEW-E	97-04-020
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16-324-660	REP	97-11-028	16-654-050	REP	97-18-040	16-695-010	NEW-E	97-04-020
16-324-670	REP-P	97-07-075	16-654-060	PREP-X	97-14-049	16-695-010	NEW-P	97-20-086
16-324-670	REP	97-11-028	16-654-060	REP	97-18-040	16-695-015	NEW-E	97-04-020
16-324-680	REP-P	97-07-075	16-660-001	PREP-X	97-14-049	16-695-015	NEW-P	97-20-086
16-324-680	REP	97-11-028	16-660-001	REP	97-18-040	16-695-020	NEW-E	97-04-020
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16-459-010	AMD-E	97-03-063	16-662	AMD-P	97-09-080	16-695-025	NEW-P	97-20-086
16-470-100	AMD-P	97-04-089	16-662	AMD	97-12-075	16-695-030	NEW-E	97-04-020
16-470-100	AMD	97-09-098	16-662-070	REP-P	97-09-080	16-695-030	NEW-P	97-20-086
16-473-001	NEW-P	97-04-090	16-662-070	REP	97-12-075	16-695-035	NEW-E	97-04-020
16-473-001	NEW-W	97-05-058	16-662-071	REP-P	97-09-080	16-695-035	NEW-P	97-20-086
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16-473-001	NEW	97-11-015	16-662-100	NEW-P	97-09-080	16-695-040	NEW-P	97-20-086
16-473-010	NEW-P	97-04-090	16-662-100	NEW	97-12-075	16-695-045	NEW-E	97-04-020
16-473-010	NEW-W	97-05-058	16-662-105	NEW-P	97-09-080	16-695-045	NEW-P	97-20-086
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16-473-010	NEW	97-11-015	16-662-110	NEW-P	97-09-080	16-695-050	NEW-P	97-20-086
16-473-015	NEW-P	97-04-090	16-662-110	NEW	97-12-075	16-695-055	NEW-E	97-04-020
16-473-015	NEW-W	97-05-058	16-662-115	NEW-P	97-09-080	16-695-055	NEW-P	97-20-086
16-473-015	NEW-P	97-05-059	16-662-115	NEW	97-12-075	16-695-060	NEW-E	97-04-020
16-473-015	NEW	97-11-015	16-664-010	NEW-P	97-09-102	16-695-060	NEW-P	97-20-086
16-473-020	NEW-P	97-04-090	16-664-010	NEW	97-12-076	16-695-065	NEW-E	97-04-020
16-473-020	NEW-W	97-05-058	16-664-020	NEW-P	97-09-102	16-695-065	NEW-P	97-20-086
16-473-020	NEW-P	97-05-059	16-664-020	NEW	97-12-076	16-695-070	NEW-E	97-04-020
16-473-020	NEW	97-11-015	16-664-030	NEW-P	97-09-102	16-695-070	NEW-P	97-20-086
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16-473-025	NEW-W	97-05-058	16-664-040	NEW-P	97-09-102	16-695-075	NEW-P	97-20-086
16-473-025	NEW-P	97-05-059	16-664-040	NEW	97-12-076	16-695-080	NEW-E	97-04-020
16-473-025	NEW	97-11-015	16-664-050	NEW-P	97-09-102	16-695-080	NEW-P	97-20-086
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16-532	PREP	97-19-100	16-664-060	NEW-P	97-09-102	16-700-021	AMD-S	97-04-077
16-532-010	AMD-P	97-09-095	16-664-060	NEW	97-12-076	16-700-021	AMD	97-04-078
16-532-010	AMD	97-17-096	16-666-002	PREP-X	97-14-049	16-700-021	AMD-C	97-09-025
16-532-040	AMD-P	97-09-095	16-666-002	REP	97-18-040	16-700-021	AMD	97-12-028
16-532-040	AMD	97-17-096	16-666-003	PREP-X	97-14-049	16-700-040	AMD	97-04-078
16-532-110	AMD-P	97-09-095	16-666-003	REP	97-18-040	16-700-050	AMD	97-04-078
16-532-110	AMD	97-17-096	16-666-030	PREP-X	97-14-049	16-700-060	AMD	97-04-078
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16-536-040	AMD-P	97-11-085	16-666-050	PREP-X	97-14-049	16-750-011	AMD	97-06-108
16-536-040	AMD-C	97-15-151	16-666-050	REP	97-18-040	16-750-015	AMD	97-06-108
16-573	NEW-C	97-17-063	16-666-060	PREP-X	97-14-049	16-750-020	AMD	97-06-108
16-573-010	NEW-P	97-11-084	16-666-060	REP	97-18-040	16-750-130	AMD	97-06-108
16-573-010	NEW-C	97-19-002	16-666-070	PREP-X	97-14-049	16-752-300	AMD-E	97-17-048
16-573-020	NEW-P	97-11-084	16-666-070	REP	97-18-040	16-752-305	AMD-E	97-17-048
16-573-020	NEW-C	97-19-002	16-666-080	PREP-X	97-14-049	16-752-310	AMD-E	97-17-048
16-573-030	NEW-P	97-11-084	16-666-080	REP	97-18-040	16-752-315	AMD-E	97-17-048
16-573-030	NEW-C	97-19-002	16-666-090	PREP-X	97-14-049	16-752-320	AMD-E	97-17-048
16-573-040	NEW-P	97-11-084	16-666-090	REP	97-18-040	16-752-330	AMD-E	97-17-048
16-573-040	NEW-C	97-19-002	16-666-100	PREP-X	97-14-049	25-30-010	PREP-X	97-14-010
16-573-041	NEW-P	97-11-084	16-666-100	REP	97-18-040	25-30-010	REP	97-19-018
16-573-041	NEW-C	97-19-002	16-666-110	PREP-X	97-14-049	25-30-020	PREP-X	97-14-010
16-573-050	NEW-P	97-11-084	16-666-110	REP	97-18-040	25-30-020	REP	97-19-018
16-573-050	NEW-C	97-19-002	16-666-120	PREP-X	97-14-049	25-30-030	PREP-X	97-14-010

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25-30-040	PREP-X	97-14-010	51-11-99904	AMD-P	97-16-110	51-30-0804	REP-P	97-16-111
25-30-040	REP	97-19-018	51-13-106	AMD-P	97-16-112	51-30-0900	REP-P	97-16-111
25-30-050	PREP-X	97-14-010	51-13-402	AMD-P	97-16-112	51-30-0902	REP-P	97-16-111
25-30-050	REP	97-19-018	51-13-502	AMD-P	97-16-112	51-30-0904	REP-P	97-16-111
51-04	PREP	97-14-112	51-26	PREP	97-06-107	51-30-1000	REP-P	97-16-111
51-04-015	AMD-P	97-16-093	51-26-001	REP-P	97-16-114	51-30-1001	REP-P	97-16-111
51-04-070	AMD-P	97-16-093	51-26-002	REP-P	97-16-114	51-30-1004	REP-P	97-16-111
51-06	PREP	97-14-112	51-26-003	REP-P	97-16-114	51-30-1005	REP-P	97-16-111
51-06-020	AMD-P	97-16-094	51-26-004	REP-P	97-16-114	51-30-1006	REP-P	97-16-111
51-06-120	AMD-P	97-16-094	51-26-008	REP-P	97-16-114	51-30-1007	REP-P	97-16-111
51-11-0101	AMD-P	97-16-110	51-26-0300	REP-P	97-16-114	51-30-1009	REP-P	97-16-111
51-11-0104	AMD-P	97-16-110	51-26-0310	REP-P	97-16-114	51-30-1014	REP-P	97-16-111
51-11-0201	AMD-P	97-16-110	51-26-0315	REP-P	97-16-114	51-30-1019	REP-P	97-16-111
51-11-0402	AMD-P	97-16-110	51-26-0400	REP-P	97-16-114	51-30-1030	REP-P	97-16-111
51-11-0502	AMD-P	97-16-110	51-26-0401	REP-P	97-16-114	51-30-1100	REP-P	97-16-111
51-11-0503	AMD-P	97-16-110	51-26-0500	REP-P	97-16-114	51-30-1101	REP-P	97-16-111
51-11-0504	AMD-P	97-16-110	51-26-0503	REP-P	97-16-114	51-30-1102	REP-P	97-16-111
51-11-0505	AMD-P	97-16-110	51-26-0909	REP-P	97-16-114	51-30-1103	REP-P	97-16-111
51-11-0525	AMD-P	97-16-110	51-26-1000	REP-P	97-16-114	51-30-1104	REP-P	97-16-111
51-11-0527	AMD-P	97-16-110	51-26-1004	REP-P	97-16-114	51-30-1105	REP-P	97-16-111
51-11-0530	AMD-P	97-16-110	51-26-1007	REP-P	97-16-114	51-30-1106	REP-P	97-16-111
51-11-0541	AMD-P	97-16-110	51-26-1009	REP-P	97-16-114	51-30-1107	REP-P	97-16-111
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51-11-0605	AMD-P	97-16-110	51-26-1301	REP-P	97-16-114	51-30-1109	REP-P	97-16-111
51-11-0606	REP-P	97-16-110	51-26-1800	REP-P	97-16-114	51-30-1110	REP-P	97-16-111
51-11-0607	REP-P	97-16-110	51-26-1801	REP-P	97-16-114	51-30-1111	REP-P	97-16-111
51-11-0608	REP-P	97-16-110	51-26-1802	REP-P	97-16-114	51-30-1112	REP-P	97-16-111
51-11-0625	AMD-P	97-16-110	51-26-1803	REP-P	97-16-114	51-30-1113	REP-P	97-16-111
51-11-0626	AMD-P	97-16-110	51-26-1804	REP-P	97-16-114	51-30-1114	REP-P	97-16-111
51-11-0627	AMD-P	97-16-110	51-26-1810	REP-P	97-16-114	51-30-1120	REP-P	97-16-111
51-11-0628	AMD-P	97-16-110	51-26-1820	REP-P	97-16-114	51-30-1121	REP-P	97-16-111
51-11-0629	AMD-P	97-16-110	51-26-1830	REP-P	97-16-114	51-30-1122	REP-P	97-16-111
51-11-0630	AMD-P	97-16-110	51-26-1840	REP-P	97-16-114	51-30-1123	REP-P	97-16-111
51-11-0701	AMD-P	97-16-110	51-26-1845	REP-P	97-16-114	51-30-1124	REP-P	97-16-111
51-11-0800	AMD-P	97-16-110	51-26-2200	REP-P	97-16-114	51-30-1125	REP-P	97-16-111
51-11-1002	AMD-P	97-16-110	51-26-2300	REP-P	97-16-114	51-30-1200	REP-P	97-16-111
51-11-1003	AMD-P	97-16-110	51-26-2301	REP-P	97-16-114	51-30-1203	REP-P	97-16-111
51-11-1004	AMD-P	97-16-110	51-27	PREP	97-06-107	51-30-1600	REP-P	97-16-111
51-11-1005	AMD-P	97-16-110	51-27-001	NEW-P	97-16-114	51-30-1614	REP-P	97-16-111
51-11-1006	AMD-P	97-16-110	51-27-002	NEW-P	97-16-114	51-30-1700	REP-P	97-16-111
51-11-1007	AMD-P	97-16-110	51-27-003	NEW-P	97-16-114	51-30-1702	REP-P	97-16-111
51-11-1008	AMD-P	97-16-110	51-27-004	NEW-P	97-16-114	51-30-1900	REP-P	97-16-111
51-11-1009	AMD-P	97-16-110	51-27-008	NEW-P	97-16-114	51-30-1909	REP-P	97-16-111
51-11-1010	REP-P	97-16-110	51-30-001	REP-P	97-16-111	51-30-2200	REP-P	97-16-111
51-11-1120	AMD-P	97-16-110	51-30-002	REP-P	97-16-111	51-30-2211	REP-P	97-16-111
51-11-1130	AMD-P	97-16-110	51-30-003	REP-P	97-16-111	51-30-2400	REP-P	97-16-111
51-11-1132	AMD-P	97-16-110	51-30-004	REP-P	97-16-111	51-30-2406	REP-P	97-16-111
51-11-1133	AMD-P	97-16-110	51-30-005	REP-P	97-16-111	51-30-2900	REP-P	97-16-111
51-11-1210	AMD	97-03-017	51-30-007	REP-P	97-16-111	51-30-2902	REP-P	97-16-111
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51-44-10210	NEW-P	97-16-113	51-46-0800	NEW-P	97-16-114	132K-04-001	AMD-P	97-07-018
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51-46-0501	NEW-P	97-16-114	112-10-010	NEW-P	97-15-145	132N-108-010	NEW	97-19-078
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51-46-0513	NEW-P	97-16-114	112-10-040	NEW-P	97-15-145	132N-108-040	NEW	97-19-078
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51-46-0517	NEW-P	97-16-114	112-10-060	NEW-P	97-15-145	132N-108-060	NEW	97-19-078
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51-46-0521	NEW-P	97-16-114	131-16-011	AMD-E	97-07-006	132N-108-080	NEW	97-19-078
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51-46-0523	NEW-P	97-16-114	131-16-021	AMD-E	97-07-006	132N-108-090	NEW	97-19-078
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51-46-0600	NEW-P	97-16-114	131-16-050	AMD	97-10-069	132N-120-020	NEW-P	97-10-018
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132V-12-216	REP	97-07-048	132V-12-326	REP-P	97-03-128	136-15-050	AMD-P	97-17-001
132V-12-219	REP-P	97-03-128	132V-12-326	REP	97-07-048	136-100-030	AMD-P	97-17-002
132V-12-219	REP	97-07-048	132V-12-329	REP-P	97-03-128	136-110-010	AMD-P	97-17-002
132V-12-222	REP-P	97-03-128	132V-12-329	REP	97-07-048	136-110-030	AMD-P	97-17-002
132V-12-222	REP	97-07-048	132V-12-332	REP-P	97-03-128	136-130-060	AMD	97-06-006
132V-12-225	REP-P	97-03-128	132V-12-332	REP	97-07-048	136-150-010	AMD-P	97-17-002
132V-12-225	REP	97-07-048	132V-12-335	REP-P	97-03-128	136-150-022	AMD-P	97-17-002
132V-12-228	REP-P	97-03-128	132V-12-335	REP	97-07-048	136-150-023	AMD-P	97-17-002
132V-12-228	REP	97-07-048	132V-12-338	REP-P	97-03-128	136-200-010	AMD-P	97-17-002
132V-12-231	REP-P	97-03-128	132V-12-338	REP	97-07-048	136-200-040	AMD-P	97-17-002
132V-12-231	REP	97-07-048	132V-12-341	REP-P	97-03-128	136-210-010	AMD-P	97-17-002
132V-12-234	REP-P	97-03-128	132V-12-341	REP	97-07-048	137-28-140	AMD	97-03-041
132V-12-234	REP	97-07-048	132V-12-344	REP-P	97-03-128	137-28-160	AMD	97-03-041
132V-12-237	REP-P	97-03-128	132V-12-344	REP	97-07-048	137-28-220	AMD	97-03-041
132V-12-237	REP	97-07-048	132V-12-347	REP-P	97-03-128	137-28-260	AMD	97-03-041
132V-12-240	REP-P	97-03-128	132V-12-347	REP	97-07-048	137-28-350	AMD	97-03-041
132V-12-240	REP	97-07-048	132V-12-350	REP-P	97-03-128	137-55-010	NEW	97-03-041
132V-12-243	REP-P	97-03-128	132V-12-350	REP	97-07-048	137-55-020	NEW	97-03-041
132V-12-243	REP	97-07-048	132V-12-353	REP-P	97-03-128	137-55-030	NEW	97-03-041
132V-12-246	REP-P	97-03-128	132V-12-353	REP	97-07-048	137-55-040	NEW	97-03-041
132V-12-246	REP	97-07-048	132V-12-356	REP-P	97-03-128	137-55-050	NEW	97-03-041
132V-12-249	REP-P	97-03-128	132V-12-356	REP	97-07-048	137-55-060	NEW	97-03-041
132V-12-249	REP	97-07-048	132V-12-359	REP-P	97-03-128	172-120-015	NEW	97-06-095
132V-12-252	REP-P	97-03-128	132V-12-359	REP	97-07-048	172-120-020	AMD	97-06-095
132V-12-252	REP	97-07-048	132V-12-362	REP-P	97-03-128	172-120-030	AMD	97-06-095
132V-12-255	REP-P	97-03-128	132V-12-362	REP	97-07-048	172-120-040	AMD	97-06-095
132V-12-255	REP	97-07-048	132V-12-365	REP-P	97-03-128	172-120-050	AMD	97-06-095
132V-12-258	REP-P	97-03-128	132V-12-365	REP	97-07-048	172-120-060	AMD	97-06-095
132V-12-258	REP	97-07-048	132V-12-368	REP-P	97-03-128	172-120-070	AMD	97-06-095
132V-12-261	REP-P	97-03-128	132V-12-368	REP	97-07-048	172-120-080	AMD	97-06-095
132V-12-261	REP	97-07-048	132V-12-371	REP-P	97-03-128	172-120-090	AMD	97-06-095
132V-12-264	REP-P	97-03-128	132V-12-371	REP	97-07-048	172-120-100	AMD	97-06-095
132V-12-264	REP	97-07-048	132V-12-374	REP-P	97-03-128	172-120-110	AMD	97-06-095
132V-12-267	REP-P	97-03-128	132V-12-374	REP	97-07-048	172-120-120	AMD	97-06-095
132V-12-267	REP	97-07-048	132V-12-377	REP-P	97-03-128	172-120-130	AMD	97-06-095
132V-12-270	REP-P	97-03-128	132V-12-377	REP	97-07-048	172-120-140	AMD	97-06-095
132V-12-270	REP	97-07-048	132V-12-380	REP-P	97-03-128	172-120-150	REP	97-06-095
132V-12-273	REP-P	97-03-128	132V-12-380	REP	97-07-048	173-22	AMD-C	97-03-129
132V-12-273	REP	97-07-048	132V-12-383	REP-P	97-03-128	173-22	AMD	97-04-076
132V-12-276	REP-P	97-03-128	132V-12-383	REP	97-07-048	173-22-015	REP	97-04-076
132V-12-276	REP	97-07-048	132V-12-386	REP-P	97-03-128	173-22-030	AMD	97-04-076
132V-12-279	REP-P	97-03-128	132V-12-386	REP	97-07-048	173-22-035	NEW	97-04-076
132V-12-279	REP	97-07-048	132V-12-389	REP-P	97-03-128	173-22-040	AMD	97-04-076
132V-12-281	REP-P	97-03-128	132V-12-389	REP	97-07-048	173-22-070	AMD	97-04-076
132V-12-281	REP	97-07-048	132V-12-392	REP-P	97-03-128	173-22-080	NEW	97-04-076
132V-12-284	REP-P	97-03-128	132V-12-392	REP	97-07-048	173-32-010	PREP-X	97-13-042
132V-12-284	REP	97-07-048	132V-12-398	REP-P	97-03-128	173-32-010	REP	97-18-047
132V-12-287	REP-P	97-03-128	132V-12-398	REP	97-07-048	173-32-020	PREP-X	97-13-042
132V-12-287	REP	97-07-048	132V-12-401	REP-P	97-03-128	173-32-020	REP	97-18-047
132V-12-290	REP-P	97-03-128	132V-12-401	REP	97-07-048	173-32-030	PREP-X	97-13-042
132V-12-290	REP	97-07-048	132V-12-404	REP-P	97-03-128	173-32-030	REP	97-18-047
132V-12-293	REP-P	97-03-128	132V-12-404	REP	97-07-048	173-32-040	PREP-X	97-13-042
132V-12-293	REP	97-07-048	132V-12-407	REP-P	97-03-128	173-32-040	REP	97-18-047
132V-12-296	REP-P	97-03-128	132V-12-407	REP	97-07-048	173-90-010	PREP-X	97-13-043
132V-12-296	REP	97-07-048	132V-12-410	REP-P	97-03-128	173-90-010	REP	97-17-082
132V-12-299	REP-P	97-03-128	132V-12-410	REP	97-07-048	173-90-015	PREP-X	97-13-043
132V-12-299	REP	97-07-048	132V-12-413	REP-P	97-03-128	173-90-015	REP	97-17-082
132V-12-302	REP-P	97-03-128	132V-12-413	REP	97-07-048	173-90-020	PREP-X	97-13-043
132V-12-302	REP	97-07-048	132V-12-416	REP-P	97-03-128	173-90-020	REP	97-17-082
132V-12-305	REP-P	97-03-128	132V-12-416	REP	97-07-048	173-90-040	PREP-X	97-13-043
132V-12-305	REP	97-07-048	132V-12-419	REP-P	97-03-128	173-90-040	REP	97-17-082
132V-12-308	REP-P	97-03-128	132V-12-419	REP	97-07-048	173-90-050	PREP-X	97-13-043
132V-12-308	REP	97-07-048	132V-12-422	REP-P	97-03-128	173-90-050	REP	97-17-082
132V-12-311	REP-P	97-03-128	132V-12-422	REP	97-07-048	173-90-060	PREP-X	97-13-043
132V-12-311	REP	97-07-048	132V-12-425	REP-P	97-03-128	173-90-060	REP	97-17-082
132V-12-314	REP-P	97-03-128	132V-12-425	REP	97-07-048	173-90-070	PREP-X	97-13-043
132V-12-314	REP	97-07-048	132V-12-428	REP-P	97-03-128	173-90-070	REP	97-17-082
132V-12-317	REP-P	97-03-128	132V-12-428	REP	97-07-048	173-95A-010	NEW-E	97-12-022
132V-12-317	REP	97-07-048	132V-12-431	REP-P	97-03-128	173-95A-020	NEW-E	97-12-022
132V-12-320	REP-P	97-03-128	132V-12-431	REP	97-07-048	173-95A-030	NEW-E	97-12-022
132V-12-320	REP	97-07-048	132V-12-434	REP-P	97-03-128	173-95A-040	NEW-E	97-12-022
132V-12-323	REP-P	97-03-128	132V-12-434	REP	97-07-048	173-95A-050	NEW-E	97-12-022
132V-12-323	REP	97-07-048	136-15-010	AMD-P	97-17-001	173-152-010	NEW-E	97-10-091

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-152-010	RESCIND	97-14-017	173-160-331	NEW-P	97-19-081	173-202-020	AMD-E	97-13-036
173-152-010	NEW-E	97-14-017	173-160-335	REP-P	97-19-081	173-202-020	AMD-P	97-15-130
173-152-010	NEW-P	97-17-081	173-160-341	NEW-P	97-19-081	173-202-020	AMD-E	97-16-038
173-152-020	NEW-E	97-10-091	173-160-345	REP-P	97-19-081	173-223	PREP-X	97-14-076
173-152-020	RESCIND	97-14-017	173-160-351	NEW-P	97-19-081	173-224	PREP	97-14-084
173-152-020	NEW-E	97-14-017	173-160-355	REP-P	97-19-081	173-303	PREP	97-04-062
173-152-020	NEW-P	97-17-081	173-160-361	NEW-P	97-19-081	173-303-017	AMD-P	97-16-074
173-152-025	NEW-E	97-14-017	173-160-365	REP-P	97-19-081	173-303-040	AMD-P	97-16-074
173-152-030	NEW-E	97-10-091	173-160-371	NEW-P	97-19-081	173-303-045	AMD-P	97-16-074
173-152-030	RESCIND	97-14-017	173-160-375	REP-P	97-19-081	173-303-070	AMD-P	97-16-074
173-152-030	NEW-P	97-17-081	173-160-381	NEW-P	97-19-081	173-303-071	AMD-P	97-16-074
173-152-040	NEW-E	97-10-091	173-160-385	REP-P	97-19-081	173-303-073	AMD-P	97-16-074
173-152-040	RESCIND	97-14-017	173-160-390	NEW-P	97-19-081	173-303-077	NEW-P	97-16-074
173-152-040	NEW-E	97-14-017	173-160-395	REP-P	97-19-081	173-303-081	AMD-P	97-16-074
173-152-040	NEW-P	97-17-081	173-160-400	NEW-P	97-19-081	173-303-082	AMD-P	97-16-074
173-152-050	NEW-E	97-10-091	173-160-405	REP-P	97-19-081	173-303-090	AMD-P	97-16-074
173-152-050	RESCIND	97-14-017	173-160-410	NEW-P	97-19-081	173-303-100	AMD-P	97-16-074
173-152-050	NEW-E	97-14-017	173-160-415	REP-P	97-19-081	173-303-104	AMD-P	97-16-074
173-152-050	NEW-P	97-17-081	173-160-420	AMD-P	97-19-081	173-303-110	AMD-P	97-16-074
173-152-060	NEW-P	97-17-081	173-160-425	REP-P	97-19-081	173-303-120	AMD-P	97-16-074
173-160	PREP	97-10-093	173-160-430	NEW-P	97-19-081	173-303-140	AMD-P	97-16-074
173-160-010	AMD-P	97-19-081	173-160-435	REP-P	97-19-081	173-303-145	AMD-P	97-16-074
173-160-020	AMD-P	97-19-081	173-160-440	NEW-P	97-19-081	173-303-160	AMD-P	97-16-074
173-160-030	AMD-P	97-19-081	173-160-445	REP-P	97-19-081	173-303-180	AMD-P	97-16-074
173-160-040	AMD-P	97-19-081	173-160-450	NEW-P	97-19-081	173-303-201	AMD-P	97-16-074
173-160-050	AMD-P	97-19-081	173-160-455	REP-P	97-19-081	173-303-210	AMD-P	97-16-074
173-160-055	REP-P	97-19-081	173-160-460	NEW-P	97-19-081	173-303-230	AMD-P	97-16-074
173-160-061	NEW-P	97-19-081	173-160-465	REP-P	97-19-081	173-303-280	AMD-P	97-16-074
173-160-065	REP-P	97-19-081	173-160-475	REP-P	97-19-081	173-303-282	AMD-P	97-16-074
173-160-071	NEW-P	97-19-081	173-160-500	REP-P	97-19-081	173-303-300	AMD-P	97-16-074
173-160-075	REP-P	97-19-081	173-160-510	REP-P	97-19-081	173-303-335	AMD-P	97-16-074
173-160-085	REP-P	97-19-081	173-160-520	REP-P	97-19-081	173-303-350	AMD-P	97-16-074
173-160-095	REP-P	97-19-081	173-160-530	REP-P	97-19-081	173-303-380	AMD-P	97-16-074
173-160-101	NEW-P	97-19-081	173-160-540	REP-P	97-19-081	173-303-395	AMD-P	97-16-074
173-160-105	REP-P	97-19-081	173-160-550	REP-P	97-19-081	173-303-400	AMD-P	97-16-074
173-160-111	NEW-P	97-19-081	173-160-560	REP-P	97-19-081	173-303-505	AMD-P	97-16-074
173-160-115	REP-P	97-19-081	173-160-990	NEW-P	97-19-081	173-303-520	AMD-P	97-16-074
173-160-121	NEW-P	97-19-081	173-162	PREP	97-10-093	173-303-522	NEW-P	97-16-074
173-160-125	REP-P	97-19-081	173-162-010	AMD-P	97-19-081	173-303-573	NEW-P	97-16-074
173-160-131	NEW-P	97-19-081	173-162-020	AMD-P	97-19-081	173-303-600	AMD-P	97-16-074
173-160-135	REP-P	97-19-081	173-162-025	NEW-P	97-19-081	173-303-610	AMD-P	97-16-074
173-160-141	NEW-P	97-19-081	173-162-030	AMD-P	97-19-081	173-303-620	AMD-P	97-16-074
173-160-151	NEW-P	97-19-081	173-162-040	AMD-P	97-19-081	173-303-655	AMD-P	97-16-074
173-160-161	NEW-P	97-19-081	173-162-050	AMD-P	97-19-081	173-303-665	AMD-P	97-16-074
173-160-171	NEW-P	97-19-081	173-162-055	NEW-P	97-19-081	173-303-675	AMD-P	97-16-074
173-160-181	NEW-P	97-19-081	173-162-060	AMD-P	97-19-081	173-303-800	AMD-P	97-16-074
173-160-191	NEW-P	97-19-081	173-162-070	AMD-P	97-19-081	173-303-802	AMD-P	97-16-074
173-160-201	NEW-P	97-19-081	173-162-075	NEW-P	97-19-081	173-303-804	AMD-P	97-16-074
173-160-205	REP-P	97-19-081	173-162-080	AMD-P	97-19-081	173-303-805	AMD-P	97-16-074
173-160-211	NEW-P	97-19-081	173-162-085	NEW-P	97-19-081	173-303-806	AMD-P	97-16-074
173-160-215	REP-P	97-19-081	173-162-090	AMD-P	97-19-081	173-303-807	AMD-P	97-16-074
173-160-221	NEW-P	97-19-081	173-162-095	NEW-P	97-19-081	173-303-810	AMD-P	97-16-074
173-160-225	REP-P	97-19-081	173-162-100	AMD-P	97-19-081	173-303-815	AMD-P	97-16-074
173-160-231	NEW-P	97-19-081	173-162-120	AMD-P	97-19-081	173-303-830	AMD-P	97-16-074
173-160-235	REP-P	97-19-081	173-162-127	NEW-P	97-19-081	173-303-840	AMD-P	97-16-074
173-160-241	NEW-P	97-19-081	173-162-130	AMD-P	97-19-081	173-303-900	AMD-P	97-16-074
173-160-245	REP-P	97-19-081	173-162-140	AMD-P	97-19-081	173-303-910	AMD-P	97-16-074
173-160-251	NEW-P	97-19-081	173-162-165	NEW-P	97-19-081	173-303-9903	AMD-P	97-16-074
173-160-255	REP-P	97-19-081	173-162-170	REP-P	97-19-081	173-303-9904	AMD-P	97-16-074
173-160-261	NEW-P	97-19-081	173-162-190	AMD-P	97-19-081	173-303-9905	AMD-P	97-16-074
173-160-265	REP-P	97-19-081	173-162-200	AMD-P	97-19-081	173-309-010	PREP-X	97-13-041
173-160-271	NEW-P	97-19-081	173-162-210	AMD-P	97-19-081	173-309-010	REP	97-18-046
173-160-275	REP-P	97-19-081	173-201A-020	AMD-P	97-12-034	173-309-020	PREP-X	97-13-041
173-160-281	NEW-P	97-19-081	173-201A-030	AMD-P	97-12-034	173-309-020	REP	97-18-046
173-160-285	REP-P	97-19-081	173-201A-040	AMD-P	97-12-034	173-309-030	PREP-X	97-13-041
173-160-291	NEW-P	97-19-081	173-201A-050	AMD-P	97-12-034	173-309-030	REP	97-18-046
173-160-295	REP-P	97-19-081	173-201A-060	AMD-P	97-12-034	173-309-040	PREP-X	97-13-041
173-160-301	NEW-P	97-19-081	173-201A-110	AMD-P	97-12-034	173-309-040	REP	97-18-046
173-160-305	REP-P	97-19-081	173-201A-130	AMD-P	97-12-034	173-309-050	PREP-X	97-13-041
173-160-311	NEW-P	97-19-081	173-201A-140	AMD-P	97-12-034	173-309-050	REP	97-18-046
173-160-315	REP-P	97-19-081	173-201A-160	AMD-P	97-12-034	173-309-060	PREP-X	97-13-041
173-160-321	NEW-P	97-19-081	173-202-020	AMD-E	97-05-039	173-309-060	REP	97-18-046
173-160-325	REP-P	97-19-081	173-202-020	PREP	97-08-038	173-309-070	PREP-X	97-13-041

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-309-070	REP	97-18-046	174-122-010	REP-P	97-09-084	180-51-050	AMD-P	97-04-066
173-309-080	PREP-X	97-13-041	174-122-010	REP	97-13-047	180-51-050	AMD	97-08-020
173-309-080	REP	97-18-046	174-122-020	REP-P	97-09-084	180-75-003	REP	97-04-088
173-309-090	PREP-X	97-13-041	174-122-020	REP	97-13-047	180-75-005	REP	97-04-088
173-309-090	REP	97-18-046	174-122-030	REP-P	97-09-084	180-75-016	REP	97-04-088
173-311-010	PREP-X	97-13-040	174-122-030	REP	97-13-047	180-75-017	REP	97-04-088
173-311-010	REP	97-18-048	174-122-040	REP-P	97-09-084	180-75-045	REP	97-04-088
173-311-020	PREP-X	97-13-040	174-122-040	REP	97-13-047	180-75-047	REP	97-04-088
173-311-020	REP	97-18-048	174-130	PREP	97-05-044	180-75-048	REP	97-04-088
173-311-030	PREP-X	97-13-040	174-130-010	REP-P	97-09-084	180-75-050	REP	97-04-088
173-311-030	REP	97-18-048	174-130-010	REP	97-13-047	180-75-055	REP	97-04-088
173-311-040	PREP-X	97-13-040	174-130-020	REP-P	97-09-084	180-75-060	REP	97-04-088
173-311-040	REP	97-18-048	174-130-020	REP	97-13-047	180-75-061	REP	97-04-088
173-311-050	PREP-X	97-13-040	174-133	PREP	97-05-044	180-75-065	REP	97-04-088
173-311-050	REP	97-18-048	174-133-020	AMD-P	97-09-084	180-75-070	REP	97-04-088
173-315-010	PREP-X	97-13-039	174-133-020	AMD	97-13-047	180-75-081	DECOD	97-04-082
173-315-010	REP	97-18-043	174-140	PREP	97-05-044	180-75-082	REP	97-04-088
173-315-020	PREP-X	97-13-039	174-140-010	NEW-P	97-09-084	180-75-083	DECOD	97-04-082
173-315-020	REP	97-18-043	174-140-010	NEW	97-13-047	180-75-085	REP	97-04-088
173-315-030	PREP-X	97-13-039	174-140-180	REP-P	97-09-084	180-75-087	REP	97-04-088
173-315-030	REP	97-18-043	174-140-180	REP	97-13-047	180-75-088	REP	97-04-088
173-315-040	PREP-X	97-13-039	174-140-180	REP	97-09-084	180-75-089	REP	97-04-088
173-315-040	REP	97-18-043	174-140-190	REP	97-13-047	180-75-090	REP	97-04-088
173-315-050	PREP-X	97-13-039	174-140-200	REP-P	97-09-084	180-75-091	REP	97-04-088
173-315-050	REP	97-18-043	174-140-200	REP	97-13-047	180-75-092	REP	97-04-088
173-315-060	PREP-X	97-13-039	174-140-210	REP-P	97-09-084	180-75-100	REP	97-04-088
173-315-060	REP	97-18-043	174-140-210	REP	97-13-047	180-75-110	REP	97-04-088
173-315-070	PREP-X	97-13-039	174-140-220	REP-P	97-09-084	180-77	PREP	97-10-016
173-315-070	REP	97-18-043	174-140-220	REP	97-13-047	180-77-003	AMD	97-04-085
173-318-010	PREP-X	97-13-038	174-140-230	REP-P	97-09-084	180-77-031	AMD	97-04-085
173-318-010	REP	97-18-044	174-140-230	REP	97-13-047	180-77-041	AMD	97-04-085
173-318-020	PREP-X	97-13-038	174-140-240	REP-P	97-09-084	180-77-120	AMD	97-04-085
173-318-020	REP	97-18-044	174-140-240	REP	97-13-047	180-77A-003	NEW	97-04-087
173-318-030	PREP-X	97-13-038	174-276	PREP	97-05-044	180-77A-004	NEW	97-04-087
173-318-030	REP	97-18-044	174-276	AMD-P	97-09-084	180-77A-006	NEW	97-04-087
173-318-040	PREP-X	97-13-038	174-276	AMD	97-13-047	180-77A-012	NEW	97-04-087
173-318-040	REP	97-18-044	174-276-005	NEW-P	97-09-084	180-77A-014	NEW	97-04-087
173-318-050	PREP-X	97-13-038	174-276-005	NEW	97-13-047	180-77A-016	NEW	97-04-087
173-318-050	REP	97-18-044	174-276-010	AMD-P	97-09-084	180-77A-018	NEW	97-04-087
173-318-060	PREP-X	97-13-038	174-276-010	AMD	97-13-047	180-77A-020	NEW	97-04-087
173-318-060	REP	97-18-044	174-276-040	AMD-P	97-09-084	180-77A-025	NEW	97-04-087
173-318-070	PREP-X	97-13-038	174-276-040	AMD	97-13-047	180-77A-026	NEW	97-04-087
173-318-070	REP	97-18-044	174-276-050	AMD-P	97-09-084	180-77A-028	NEW	97-04-087
173-318-080	PREP-X	97-13-038	174-276-050	AMD	97-13-047	180-77A-029	NEW	97-04-087
173-318-080	REP	97-18-044	174-276-060	AMD-P	97-09-084	180-77A-030	NEW	97-04-087
173-319-010	PREP-X	97-13-037	174-276-060	AMD	97-13-047	180-77A-033	NEW	97-04-087
173-319-010	REP	97-18-045	174-276-080	AMD-P	97-09-084	180-77A-037	NEW	97-04-087
173-319-020	PREP-X	97-13-037	174-276-080	AMD	97-13-047	180-77A-040	NEW	97-04-087
173-319-020	REP	97-18-045	174-276-090	AMD-P	97-09-084	180-77A-057	NEW	97-04-087
173-319-030	PREP-X	97-13-037	174-276-090	AMD	97-13-047	180-77A-165	NEW	97-04-087
173-319-030	REP	97-18-045	174-276-095	NEW-P	97-09-084	180-77A-170	NEW	97-04-087
173-319-040	PREP-X	97-13-037	174-276-095	NEW	97-13-047	180-77A-175	NEW	97-04-087
173-319-040	REP	97-18-045	180-16	PREP	97-10-014	180-77A-180	NEW	97-04-087
173-319-050	PREP-X	97-13-037	180-16-221	AMD	97-04-083	180-77A-195	NEW	97-04-087
173-319-050	REP	97-18-045	180-16-222	AMD	97-04-083	180-78-205	AMD	97-04-081
173-319-060	PREP-X	97-13-037	180-16-223	REP	97-04-083	180-78-207	RECOD	97-04-081
173-319-060	REP	97-18-045	180-16-224	REP	97-04-083	180-78-215	AMD	97-04-081
173-400-030	AMD-P	97-15-071	180-16-236	PREP	97-10-008	180-78-217	RECOD	97-04-081
173-400-110	AMD-P	97-15-071	180-24	PREP	97-09-032	180-78-235	AMD	97-04-081
173-401-735	AMD-P	97-04-061	180-24-410	AMD-P	97-13-096	180-78-237	RECOD	97-04-081
173-401-735	AMD	97-08-084	180-24-410	AMD-W	97-14-023	180-78-285	AMD	97-04-081
173-401-830	PREP-X	97-14-075	180-24-410	AMD-P	97-16-071	180-78A	PREP	97-10-007
173-430-040	AMD	97-03-021	180-24-415	AMD-P	97-13-096	180-78A	PREP	97-10-013
173-490	PREP	97-09-018	180-24-415	AMD-W	97-14-023	180-78A-003	NEW	97-04-084
173-491	PREP	97-09-018	180-24-415	AMD-P	97-16-071	180-78A-004	NEW	97-04-084
173-491-020	AMD	97-04-012	180-27-056	PREP	97-09-115	180-78A-005	NEW	97-04-084
173-491-040	AMD	97-04-012	180-33-025	PREP	97-09-116	180-78A-006	NEW	97-04-084
173-491-050	AMD	97-04-012	180-34	PREP	97-17-066	180-78A-007	NEW	97-04-084
173-500	PREP	97-13-074	180-36	PREP	97-17-065	180-78A-010	NEW	97-04-084
173-531A	PREP	97-12-092	180-40-260	AMD-P	97-04-067	180-78A-010	PREP	97-10-006
173-563-090	PREP	97-12-092	180-40-260	AMD	97-08-019	180-78A-012	NEW	97-04-084
174-116	PREP	97-05-044	180-40-310	AMD-P	97-04-067	180-78A-015	NEW	97-04-084
174-122	PREP	97-05-044	180-40-310	AMD	97-08-019	180-78A-025	NEW	97-04-084



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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-79A-403	NEW	97-04-088	180-115-010	REP	97-16-024	182-18-040	REP-P	97-17-108
180-79A-405	NEW	97-04-088	180-115-015	REP-P	97-13-016	182-18-050	REP-P	97-17-108
180-79A-415	NEW	97-04-088	180-115-015	REP	97-16-024	182-18-060	REP-P	97-17-108
180-79A-417	NEW	97-04-088	180-115-020	REP-P	97-13-016	182-18-080	REP-P	97-17-108
180-79A-420	NEW	97-04-088	180-115-020	REP	97-16-024	182-18-090	REP-P	97-17-108
180-79A-422	NEW	97-04-088	180-115-025	REP-P	97-13-016	182-18-100	REP-P	97-17-108
180-79A-423	NEW	97-04-088	180-115-025	REP	97-16-024	182-18-110	REP-P	97-17-108
180-79A-424	NEW	97-04-088	180-115-030	REP-P	97-13-016	182-18-120	REP-P	97-17-108
180-79A-430	NEW	97-04-088	180-115-030	REP	97-16-024	182-18-130	REP-P	97-17-108
180-79A-433	NEW	97-04-088	180-115-035	REP-P	97-13-016	182-18-140	REP-P	97-17-108
180-79A-435	NEW	97-04-088	180-115-035	REP	97-16-024	182-18-150	REP-P	97-17-108
180-79A-440	NEW	97-04-088	180-115-040	REP-P	97-13-016	182-18-160	REP-P	97-17-108
180-79A-445	NEW	97-04-088	180-115-040	REP	97-16-024	182-25-010	AMD-P	97-08-067
180-79A-503	NEW	97-04-088	180-115-045	REP-P	97-13-016	182-25-010	AMD	97-15-003
180-79A-510	NEW	97-04-088	180-115-045	REP	97-16-024	182-25-010	PREP	97-18-033
180-79A-515	NEW	97-04-088	180-115-050	REP-P	97-13-016	182-25-020	AMD-P	97-08-067
180-79A-517	NEW	97-04-088	180-115-050	REP	97-16-024	182-25-020	AMD	97-15-003
180-79A-520	NEW	97-04-088	180-115-055	REP-P	97-13-016	182-25-020	PREP	97-18-033
180-85	PREP	97-10-011	180-115-055	REP	97-16-024	182-25-030	AMD-E	97-06-069
180-85-025	AMD	97-04-086	180-115-060	REP-P	97-13-016	182-25-030	AMD-P	97-08-067
180-85-030	AMD	97-04-086	180-115-060	REP	97-16-024	182-25-030	AMD-E	97-14-029
180-85-110	REP	97-04-086	180-115-065	REP-P	97-13-016	182-25-030	AMD	97-15-003
180-85-115	REP	97-04-086	180-115-065	REP	97-16-024	182-25-030	PREP	97-18-033
180-85-120	REP	97-04-086	180-115-075	REP-P	97-13-016	182-25-040	AMD-E	97-06-069
180-85-135	REP	97-04-086	180-115-075	REP	97-16-024	182-25-040	AMD-P	97-08-067
180-85-200	AMD	97-04-086	180-115-080	REP-P	97-13-016	182-25-040	AMD-E	97-14-029
180-85-210	AMD	97-04-086	180-115-080	REP	97-16-024	182-25-040	AMD	97-15-003
180-85-211	NEW	97-04-086	180-115-081	REP-P	97-13-016	182-25-040	PREP	97-18-033
180-85-215	AMD	97-04-086	180-115-081	REP	97-16-024	182-25-070	PREP	97-18-033
180-86-011	NEW	97-04-082	180-115-085	REP-P	97-13-016	182-25-080	PREP	97-18-033
180-86-013	RECOD	97-04-082	180-115-085	REP	97-16-024	182-25-090	AMD-E	97-06-069
180-86-014	RECOD	97-04-082	180-115-090	REP-P	97-13-016	182-25-090	AMD-P	97-08-067
180-86-080	NEW	97-05-008	180-115-090	REP	97-16-024	182-25-090	AMD-E	97-14-029
180-86-080	NEW-W	97-05-043	180-115-095	REP-P	97-13-016	182-25-090	AMD	97-15-003
180-86-086	NEW-W	97-05-043	180-115-095	REP	97-16-024	182-25-090	PREP	97-18-033
180-86-116	NEW	97-05-008	180-115-100	REP-P	97-13-016	182-25-100	PREP	97-18-033
180-86-116	NEW-W	97-05-043	180-115-100	REP	97-16-024	182-25-105	PREP	97-18-033
180-87-070	PREP	97-10-025	180-115-105	REP-P	97-13-016	182-25-105	PREP	97-18-033
180-87-070	AMD-P	97-16-092	180-115-105	REP	97-16-024	192-12-042	PREP	97-16-011
180-97	PREP	97-10-010	182-04-010	AMD-P	97-17-107	192-12-072	PREP	97-16-012
180-110	PREP	97-05-027	182-04-015	AMD-P	97-17-107	192-12-141	AMD-XA	97-19-087
180-110-010	REP-P	97-13-017	182-04-025	AMD-P	97-17-107	192-23-018	AMD-XA	97-19-087
180-110-010	REP	97-16-023	182-04-030	REP-P	97-17-107	192-32	AMD-E	97-15-022
180-110-015	REP-P	97-13-017	182-04-035	AMD-P	97-17-107	192-32	PREP	97-16-010
180-110-015	REP	97-16-023	182-04-040	AMD-P	97-17-107	192-32-001	AMD-E	97-15-022
180-110-017	REP-P	97-13-017	182-04-041	NEW-P	97-17-107	192-32-010	AMD-E	97-15-022
180-110-017	REP	97-16-023	182-04-045	AMD-P	97-17-107	192-32-015	REP-E	97-15-022
180-110-020	REP-P	97-13-017	182-04-050	AMD-P	97-17-107	192-32-025	REP-E	97-15-022
180-110-020	REP	97-16-023	182-04-055	AMD-P	97-17-107	192-32-035	AMD-E	97-15-022
180-110-030	REP-P	97-13-017	182-04-060	AMD-P	97-17-107	192-32-045	AMD-E	97-15-022
180-110-030	REP	97-16-023	182-04-065	REP-P	97-17-107	192-32-065	AMD-E	97-15-022
180-110-035	REP-P	97-13-017	182-04-070	AMD-P	97-17-107	192-32-095	AMD-E	97-15-022
180-110-035	REP	97-16-023	182-08-095	AMD-P	97-17-106	192-32-100	NEW-E	97-15-022
180-110-040	REP-P	97-13-017	182-08-160	AMD-E	97-06-071	192-32-105	AMD-E	97-15-022
180-110-040	REP	97-16-023	182-08-160	AMD-E	97-14-031	192-32-120	REP-E	97-15-022
180-110-045	REP-P	97-13-017	182-08-160	AMD-P	97-17-106	192-32-125	REP-E	97-15-022
180-110-045	REP	97-16-023	182-08-175	AMD-E	97-06-071	192-32-130	NEW-E	97-15-022
180-110-050	REP-P	97-13-017	182-08-175	AMD-E	97-14-031	192-32-135	NEW-E	97-15-022
180-110-050	REP	97-16-023	182-08-175	AMD-P	97-17-106	192-33	PREP	97-16-010
180-110-052	REP-P	97-13-017	182-12-111	AMD-P	97-17-110	192-33-005	NEW-E	97-14-022
180-110-052	REP	97-16-023	182-12-117	AMD-E	97-06-070	192-33-006	NEW-E	97-14-022
180-110-053	REP-P	97-13-017	182-12-117	AMD-E	97-14-030	196-08	PREP	97-19-038
180-110-053	REP	97-16-023	182-12-117	AMD-P	97-17-110	196-12-010	PREP	97-03-029
180-110-055	REP-P	97-13-017	182-12-119	AMD-P	97-17-110	196-12-020	PREP	97-03-029
180-110-055	REP	97-16-023	182-12-132	AMD-P	97-17-110	196-12-030	PREP	97-03-029
180-110-060	REP-P	97-13-017	182-12-200	AMD-P	97-17-110	196-12-050	PREP	97-03-029
180-110-060	REP	97-16-023	182-16-030	AMD-P	97-17-109	196-12-060	PREP	97-03-029
180-110-065	REP-P	97-13-017	182-16-040	AMD-P	97-17-109	196-24-030	PREP	97-03-029
180-110-065	REP	97-16-023	182-16-050	AMD-P	97-17-109	196-24-040	PREP	97-03-029
180-115	PREP	97-05-026	182-18-005	REP-P	97-17-108	196-24-050	PREP	97-03-029
180-115-005	REP-P	97-13-016	182-18-010	REP-P	97-17-108	196-24-085	PREP	97-03-029
180-115-005	REP	97-16-024	182-18-020	REP-P	97-17-108	196-24-100	PREP	97-03-029
180-115-010	REP-P	97-13-016	182-18-030	REP-P	97-17-108	196-24-105	PREP	97-03-029
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197-11-055	AMD-P	97-08-085	204-64-100	REP	97-17-060	212-17-21503	NEW-E	97-11-023
197-11-060	AMD-P	97-08-085	204-72-030	PREP	97-19-017	212-17-21503	RESCIND	97-11-041
197-11-070	AMD-P	97-08-085	204-72-040	PREP	97-06-100	212-17-21503	NEW-E	97-11-041
197-11-158	NEW-P	97-08-085	204-72-040	AMD-P	97-09-069	212-17-21503	RESCIND	97-14-019
197-11-164	NEW-P	97-08-085	204-72-040	AMD	97-12-061	212-17-21503	NEW-E	97-14-019
197-11-168	NEW-P	97-08-085	204-72-040	PREP	97-19-017	212-17-21503	NEW-P	97-16-120
197-11-172	NEW-P	97-08-085	204-90	PREP	97-17-059	212-17-21505	NEW-E	97-11-023
197-11-210	AMD-P	97-08-085	204-90-040	AMD	97-04-055	212-17-21505	RESCIND	97-11-041
197-11-238	NEW-P	97-08-085	204-91A-060	AMD-S	97-04-053	212-17-21505	NEW-E	97-11-041
197-11-259	AMD-P	97-08-085	204-91A-060	AMD-E	97-04-056	212-17-21505	RESCIND	97-14-019
197-11-300	AMD-P	97-08-085	204-91A-060	AMD	97-08-021	212-17-21505	NEW-E	97-14-019
197-11-310	AMD-P	97-08-085	204-91A-140	AMD-S	97-04-053	212-17-21505	NEW-P	97-16-120
197-11-315	AMD-P	97-08-085	204-91A-140	AMD-E	97-04-056	212-17-21507	NEW-E	97-11-023
197-11-330	AMD-P	97-08-085	204-91A-140	AMD	97-08-021	212-17-21507	RESCIND	97-11-041
197-11-340	AMD-P	97-08-085	204-95-030	NEW	97-03-127	212-17-21507	NEW-E	97-11-041
197-11-355	NEW-P	97-08-085	204-95-080	NEW	97-03-127	212-17-21507	RESCIND	97-14-019
197-11-390	AMD-P	97-08-085	208-440-030	AMD-W	97-03-074	212-17-21507	NEW-E	97-14-019
197-11-408	AMD-P	97-08-085	208-444-020	NEW-XA	97-19-006	212-17-21507	NEW-P	97-16-120
197-11-502	AMD-P	97-08-085	208-444-030	NEW-XA	97-19-006	212-17-21509	NEW-E	97-11-023
197-11-508	AMD-P	97-08-085	208-444-040	NEW-XA	97-19-006	212-17-21509	RESCIND	97-11-041
197-11-535	AMD-P	97-08-085	208-444-050	NEW-XA	97-19-006	212-17-21509	NEW-E	97-11-041
197-11-600	AMD-P	97-08-085	208-630-020	AMD-P	97-06-092	212-17-21509	RESCIND	97-14-019
197-11-660	AMD-P	97-08-085	208-630-020	AMD	97-09-035	212-17-21509	NEW-E	97-14-019
197-11-680	AMD-P	97-08-085	208-630-021	NEW-P	97-06-092	212-17-21509	NEW-P	97-16-120
197-11-702	AMD-P	97-08-085	208-630-021	NEW	97-09-035	212-17-21511	NEW-E	97-11-023
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197-11-728	AMD-P	97-08-085	208-630-022	NEW	97-09-035	212-17-21511	NEW-E	97-11-041
197-11-775	NEW-P	97-08-085	208-630-023	NEW-P	97-06-092	212-17-21511	RESCIND	97-14-019
197-11-790	AMD-P	97-08-085	208-630-023	NEW	97-09-035	212-17-21511	NEW-E	97-14-019
197-11-800	AMD-P	97-08-085	208-680D-050	AMD-W	97-04-071	212-17-21511	NEW-P	97-16-120
197-11-912	AMD-P	97-08-085	212-17	PREP	97-05-028	212-17-21513	NEW-E	97-11-023
197-11-914	AMD-P	97-08-085	212-17	PREP	97-13-073	212-17-21513	RESCIND	97-14-019
197-11-938	AMD-P	97-08-085	212-17-185	AMD-E	97-11-023	212-17-21513	NEW-E	97-14-019
197-11-940	AMD-P	97-08-085	212-17-185	RESCIND	97-11-041	212-17-21513	NEW-P	97-16-120
197-11-948	AMD-P	97-08-085	212-17-185	AMD-E	97-11-041	212-17-21515	NEW-E	97-11-023
197-11-970	AMD-P	97-08-085	212-17-185	RESCIND	97-14-019	212-17-21515	RESCIND	97-11-041
204-10-020	PREP	97-19-050	212-17-185	AMD-E	97-14-019	212-17-21515	NEW-E	97-11-041
204-10-035	NEW	97-03-087	212-17-185	AMD-P	97-16-120	212-17-21515	RESCIND	97-14-019
204-10-045	PREP	97-03-042	212-17-190	REP-E	97-11-023	212-17-21515	NEW-E	97-14-019
204-10-045	NEW-P	97-07-036	212-17-190	RESCIND	97-11-041	212-17-21515	NEW-P	97-16-120
204-10-045	NEW	97-10-024	212-17-190	REP-E	97-11-041	212-17-21517	NEW-E	97-11-041
204-10-070	PREP	97-19-050	212-17-190	RESCIND	97-14-019	212-17-21517	RESCIND	97-14-019
204-10-090	PREP	97-19-050	212-17-190	REP-E	97-14-019	212-17-21517	NEW-E	97-14-019
204-10-100	PREP	97-19-050	212-17-195	REP-E	97-11-023	212-17-21517	NEW-P	97-16-120
204-10-110	PREP	97-19-050	212-17-195	RESCIND	97-11-041	212-17-21519	NEW-E	97-11-023
204-10-130	PREP	97-19-050	212-17-195	REP-E	97-11-041	212-17-21519	RESCIND	97-11-041
204-10-140	PREP	97-19-050	212-17-195	RESCIND	97-14-019	212-17-21519	NEW-E	97-11-041
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204-41-060	PREP	97-03-043	212-17-200	REP-E	97-11-023	212-17-21519	NEW-E	97-14-019
204-41-060	NEW-P	97-07-037	212-17-200	RESCIND	97-11-041	212-17-21519	NEW-P	97-16-120
204-41-060	NEW	97-10-023	212-17-200	REP-E	97-11-041	212-17-21521	NEW-E	97-11-023
204-48-010	PREP-X	97-14-041	212-17-200	RESCIND	97-14-019	212-17-21521	RESCIND	97-11-041
204-48-010	REP	97-17-061	212-17-200	REP-E	97-14-019	220-12-01000B	NEW-E	97-15-108
204-48-020	PREP-X	97-14-041	212-17-203	REP-E	97-11-023	220-16-470	NEW-P	97-15-147
204-48-020	REP	97-17-061	212-17-203	RESCIND	97-11-041	220-16-470	NEW	97-18-035
204-48-030	PREP-X	97-14-041	212-17-203	REP-E	97-11-041	220-16-47000A	NEW-E	97-14-052
204-48-030	REP	97-17-061	212-17-203	RESCIND	97-14-019	220-16-47000A	REP-E	97-14-052
204-48-040	PREP-X	97-14-041	212-17-203	REP-E	97-14-019	220-20-020	AMD-P	97-04-080
204-48-040	REP	97-17-061	212-17-205	REP-E	97-11-023	220-20-020	AMD	97-07-043
204-60	AMD	97-04-054	212-17-205	RESCIND	97-11-041	220-20-021	AMD-P	97-04-080
204-60-010	AMD	97-04-054	212-17-205	REP-E	97-11-041	220-20-021	AMD	97-07-043
204-60-030	AMD	97-04-054	212-17-205	RESCIND	97-14-019	220-20-038	AMD	97-08-078
204-64-010	PREP-X	97-14-040	212-17-205	REP-E	97-14-019	220-24-02000D	NEW-E	97-10-029
204-64-010	REP	97-17-060	212-17-210	REP-E	97-11-023	220-24-02000D	REP-E	97-10-029
204-64-020	PREP-X	97-14-040	212-17-210	RESCIND	97-11-041	220-32-05100A	NEW-E	97-18-060
204-64-020	REP	97-17-060	212-17-210	REP-E	97-11-041	220-32-05100A	REP-E	97-18-060
204-64-040	PREP-X	97-14-040	212-17-210	RESCIND	97-14-019	220-32-05100B	NEW-E	97-19-028
204-64-040	REP	97-17-060	212-17-210	REP-E	97-14-019	220-32-05100B	REP-E	97-19-028
204-64-060	PREP-X	97-14-040	212-17-215	REP-E	97-11-023	220-32-05100C	NEW-E	97-19-085
204-64-060	REP	97-17-060	212-17-215	RESCIND	97-11-041	220-32-05100C	REP-E	97-19-085
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220-32-05100Z	NEW-E	97-17-073	220-44-05000H	NEW-E	97-18-005	220-52-07100A	NEW-E	97-14-028
220-32-05100Z	REP-E	97-17-073	220-47-301	AMD-P	97-09-104	220-52-07100A	REP-E	97-15-023
220-32-05500B	NEW-E	97-08-007	220-47-301	AMD	97-16-030	220-52-07100B	NEW-E	97-15-023
220-32-05500B	REP-E	97-08-007	220-47-302	AMD-P	97-09-104	220-52-07100B	REP-E	97-15-117
220-32-05500B	REP-E	97-12-036	220-47-302	AMD	97-16-030	220-52-07100C	NEW-E	97-15-117
220-32-05500C	NEW-E	97-12-036	220-47-304	AMD-P	97-09-104	220-52-07100C	REP-E	97-16-016
220-32-05500C	REP-E	97-12-036	220-47-304	AMD	97-16-030	220-52-07100D	NEW-E	97-16-016
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220-32-05500D	REP-E	97-13-007	220-47-311	AMD	97-16-030	220-52-07300M	NEW-E	97-03-045
220-32-05500E	NEW-E	97-13-007	220-47-319	AMD-P	97-09-104	220-52-07300M	REP-E	97-03-101
220-32-05500E	REP-E	97-13-007	220-47-319	AMD	97-16-030	220-52-07300N	NEW-E	97-03-101
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220-32-05500F	NEW-E	97-13-029	220-47-325	NEW	97-16-030	220-52-07300P	NEW-E	97-04-011
220-32-05500F	REP-E	97-13-049	220-47-326	NEW-P	97-09-096	220-52-07300P	REP-E	97-04-049
220-32-05500G	NEW-E	97-13-049	220-47-326	NEW	97-16-032	220-52-07300Q	NEW-E	97-04-049
220-32-05500G	REP-E	97-14-035	220-47-401	AMD-P	97-09-104	220-52-07300Q	REP-E	97-05-025
220-32-05500H	NEW-E	97-14-035	220-47-401	AMD	97-16-030	220-52-07300R	NEW-E	97-05-025
220-32-05500H	REP-E	97-15-007	220-47-410	NEW-P	97-09-104	220-52-075	AMD	97-08-052
220-32-05500I	NEW-E	97-15-007	220-47-410	NEW	97-16-030	220-56	AMD-C	97-05-075
220-32-05500I	REP-E	97-15-118	220-47-411	AMD-P	97-09-104	220-56-100	AMD	97-07-078
220-32-05500J	NEW-E	97-15-118	220-47-411	AMD	97-16-030	220-56-103	AMD	97-07-078
220-32-05500J	REP-E	97-17-072	220-47-427	AMD-P	97-09-104	220-56-105	AMD	97-07-078
220-32-05500K	NEW-E	97-17-072	220-47-427	AMD	97-16-030	220-56-115	AMD-W	97-10-075
220-32-05700U	REP-E	97-03-002	220-47-428	AMD-P	97-09-104	220-56-11800A	NEW-E	97-15-108
220-32-05700U	NEW-E	97-03-002	220-47-428	AMD	97-16-030	220-56-124	AMD-P	97-15-147
220-32-05700V	REP-E	97-09-009	220-47-800	NEW-E	97-15-006	220-56-124	AMD	97-18-035
220-32-05700V	NEW-E	97-09-009	220-47-801	NEW-E	97-15-006	220-56-128	AMD	97-07-078
220-32-05700V	REP-E	97-13-048	220-47-801	REP-E	97-15-026	220-56-12800A	NEW-E	97-10-043
220-32-05700W	NEW-E	97-13-048	220-47-802	NEW-E	97-15-095	220-56-180	AMD	97-07-078
220-32-05700W	REP-E	97-13-048	220-47-802	REP-E	97-16-003	220-56-18000A	NEW-E	97-15-080
220-32-05700W	REP-E	97-14-020	220-47-803	NEW-E	97-16-003	220-56-190	AMD-P	97-15-147
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220-33-01000M	REP-E	97-04-013	220-47-804	NEW-E	97-16-031	220-56-19000I	NEW-E	97-14-052
220-33-01000N	NEW-E	97-05-042	220-47-804	REP-E	97-16-068	220-56-19000I	REP-E	97-14-052
220-33-01000P	NEW-E	97-16-075	220-47-805	NEW-E	97-16-068	220-56-19000I	REP-E	97-15-119
220-33-01000P	REP-E	97-16-075	220-47-805	REP-E	97-17-003	220-56-19000J	NEW-E	97-15-119
220-33-01000Q	NEW-E	97-17-074	220-47-806	NEW-E	97-17-003	220-56-19000J	REP-E	97-16-002
220-33-01000Q	REP-E	97-17-074	220-47-806	REP-E	97-17-019	220-56-19000K	NEW-E	97-16-002
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220-33-01000R	NEW-E	97-18-013	220-47-807	REP-E	97-17-032	220-56-19000L	NEW-E	97-16-067
220-33-020	AMD-P	97-04-080	220-47-808	NEW-E	97-17-032	220-56-19000L	REP-E	97-17-012
220-33-020	AMD	97-07-043	220-47-808	REP-E	97-17-057	220-56-19000M	NEW-E	97-17-012
220-33-03000K	NEW-E	97-11-045	220-47-809	NEW-E	97-17-057	220-56-19000M	REP-E	97-17-031
220-33-03000K	REP-E	97-11-045	220-47-809	REP-E	97-18-012	220-56-19000N	NEW-E	97-17-031
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220-33-04000C	REP-E	97-05-041	220-47-810	REP-E	97-18-018	220-56-19000P	NEW-E	97-18-055
220-33-04000D	NEW-E	97-05-041	220-47-811	NEW-E	97-18-018	220-56-191	AMD-P	97-15-147
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220-36-021	AMD	97-15-148	220-47-812	NEW-E	97-18-059	220-56-19100V	NEW-E	97-09-068
220-36-02100M	NEW-E	97-16-058	220-47-812	REP-E	97-19-003	220-56-19100V	REP-E	97-14-052
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220-36-023	AMD	97-15-148	220-47-813	REP-E	97-19-016	220-56-19100W	REP-E	97-14-052
220-36-02300U	NEW-E	97-19-039	220-47-814	NEW-E	97-19-016	220-56-19100W	REP-E	97-17-025
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220-40-021	AMD-P	97-09-097	220-47-816	NEW-E	97-19-052	220-56-195	AMD-P	97-15-147
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220-40-02100V	NEW-E	97-16-058	220-48-01500C	NEW-E	97-17-018	220-56-19500B	NEW-E	97-09-068
220-40-027	AMD-P	97-09-097	220-48-06100A	NEW-E	97-15-108	220-56-19500B	REP-E	97-14-052
220-40-027	AMD	97-15-148	220-49-02000J	NEW-E	97-14-086	220-56-19500C	NEW-E	97-14-052
220-40-02700P	NEW-E	97-16-058	220-49-02000J	REP-E	97-14-086	220-56-19500C	REP-E	97-14-052
220-40-02700P	REP-E	97-18-067	220-52-03000K	NEW-E	97-07-050	220-56-205	AMD	97-07-078
220-40-02700Q	NEW-E	97-18-067	220-52-03000K	REP-E	97-07-050	220-56-205	AMD-P	97-15-147
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220-44-05000F	NEW-E	97-10-021	220-52-046	AMD	97-08-052	220-56-20500B	REP-E	97-14-052
220-44-05000F	REP-E	97-14-054	220-52-04600T	NEW-E	97-05-029	220-56-225	AMD-C	97-07-052
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220-56-240	AMD-W	97-14-079	220-57-14000S	REP-E	97-14-052	220-57-30000A	NEW-E	97-14-052
220-56-24000A	NEW-E	97-15-108	220-57-155	AMD-P	97-15-147	220-57-30000A	REP-E	97-14-052
220-56-24000A	REP-E	97-18-055	220-57-155	AMD	97-18-035	220-57-310	AMD-P	97-15-147
220-56-24000B	NEW-E	97-18-055	220-57-15500B	NEW-E	97-09-068	220-57-310	AMD	97-18-035
220-56-24000F	REP-E	97-03-001	220-57-15500B	REP-E	97-14-052	220-57-31000U	NEW-E	97-06-036
220-56-24000G	NEW-E	97-03-001	220-57-15500D	NEW-E	97-14-052	220-57-31000V	NEW-E	97-14-052
220-56-255	AMD	97-07-078	220-57-15500D	REP-E	97-14-052	220-57-31000V	REP-E	97-14-052
220-56-25500E	NEW-E	97-11-031	220-57-160	AMD	97-07-078	220-57-31500C	NEW-E	97-08-048
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220-56-25500F	REP-E	97-16-057	220-57-16000H	NEW-E	97-06-036	220-57-31900	AMD-P	97-15-147
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220-56-28500I	NEW-E	97-06-036	220-57-16000J	REP-E	97-14-052	220-57-31900M	REP-E	97-12-035
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220-56-32500M	REP-E	97-12-037	220-57-20000L	NEW-E	97-14-052	220-57-415	AMD-P	97-15-147
220-56-32500N	NEW-E	97-11-011	220-57-20000L	REP-E	97-14-052	220-57-415	AMD	97-18-035
220-56-32500P	NEW-E	97-12-037	220-57-230	AMD-P	97-15-147	220-57-41500A	NEW-E	97-14-052
220-56-32500P	REP-E	97-12-037	220-57-230	AMD	97-18-035	220-57-41500A	REP-E	97-14-052
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230-30-065	REP-P	97-09-075	232-16-74000C	REP-E	97-17-029	232-28-421	NEW-P	97-14-097
230-30-065	REP	97-14-015	232-16-780	NEW-P	97-14-094	232-28-421	NEW	97-18-022
230-30-070	AMD-P	97-09-077	232-16-780	NEW	97-18-025	232-28-42100A	NEW-E	97-19-005
230-30-070	AMD	97-14-012	232-16-790	NEW-P	97-14-094	232-28-514	REP-P	97-14-096
230-30-072	AMD-P	97-09-077	232-16-790	NEW	97-18-025	232-28-514	REP	97-18-027
230-30-072	AMD	97-14-012	232-16-800	NEW-P	97-14-094	232-28-515	NEW-P	97-14-099
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232-28-61900B	NEW-E	97-03-039	246-08-400	AMD	97-12-087	246-136-030	NEW-P	97-17-112
232-28-61900C	NEW-E	97-03-099	246-10-102	AMD-P	97-08-092	246-136-040	NEW-E	97-16-025
232-28-61900C	REP-E	97-03-099	246-10-102	AMD	97-12-089	246-136-040	NEW-P	97-17-112
232-28-61900D	NEW-E	97-03-100	246-10-108	AMD-P	97-08-092	246-171-010	PREP-X	97-14-056
232-28-61900D	REP-E	97-03-100	246-10-108	AMD	97-12-089	246-171-020	PREP-X	97-14-056
232-28-61900E	NEW-E	97-04-001	246-10-109	AMD-P	97-08-092	246-171-030	PREP-X	97-14-056
232-28-61900F	NEW-E	97-06-034	246-10-109	AMD	97-12-089	246-171-040	PREP-X	97-14-056
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232-28-61900G	REP-E	97-12-035	246-10-121	AMD	97-12-089	246-171-060	PREP-X	97-14-056
232-28-61900G	NEW-E	97-07-056	246-10-122	AMD-P	97-08-092	246-171-070	PREP-X	97-14-056
232-28-61900G	REP-E	97-07-056	246-10-122	AMD	97-12-089	246-171-080	PREP-X	97-14-056
232-28-61900H	NEW-E	97-08-047	246-10-203	AMD-P	97-08-092	246-171-090	PREP-X	97-14-056
232-28-61900H	REP-E	97-08-047	246-10-203	AMD	97-12-089	246-171-100	PREP-X	97-14-056
232-28-61900I	NEW-E	97-09-068	246-10-205	AMD-P	97-08-092	246-171-110	PREP-X	97-14-056
232-28-61900I	REP-E	97-14-052	246-10-205	AMD	97-12-089	246-171-120	PREP-X	97-14-056
232-28-61900J	NEW-E	97-10-043	246-10-401	AMD-P	97-08-092	246-171-130	PREP-X	97-14-056
232-28-61900K	NEW-E	97-12-035	246-10-401	AMD	97-12-089	246-171-140	PREP-X	97-14-056
232-28-61900K	REP-E	97-14-052	246-10-403	AMD-P	97-08-092	246-203-080	PREP-X	97-14-057
232-28-61900L	NEW-E	97-14-052	246-10-403	AMD	97-12-089	246-203-090	PREP-X	97-14-057
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232-28-61900M	NEW-E	97-16-103	246-10-605	AMD	97-12-089	246-203-110	PREP-X	97-14-057
232-28-61900M	REP-E	97-16-103	246-10-608	AMD-P	97-08-092	246-203-140	PREP-X	97-14-057
232-28-61900N	NEW-P	97-16-104	246-10-608	AMD	97-12-089	246-203-150	PREP-X	97-14-057
232-28-61900N	REP-P	97-16-104	246-10-701	AMD-P	97-08-092	246-203-160	PREP-X	97-14-057
232-28-61900P	NEW-E	97-18-002	246-10-701	AMD	97-12-089	246-203-170	PREP-X	97-14-057
232-28-61900Q	NEW-E	97-18-054	246-10-704	AMD-P	97-08-092	246-203-180	PREP-X	97-14-057
232-28-61900Q	REP-E	97-18-054	246-10-704	AMD	97-12-089	246-220-130	PREP-X	97-14-056
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242-02-040	AMD	97-04-008	246-11-010	AMD	97-13-015	246-227-010	PREP-X	97-14-056
242-02-060	AMD	97-04-008	246-11-070	AMD-P	97-08-092	246-227-170	PREP-X	97-14-056
242-02-070	AMD	97-04-008	246-11-070	AMD	97-13-015	246-229-010	PREP-X	97-14-056
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242-02-130	AMD	97-04-008	246-11-200	AMD-P	97-08-092	246-232-060	AMD	97-08-095
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242-02-250	AMD	97-04-008	246-11-270	AMD-P	97-08-092	246-252-030	AMD	97-13-055
242-02-260	AMD	97-04-008	246-11-270	AMD	97-13-015	246-271-070	PREP-X	97-14-057
242-02-270	AMD	97-04-008	246-11-290	AMD-P	97-08-092	246-271-080	PREP-X	97-14-057
242-02-310	AMD	97-04-008	246-11-290	AMD	97-13-015	246-271-110	PREP-X	97-14-057
242-02-510	AMD	97-04-008	246-11-380	AMD-P	97-08-092	246-280-040	PREP-X	97-14-057
242-02-520	AMD	97-04-008	246-11-380	AMD	97-13-015	246-280-050	PREP-X	97-14-057
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242-02-522	AMD	97-04-008	246-11-540	AMD	97-13-015	246-290	PREP	97-18-006
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242-02-550	AMD	97-04-008	246-11-580	AMD-P	97-08-092	246-290-990	AMD-P	97-07-073
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242-02-570	AMD	97-04-008	246-11-610	AMD	97-13-015	246-293-310	PREP-X	97-14-056
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242-02-650	AMD	97-04-008	246-100-011	AMD	97-15-099	246-310-041	PREP-X	97-14-056
242-02-660	AMD	97-04-008	246-100-036	AMD-P	97-06-110	246-310-042	PREP-X	97-14-056
242-02-670	AMD	97-04-008	246-100-036	AMD	97-15-099	246-310-060	PREP-X	97-14-056
242-02-710	AMD	97-04-008	246-100-072	AMD-P	97-06-110	246-310-135	PREP-X	97-14-056
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242-02-830	AMD	97-04-008	246-100-206	AMD-P	97-06-110	246-312-010	NEW-E	97-15-127
242-02-832	NEW	97-04-008	246-100-206	AMD	97-15-099	246-312-010	NEW-P	97-18-090
242-02-834	NEW	97-04-008	246-100-207	AMD	97-04-041	246-312-020	NEW-E	97-15-127
242-02-840	REP	97-04-008	246-100-209	AMD-P	97-06-110	246-312-020	NEW-P	97-18-090
242-02-850	REP	97-04-008	246-100-209	AMD	97-15-099	246-316-001	PREP-X	97-14-056
242-02-860	REP	97-04-008	246-136-001	NEW-E	97-16-025	246-316-990	PREP	97-13-097
242-02-870	REP	97-04-008	246-136-001	NEW-P	97-17-112	246-316-990	AMD-P	97-17-111
242-02-880	AMD	97-04-008	246-136-010	NEW-E	97-16-025	246-318-018	PREP-X	97-14-056
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246-318-360	PREP-X	97-14-056	246-560-080	PREP-X	97-14-056	246-810-066	AMD-P	97-13-099
246-318-410	PREP-X	97-14-056	246-560-090	PREP-X	97-14-056	246-810-066	AMD	97-17-113
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246-321-014	REP	97-03-080	246-762-070	PREP-X	97-14-057	246-810-120	NEW-P	97-13-099
246-321-015	REP	97-03-080	246-790-010	AMD-P	97-13-098	246-810-120	NEW	97-17-113
246-321-017	REP	97-03-080	246-790-010	AMD	97-16-117	246-810-130	NEW-P	97-13-099
246-321-018	REP	97-03-080	246-790-050	AMD-P	97-13-098	246-810-130	NEW	97-17-113
246-321-020	REP	97-03-080	246-790-050	AMD	97-16-117	246-810-140	NEW-P	97-13-099
246-321-025	REP	97-03-080	246-790-060	AMD-P	97-13-098	246-810-140	NEW	97-17-113
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246-322-001	PREP-X	97-14-056	246-790-090	AMD-P	97-13-098	246-810-321	AMD	97-17-113
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246-325-001	PREP-X	97-14-056	246-790-100	AMD-P	97-13-098	246-810-330	REP	97-17-113
246-326-001	PREP-X	97-14-056	246-790-100	AMD	97-16-117	246-810-331	REP-P	97-13-099
246-327-001	PREP-X	97-14-056	246-790-110	REP-P	97-13-098	246-810-331	REP	97-17-113
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246-329-001	PREP-X	97-14-056	246-790-130	AMD-P	97-13-098	246-810-334	NEW	97-17-113
246-331-001	PREP-X	97-14-056	246-790-130	AMD	97-16-117	246-810-340	AMD-P	97-13-099
246-331-990	AMD-P	97-11-087	246-802-030	PREP	97-16-088	246-810-340	AMD	97-17-113
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246-336-990	AMD-P	97-11-087	246-802-060	PREP	97-16-088	246-810-348	NEW-P	97-13-099
246-336-990	AMD	97-15-096	246-808-410	PREP-X	97-14-058	246-810-348	NEW	97-17-113
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246-338-060	AMD-P	97-11-039	246-810-010	AMD	97-17-113	246-810-361	REP-P	97-13-099
246-338-060	AMD	97-14-113	246-810-020	AMD-P	97-13-099	246-810-361	REP	97-17-113
246-338-070	AMD-P	97-11-039	246-810-020	AMD	97-17-113	246-810-362	REP-P	97-13-099
246-338-070	AMD	97-14-113	246-810-022	NEW-P	97-13-099	246-810-362	REP	97-17-113
246-338-090	AMD-P	97-11-039	246-810-022	NEW	97-17-113	246-810-363	REP-P	97-13-099
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246-338-100	AMD-P	97-11-039	246-810-030	AMD	97-17-113	246-810-364	REP-P	97-13-099
246-338-100	AMD	97-14-113	246-810-031	AMD-P	97-13-099	246-810-364	REP	97-17-113
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246-360-170	PREP-X	97-14-057	246-810-032	AMD	97-17-113	246-810-366	REP-P	97-13-099
246-360-210	PREP-X	97-14-057	246-810-035	NEW-P	97-13-099	246-810-366	REP	97-17-113
246-374-050	PREP-X	97-14-057	246-810-035	NEW	97-17-113	246-810-370	REP-P	97-13-099
246-374-060	PREP-X	97-14-057	246-810-040	AMD-P	97-13-099	246-810-370	REP	97-17-113
246-374-080	PREP-X	97-14-057	246-810-040	AMD	97-17-113	246-810-380	REP-P	97-13-099
246-374-100	PREP-X	97-14-057	246-810-045	NEW-P	97-13-099	246-810-380	REP	97-17-113
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246-810-540	AMD	97-17-113	246-822-100	PREP-X	97-14-056	246-838-121	REP	97-13-100
246-810-541	REP-P	97-13-099	246-822-140	PREP-X	97-14-056	246-838-130	REP-P	97-07-074
246-810-541	REP	97-17-113	246-828-005	AMD-XA	97-19-099	246-838-130	REP	97-13-100
246-810-542	REP-P	97-13-099	246-828-015	NEW	97-04-042	246-838-250	REP-P	97-07-074
246-810-542	REP	97-17-113	246-828-030	AMD-XA	97-19-099	246-838-250	REP	97-13-100
246-810-545	NEW-P	97-13-099	246-828-055	AMD-P	97-12-086	246-838-260	REP-P	97-07-074
246-810-545	NEW	97-17-113	246-828-055	AMD	97-15-128	246-838-260	REP	97-13-100
246-810-548	NEW-P	97-13-099	246-828-060	PREP-X	97-14-059	246-838-270	REP-P	97-07-074
246-810-548	NEW	97-17-113	246-828-065	PREP-X	97-14-059	246-838-270	REP	97-13-100
246-810-550	REP-P	97-13-099	246-828-070	AMD-P	97-12-086	246-838-280	REP-P	97-07-074
246-810-550	REP	97-17-113	246-828-070	AMD	97-15-128	246-838-280	REP	97-13-100
246-810-560	REP-P	97-13-099	246-828-075	AMD-XA	97-19-099	246-838-290	REP-P	97-07-074
246-810-560	REP	97-17-113	246-828-080	AMD-XA	97-19-099	246-838-290	REP	97-13-100
246-810-561	REP-P	97-13-099	246-828-090	AMD-XA	97-19-099	246-838-300	REP-P	97-07-074
246-810-561	REP	97-17-113	246-828-100	AMD-XA	97-19-099	246-838-300	REP	97-13-100
246-810-562	REP-P	97-13-099	246-828-270	AMD-XA	97-19-099	246-838-310	REP-P	97-07-074
246-810-562	REP	97-17-113	246-828-280	AMD-XA	97-19-099	246-838-310	REP	97-13-100
246-810-563	REP-P	97-13-099	246-828-295	AMD-XA	97-19-099	246-838-330	REP-P	97-07-074
246-810-563	REP	97-17-113	246-828-300	AMD-XA	97-19-099	246-838-330	REP	97-13-100
246-810-564	REP-P	97-13-099	246-828-320	AMD-XA	97-19-099	246-838-340	REP-P	97-07-074
246-810-564	REP	97-17-113	246-828-330	AMD-XA	97-19-099	246-838-340	REP	97-13-100
246-810-565	REP-P	97-13-099	246-828-340	AMD-XA	97-19-099	246-838-350	REP-P	97-07-074
246-810-565	REP	97-17-113	246-828-350	AMD-XA	97-19-099	246-838-350	REP	97-13-100
246-810-566	REP-P	97-13-099	246-828-370	AMD-XA	97-19-099	246-838-360	REP-P	97-07-074
246-810-566	REP	97-17-113	246-828-400	PREP-X	97-14-060	246-838-360	REP	97-13-100
246-810-570	REP-P	97-13-099	246-828-410	PREP-X	97-14-060	246-839	PREP-W	97-03-066
246-810-570	REP	97-17-113	246-828-420	PREP-X	97-14-060	246-839	PREP-W	97-03-067
246-810-580	REP-P	97-13-099	246-828-430	PREP-X	97-14-060	246-839-010	REP-P	97-07-074
246-810-580	REP	97-17-113	246-828-510	PREP	97-15-097	246-839-010	REP	97-13-100
246-810-710	NEW-P	97-13-099	246-828-990	AMD	97-04-043	246-839-020	REP-P	97-07-074
246-810-710	NEW	97-17-113	246-830-220	PREP-X	97-14-056	246-839-020	REP	97-13-100
246-810-720	AMD-P	97-13-099	246-830-230	PREP-X	97-14-056	246-839-030	REP-P	97-08-093
246-810-720	AMD	97-17-113	246-830-240	PREP-X	97-14-056	246-839-030	REP	97-17-015
246-810-721	NEW-P	97-13-099	246-830-250	PREP-X	97-14-056	246-839-040	REP-P	97-07-074
246-810-721	NEW	97-17-113	246-830-255	PREP-X	97-14-056	246-839-040	REP	97-13-100
246-810-730	REP-P	97-13-099	246-830-260	PREP-X	97-14-056	246-839-050	REP-P	97-07-074
246-810-730	REP	97-17-113	246-830-270	PREP-X	97-14-056	246-839-050	REP	97-13-100
246-810-731	REP-P	97-13-099	246-830-280	PREP-X	97-14-056	246-839-060	REP-P	97-07-074
246-810-731	REP	97-17-113	246-830-690	PREP-X	97-14-056	246-839-060	REP	97-13-100
246-810-732	NEW-P	97-13-099	246-834-350	PREP-X	97-14-056	246-839-070	REP-P	97-07-074
246-810-732	NEW	97-17-113	246-836-070	PREP-X	97-14-056	246-839-070	REP	97-13-100
246-810-734	NEW-P	97-13-099	246-836-080	PREP-X	97-14-056	246-839-080	REP-P	97-07-074
246-810-734	NEW	97-17-113	246-836-090	PREP-X	97-14-056	246-839-080	REP	97-13-100
246-810-740	AMD-P	97-13-099	246-836-190	PREP-X	97-14-056	246-839-090	REP-P	97-07-074
246-810-740	AMD	97-17-113	246-836-400	PREP-X	97-14-056	246-839-090	REP	97-13-100
246-810-741	REP-P	97-13-099	246-838	PREP-W	97-03-066	246-839-100	REP-P	97-07-074
246-810-741	REP	97-17-113	246-838	PREP-W	97-03-067	246-839-100	REP	97-13-100
246-810-745	NEW-P	97-13-099	246-838-010	REP-P	97-07-074	246-839-105	REP-P	97-07-074
246-810-745	NEW	97-17-113	246-838-010	REP	97-13-100	246-839-105	REP	97-13-100
246-810-748	NEW-P	97-13-099	246-838-020	REP-P	97-07-074	246-839-110	REP-P	97-07-074
246-810-748	NEW	97-17-113	246-838-020	REP	97-13-100	246-839-110	REP	97-13-100
246-810-750	REP-P	97-13-099	246-838-026	REP-P	97-07-074	246-839-115	REP-P	97-07-074
246-810-750	REP	97-17-113	246-838-026	REP	97-13-100	246-839-115	REP	97-13-100
246-810-760	REP-P	97-13-099	246-838-030	REP-P	97-07-074	246-839-120	REP-P	97-07-074
246-810-760	REP	97-17-113	246-838-030	REP	97-13-100	246-839-120	REP	97-13-100
246-810-761	REP-P	97-13-099	246-838-040	REP-P	97-07-074	246-839-130	REP-P	97-07-074
246-810-761	REP	97-17-113	246-838-050	REP-P	97-07-074	246-839-130	REP	97-13-100
246-810-762	REP-P	97-13-099	246-838-050	REP	97-13-100	246-839-300	REP-P	97-07-074
246-810-762	REP	97-17-113	246-838-060	REP-P	97-07-074	246-839-300	REP	97-13-100
246-810-763	REP-P	97-13-099	246-838-060	REP	97-13-100	246-839-305	REP-P	97-07-074
246-810-763	REP	97-17-113	246-838-070	REP-P	97-07-074	246-839-305	REP	97-13-100
246-810-764	REP-P	97-13-099	246-838-070	REP	97-13-100	246-839-310	REP-P	97-07-074
246-810-764	REP	97-17-113	246-838-080	REP-P	97-07-074	246-839-310	REP	97-13-100
246-810-765	REP-P	97-13-099	246-838-080	REP	97-13-100	246-839-315	REP-P	97-07-074
246-810-765	REP	97-17-113	246-838-090	REP-P	97-07-074	246-839-315	REP	97-13-100
246-810-766	REP-P	97-13-099	246-838-090	REP	97-13-100	246-839-320	REP-P	97-07-074
246-810-766	REP	97-17-113	246-838-100	REP-P	97-07-074	246-839-320	REP	97-13-100

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246-839-330	REP-P	97-07-074	246-840-030	NEW-P	97-07-074	246-840-705	NEW	97-13-100
246-839-330	REP	97-13-100	246-840-030	NEW-P	97-08-093	246-840-710	NEW-P	97-07-074
246-839-340	REP-P	97-07-074	246-840-030	NEW-W	97-09-061	246-840-710	NEW	97-13-100
246-839-340	REP	97-13-100	246-840-030	NEW	97-17-015	246-840-715	NEW-P	97-07-074
246-839-345	REP-P	97-07-074	246-840-040	NEW-P	97-07-074	246-840-715	NEW	97-13-100
246-839-345	REP	97-13-100	246-840-040	NEW	97-13-100	246-840-720	NEW-P	97-07-074
246-839-350	REP-P	97-07-074	246-840-050	NEW-P	97-07-074	246-840-720	NEW	97-13-100
246-839-350	REP	97-13-100	246-840-050	NEW	97-13-100	246-840-730	NEW-P	97-07-074
246-839-360	REP-P	97-07-074	246-840-060	NEW-P	97-07-074	246-840-730	NEW	97-13-100
246-839-360	REP	97-13-100	246-840-060	NEW	97-13-100	246-840-745	NEW-P	97-07-074
246-839-365	REP-P	97-07-074	246-840-070	NEW-P	97-07-074	246-840-745	NEW	97-13-100
246-839-365	REP	97-13-100	246-840-070	NEW	97-13-100	246-840-747	NEW-P	97-07-074
246-839-370	REP-P	97-07-074	246-840-080	NEW-P	97-07-074	246-840-747	NEW	97-13-100
246-839-370	REP	97-13-100	246-840-080	NEW	97-13-100	246-840-750	NEW-P	97-07-074
246-839-400	REP-P	97-07-074	246-840-090	NEW-P	97-07-074	246-840-750	NEW	97-13-100
246-839-400	REP	97-13-100	246-840-090	NEW	97-13-100	246-840-760	NEW-P	97-07-074
246-839-410	REP-P	97-07-074	246-840-100	NEW-P	97-07-074	246-840-760	NEW	97-13-100
246-839-410	REP	97-13-100	246-840-100	NEW	97-13-100	246-840-770	NEW-P	97-07-074
246-839-420	REP-P	97-07-074	246-840-105	NEW-P	97-07-074	246-840-770	NEW	97-13-100
246-839-420	REP	97-13-100	246-840-105	NEW	97-13-100	246-840-780	NEW-P	97-07-074
246-839-430	REP-P	97-07-074	246-840-110	NEW-P	97-07-074	246-840-780	NEW	97-13-100
246-839-430	REP	97-13-100	246-840-110	NEW	97-13-100	246-840-800	NEW-P	97-07-074
246-839-440	REP-P	97-07-074	246-840-113	NEW-P	97-07-074	246-840-800	NEW	97-13-100
246-839-440	REP	97-13-100	246-840-113	NEW	97-13-100	246-840-810	NEW-P	97-07-074
246-839-450	REP-P	97-07-074	246-840-115	NEW-P	97-07-074	246-840-810	NEW	97-13-100
246-839-450	REP	97-13-100	246-840-115	NEW	97-13-100	246-840-820	NEW-P	97-07-074
246-839-700	REP-P	97-07-074	246-840-120	NEW-P	97-07-074	246-840-820	NEW	97-13-100
246-839-700	REP	97-13-100	246-840-120	NEW	97-13-100	246-840-830	NEW-P	97-07-074
246-839-710	REP-P	97-07-074	246-840-130	NEW-P	97-07-074	246-840-830	NEW	97-13-100
246-839-710	REP	97-13-100	246-840-130	NEW	97-13-100	246-840-840	NEW-P	97-07-074
246-839-720	REP-P	97-07-074	246-840-300	NEW-P	97-07-074	246-840-840	NEW	97-13-100
246-839-720	REP	97-13-100	246-840-300	NEW	97-13-100	246-840-850	NEW-P	97-07-074
246-839-730	REP-P	97-07-074	246-840-305	NEW-P	97-07-074	246-840-850	NEW	97-13-100
246-839-730	REP	97-13-100	246-840-305	NEW	97-13-100	246-840-860	NEW-P	97-07-074
246-839-740	REP-P	97-07-074	246-840-310	NEW-P	97-07-074	246-840-860	NEW-S	97-12-030
246-839-740	REP	97-13-100	246-840-310	NEW	97-13-100	246-840-860	NEW	97-17-049
246-839-745	REP-P	97-07-074	246-840-315	NEW-P	97-07-074	246-840-870	NEW-P	97-07-074
246-839-745	REP	97-13-100	246-840-315	NEW	97-13-100	246-840-870	NEW	97-13-100
246-839-750	REP-P	97-07-074	246-840-320	NEW-P	97-07-074	246-840-880	NEW-P	97-07-074
246-839-750	REP	97-13-100	246-840-320	NEW	97-13-100	246-840-880	NEW	97-13-100
246-839-760	REP-P	97-07-074	246-840-330	NEW-P	97-07-074	246-840-890	NEW-P	97-07-074
246-839-760	REP	97-13-100	246-840-330	NEW	97-13-100	246-840-890	NEW	97-13-100
246-839-770	REP-P	97-07-074	246-840-340	NEW-P	97-07-074	246-840-900	NEW-P	97-07-074
246-839-770	REP	97-13-100	246-840-340	NEW	97-13-100	246-840-900	NEW	97-13-100
246-839-780	REP-P	97-07-074	246-840-345	NEW-P	97-07-074	246-840-930	AMD-P	97-07-074
246-839-780	REP	97-13-100	246-840-345	NEW	97-13-100	246-840-930	AMD	97-13-100
246-839-800	REP-P	97-07-074	246-840-350	NEW-P	97-07-074	246-840-940	AMD-P	97-07-074
246-839-800	REP	97-13-100	246-840-350	NEW	97-13-100	246-840-940	AMD	97-13-100
246-839-810	REP-P	97-07-074	246-840-360	NEW-P	97-07-074	246-841-710	PREP-X	97-14-061
246-839-810	REP	97-13-100	246-840-360	NEW	97-13-100	246-841-730	PREP-X	97-14-061
246-839-820	REP-P	97-07-074	246-840-365	NEW-P	97-07-074	246-841-740	PREP-X	97-14-061
246-839-820	REP	97-13-100	246-840-365	NEW	97-13-100	246-841-750	PREP-X	97-14-061
246-839-830	REP-P	97-07-074	246-840-370	NEW-P	97-07-074	246-843-158	PREP-X	97-14-056
246-839-830	REP	97-13-100	246-840-370	NEW	97-13-100	246-851-090	AMD-P	97-08-094
246-839-840	REP-P	97-07-074	246-840-400	NEW-P	97-07-074	246-851-090	AMD	97-12-088
246-839-840	REP	97-13-100	246-840-400	NEW	97-13-100	246-851-100	AMD-P	97-08-094
246-839-850	REP-P	97-07-074	246-840-410	NEW-P	97-07-074	246-851-100	AMD	97-12-088
246-839-850	REP	97-13-100	246-840-410	NEW	97-13-100	246-851-110	AMD-P	97-12-088
246-839-860	REP-P	97-07-074	246-840-420	NEW-P	97-07-074	246-851-110	AMD	97-12-088
246-839-860	REP-S	97-12-030	246-840-420	NEW	97-13-100	246-851-120	AMD-P	97-08-094
246-839-860	REP	97-17-049	246-840-430	NEW-P	97-07-074	246-851-120	AMD	97-12-088
246-839-870	REP-P	97-07-074	246-840-430	NEW	97-13-100	246-851-140	AMD-P	97-08-094
246-839-870	REP	97-13-100	246-840-440	NEW-P	97-07-074	246-851-140	AMD	97-12-088
246-839-880	REP-P	97-07-074	246-840-440	NEW	97-13-100	246-851-150	AMD-P	97-08-094
246-839-880	REP	97-13-100	246-840-450	NEW-P	97-07-074	246-851-150	AMD	97-12-088
246-839-890	REP-P	97-07-074	246-840-450	NEW	97-13-100	246-851-160	AMD-P	97-08-094
246-839-890	REP	97-13-100	246-840-540	AMD-P	97-07-074	246-851-160	AMD	97-12-088
246-839-900	REP-P	97-07-074	246-840-540	AMD	97-13-100	246-851-170	AMD-P	97-08-094
246-839-900	REP	97-13-100	246-840-565	AMD-P	97-07-074	246-851-170	AMD	97-12-088
246-840-010	NEW-P	97-07-074	246-840-565	AMD	97-13-100	246-851-180	AMD-P	97-08-094
246-840-010	NEW	97-13-100	246-840-700	NEW-P	97-07-074	246-851-180	AMD	97-12-088
246-840-020	NEW-P	97-07-074	246-840-700	NEW	97-13-100	246-851-190	AMD-P	97-08-094
246-840-020	NEW	97-13-100	246-840-705	NEW-P	97-07-074	246-851-190	AMD	97-12-088

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246-851-200	AMD	97-12-088	251-01-110	AMD-W	97-10-088	260-24-270	REP-P	97-04-060
246-851-210	REP-P	97-08-094	251-04-040	AMD-P	97-08-090	260-24-270	REP-W	97-17-043
246-851-210	REP	97-12-088	251-04-040	AMD-W	97-10-088	260-24-280	REP-P	97-04-060
246-851-220	AMD-P	97-08-094	251-04-050	AMD-P	97-08-090	260-24-280	REP-W	97-17-043
246-851-220	AMD	97-12-088	251-04-050	AMD-W	97-10-088	260-24-290	REP-P	97-04-060
246-851-230	AMD-P	97-08-094	251-10-030	AMD-P	97-08-090	260-24-290	REP-W	97-17-043
246-851-230	AMD	97-12-088	251-10-030	AMD-W	97-10-088	260-24-300	REP-P	97-04-060
246-851-240	AMD-P	97-08-094	251-12-270	REP-P	97-08-090	260-24-300	REP-W	97-17-043
246-851-240	AMD	97-12-088	251-12-270	REP-W	97-10-088	260-24-310	REP-P	97-04-060
246-861-030	PREP-X	97-14-062	251-12-270	REP-P	97-10-089	260-24-310	REP-W	97-17-043
246-865	PREP	97-11-038	251-12-270	REP	97-13-045	260-24-320	REP-P	97-04-060
246-869-260	PREP-X	97-14-069	251-12-600	AMD-P	97-08-090	260-24-320	REP-W	97-17-043
246-877-030	PREP-X	97-14-064	251-12-600	AMD-W	97-10-088	260-24-330	REP-P	97-04-060
246-893	PREP-X	97-14-065	251-12-600	AMD-P	97-10-089	260-24-330	REP-W	97-17-043
246-897-030	PREP-X	97-14-066	251-12-600	AMD	97-13-045	260-24-340	REP-P	97-04-060
246-897-040	PREP-X	97-14-066	251-14-060	AMD	97-06-012	260-24-340	REP-W	97-17-043
246-897-050	PREP-X	97-14-066	251-14-120	AMD	97-06-012	260-24-350	REP-P	97-04-060
246-897-120	PREP-X	97-14-066	251-20-020	AMD-P	97-08-090	260-24-350	REP-W	97-17-043
246-897-130	PREP-X	97-14-066	251-20-020	AMD-W	97-10-088	260-24-360	REP-P	97-04-060
246-897-140	PREP-X	97-14-066	251-20-020	AMD-P	97-10-089	260-24-360	REP-W	97-17-043
246-897-150	PREP-X	97-14-066	251-20-020	AMD	97-13-045	260-24-370	REP-P	97-04-060
246-897-160	PREP-X	97-14-066	260-24-010	REP-P	97-04-060	260-24-370	REP-W	97-17-043
246-897-170	PREP-X	97-14-066	260-24-010	REP-W	97-17-043	260-24-380	REP-P	97-04-060
246-897-180	PREP-X	97-14-066	260-24-020	REP-P	97-04-060	260-24-380	REP-W	97-17-043
246-897-190	PREP-X	97-14-066	260-24-020	REP-W	97-17-043	260-24-390	REP-P	97-04-060
246-901	PREP	97-16-087	260-24-030	REP-P	97-04-060	260-24-390	REP-W	97-17-043
246-907-020	AMD	97-06-019	260-24-030	REP-W	97-17-043	260-24-400	REP-P	97-04-060
246-907-030	AMD	97-06-019	260-24-040	REP-P	97-04-060	260-24-400	REP-W	97-17-043
246-915-080	PREP-X	97-14-067	260-24-040	REP-W	97-17-043	260-24-410	REP-P	97-04-060
246-915-090	PREP-X	97-14-067	260-24-050	REP-P	97-04-060	260-24-410	REP-W	97-17-043
246-919-520	NEW-P	97-15-126	260-24-050	REP-W	97-17-043	260-24-420	REP-P	97-04-060
246-919-990	AMD-P	97-12-085	260-24-060	REP-P	97-04-060	260-24-420	REP-W	97-17-043
246-919-990	AMD	97-15-100	260-24-060	REP-W	97-17-043	260-24-430	REP-P	97-04-060
246-933-170	PREP-X	97-14-056	260-24-070	REP-P	97-04-060	260-24-430	REP-W	97-17-043
246-933-980	PREP-X	97-14-056	260-24-070	REP-W	97-17-043	260-24-440	REP-P	97-04-060
246-935-125	PREP-X	97-14-056	260-24-080	REP-P	97-04-060	260-24-440	REP-W	97-17-043
246-937-100	PREP-X	97-14-056	260-24-080	REP-W	97-17-043	260-24-450	REP-P	97-04-060
246-976-090	PREP-X	97-14-056	260-24-090	REP-P	97-04-060	260-24-450	REP-W	97-17-043
246-976-115	PREP-X	97-14-056	260-24-090	REP-W	97-17-043	260-24-460	REP-P	97-04-060
249A-02-010	NEW-W	97-09-043	260-24-100	REP-P	97-04-060	260-24-460	REP-W	97-17-043
249A-02-020	NEW-W	97-09-043	260-24-100	REP-W	97-17-043	260-24-465	REP-P	97-04-060
249A-02-030	NEW-W	97-09-043	260-24-110	REP-P	97-04-060	260-24-465	REP-W	97-17-043
249A-02-040	NEW-W	97-09-043	260-24-110	REP-W	97-17-043	260-24-470	REP-P	97-04-060
249A-02-050	NEW-W	97-09-043	260-24-120	REP-P	97-04-060	260-24-470	REP-W	97-17-043
249A-02-060	NEW-W	97-09-043	260-24-120	REP-W	97-17-043	260-24-480	REP-P	97-04-060
249A-02-080	NEW-W	97-09-043	260-24-130	REP-P	97-04-060	260-24-480	REP-W	97-17-043
249A-02-100	NEW-W	97-09-043	260-24-130	REP-W	97-17-043	260-24-500	NEW-P	97-04-060
249A-02-200	NEW-W	97-09-043	260-24-140	REP-P	97-04-060	260-24-500	NEW-W	97-17-043
249A-02-210	NEW-W	97-09-043	260-24-140	REP-W	97-17-043	260-24-510	NEW-P	97-04-060
249A-02-220	NEW-W	97-09-043	260-24-150	REP-P	97-04-060	260-24-510	NEW-W	97-17-043
249A-02-250	NEW-W	97-09-043	260-24-150	REP-W	97-17-043	260-24-520	NEW-P	97-04-060
249A-02-300	NEW-W	97-09-043	260-24-160	REP-P	97-04-060	260-24-520	NEW-W	97-17-043
249A-02-350	NEW-W	97-09-043	260-24-160	REP-W	97-17-043	260-24-530	NEW-P	97-04-060
249A-02-360	NEW-W	97-09-043	260-24-170	REP-P	97-04-060	260-24-530	NEW-W	97-17-043
249A-02-410	NEW-W	97-09-043	260-24-170	REP-W	97-17-043	260-24-540	NEW-P	97-04-060
249A-02-420	NEW-W	97-09-043	260-24-180	REP-P	97-04-060	260-24-540	NEW-W	97-17-043
249A-02-430	NEW-W	97-09-043	260-24-180	REP-W	97-17-043	260-24-550	NEW-P	97-04-060
249A-02-440	NEW-W	97-09-043	260-24-190	REP-P	97-04-060	260-24-550	NEW-W	97-17-043
249A-02-450	NEW-W	97-09-043	260-24-190	REP-W	97-17-043	260-24-560	NEW-P	97-04-060
249A-02-460	NEW-W	97-09-043	260-24-200	REP-P	97-04-060	260-24-560	NEW-W	97-17-043
249A-02-470	NEW-W	97-09-043	260-24-200	REP-W	97-17-043	260-24-570	NEW-P	97-04-060
249A-02-510	NEW-W	97-09-043	260-24-210	REP-P	97-04-060	260-24-570	NEW-W	97-17-043
249A-02-520	NEW-W	97-09-043	260-24-210	REP-W	97-17-043	260-24-580	NEW-P	97-04-060
249A-02-540	NEW-W	97-09-043	260-24-220	REP-P	97-04-060	260-24-580	NEW-W	97-17-043
249A-02-560	NEW-W	97-09-043	260-24-220	REP-W	97-17-043	260-24-590	NEW-P	97-04-060
249A-02-600	NEW-W	97-09-043	260-24-230	REP-P	97-04-060	260-24-590	NEW-W	97-17-043
249A-02-650	NEW-W	97-09-043	260-24-230	REP-W	97-17-043	260-24-600	NEW-P	97-04-060
249A-02-810	NEW-W	97-09-043	260-24-240	REP-P	97-04-060	260-24-600	NEW-W	97-17-043
249A-02-830	NEW-W	97-09-043	260-24-240	REP-W	97-17-043	260-24-610	NEW-P	97-04-060
249A-02-860	NEW-W	97-09-043	260-24-250	REP-P	97-04-060	260-24-610	NEW-W	97-17-043
251-01-045	AMD-P	97-08-090	260-24-250	REP-W	97-17-043	260-24-620	NEW-P	97-04-060
251-01-045	AMD-W	97-10-088	260-24-260	REP-P	97-04-060	260-24-620	NEW-W	97-17-043

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
260-24-630	NEW-P	97-04-060	275-27-400	AMD-E	97-03-033	275-76-100	REP-P	97-19-102
260-24-630	NEW-W	97-17-043	275-27-400	AMD-P	97-08-007	275-76-110	PREP	97-15-131
260-24-640	NEW-P	97-04-060	275-27-400	AMD-E	97-11-009	275-76-110	REP-P	97-19-102
260-24-640	NEW-W	97-17-043	275-27-400	AMD	97-13-051	275-76-120	REP-P	97-15-131
260-24-650	NEW-P	97-04-060	275-30	PREP	97-19-103	275-76-120	REP-P	97-19-102
260-24-650	NEW-W	97-17-043	275-30-020	REP-P	97-19-102	275-76-130	PREP	97-15-131
260-24-660	NEW-P	97-04-060	275-33-010	REP-P	97-19-102	275-76-130	REP-P	97-19-102
260-24-660	NEW-W	97-17-043	275-46-005	REP-P	97-19-102	275-76-140	REP-P	97-15-131
260-24-670	NEW-P	97-04-060	275-48-010	PREP	97-15-131	275-76-140	REP-P	97-19-102
260-24-670	NEW-W	97-17-043	275-48-010	REP-P	97-19-102	275-76-150	PREP	97-15-131
260-24-680	NEW-P	97-04-060	275-48-015	PREP	97-15-131	275-76-150	REP-P	97-19-102
260-24-680	NEW-W	97-17-043	275-48-015	REP-P	97-19-102	275-80-805	PREP	97-15-131
260-24-690	NEW-P	97-04-060	275-48-020	PREP	97-15-131	275-80-805	REP-P	97-19-102
260-24-690	NEW-W	97-17-043	275-48-020	REP-P	97-19-102	275-80-810	PREP	97-15-131
260-24-700	NEW-P	97-04-060	275-48-025	PREP	97-15-131	275-80-810	REP-P	97-19-102
260-24-700	NEW-W	97-17-043	275-48-025	REP-P	97-19-102	275-80-815	PREP	97-15-131
260-32	PREP	97-04-059	275-48-030	PREP	97-15-131	275-80-815	REP-P	97-19-102
260-48	PREP	97-04-058	275-48-030	REP-P	97-19-102	275-80-840	PREP	97-15-131
262-01-030	PREP	97-06-112	275-48-035	PREP	97-15-131	275-80-840	REP-P	97-19-102
262-01-030	AMD-P	97-09-091	275-48-035	REP-P	97-19-102	275-80-842	PREP	97-15-131
262-01-030	AMD-W	97-10-060	275-48-040	PREP	97-15-131	275-80-842	REP-P	97-19-102
262-01-030	AMD-P	97-11-065	275-48-040	REP-P	97-19-102	275-80-844	PREP	97-15-131
262-01-030	AMD	97-16-021	275-48-045	PREP	97-15-131	275-80-844	REP-P	97-19-102
262-01-130	NEW-P	97-17-078	275-48-045	REP-P	97-19-102	275-80-846	PREP	97-15-131
262-02-020	PREP	97-06-112	275-48-050	PREP	97-15-131	275-80-846	REP-P	97-19-102
262-02-020	AMD-P	97-09-090	275-48-050	REP-P	97-19-102	275-80-848	PREP	97-15-131
262-02-020	AMD-W	97-10-060	275-60-010	PREP-X	97-14-071	275-80-848	REP-P	97-19-102
262-02-020	AMD-P	97-11-064	275-60-010	REP	97-18-052	275-80-852	PREP	97-15-131
262-02-020	AMD	97-16-020	275-60-020	PREP-X	97-14-071	275-80-852	REP-P	97-19-102
262-02-030	PREP	97-06-112	275-60-020	REP	97-18-052	275-80-854	PREP	97-15-131
262-02-030	AMD-P	97-09-090	275-60-030	PREP-X	97-14-071	275-80-854	REP-P	97-19-102
262-02-030	AMD-W	97-10-060	275-60-030	REP	97-18-052	275-80-860	PREP	97-15-131
262-02-030	AMD-P	97-11-064	275-60-040	PREP-X	97-14-071	275-80-860	REP-P	97-19-102
262-02-030	AMD	97-16-020	275-60-040	REP	97-18-052	275-80-870	PREP	97-15-131
262-03	PREP	97-07-068	275-60-040	REP	97-18-052	275-80-870	REP-P	97-19-102
262-03-010	NEW-P	97-11-063	275-60-050	PREP-X	97-14-071	275-80-872	PREP	97-15-131
262-03-010	NEW	97-16-019	275-60-050	REP	97-18-052	275-80-872	REP-P	97-19-102
262-03-010	NEW	97-16-019	275-60-060	PREP-X	97-14-071	275-80-872	REP-P	97-19-102
262-03-020	NEW-P	97-11-063	275-60-060	REP	97-18-052	275-80-876	PREP	97-15-131
262-03-020	NEW	97-16-019	275-60-060	REP	97-18-052	275-80-876	REP-P	97-19-102
262-03-030	NEW-P	97-11-063	275-60-070	PREP-X	97-14-071	275-80-878	PREP	97-15-131
262-03-030	NEW	97-16-019	275-60-070	REP	97-18-052	275-80-878	REP-P	97-19-102
262-03-040	NEW-P	97-11-063	275-60-200	PREP-X	97-14-071	275-80-878	REP-P	97-19-102
262-03-040	NEW	97-16-019	275-60-200	REP	97-18-052	275-80-890	PREP	97-15-131
262-03-040	NEW	97-16-019	275-60-300	PREP-X	97-14-071	275-80-890	REP-P	97-19-102
262-03-050	NEW-P	97-11-063	275-60-300	REP	97-18-052	275-80-895	PREP	97-15-131
262-03-050	NEW	97-16-019	275-60-400	PREP-X	97-14-071	275-80-895	REP-P	97-19-102
262-03-060	NEW-P	97-11-063	275-60-400	REP	97-18-052	275-80-900	PREP	97-15-131
262-03-060	NEW	97-16-019	275-60-500	PREP-X	97-14-071	275-80-900	REP-P	97-19-102
262-03-070	NEW-P	97-11-063	275-60-500	REP	97-18-052	275-80-905	PREP	97-15-131
262-03-070	NEW	97-16-019	275-60-510	PREP-X	97-14-071	275-80-905	REP-P	97-19-102
262-03-080	NEW-P	97-11-063	275-60-510	REP	97-18-052	275-80-910	PREP	97-15-131
262-03-080	NEW	97-16-019	275-60-520	PREP-X	97-14-071	275-80-910	REP-P	97-19-102
262-03-090	NEW-P	97-11-063	275-60-520	REP	97-18-052	275-80-915	PREP	97-15-131
262-03-090	NEW	97-16-019	275-76-005	PREP	97-15-131	275-80-915	REP-P	97-19-102
262-04	PREP	97-14-025	275-76-005	REP-P	97-19-102	275-80-920	PREP	97-15-131
275-27-023	AMD-E	97-03-033	275-76-010	PREP	97-15-131	275-80-920	REP-P	97-19-102
275-27-023	AMD-P	97-08-007	275-76-010	REP-P	97-19-102	275-80-925	PREP	97-15-131
275-27-023	AMD-E	97-11-009	275-76-020	PREP	97-15-131	275-80-925	REP-P	97-19-102
275-27-023	AMD	97-13-051	275-76-020	REP-P	97-19-102	275-80-930	PREP	97-15-131
275-27-220	AMD-E	97-03-033	275-76-030	PREP	97-15-131	275-80-930	REP-P	97-19-102
275-27-220	AMD-P	97-08-007	275-76-030	REP-P	97-19-102	275-80-935	PREP	97-15-131
275-27-220	AMD-E	97-11-009	275-76-040	PREP	97-15-131	275-80-935	REP-P	97-19-102
275-27-220	AMD	97-13-051	275-76-040	REP-P	97-19-102	275-80-940	PREP	97-15-131
275-27-221	REP-E	97-03-033	275-76-050	PREP	97-15-131	275-80-940	REP-P	97-19-102
275-27-221	REP-P	97-08-007	275-76-050	REP-P	97-19-102	275-80-995	PREP	97-15-131
275-27-221	REP-E	97-11-009	275-76-060	PREP	97-15-131	275-80-995	REP-P	97-19-102
275-27-221	REP	97-13-051	275-76-060	REP-P	97-19-102	275-110-010	PREP	97-15-131
275-27-222	NEW-P	97-08-007	275-76-070	PREP	97-15-131	275-110-020	PREP	97-15-131
275-27-222	NEW-E	97-11-009	275-76-070	REP-P	97-19-102	275-110-030	PREP	97-15-131
275-27-222	NEW	97-13-051	275-76-080	PREP	97-15-131	275-110-040	PREP	97-15-131
275-27-223	AMD-E	97-03-033	275-76-080	REP-P	97-19-102	275-110-050	PREP	97-15-131
275-27-223	AMD-P	97-08-007	275-76-090	PREP	97-15-131	275-110-060	PREP	97-15-131
275-27-223	AMD-E	97-11-009	275-76-090	REP-P	97-19-102	275-110-070	PREP	97-15-131
275-27-223	AMD	97-13-051	275-76-100	PREP	97-15-131	275-110-080	PREP	97-15-131

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
275-110-090	PREP	97-15-131	284-43-540	NEW-W	97-08-044	296-10-060	PREP-X	97-13-034
275-110-100	PREP	97-15-131	284-43-550	NEW-W	97-08-044	296-10-060	REP	97-17-064
275-110-110	PREP	97-15-131	284-43-560	NEW-W	97-08-044	296-10-070	PREP-X	97-13-034
275-110-120	PREP	97-15-131	284-43-600	NEW-W	97-08-044	296-10-070	REP	97-17-064
275-150-010	PREP	97-15-131	284-43-610	NEW-W	97-08-044	296-10-080	PREP-X	97-13-034
275-150-010	REP-P	97-19-102	284-43-620	NEW-W	97-08-044	296-10-080	REP	97-17-064
275-150-020	PREP	97-15-131	284-43-630	NEW-W	97-08-044	296-10-090	PREP-X	97-13-034
275-150-020	REP-P	97-19-102	284-43-640	NEW-W	97-08-044	296-10-090	REP	97-17-064
275-150-030	PREP	97-15-131	284-43-650	NEW-W	97-08-044	296-10-100	PREP-X	97-13-034
275-150-030	REP-P	97-19-102	284-43-700	NEW-C	97-05-006	296-10-100	REP	97-17-064
275-150-040	PREP	97-15-131	284-43-700	NEW-C	97-08-046	296-10-110	PREP-X	97-13-034
275-150-040	REP-P	97-19-102	284-43-700	NEW-W	97-11-001	296-10-110	REP	97-17-064
275-150-050	PREP	97-15-131	284-44-240	REP-W	97-08-044	296-10-120	PREP-X	97-13-034
275-150-050	REP-P	97-19-102	284-44-410	REP-W	97-08-044	296-10-120	REP	97-17-064
275-150-060	PREP	97-15-131	284-46-575	REP-W	97-08-044	296-10-130	PREP-X	97-13-034
275-150-060	REP-P	97-19-102	284-51-050	PREP	97-04-074	296-10-130	REP	97-17-064
275-150-070	PREP	97-15-131	284-54-750	NEW-P	97-15-150	296-10-140	PREP-X	97-13-034
275-150-070	REP-P	97-19-102	284-54-750	NEW	97-19-007	296-10-140	REP	97-17-064
275-150-080	PREP	97-15-131	284-85-085	AMD-P	97-15-150	296-10-150	PREP-X	97-13-034
275-150-080	REP-P	97-19-102	284-85-085	AMD	97-19-007	296-10-150	REP	97-17-064
275-150-090	PREP	97-15-131	286-13-040	PREP	97-08-079	296-10-160	PREP-X	97-13-034
275-150-090	REP-P	97-19-102	286-13-040	AMD-P	97-12-027	296-10-160	REP	97-17-064
275-155	AMD-P	97-11-044	286-13-040	AMD	97-17-004	296-10-170	PREP-X	97-13-034
275-155-005	AMD-P	97-11-044	286-13-045	AMD-P	97-04-006	296-10-170	REP	97-17-064
275-155-010	AMD-P	97-11-044	286-13-045	AMD	97-08-003	296-10-180	PREP-X	97-13-034
275-155-070	NEW-P	97-11-044	286-13-085	AMD-P	97-04-006	296-10-180	REP	97-17-064
275-155-080	NEW-P	97-11-044	286-13-085	AMD	97-08-003	296-10-190	PREP-X	97-13-034
275-155-090	NEW-P	97-11-044	286-13-110	AMD-P	97-04-006	296-10-190	REP	97-17-064
275-155-100	NEW-P	97-11-044	286-13-110	AMD	97-08-003	296-10-200	PREP-X	97-13-034
275-155-110	NEW-P	97-11-044	286-13-110	PREP	97-08-079	296-10-200	REP	97-17-064
275-155-120	NEW-P	97-11-044	286-13-110	AMD-P	97-12-027	296-10-210	PREP-X	97-13-034
275-155-130	NEW-P	97-11-044	286-13-110	AMD	97-17-004	296-10-210	REP	97-17-064
275-155-140	NEW-P	97-11-044	286-13-115	PREP	97-08-079	296-10-220	PREP-X	97-13-034
284-04	NEW-C	97-03-023	286-13-115	AMD-P	97-12-027	296-10-220	REP	97-17-064
284-04	NEW-C	97-03-120	286-13-115	AMD	97-17-004	296-10-270	PREP-X	97-13-034
284-04	NEW-C	97-08-091	286-26-080	AMD-P	97-04-006	296-10-370	REP	97-17-064
284-04	NEW-W	97-10-072	286-26-080	AMD	97-08-003	296-10-380	PREP-X	97-13-034
284-13-505	NEW	97-05-012	286-27-040	AMD-P	97-04-006	296-10-380	REP	97-17-064
284-13-515	NEW	97-05-012	286-27-040	AMD	97-08-003	296-10-390	PREP-X	97-13-034
284-13-520	AMD	97-05-012	286-27-050	REP-P	97-04-006	296-10-390	REP	97-17-064
284-13-530	NEW	97-05-012	286-27-050	REP	97-08-003	296-10-400	PREP-X	97-13-034
284-13-535	NEW	97-05-012	286-35-030	AMD-P	97-04-006	296-10-400	REP	97-17-064
284-13-540	AMD	97-05-012	286-35-030	AMD	97-08-003	296-10-410	PREP-X	97-13-034
284-13-550	AMD	97-05-012	286-35-040	REP-P	97-04-006	296-10-410	REP	97-17-064
284-13-560	AMD	97-05-012	286-35-040	REP	97-08-003	296-10-420	PREP-X	97-13-034
284-13-570	AMD	97-05-012	286-40-020	AMD-P	97-04-006	296-10-420	REP	97-17-064
284-13-590	AMD	97-05-012	286-40-020	AMD	97-08-003	296-10-430	PREP-X	97-13-034
284-13-595	NEW	97-05-012	292-09-010	AMD-P	97-05-022	296-10-430	REP	97-17-064
284-17-220	AMD-P	97-15-150	292-09-010	AMD	97-13-069	296-10-440	PREP-X	97-13-034
284-17-220	AMD	97-19-007	292-11-010	NEW-S	97-05-023	296-10-440	REP	97-17-064
284-30-395	NEW-S	97-03-090	292-11-010	NEW	97-13-075	296-10-450	PREP-X	97-13-034
284-30-395	NEW-C	97-08-045	292-11-020	NEW-S	97-05-023	296-10-450	REP	97-17-064
284-30-395	NEW-C	97-11-010	292-11-020	NEW	97-13-075	296-10-460	PREP-X	97-13-034
284-30-395	NEW	97-13-005	292-11-030	NEW-W	97-09-057	296-10-460	REP	97-17-064
284-43-110	NEW-W	97-08-044	292-110-010	PREP	97-13-006	296-10-470	PREP-X	97-13-034
284-43-120	NEW-W	97-08-044	292-120-010	NEW-P	97-03-133	296-10-470	REP	97-17-064
284-43-130	NEW-W	97-08-044	292-120-010	NEW	97-07-058	296-10-480	PREP-X	97-13-034
284-43-200	NEW-W	97-08-044	292-120-020	NEW-P	97-03-133	296-10-480	REP	97-17-064
284-43-210	NEW-W	97-08-044	292-120-020	NEW	97-07-058	296-10-490	PREP-X	97-13-034
284-43-300	NEW-W	97-08-044	292-120-030	NEW-P	97-03-133	296-10-490	REP	97-17-064
284-43-310	NEW-W	97-08-044	292-120-030	NEW	97-07-058	296-10-500	PREP-X	97-13-034
284-43-320	NEW-W	97-08-044	292-120-040	NEW-P	97-03-133	296-10-500	REP	97-17-064
284-43-330	NEW-W	97-08-044	292-120-040	NEW	97-07-058	296-10-510	PREP-X	97-13-034
284-43-340	NEW-W	97-08-044	296-10-010	PREP-X	97-13-034	296-10-510	REP	97-17-064
284-43-350	NEW-W	97-08-044	296-10-010	REP	97-17-064	296-10-520	PREP-X	97-13-034
284-43-360	NEW-W	97-08-044	296-10-020	PREP-X	97-13-034	296-10-520	REP	97-17-064
284-43-400	NEW-W	97-08-044	296-10-020	REP	97-17-064	296-10-530	PREP-X	97-13-034
284-43-410	NEW-W	97-08-044	296-10-030	PREP-X	97-13-034	296-10-530	REP	97-17-064
284-43-420	NEW-W	97-08-044	296-10-030	REP	97-17-064	296-10-540	PREP-X	97-13-034
284-43-500	NEW-W	97-08-044	296-10-040	PREP-X	97-13-034	296-10-540	REP	97-17-064
284-43-510	NEW-W	97-08-044	296-10-040	REP	97-17-064	296-10-550	PREP-X	97-13-034
284-43-520	NEW-W	97-08-044	296-10-050	PREP-X	97-13-034	296-10-550	REP	97-17-064
284-43-530	NEW-W	97-08-044	296-10-050	REP	97-17-064	296-10-560	PREP-X	97-13-034

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-10-560	REP	97-17-064	296-17-45003	AMD-E	97-08-043	296-20-210	AMD	97-09-036
296-10-570	PREP-X	97-13-034	296-17-45003	AMD-P	97-08-051	296-20-220	AMD	97-09-036
296-10-570	REP	97-17-064	296-17-45003	AMD	97-12-011	296-23	PREP	97-02-096
296-10-580	PREP-X	97-13-034	296-17-45006	NEW	97-06-007	296-23-190	REP-P	97-19-090
296-10-580	REP	97-17-064	296-17-45006	AMD-E	97-08-043	296-23-210	REP-P	97-19-090
296-10-590	PREP-X	97-13-034	296-17-45006	AMD-P	97-08-051	296-23-220	PREP	97-02-097
296-10-590	REP	97-17-064	296-17-45006	AMD	97-12-011	296-23-220	AMD-P	97-05-076
296-11-001	DECOD	97-08-042	296-17-52107	REP	97-06-007	296-23-220	AMD	97-10-017
296-11-003	DECOD	97-08-042	296-17-52112	REP	97-06-007	296-23-230	PREP	97-02-097
296-11-010	DECOD	97-08-042	296-17-52114	NEW	97-06-007	296-23-230	AMD-P	97-05-076
296-11-020	DECOD	97-08-042	296-17-52114	REP-E	97-08-043	296-23-230	AMD	97-10-017
296-11-030	DECOD	97-08-042	296-17-52114	REP-P	97-08-051	296-23-265	AMD	97-09-036
296-11-040	DECOD	97-08-042	296-17-52114	REP	97-12-011	296-23-26501	NEW	97-09-036
296-11-050	DECOD	97-08-042	296-17-52115	NEW	97-06-007	296-23-26502	NEW	97-09-036
296-11-060	DECOD	97-08-042	296-17-52115	REP-E	97-08-043	296-23-26503	NEW	97-09-036
296-11-070	DECOD	97-08-042	296-17-52115	REP-P	97-08-051	296-23-26504	NEW	97-09-036
296-11-080	DECOD	97-08-042	296-17-52115	REP	97-12-011	296-23-26505	NEW	97-09-036
296-11-090	DECOD	97-08-042	296-17-52116	NEW	97-06-007	296-23-26506	NEW	97-09-036
296-11-100	DECOD	97-08-042	296-17-52117	NEW	97-06-007	296-23-267	NEW	97-09-036
296-11-110	DECOD	97-08-042	296-17-52117	REP-E	97-08-043	296-23A	PREP	97-02-097
296-11-120	DECOD	97-08-042	296-17-52117	REP-P	97-08-051	296-23A-0100	NEW	97-06-066
296-11-130	DECOD	97-08-042	296-17-52117	REP	97-12-011	296-23A-0110	NEW	97-06-066
296-11-140	DECOD	97-08-042	296-17-52118	NEW-E	97-08-043	296-23A-0120	NEW	97-06-066
296-11-150	DECOD	97-08-042	296-17-52118	NEW-P	97-08-051	296-23A-0130	NEW	97-06-066
296-11-160	DECOD	97-08-042	296-17-52118	NEW	97-12-011	296-23A-0140	NEW	97-06-066
296-11-170	DECOD	97-08-042	296-17-52119	NEW-E	97-08-043	296-23A-0150	NEW	97-06-066
296-11-180	DECOD	97-08-042	296-17-52119	NEW-P	97-08-051	296-23A-0160	NEW	97-06-066
296-11-190	DECOD	97-08-042	296-17-52119	NEW	97-12-011	296-23A-0170	NEW	97-06-066
296-11-200	DECOD	97-08-042	296-17-52120	NEW-E	97-08-043	296-23A-0180	NEW	97-06-066
296-11-210	DECOD	97-08-042	296-17-52120	NEW-P	97-08-051	296-23A-0190	NEW	97-06-066
296-11-220	DECOD	97-08-042	296-17-52120	NEW	97-12-011	296-23A-0195	NEW	97-06-066
296-11-230	DECOD	97-08-042	296-17-52121	NEW-E	97-08-043	296-23A-0200	NEW	97-06-066
296-11-240	DECOD	97-08-042	296-17-52121	NEW-P	97-08-051	296-23A-0210	NEW	97-06-066
296-11-250	DECOD	97-08-042	296-17-52121	NEW	97-12-011	296-23A-0220	NEW	97-06-066
296-11-260	DECOD	97-08-042	296-17-52122	NEW-E	97-08-043	296-23A-0230	NEW	97-06-066
296-11-270	DECOD	97-08-042	296-17-52122	NEW-P	97-08-051	296-23A-0240	NEW	97-06-066
296-11-280	DECOD	97-08-042	296-17-52122	NEW	97-12-011	296-23A-0250	NEW	97-06-066
296-11-290	DECOD	97-08-042	296-17-52123	NEW-E	97-08-043	296-23A-0300	NEW	97-06-066
296-11-300	DECOD	97-08-042	296-17-52123	NEW-P	97-08-051	296-23A-0310	NEW	97-06-066
296-11-310	DECOD	97-08-042	296-17-52123	NEW	97-12-011	296-23A-0350	NEW	97-06-066
296-11-320	DECOD	97-08-042	296-17-52124	NEW-E	97-08-043	296-23A-0360	NEW	97-06-066
296-11-330	DECOD	97-08-042	296-17-52124	NEW-P	97-08-051	296-23A-0400	NEW	97-06-066
296-11-340	DECOD	97-08-042	296-17-52124	NEW	97-12-011	296-23A-0410	NEW	97-06-066
296-11-350	DECOD	97-08-042	296-17-52125	NEW-E	97-08-043	296-23A-0420	NEW	97-06-066
296-11-360	DECOD	97-08-042	296-17-52125	NEW-P	97-08-051	296-23A-0430	NEW	97-06-066
296-11-370	DECOD	97-08-042	296-17-52125	NEW	97-12-011	296-23A-0440	NEW	97-06-066
296-11-380	DECOD	97-08-042	296-17-52126	NEW-E	97-08-043	296-23A-0450	NEW	97-06-066
296-11-390	DECOD	97-08-042	296-17-52126	NEW-P	97-08-051	296-23A-0460	NEW	97-06-066
296-11-400	DECOD	97-08-042	296-17-52126	NEW	97-12-011	296-23A-0470	NEW	97-06-066
296-11-410	DECOD	97-08-042	296-17-855	AMD-P	97-19-095	296-23A-0480	NEW	97-06-066
296-11-420	DECOD	97-08-042	296-17-875	AMD-P	97-19-095	296-23A-0490	NEW	97-06-066
296-11-430	DECOD	97-08-042	296-17-880	AMD-P	97-19-095	296-23A-0500	NEW	97-06-066
296-11-440	DECOD	97-08-042	296-17-885	AMD-P	97-19-095	296-23A-0520	NEW	97-06-066
296-11-450	DECOD	97-08-042	296-17-890	AMD-P	97-19-095	296-23A-0530	NEW	97-06-066
296-11-460	DECOD	97-08-042	296-17-895	AMD-P	97-19-095	296-23A-0540	NEW	97-06-066
296-11-470	DECOD	97-08-042	296-17-89502	NEW	97-06-007	296-23A-0550	NEW	97-06-066
296-11-480	DECOD	97-08-042	296-17-89502	AMD-E	97-08-043	296-23A-0560	NEW	97-06-066
296-11-490	DECOD	97-08-042	296-17-89502	AMD-P	97-08-051	296-23A-0570	NEW	97-06-066
296-11-500	DECOD	97-08-042	296-17-89502	AMD	97-12-011	296-23A-0575	NEW	97-06-066
296-11-510	DECOD	97-08-042	296-17-89502	AMD-P	97-19-095	296-23A-0580	NEW	97-06-066
296-11-520	DECOD	97-08-042	296-17-919	AMD-P	97-19-095	296-23A-0600	NEW	97-06-066
296-11-530	DECOD	97-08-042	296-17-91901	AMD-P	97-19-095	296-23A-0610	NEW	97-06-066
296-11-540	DECOD	97-08-042	296-17-91902	AMD-P	97-19-095	296-23A-0620	NEW	97-06-066
296-11-550	DECOD	97-08-042	296-17-91903	AMD-P	97-19-095	296-23A-100	REP	97-06-066
296-11-560	DECOD	97-08-042	296-17-91904	AMD-P	97-19-095	296-23A-105	REP	97-06-066
296-11-570	DECOD	97-08-042	296-17-91905	AMD-P	97-19-095	296-23A-106	REP	97-06-066
296-11-580	DECOD	97-08-042	296-17-920	AMD-P	97-19-095	296-23A-110	REP	97-06-066
296-11-590	DECOD	97-08-042	296-20	PREP	97-02-096	296-23A-115	REP	97-06-066
296-17	PREP	97-15-139	296-20-125	PREP	97-02-097	296-23A-120	REP	97-06-066
296-17	PREP	97-15-140	296-20-135	PREP	97-02-097	296-23A-125	REP	97-06-066
296-17	PREP	97-15-141	296-20-135	AMD-P	97-05-076	296-23A-130	REP	97-06-066
296-17	PREP	97-15-142	296-20-135	AMD	97-10-017	296-23A-135	REP	97-06-066
296-17-45003	AMD	97-06-007	296-20-200	AMD	97-09-036	296-23A-140	REP	97-06-066

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-23A-145	REP	97-06-066	296-46-140	AMD	97-12-016	296-49A-030	NEW	97-16-043
296-23A-150	REP	97-06-066	296-46-150	REP-P	97-03-083	296-49A-040	NEW-P	97-09-039
296-23A-155	REP	97-06-066	296-46-150	REP	97-12-016	296-49A-040	NEW	97-16-043
296-23A-160	REP	97-06-066	296-46-21008	AMD-P	97-03-083	296-49A-050	NEW-P	97-09-039
296-23A-165	REP	97-06-066	296-46-21008	AMD	97-12-016	296-49A-050	NEW	97-16-043
296-23A-170	REP	97-06-066	296-46-21052	AMD-P	97-03-083	296-49A-060	NEW-P	97-09-039
296-23A-175	REP	97-06-066	296-46-21052	AMD	97-12-016	296-49A-060	NEW	97-16-043
296-23A-180	REP	97-06-066	296-46-21052	AMD-P	97-14-111	296-49A-070	NEW-P	97-09-039
296-23A-185	REP	97-06-066	296-46-225	AMD-P	97-03-083	296-49A-070	NEW	97-16-043
296-23A-190	REP	97-06-066	296-46-225	AMD	97-12-016	296-49A-080	NEW-P	97-09-039
296-23A-200	REP	97-06-066	296-46-23028	AMD-P	97-03-083	296-49A-080	NEW	97-16-043
296-23A-205	REP	97-06-066	296-46-23028	AMD	97-12-016	296-49A-090	NEW-P	97-09-039
296-23A-210	REP	97-06-066	296-46-23062	AMD-P	97-03-083	296-49A-090	NEW	97-16-043
296-23A-215	REP	97-06-066	296-46-23062	AMD	97-12-016	296-49A-100	NEW-P	97-09-039
296-23A-220	REP	97-06-066	296-46-30001	AMD-P	97-03-083	296-49A-100	NEW	97-16-043
296-23A-225	REP	97-06-066	296-46-30001	AMD	97-12-016	296-49A-110	NEW-P	97-09-039
296-23A-230	REP	97-06-066	296-46-360	AMD-P	97-03-083	296-49A-110	NEW	97-16-043
296-23A-235	REP	97-06-066	296-46-360	AMD	97-12-016	296-54	PREP	97-10-071
296-23A-300	REP	97-06-066	296-46-370	AMD-P	97-03-083	296-62	PREP	97-05-047
296-23A-310	REP	97-06-066	296-46-370	AMD	97-12-016	296-62	PREP	97-06-101
296-23A-315	REP	97-06-066	296-46-514	AMD-P	97-03-083	296-62	PREP	97-09-078
296-23A-320	REP	97-06-066	296-46-514	AMD	97-12-016	296-62-05413	AMD-P	97-03-085
296-23A-400	REP	97-06-066	296-46-553	NEW-P	97-03-083	296-62-05413	AMD	97-11-055
296-23A-430	REP	97-06-066	296-46-553	NEW	97-12-016	296-62-07113	AMD-P	97-09-079
296-24	PREP	97-11-051	296-46-700	AMD-P	97-03-083	296-62-07113	AMD	97-19-014
296-24-07801	AMD-P	97-03-085	296-46-700	AMD	97-12-016	296-62-07460	NEW-P	97-09-079
296-24-07801	AMD	97-11-055	296-46-725	AMD-P	97-03-083	296-62-07460	NEW	97-19-014
296-24-084	AMD-P	97-03-085	296-46-725	AMD	97-12-016	296-62-07470	NEW-P	97-13-063
296-24-084	AMD	97-11-055	296-46-910	AMD-P	97-03-083	296-62-07470	NEW	97-18-062
296-24-088	AMD-P	97-03-085	296-46-910	AMD-E	97-10-064	296-62-07473	NEW-P	97-13-063
296-24-088	AMD	97-11-055	296-46-910	AMD	97-12-016	296-62-07473	NEW	97-18-062
296-24-060	REP-P	97-17-079	296-46-910	AMD-P	97-14-111	296-62-07475	NEW-P	97-13-063
296-24-061	NEW-P	97-17-079	296-46-910	AMD	97-16-070	296-62-07475	NEW	97-18-062
296-24-06105	NEW-P	97-17-079	296-46-915	AMD-P	97-03-083	296-62-07477	NEW-P	97-13-063
296-24-06110	NEW-P	97-17-079	296-46-915	AMD	97-12-016	296-62-07477	NEW	97-18-062
296-24-06115	NEW-P	97-17-079	296-46-915	AMD-P	97-14-111	296-62-075	AMD-P	97-09-079
296-24-06120	NEW-P	97-17-079	296-46-920	AMD-P	97-03-083	296-62-075	AMD	97-19-014
296-24-06125	NEW-P	97-17-079	296-46-920	AMD	97-12-016	296-62-07501	AMD-P	97-09-079
296-24-06130	NEW-P	97-17-079	296-46-930	AMD-P	97-14-111	296-62-07501	AMD	97-19-014
296-24-06135	NEW-P	97-17-079	296-46-950	AMD-P	97-14-111	296-62-07510	AMD-P	97-09-079
296-24-06140	NEW-P	97-17-079	296-46-960	NEW-P	97-14-111	296-62-07510	AMD	97-19-014
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296-24-06150	NEW-P	97-17-079	296-49-005	REP-P	97-09-039	296-62-07515	AMD	97-19-014
296-24-06155	NEW-P	97-17-079	296-49-005	REP	97-16-043	296-62-07711	AMD-P	97-09-079
296-24-06160	NEW-P	97-17-079	296-49-010	REP-P	97-09-039	296-62-07711	AMD	97-19-014
296-24-065	REP-P	97-17-079	296-49-010	REP	97-16-043	296-62-07712	AMD-P	97-09-079
296-24-067	REP-P	97-17-079	296-49-015	REP-P	97-09-039	296-62-07712	AMD	97-19-014
296-24-67501	AMD-P	97-13-062	296-49-015	REP	97-16-043	296-62-07715	AMD-P	97-09-079
296-24-67505	AMD-P	97-13-062	296-49-020	REP-P	97-09-039	296-62-07715	AMD	97-19-014
296-24-67507	AMD-P	97-13-062	296-49-020	REP	97-16-043	296-62-07717	AMD-P	97-09-079
296-24-67509	AMD-P	97-13-062	296-49-025	REP-P	97-09-039	296-62-07717	AMD	97-19-014
296-24-67511	AMD-P	97-13-062	296-49-025	REP	97-16-043	296-62-07721	AMD-P	97-09-079
296-24-67513	AMD-P	97-13-062	296-49-030	REP-P	97-09-039	296-62-07721	AMD	97-19-014
296-24-67515	AMD-P	97-13-062	296-49-030	REP	97-16-043	296-62-07725	AMD-P	97-09-079
296-24-67517	AMD-P	97-13-062	296-49-035	REP-P	97-09-039	296-62-07725	AMD	97-19-014
296-24-67519	AMD-P	97-13-062	296-49-035	REP	97-16-043	296-62-07728	AMD-P	97-09-079
296-24-67520	NEW-P	97-13-062	296-49-040	REP-P	97-09-039	296-62-07728	AMD	97-19-014
296-24-67521	NEW-P	97-13-062	296-49-040	REP	97-16-043	296-62-07761	REP-P	97-09-079
296-24-677	REP-P	97-13-062	296-49-045	REP-P	97-09-039	296-62-07761	REP	97-19-014
296-24-67701	REP-P	97-13-062	296-49-045	REP	97-16-043	296-62-11015	AMD-P	97-13-062
296-24-070	REP-P	97-17-079	296-49-050	REP-P	97-09-039	296-65-001	AMD-P	97-09-079
296-27-15503	AMD-P	97-03-085	296-49-050	REP	97-16-043	296-65-001	AMD	97-19-014
296-27-15503	AMD	97-11-054	296-49-055	REP-P	97-09-039	296-65-030	AMD-P	97-09-079
296-44	PREP	97-16-119	296-49-055	REP	97-16-043	296-65-030	AMD	97-19-014
296-45	PREP	97-16-119	296-49-060	REP-P	97-09-039	296-86-020	AMD-P	97-03-132
296-46	PREP	97-02-095	296-49-060	REP	97-16-043	296-86-020	AMD	97-11-053
296-46	AMD-C	97-15-143	296-49-065	REP-P	97-09-039	296-86-030	AMD-P	97-03-132
296-46-090	AMD-P	97-03-083	296-49-065	REP	97-16-043	296-86-030	AMD	97-11-053
296-46-090	AMD	97-12-016	296-49A-010	NEW-P	97-09-039	296-86-050	AMD-P	97-03-132
296-46-090	AMD-P	97-14-111	296-49A-010	NEW	97-16-043	296-86-050	AMD	97-11-053
296-46-130	AMD-P	97-03-083	296-49A-020	NEW-P	97-09-039	296-86-060	AMD-P	97-03-132
296-46-130	AMD	97-12-016	296-49A-020	NEW	97-16-043	296-86-060	AMD	97-11-053
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296-86-075	AMD	97-11-053	296-99-045	AMD-P	97-09-079	296-129-020	REP	97-17-064
296-86-080	AMD-P	97-03-132	296-99-050	AMD-P	97-09-079	296-129-030	PREP-X	97-13-034
296-86-080	AMD	97-11-053	296-99-055	AMD-P	97-09-079	296-129-030	REP	97-17-064
296-86-090	NEW-P	97-03-132	296-99-060	AMD-P	97-09-079	296-129-040	PREP-X	97-13-034
296-86-090	NEW	97-11-053	296-99-065	AMD-P	97-09-079	296-129-040	REP	97-17-064
296-93-010	REP-P	97-14-110	296-99-070	AMD-P	97-09-079	296-150C-0040	AMD-P	97-09-039
296-93-020	REP-P	97-14-110	296-99-075	AMD-P	97-09-079	296-150C-0040	AMD	97-16-043
296-93-030	REP-P	97-14-110	296-99-080	AMD-P	97-09-079	296-150C-0090	NEW-W	97-04-070
296-93-040	REP-P	97-14-110	296-99-085	AMD-P	97-09-079	296-150C-0100	AMD-P	97-09-039
296-93-050	REP-P	97-14-110	296-99-090	AMD-P	97-09-079	296-150C-0100	AMD	97-16-043
296-93-070	REP-P	97-14-110	296-99-093	AMD-P	97-09-079	296-150C-1010	NEW-W	97-04-070
296-93-080	REP-P	97-14-110	296-99-095	AMD-P	97-09-079	296-150C-3000	AMD-P	97-03-132
296-93-090	REP-P	97-14-110	296-104	PREP	97-11-004	296-150C-3000	AMD	97-11-053
296-93-100	REP-P	97-14-110	296-104-107	NEW-P	97-15-138	296-150F-0040	AMD-P	97-09-039
296-93-120	REP-P	97-14-110	296-104-200	AMD-P	97-15-138	296-150F-0040	AMD	97-16-043
296-93-140	REP-P	97-14-110	296-104-215	AMD-P	97-15-138	296-150F-0100	AMD-P	97-09-039
296-93-150	REP-P	97-14-110	296-104-265	AMD-P	97-15-138	296-150F-0100	AMD	97-16-043
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296-93-170	REP-P	97-14-110	296-104-300	AMD-P	97-15-138	296-150F-3000	AMD	97-11-053
296-93-190	REP-P	97-14-110	296-104-305	AMD-P	97-15-138	296-150M-0040	AMD-P	97-09-039
296-93-200	REP-P	97-14-110	296-104-310	AMD-P	97-15-138	296-150M-0040	AMD	97-16-043
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296-93-220	REP-P	97-14-110	296-104-325	AMD-P	97-15-138	296-150M-0100	AMD	97-16-043
296-93-230	REP-P	97-14-110	296-104-330	AMD-P	97-15-138	296-150M-3000	AMD-P	97-03-132
296-93-240	REP-P	97-14-110	296-104-400	REP-P	97-15-138	296-150M-3000	AMD	97-11-053
296-93-250	REP-P	97-14-110	296-104-405	AMD-P	97-15-138	296-150P-0010	NEW-P	97-09-039
296-93-260	REP-P	97-14-110	296-104-410	REP-P	97-15-138	296-150P-0010	NEW	97-16-043
296-93-270	REP-P	97-14-110	296-104-415	REP-P	97-15-138	296-150P-0020	NEW-P	97-09-039
296-93-280	REP-P	97-14-110	296-116-010	DECOD	97-08-042	296-150P-0020	NEW	97-16-043
296-93-290	REP-P	97-14-110	296-116-020	DECOD	97-08-042	296-150P-0030	NEW-P	97-09-039
296-93-300	AMD-P	97-03-132	296-116-030	DECOD	97-08-042	296-150P-0030	NEW	97-16-043
296-93-300	AMD	97-11-053	296-116-050	DECOD	97-08-042	296-150P-0040	NEW-P	97-09-039
296-93-300	REP-P	97-14-110	296-116-060	DECOD	97-08-042	296-150P-0040	NEW	97-16-043
296-93-320	REP-P	97-03-132	296-116-070	AMD	97-06-105	296-150P-0060	NEW-P	97-09-039
296-93-320	REP	97-11-053	296-116-070	DECOD	97-08-042	296-150P-0060	NEW	97-16-043
296-93-320	REP-P	97-14-110	296-116-075	DECOD	97-08-042	296-150P-0100	NEW-P	97-09-039
296-93-330	AMD-P	97-03-132	296-116-080	DECOD	97-08-042	296-150P-0100	NEW	97-16-043
296-93-330	AMD	97-11-053	296-116-081	DECOD	97-08-042	296-150P-0110	NEW-P	97-09-039
296-93-330	REP-P	97-14-110	296-116-082	PREP	97-06-102	296-150P-0110	NEW	97-16-043
296-93A-010	NEW-P	97-14-110	296-116-082	AMD-E	97-08-040	296-150P-0120	NEW-P	97-09-039
296-93A-020	NEW-P	97-14-110	296-116-082	DECOD	97-08-042	296-150P-0120	NEW	97-16-043
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296-93A-040	NEW-P	97-14-110	296-116-085	DECOD	97-08-042	296-150P-0130	NEW	97-16-043
296-93A-050	NEW-P	97-14-110	296-116-110	DECOD	97-08-042	296-150P-0200	NEW-P	97-09-039
296-93A-070	NEW-P	97-14-110	296-116-115	DECOD	97-08-042	296-150P-0200	NEW	97-16-043
296-93A-080	NEW-P	97-14-110	296-116-120	DECOD	97-08-042	296-150P-0210	NEW-P	97-09-039
296-93A-090	NEW-P	97-14-110	296-116-140	DECOD	97-08-042	296-150P-0210	NEW	97-16-043
296-93A-100	NEW-P	97-14-110	296-116-150	DECOD	97-08-042	296-150P-0220	NEW-P	97-09-039
296-93A-120	NEW-P	97-14-110	296-116-170	DECOD	97-08-042	296-150P-0220	NEW	97-16-043
296-93A-140	NEW-P	97-14-110	296-116-175	DECOD	97-08-042	296-150P-0250	NEW-P	97-09-039
296-93A-150	NEW-P	97-14-110	296-116-185	DECOD	97-08-042	296-150P-0250	NEW	97-16-043
296-93A-160	NEW-P	97-14-110	296-116-200	AMD	97-06-106	296-150P-0280	NEW-P	97-09-039
296-93A-170	NEW-P	97-14-110	296-116-200	DECOD	97-08-042	296-150P-0280	NEW	97-16-043
296-93A-190	NEW-P	97-14-110	296-116-205	DECOD	97-08-042	296-150P-0290	NEW-P	97-09-039
296-93A-200	NEW-P	97-14-110	296-116-2051	DECOD	97-08-042	296-150P-0290	NEW	97-16-043
296-93A-210	NEW-P	97-14-110	296-116-300	AMD-P	97-08-041	296-150P-0300	NEW-P	97-09-039
296-93A-220	NEW-P	97-14-110	296-116-300	DECOD	97-08-042	296-150P-0300	NEW	97-16-043
296-93A-230	NEW-P	97-14-110	296-116-315	DECOD	97-08-042	296-150P-0310	NEW-P	97-09-039
296-93A-240	NEW-P	97-14-110	296-116-35001	DECOD	97-08-042	296-150P-0310	NEW	97-16-043
296-93A-250	NEW-P	97-14-110	296-116-360	AMD-P	97-06-103	296-150P-0320	NEW-P	97-09-039
296-93A-260	NEW-P	97-14-110	296-116-360	AMD-E	97-06-104	296-150P-0320	NEW	97-16-043
296-93A-270	NEW-P	97-14-110	296-116-360	DECOD	97-08-042	296-150P-0330	NEW-P	97-09-039
296-93A-280	NEW-P	97-14-110	296-116-370	DECOD	97-08-042	296-150P-0330	NEW	97-16-043
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296-93A-300	NEW-P	97-14-110	296-116-410	DECOD	97-08-042	296-150P-0340	NEW	97-16-043
296-93A-330	NEW-P	97-14-110	296-116-420	DECOD	97-08-042	296-150P-0350	NEW-P	97-09-039
296-99-010	AMD-P	97-09-079	296-116-500	DECOD	97-08-042	296-150P-0350	NEW	97-16-043
296-99-015	AMD-P	97-09-079	296-126-098	PREP	97-18-078	296-150P-0400	NEW-P	97-09-039
296-99-020	AMD-P	97-09-079	296-126-140	PREP-X	97-13-034	296-150P-0400	NEW	97-16-043
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296-150P-0440	NEW-P	97-09-039	296-150R-2020	AMD-P	97-09-039	296-200-111	REP-P	97-16-090
296-150P-0440	NEW	97-16-043	296-150R-2020	AMD	97-16-043	296-200-112	REP-P	97-16-090
296-150P-0450	NEW-P	97-09-039	296-150R-3000	AMD-P	97-03-132	296-200-300	REP-P	97-16-090
296-150P-0450	NEW	97-16-043	296-150R-3000	AMD-P	97-09-039	296-200-310	REP-P	97-16-090
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296-150P-0600	NEW	97-16-043	296-150R-3000	AMD	97-16-043	296-200-330	REP-P	97-16-090
296-150P-0610	NEW-P	97-09-039	296-155	PREP	97-10-095	296-200-340	REP-P	97-16-090
296-150P-0610	NEW	97-16-043	296-155-24525	AMD-P	97-16-091	296-200-350	REP-P	97-16-090
296-150P-0620	NEW-P	97-09-039	296-155-481	AMD-P	97-16-091	296-200-360	REP-P	97-16-090
296-150P-0620	NEW	97-16-043	296-155-482	NEW-P	97-16-091	296-200-370	REP-P	97-16-090
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296-150P-0640	NEW-P	97-09-039	296-155-485	AMD-P	97-16-091	296-200-400	REP-P	97-16-090
296-150P-0640	NEW	97-16-043	296-155-48503	REP-P	97-16-091	296-200-410	REP-P	97-16-090
296-150P-0700	NEW-P	97-09-039	296-155-48504	REP-P	97-16-091	296-200-900	AMD-P	97-03-132
296-150P-0700	NEW	97-16-043	296-155-48505	REP-P	97-16-091	296-200-900	AMD	97-11-053
296-150P-0710	NEW-P	97-09-039	296-155-48506	REP-P	97-16-091	296-200-900	REP-P	97-16-090
296-150P-0710	NEW	97-16-043	296-155-48507	REP-P	97-16-091	296-200A-005	NEW-P	97-16-090
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296-150P-0720	NEW	97-16-043	296-155-48509	REP-P	97-16-091	296-200A-025	NEW-P	97-16-090
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296-150P-1000	NEW	97-16-043	296-155-48511	REP-P	97-16-091	296-200A-040	NEW-P	97-16-090
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296-150P-2030	NEW	97-16-043	296-155-48529	REP-P	97-16-091	296-200A-320	NEW-P	97-16-090
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296-150R	AMD	97-16-043	296-155-488	NEW-P	97-16-091	296-200A-370	NEW-P	97-16-090
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296-150R-0120	AMD	97-16-043	296-155-700	AMD-P	97-16-091	296-304-06013	AMD-P	97-13-062
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296-150R-0130	AMD	97-16-043	296-200	PREP	97-03-081	296-304-08007	AMD-P	97-13-062
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296-150R-0200	AMD	97-16-043	296-200-015	REP-P	97-16-090	296-304-090	AMD-P	97-13-062
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296-150R-0250	AMD	97-16-043	296-200-025	AMD	97-11-053	296-304-09003	AMD-P	97-13-062
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296-150R-0280	AMD	97-16-043	296-200-035	REP-P	97-16-090	296-304-09007	AMD-P	97-13-062
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296-150R-0400	AMD	97-16-043	296-200-050	AMD-P	97-03-132	296-304-09011	NEW-P	97-13-062
296-150R-0640	AMD-P	97-09-039	296-200-050	AMD	97-11-053	296-304-09013	NEW-P	97-13-062
296-150R-0640	AMD	97-16-043	296-200-050	REP-P	97-16-090	296-304-09015	NEW-P	97-13-062
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296-150R-0850	AMD	97-16-043	296-200-070	REP-P	97-16-090	296-304-09019	NEW-P	97-13-062
296-150R-1000	AMD-P	97-09-039	296-200-080	REP-P	97-16-090	296-304-09021	NEW-P	97-13-062
296-150R-1000	AMD	97-16-043	296-200-090	REP-P	97-16-090	296-304-09023	NEW-P	97-13-062













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296-400A-035	NEW	97-11-052	308-13-160	AMD-P	97-03-022	308-18-150	AMD	97-17-050
296-400A-045	NEW-P	97-03-085	308-13-160	AMD	97-06-065	308-18-170	AMD-P	97-13-081
296-400A-045	NEW	97-11-052	308-13-210	NEW	97-10-026	308-18-170	AMD	97-17-050
296-400A-050	NEW-P	97-03-085	308-13-220	NEW	97-10-026	308-18-180	NEW-P	97-13-081
296-400A-050	NEW	97-11-052	308-13-230	NEW	97-10-026	308-18-180	NEW	97-17-050
296-400A-070	NEW-P	97-03-085	308-13-240	NEW	97-10-026	308-18-185	NEW-P	97-13-081
296-400A-070	NEW	97-11-052	308-14-210	NEW-P	97-07-031	308-18-185	NEW	97-17-050
296-400A-100	NEW-P	97-03-085	308-14-210	NEW	97-10-053	308-18-190	NEW-P	97-13-081
296-400A-100	NEW	97-11-052	308-14-220	NEW-P	97-07-031	308-18-190	NEW	97-17-050
296-400A-110	NEW-P	97-03-085	308-14-220	NEW	97-10-053	308-18-240	AMD-P	97-13-081
296-400A-110	NEW	97-11-052	308-14-230	NEW-P	97-07-031	308-18-240	AMD	97-17-050
296-400A-120	NEW-P	97-03-085	308-14-230	NEW	97-10-053	308-18-300	AMD-P	97-13-081
296-400A-120	NEW	97-11-052	308-17	AMD-P	97-13-080	308-18-300	AMD	97-17-050
296-400A-121	NEW-P	97-03-085	308-17	AMD	97-17-051	308-19-400	NEW-P	97-07-026
296-400A-121	NEW	97-11-052	308-17-010	AMD-P	97-13-080	308-19-400	NEW	97-10-047
296-400A-130	NEW-P	97-03-085	308-17-010	AMD	97-17-051	308-19-410	NEW-P	97-07-026
296-400A-130	NEW	97-11-052	308-17-020	AMD-P	97-13-080	308-19-410	NEW	97-10-047
296-400A-140	NEW-P	97-03-085	308-17-020	AMD	97-17-051	308-19-420	NEW-P	97-07-026
296-400A-140	NEW	97-11-052	308-17-030	AMD-P	97-13-080	308-19-420	NEW	97-10-047
296-400A-300	NEW-P	97-03-085	308-17-030	AMD	97-17-051	308-20-160	PREP-X	97-13-026
296-400A-300	NEW	97-11-052	308-17-100	AMD-P	97-13-080	308-20-160	REP	97-17-062
296-400A-400	NEW-P	97-03-085	308-17-100	AMD	97-17-051	308-20-500	PREP-X	97-13-026
296-400A-400	NEW	97-11-052	308-17-105	AMD-P	97-13-080	308-20-500	REP	97-17-062
296-400A-425	NEW-P	97-03-085	308-17-105	AMD	97-17-051	308-20-710	NEW-P	97-07-032
296-400A-425	NEW	97-11-052	308-17-110	AMD-P	97-13-080	308-20-710	NEW	97-10-049
296-401	PREP	97-02-095	308-17-110	AMD	97-17-051	308-20-720	NEW-P	97-07-032
296-401	AMD-C	97-15-143	308-17-120	AMD-P	97-13-080	308-20-720	NEW	97-10-049
296-401-060	AMD-P	97-14-111	308-17-120	AMD	97-17-051	308-20-730	NEW-P	97-07-032
296-401-080	AMD-P	97-03-083	308-17-120	AMD	97-13-080	308-20-730	NEW	97-10-049
296-401-080	AMD	97-12-016	308-17-130	AMD	97-17-051	308-29-090	NEW-P	97-07-033
296-401-090	AMD-P	97-03-083	308-17-140	AMD-P	97-13-080	308-29-090	NEW-W	97-09-022
296-401-090	AMD	97-12-016	308-17-140	AMD	97-17-051	308-29-100	NEW-P	97-07-033
296-401-100	AMD-P	97-03-083	308-17-150	AMD-P	97-13-080	308-29-100	NEW-W	97-09-022
296-401-100	AMD	97-12-016	308-17-150	AMD	97-17-051	308-29-110	NEW-P	97-07-033
296-401-100	AMD-P	97-14-111	308-17-160	AMD-P	97-13-080	308-29-110	NEW-W	97-09-022
296-401-120	AMD-P	97-03-083	308-17-160	AMD	97-17-051	308-30-170	NEW-P	97-07-029
296-401-120	AMD	97-12-016	308-17-165	AMD-P	97-13-080	308-30-170	NEW	97-10-052
296-401-163	AMD-P	97-14-111	308-17-165	AMD	97-17-051	308-30-180	NEW-P	97-07-029
296-401-165	AMD-P	97-03-083	308-17-170	AMD-P	97-13-080	308-30-180	NEW	97-10-052
296-401-165	AMD	97-12-016	308-17-170	AMD	97-17-051	308-30-190	NEW-P	97-07-029
296-401-165	AMD-P	97-14-111	308-17-180	NEW-P	97-13-080	308-30-190	NEW	97-10-052
296-401-170	AMD-P	97-14-111	308-17-180	NEW	97-17-051	308-32-100	NEW-P	97-07-027
296-401-175	AMD-P	97-03-083	308-17-185	NEW-P	97-13-080	308-32-100	NEW	97-10-050
296-401-175	AMD	97-12-016	308-17-185	NEW	97-17-051	308-32-110	NEW-P	97-07-027
296-401-175	AMD-P	97-14-111	308-17-190	NEW-P	97-13-080	308-32-110	NEW	97-10-050
308-10-050	AMD-P	97-14-103	308-17-190	NEW	97-17-051	308-32-120	NEW-P	97-07-027
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308-11-150	NEW-P	97-07-035	308-17-210	AMD	97-17-051	308-33-120	NEW-P	97-07-030
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308-11-160	NEW	97-10-046	308-17-240	AMD-P	97-13-080	308-33-130	NEW	97-10-054
308-12-025	AMD	97-03-121	308-17-240	AMD	97-17-051	308-48-030	AMD-P	97-16-064
308-12-031	AMD	97-03-121	308-17-300	AMD-P	97-13-080	308-48-031	AMD-P	97-16-063
308-12-040	AMD	97-03-121	308-17-300	AMD	97-17-051	308-48-150	AMD-P	97-16-062
308-12-050	AMD	97-03-121	308-17-310	AMD-P	97-13-080	308-48-160	AMD-P	97-16-062
308-12-140	REP	97-03-121	308-17-310	AMD	97-17-051	308-48-810	NEW-P	97-16-060
308-12-145	REP	97-03-121	308-17-320	AMD-P	97-13-080	308-48-820	NEW-P	97-16-060
308-12-210	NEW	97-03-121	308-17-320	AMD	97-17-051	308-48-830	NEW-P	97-16-060
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308-12-230	NEW	97-03-121	308-18-020	AMD	97-17-050	308-49-164	AMD-P	97-16-061
308-12-240	NEW-W	97-03-065	308-18-030	AMD-P	97-13-081	308-56A	PREP	97-15-037
308-12-240	NEW	97-03-121	308-18-030	AMD	97-17-050	308-56A-060	AMD-P	97-09-002
308-12-250	NEW-W	97-03-065	308-18-100	AMD-P	97-13-081	308-56A-060	AMD-W	97-13-009
308-12-260	NEW-W	97-03-065	308-18-100	AMD	97-17-050	308-56A-065	AMD	97-03-076
308-12-320	AMD	97-06-064	308-18-110	AMD-P	97-13-081	308-56A-070	AMD	97-03-076
308-12-324	AMD	97-03-121	308-18-110	AMD	97-17-050	308-56A-075	AMD	97-03-076
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308-12-326	AMD	97-13-095	308-18-140	AMD-P	97-13-081	308-56A-150	AMD	97-07-014
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308-56A-200	AMD-W	97-13-009	308-56A-650	AMD-S	97-09-038	308-76-005	REP	97-17-062
308-56A-205	AMD-P	97-09-002	308-56A-650	AMD	97-14-034	308-76-400	PREP-X	97-13-026
308-56A-205	AMD-W	97-13-009	308-56A-660	AMD-P	97-06-028	308-76-400	REP	97-17-062
308-56A-210	AMD-P	97-09-002	308-56A-660	AMD-S	97-09-038	308-76-405	PREP-X	97-13-026
308-56A-210	AMD-W	97-13-009	308-56A-660	AMD	97-14-034	308-76-405	REP	97-17-062
308-56A-215	AMD-P	97-09-002	308-56A-670	AMD-P	97-06-028	308-76-410	PREP-X	97-13-026
308-56A-215	AMD-W	97-13-009	308-56A-670	AMD-S	97-09-038	308-76-410	REP	97-17-062
308-56A-250	AMD-P	97-09-002	308-56A-670	AMD	97-14-034	308-76-415	PREP-X	97-13-026
308-56A-250	AMD-W	97-13-009	308-56A-680	AMD-P	97-06-028	308-76-415	REP	97-17-062
308-56A-255	REP-P	97-09-002	308-56A-680	AMD-S	97-09-038	308-76-420	PREP-X	97-13-026
308-56A-255	REP-W	97-13-009	308-56A-680	AMD	97-14-034	308-76-420	REP	97-17-062
308-56A-265	AMD-P	97-09-002	308-56A-690	AMD-P	97-06-028	308-76-425	PREP-X	97-13-026
308-56A-265	AMD-W	97-13-009	308-56A-690	AMD-S	97-09-038	308-76-425	REP	97-17-062
308-56A-270	AMD-P	97-09-002	308-56A-690	AMD	97-14-034	308-76-430	PREP-X	97-13-026
308-56A-270	AMD-W	97-13-009	308-57-005	AMD-P	97-07-069	308-76-430	REP	97-17-062
308-56A-275	AMD-P	97-09-002	308-57-005	AMD	97-12-015	308-77-030	PREP-X	97-13-026
308-56A-275	AMD-W	97-13-009	308-57-010	AMD-P	97-07-069	308-77-030	REP	97-17-062
308-56A-280	AMD-P	97-09-002	308-57-010	AMD	97-12-015	308-77-090	PREP-X	97-13-026
308-56A-280	AMD-W	97-13-009	308-57-020	AMD-P	97-07-069	308-77-090	REP	97-17-062
308-56A-285	AMD-P	97-09-002	308-57-020	AMD	97-12-015	308-93	PREP	97-12-026
308-56A-285	AMD-W	97-13-009	308-57-030	AMD-P	97-07-069	308-95-010	PREP-X	97-13-026
308-56A-300	AMD-P	97-09-002	308-57-030	AMD	97-12-015	308-95-010	REP	97-17-062
308-56A-300	AMD-W	97-13-009	308-57-110	AMD-P	97-07-069	308-95-020	PREP-X	97-13-026
308-56A-305	AMD-P	97-09-002	308-57-110	AMD	97-12-015	308-95-020	REP	97-17-062
308-56A-305	AMD-W	97-13-009	308-57-120	AMD-P	97-07-069	308-95-030	PREP-X	97-13-026
308-56A-310	AMD-P	97-09-002	308-57-120	AMD	97-12-015	308-95-030	REP	97-17-062
308-56A-310	AMD-W	97-13-009	308-57-130	AMD-P	97-07-069	308-96A	PREP	97-12-067
308-56A-315	AMD-P	97-09-002	308-57-130	AMD	97-12-015	308-96A-005	AMD-P	97-06-027
308-56A-315	AMD-W	97-13-009	308-57-135	NEW-P	97-07-069	308-96A-005	AMD	97-10-003
308-56A-320	AMD-P	97-09-002	308-57-135	NEW	97-12-015	308-96A-046	AMD-P	97-03-028
308-56A-320	AMD-W	97-13-009	308-57-140	AMD-P	97-07-069	308-96A-046	AMD	97-07-013
308-56A-325	AMD-P	97-09-002	308-57-140	AMD	97-12-015	308-96A-056	AMD-P	97-03-028
308-56A-325	AMD-W	97-13-009	308-57-210	AMD-P	97-07-069	308-96A-056	AMD	97-07-013
308-56A-330	AMD-P	97-09-002	308-57-210	AMD	97-12-015	308-96A-057	AMD-P	97-03-028
308-56A-330	AMD-W	97-13-009	308-57-220	REP-P	97-07-069	308-96A-057	AMD	97-07-013
308-56A-335	AMD-P	97-09-002	308-57-220	REP	97-12-015	308-96A-072	AMD-P	97-03-028
308-56A-335	AMD-W	97-13-009	308-57-230	AMD-P	97-07-069	308-96A-072	AMD	97-07-013
308-56A-340	REP-P	97-09-002	308-57-230	AMD	97-12-015	308-96A-073	AMD	97-07-014
308-56A-340	REP-W	97-13-009	308-57-240	AMD-P	97-07-069	308-96A-074	AMD	97-07-014
308-56A-345	REP-P	97-09-002	308-57-240	AMD	97-12-015	308-96A-075	REP	97-07-014
308-56A-345	REP-W	97-13-009	308-57-250	REP-P	97-07-069	308-96A-136	AMD-P	97-03-028
308-56A-350	AMD-P	97-09-002	308-57-250	REP	97-12-015	308-96A-136	AMD	97-07-013
308-56A-350	AMD-W	97-13-009	308-57-310	REP-P	97-07-069	308-96A-161	AMD-P	97-06-027
308-56A-355	REP-P	97-09-002	308-57-310	REP	97-12-015	308-96A-161	AMD	97-10-003
308-56A-355	REP-W	97-13-009	308-57-320	REP-P	97-07-069	308-96A-162	AMD-P	97-06-027
308-56A-360	AMD-P	97-09-002	308-57-320	REP	97-12-015	308-96A-162	AMD	97-10-003
308-56A-360	AMD-W	97-13-009	308-57-410	REP-P	97-07-069	308-124F-030	PREP	97-18-068
308-56A-365	AMD-P	97-09-002	308-57-410	REP	97-12-015	308-125-120	PREP	97-09-082
308-56A-365	AMD-W	97-13-009	308-57-420	REP-P	97-07-069	308-125-120	PREP	97-09-083
308-56A-370	NEW-P	97-09-002	308-57-420	REP	97-12-015	308-125-120	PREP	97-11-059
308-56A-370	NEW-W	97-13-009	308-57-430	REP-P	97-07-069	308-125-120	AMD-P	97-13-030
308-56A-400	REP-P	97-09-002	308-57-430	REP	97-12-015	308-125-120	AMD-P	97-15-101
308-56A-400	REP-W	97-13-009	308-57-440	REP-P	97-07-069	308-125-120	AMD	97-16-042
308-56A-405	REP-P	97-09-002	308-57-440	REP	97-12-015	308-125-120	AMD-C	97-18-032
308-56A-405	REP-W	97-13-009	308-58-010	AMD-P	97-03-096	308-127-310	NEW-P	97-07-028
308-56A-410	REP-P	97-09-002	308-58-010	AMD-S	97-08-005	308-127-310	NEW	97-10-051
308-56A-410	REP-W	97-13-009	308-58-010	AMD	97-11-049	308-127-320	NEW-P	97-07-028
308-56A-415	REP-P	97-09-002	308-58-030	AMD-P	97-03-096	308-127-320	NEW	97-10-051
308-56A-415	REP-W	97-13-009	308-58-030	AMD-S	97-08-005	308-127-330	NEW-P	97-07-028
308-56A-470	AMD	97-07-014	308-58-030	AMD	97-11-049	308-127-330	NEW	97-10-051
308-56A-610	AMD-P	97-06-028	308-58-040	AMD-P	97-03-096	308-300-310	PREP	97-14-088
308-56A-610	AMD-S	97-09-038	308-58-040	AMD-S	97-08-005	308-330-121	REP-P	97-07-015
308-56A-610	AMD	97-14-034	308-58-040	AMD	97-11-049	308-330-121	REP	97-10-068
308-56A-620	AMD-P	97-06-028	308-58-050	NEW-P	97-03-096	308-330-123	REP-P	97-07-015
308-56A-620	AMD-S	97-09-038	308-58-050	NEW-S	97-08-005	308-330-123	REP	97-10-068
308-56A-620	AMD	97-14-034	308-58-050	NEW	97-11-049	308-330-197	AMD-P	97-07-015
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308-56A-630	REP-S	97-09-038	308-72-506	REP	97-17-062	308-330-200	AMD-P	97-07-015
308-56A-630	REP	97-14-034	308-72-510	PREP-X	97-13-026	308-330-200	AMD	97-10-068
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308-56A-640	AMD-S	97-09-038	308-72-543	PREP-X	97-13-026	308-330-300	AMD	97-10-068
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308-330-322	AMD	97-10-068	315-11-662	PREP-X	97-14-016	315-11-910	PREP-X	97-14-016
308-330-329	REP-P	97-07-015	315-11-670	PREP-X	97-14-016	315-11-911	PREP-X	97-14-016
308-330-329	REP	97-10-068	315-11-671	PREP-X	97-14-016	315-11-912	PREP-X	97-14-016
308-330-370	AMD-P	97-07-015	315-11-672	PREP-X	97-14-016	315-11-920	PREP-X	97-14-016
308-330-370	AMD	97-10-068	315-11-680	PREP-X	97-14-016	315-11-921	PREP-X	97-14-016
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308-330-375	REP	97-10-068	315-11-682	PREP-X	97-14-016	315-11-930	PREP-X	97-14-016
308-330-400	AMD-P	97-07-015	315-11-690	PREP-X	97-14-016	315-11-931	PREP-X	97-14-016
308-330-400	AMD	97-10-068	315-11-691	PREP-X	97-14-016	315-11-932	PREP-X	97-14-016
308-330-406	AMD-P	97-07-015	315-11-692	PREP-X	97-14-016	315-11-940	PREP-X	97-14-016
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308-330-825	AMD	97-10-068	315-11-761	PREP-X	97-14-016	315-11A-101	PREP-X	97-14-016
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363-11-200	RECOD	97-08-042	363-116-370	RECOD	97-08-042	374-80-040	NEW-P	97-15-111
363-11-210	RECOD	97-08-042	363-116-400	RECOD	97-08-042	374-80-050	NEW-P	97-15-111
363-11-220	RECOD	97-08-042	363-116-410	RECOD	97-08-042	374-80-060	NEW-P	97-15-111
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363-11-240	RECOD	97-08-042	363-116-500	RECOD	97-08-042	388-11-032	PREP	97-09-111
363-11-250	RECOD	97-08-042	365-40-010	AMD-P	97-15-106	388-11-045	PREP	97-09-111
363-11-260	RECOD	97-08-042	365-40-010	AMD	97-18-072	388-11-048	PREP	97-09-111
363-11-270	RECOD	97-08-042	365-40-020	AMD-P	97-15-106	388-11-285	AMD-P	97-09-019
363-11-280	RECOD	97-08-042	365-40-020	AMD	97-18-072	388-11-285	AMD-W	97-10-083
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363-11-310	RECOD	97-08-042	365-40-051	AMD-P	97-15-106	388-11-405	REP-P	97-13-087
363-11-320	RECOD	97-08-042	365-40-051	AMD	97-18-072	388-11-405	REP	97-16-037
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363-11-340	RECOD	97-08-042	365-40-071	AMD	97-18-072	388-11-410	AMD	97-16-037
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363-11-430	RECOD	97-08-042	365-90-090	REP-P	97-15-107	388-14-020	AMD-P	97-09-020
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363-11-450	RECOD	97-08-042	365-135-010	AMD	97-02-093	388-14-030	AMD-P	97-09-020
363-11-460	RECOD	97-08-042	365-135-020	AMD	97-02-093	388-14-030	PREP	97-09-110
363-11-470	RECOD	97-08-042	365-135-035	NEW	97-02-093	388-14-030	AMD-W	97-10-082
363-11-480	RECOD	97-08-042	365-135-040	AMD	97-02-093	388-14-030	AMD-P	97-15-085
363-11-490	RECOD	97-08-042	365-135-050	AMD	97-02-093	388-14-030	AMD	97-18-075
363-11-500	RECOD	97-08-042	365-135-060	AMD	97-02-093	388-14-035	NEW-P	97-15-085
363-11-510	RECOD	97-08-042	365-135-070	AMD	97-02-093	388-14-035	NEW	97-18-075
363-11-520	RECOD	97-08-042	371-08-310	AMD-E	97-12-003	388-14-040	NEW-P	97-15-085
363-11-530	RECOD	97-08-042	371-08-310	AMD-P	97-15-056	388-14-040	NEW	97-18-075
363-11-540	RECOD	97-08-042	371-08-310	AMD	97-19-064	388-14-045	NEW-P	97-15-085
363-11-550	RECOD	97-08-042	371-08-335	AMD-E	97-12-003	388-14-045	NEW	97-18-075
363-11-560	RECOD	97-08-042	371-08-335	AMD-P	97-15-056	388-14-050	NEW-P	97-15-085
363-11-570	RECOD	97-08-042	371-08-335	AMD	97-19-064	388-14-050	NEW	97-18-075
363-11-580	RECOD	97-08-042	371-08-555	AMD-P	97-15-056	388-14-260	AMD-P	97-09-020
363-11-590	RECOD	97-08-042	371-08-555	AMD	97-19-064	388-14-260	AMD	97-13-092
363-116-010	RECOD	97-08-042	374-70-020	AMD-P	97-03-113	388-14-270	AMD-P	97-09-020
363-116-020	RECOD	97-08-042	374-70-020	AMD	97-06-080	388-14-270	AMD	97-13-092
363-116-030	RECOD	97-08-042	374-70-020	AMD-E	97-07-049	388-14-271	NEW-P	97-09-020
363-116-050	RECOD	97-08-042	374-70-030	AMD-P	97-03-113	388-14-271	NEW	97-13-092
363-116-060	RECOD	97-08-042	374-70-030	AMD	97-06-080	388-14-272	NEW-P	97-09-020
363-116-070	RECOD	97-08-042	374-70-030	AMD-E	97-07-049	388-14-272	NEW	97-13-092
363-116-075	RECOD	97-08-042	374-70-060	AMD-P	97-03-113	388-14-274	NEW-P	97-09-020
363-116-080	RECOD	97-08-042	374-70-060	AMD	97-06-080	388-14-274	NEW	97-13-092
363-116-081	RECOD	97-08-042	374-70-060	AMD-E	97-07-049	388-14-275	PREP	97-15-131
363-116-082	RECOD	97-08-042	374-70-070	AMD-P	97-03-113	388-14-275	REP-P	97-19-102
363-116-082	AMD-P	97-10-084	374-70-070	AMD	97-06-080	388-14-276	NEW-P	97-09-020
363-116-082	AMD	97-14-032	374-70-070	AMD-E	97-07-049	388-14-276	NEW	97-13-092
363-116-083	RECOD	97-08-042	374-70-080	AMD-P	97-03-113	388-14-300	NEW-P	97-09-020
363-116-085	RECOD	97-08-042	374-70-080	AMD	97-06-080	388-14-300	AMD	97-13-092
363-116-110	RECOD	97-08-042	374-70-080	AMD-E	97-07-049	388-14-375	NEW-P	97-09-020
363-116-115	RECOD	97-08-042	374-70-090	AMD-P	97-03-113	388-14-376	NEW	97-13-092
363-116-120	RECOD	97-08-042	374-70-090	AMD	97-06-080	388-14-385	AMD-P	97-09-020
363-116-140	RECOD	97-08-042	374-70-090	AMD-E	97-07-049	388-14-385	AMD	97-13-092
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388-14-430	REP	97-13-092	388-49-362	NEW	97-09-012	388-76-060	REP-P	97-18-087
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388-14-435	AMD	97-13-092	388-49-364	NEW-P	97-05-053	388-76-080	REP-P	97-18-087
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388-14-460	AMD	97-13-092	388-49-369	NEW-E	97-05-052	388-76-155	REP-P	97-18-087
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388-15-202	AMD-P	97-17-091	388-52-160	PREP	97-15-131	388-76-390	REP-P	97-18-087
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388-15-580	REP-P	97-19-102	388-52-169	REP-P	97-19-102	388-76-440	REP-P	97-18-087
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388-76-9970	NEW	97-15-089	388-96-709	AMD-P	97-12-082	388-155-450	PREP	97-14-073
388-76-9972	NEW-P	97-15-132	388-96-709	AMD	97-17-040	388-155-460	PREP	97-14-073
388-76-9972	NEW	97-15-089	388-96-719	AMD-P	97-12-082	388-155-470	PREP	97-14-073
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388-76-9974	NEW	97-15-089	388-96-735	AMD-P	97-12-082	388-155-490	PREP	97-14-073
388-76-9976	NEW-P	97-15-132	388-96-735	AMD	97-17-040	388-155-500	PREP	97-14-073
388-76-9976	NEW	97-15-089	388-96-745	PREP	97-06-072	388-155-600	PREP	97-14-073
388-76-9978	NEW-P	97-15-132	388-96-745	AMD-P	97-12-082	388-155-605	PREP	97-14-073
388-76-9978	NEW	97-15-089	388-96-745	AMD	97-17-040	388-155-610	PREP	97-14-073
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388-76-9980	NEW	97-15-089	388-96-754	AMD	97-17-040	388-155-630	PREP	97-14-073
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388-78-010	PREP	97-15-131	388-96-776	PREP	97-06-072	388-155-660	PREP	97-14-073
388-78-010	REP-P	97-19-102	388-96-776	AMD-P	97-12-082	388-155-670	PREP	97-14-073
388-78-015	PREP	97-15-131	388-96-776	AMD	97-17-040	388-155-680	PREP	97-14-073
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388-96-220	PREP	97-06-072	388-155-180	PREP	97-14-073	388-201-420	REP-E	97-15-043
388-96-221	PREP	97-06-072	388-155-190	PREP	97-14-073	388-201-420	PREP	97-15-131
388-96-224	PREP	97-06-072	388-155-200	PREP	97-14-073	388-201-430	REP-P	97-15-031
388-96-224	AMD-P	97-12-082	388-155-210	PREP	97-14-073	388-201-430	REP-E	97-15-043
388-96-224	AMD	97-17-040	388-155-220	PREP	97-14-073	388-201-430	PREP	97-15-131
388-96-505	PREP	97-06-072	388-155-230	PREP	97-14-073	388-201-440	REP-P	97-15-031
388-96-505	AMD-P	97-12-082	388-155-240	PREP	97-14-073	388-201-440	REP-E	97-15-043
388-96-505	AMD	97-17-040	388-155-250	PREP	97-14-073	388-201-440	PREP	97-15-131
388-96-534	PREP	97-06-072	388-155-260	PREP	97-14-073	388-201-450	REP-P	97-15-031
388-96-534	AMD-P	97-12-082	388-155-270	PREP	97-14-073	388-201-450	REP-E	97-15-043
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388-96-553	AMD	97-17-040	388-155-310	PREP	97-14-073	388-201-460	PREP	97-15-131
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388-96-554	AMD-P	97-12-082	388-155-330	PREP	97-14-073	388-201-470	REP-E	97-15-043
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388-96-559	AMD-P	97-12-082	388-155-360	PREP	97-14-073	388-201-480	REP-E	97-15-043
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388-96-565	PREP	97-06-072	388-155-380	PREP	97-14-073	388-215-0020	NEW-P	97-17-087
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388-215-1000	AMD-P	97-17-087	388-218-1350	PREP	97-11-079	388-222-030	NEW-P	97-17-103
388-215-1010	NEW-P	97-15-031	388-218-1350	AMD-E	97-15-087	388-222-040	NEW-P	97-17-103
388-215-1010	NEW-E	97-15-043	388-218-1350	AMD-P	97-15-088	388-222-050	NEW-P	97-17-103
388-215-1115	NEW-P	97-05-068	388-218-1350	AMD	97-18-073	388-222-060	NEW-P	97-17-103
388-215-1115	NEW	97-08-032	388-218-1410	PREP	97-11-079	388-230	PREP	97-13-085
388-215-1115	NEW	97-10-041	388-218-1410	AMD-E	97-15-087	388-230-0010	AMD-E	97-14-107
388-215-1200	AMD-P	97-17-087	388-218-1410	AMD-P	97-15-088	388-230-0010	AMD-P	97-17-102
388-215-1210	NEW-E	97-16-055	388-218-1410	AMD	97-18-073	388-230-0040	AMD-E	97-14-107
388-215-1210	NEW-P	97-17-100	388-218-1420	PREP	97-11-079	388-230-0040	AMD-P	97-17-102
388-215-1375	AMD-P	97-09-108	388-218-1420	REP-E	97-15-087	388-230-0060	AMD-E	97-14-107
388-215-1375	AMD	97-14-082	388-218-1420	REP-P	97-15-088	388-230-0060	AMD-P	97-17-102
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388-215-1400	AMD	97-08-033	388-218-1430	PREP	97-11-079	388-230-0090	AMD-P	97-17-102
388-215-1400	AMD	97-10-042	388-218-1430	AMD-E	97-15-087	388-230-0110	AMD-E	97-14-107
388-215-1550	NEW-E	97-03-049	388-218-1430	AMD-P	97-15-088	388-230-0110	AMD-P	97-17-102
388-215-1550	NEW-P	97-03-052	388-218-1430	AMD	97-18-073	388-230-0120	AMD-E	97-14-107
388-215-1550	NEW	97-06-077	388-218-1440	PREP	97-11-079	388-230-0120	AMD-P	97-17-102
388-215-1570	NEW-P	97-05-069	388-218-1440	AMD-E	97-15-087	388-230-0140	AMD-E	97-14-107
388-215-1570	NEW	97-08-034	388-218-1440	AMD-P	97-15-088	388-230-0140	AMD-P	97-17-102
388-215-1570	NEW	97-10-040	388-218-1440	AMD	97-18-073	388-233	PREP	97-13-083
388-215-1570	AMD-P	97-15-032	388-218-1450	PREP	97-11-079	388-235	PREP	97-14-081
388-215-1570	AMD-E	97-15-044	388-218-1450	REP-E	97-15-087	388-235-2000	AMD-P	97-17-090
388-215-1570	AMD	97-18-074	388-218-1450	REP-P	97-15-088	388-245-1150	AMD-E	97-14-109
388-215-1620	AMD-E	97-16-052	388-218-1450	REP	97-18-073	388-245-1510	AMD-E	97-15-011
388-215-1620	AMD-P	97-17-069	388-218-1460	PREP	97-11-079	388-250-1225	NEW-P	97-17-099
388-215-1630	NEW-P	97-17-068	388-218-1460	REP-E	97-15-087	388-250-1310	NEW-P	97-17-101
388-215-1650	AMD-E	97-03-054	388-218-1460	REP-P	97-15-088	388-250-1700	AMD-P	97-10-035
388-215-1650	AMD-P	97-03-055	388-218-1460	REP	97-18-073	388-250-1700	AMD-E	97-10-036
388-215-1650	AMD	97-06-076	388-218-1470	PREP	97-11-079	388-250-1700	AMD	97-14-011
388-215-1650	AMD-E	97-16-052	388-218-1470	AMD-E	97-15-087	388-265	PREP	97-13-084
388-215-1650	AMD-P	97-17-069	388-218-1470	AMD-P	97-15-088	388-265-1010	AMD-E	97-14-108
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388-215-1660	AMD-P	97-17-069	388-218-1530	AMD-E	97-03-047	388-265-1350	REP	97-10-042
388-215-1670	NEW-E	97-16-052	388-218-1530	AMD-P	97-03-051	388-265-1750	PREP	97-06-132
388-215-1670	NEW-P	97-17-069	388-218-1530	AMD	97-06-078	388-265-1750	AMD-E	97-06-133
388-216-2450	PREP	97-11-077	388-218-1630	PREP	97-11-079	388-265-1750	AMD-P	97-10-039
388-216-2450	AMD-P	97-15-089	388-218-1630	AMD-E	97-15-087	388-265-1750	AMD	97-13-091
388-216-2450	AMD-E	97-15-090	388-218-1630	AMD-P	97-15-088	388-290	PREP	97-14-047
388-216-2450	AMD	97-19-008	388-218-1630	AMD	97-18-073	388-290	AMD-P	97-17-104
388-216-2500	AMD-E	97-03-048	388-218-1700	REP-E	97-15-137	388-290-010	AMD-P	97-17-104
388-216-2500	AMD-P	97-03-050	388-218-1710	PREP	97-11-079	388-290-020	AMD-P	97-17-104
388-216-2500	AMD	97-06-075	388-218-1710	AMD-E	97-15-087	388-290-025	NEW-P	97-17-104
388-216-2500	PREP	97-11-077	388-218-1710	AMD-P	97-15-088	388-290-030	NEW-P	97-17-104
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388-216-2800	PREP	97-11-077	388-218-1730	REP	97-18-073	388-290-080	NEW-P	97-17-104
388-216-2800	AMD-P	97-15-089	388-218-1735	NEW-P	97-17-101	388-290-090	NEW-P	97-17-104
388-216-2800	AMD-E	97-15-090	388-218-1740	PREP	97-11-079	388-290-100	NEW-P	97-17-104
388-216-2800	AMD	97-19-008	388-218-1740	AMD-E	97-15-087	388-290-105	NEW-P	97-17-104
388-216-2900	AMD-E	97-03-047	388-218-1740	AMD-P	97-15-088	388-290-110	REP-P	97-17-104
388-216-2900	AMD-P	97-03-051	388-218-1740	AMD	97-18-073	388-290-115	REP-P	97-17-104
388-216-2900	AMD	97-06-078	388-218-1800	AMD-E	97-15-137	388-290-120	REP-P	97-17-104
388-216-3000	NEW-P	97-17-090	388-218-1820	AMD-E	97-03-047	388-290-123	REP-P	97-17-104
388-218-1210	PREP	97-11-079	388-218-1820	AMD-P	97-03-051	388-290-130	REP-P	97-17-104
388-218-1210	AMD-E	97-15-087	388-218-1820	AMD	97-06-078	388-290-135	REP-P	97-17-104
388-218-1210	AMD-P	97-15-088	388-218-1940	AMD-E	97-15-137	388-290-140	REP-P	97-17-104
388-218-1210	AMD	97-18-073	388-220-0001	NEW-P	97-17-088	388-290-155	REP-P	97-17-104
388-218-1230	AMD-E	97-15-087	388-220-0010	NEW-P	97-17-088	388-290-160	REP-P	97-17-104
388-218-1230	AMD-P	97-15-088	388-220-0020	NEW-P	97-17-088	388-290-170	REP-P	97-17-104
388-218-1230	AMD	97-18-073	388-220-0030	NEW-P	97-17-088	388-290-180	REP-P	97-17-104
388-218-1300	PREP	97-11-079	388-220-0040	NEW-P	97-17-088	388-290-210	REP-P	97-17-104
388-218-1300	AMD-E	97-15-087	388-222-001	NEW-P	97-17-103	388-290-250	REP-P	97-17-104

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388-300	PREP	97-14-046	388-500-0005	AMD-E	97-16-053	388-550-1400	NEW-P	97-11-008
388-300-0100	REP-P	97-16-054	388-501-0135	AMD	97-03-038	388-550-1500	NEW-P	97-11-008
388-300-0200	REP-P	97-16-054	388-503-0310	AMD	97-03-036	388-550-1600	NEW-P	97-11-008
388-300-0300	REP-P	97-16-054	388-503-0310	PREP	97-11-075	388-550-1700	NEW-P	97-11-008
388-300-0400	REP-P	97-16-054	388-503-0310	AMD-E	97-16-053	388-550-1750	NEW-P	97-11-008
388-300-0500	REP-P	97-16-054	388-505-0510	AMD-P	97-11-082	388-550-1800	NEW-P	97-11-008
388-300-0600	REP-P	97-16-054	388-505-0510	AMD	97-15-025	388-550-1900	NEW-P	97-11-008
388-300-0700	REP-P	97-16-054	388-505-0520	AMD-E	97-08-074	388-550-2000	NEW-P	97-11-008
388-300-0800	REP-P	97-16-054	388-505-0520	PREP	97-11-075	388-550-2100	NEW-P	97-11-008
388-300-0900	REP-P	97-16-054	388-505-0520	AMD-E	97-16-053	388-550-2200	NEW-P	97-11-008
388-300-1000	REP-P	97-16-054	388-505-0540	AMD	97-04-005	388-550-2300	NEW-P	97-11-008
388-300-1100	REP-P	97-16-054	388-506-0630	AMD	97-10-022	388-550-2400	NEW-P	97-11-008
388-300-1200	REP-P	97-16-054	388-507-0710	AMD-P	97-07-023	388-550-2500	NEW-P	97-11-008
388-300-1300	REP-P	97-16-054	388-507-0710	AMD	97-09-112	388-550-2600	NEW-P	97-11-008
388-300-1400	REP-P	97-16-054	388-507-0740	PREP	97-10-034	388-550-2700	NEW-P	97-11-008
388-300-1500	REP-P	97-16-054	388-507-0740	AMD-E	97-16-053	388-550-2750	NEW-P	97-11-008
388-300-1600	REP-P	97-16-054	388-508-0805	AMD-E	97-08-031	388-550-2800	NEW-P	97-11-008
388-300-1700	REP-P	97-16-054	388-508-0805	AMD-P	97-13-057	388-550-2900	NEW-P	97-11-008
388-300-1800	REP-P	97-16-054	388-508-0805	AMD	97-16-008	388-550-3000	NEW-P	97-11-008
388-300-1900	REP-P	97-16-054	388-509-0920	AMD-E	97-08-031	388-550-3100	NEW-P	97-11-008
388-300-2000	REP-P	97-16-054	388-509-0920	AMD-P	97-13-057	388-550-3150	NEW-P	97-11-008
388-300-2100	REP-P	97-16-054	388-509-0920	AMD	97-16-008	388-550-3200	NEW-P	97-11-008
388-300-2200	REP-P	97-16-054	388-509-0960	AMD-E	97-08-031	388-550-3250	NEW-P	97-11-008
388-300-2300	REP-P	97-16-054	388-509-0960	AMD-P	97-13-057	388-550-3300	NEW-P	97-11-008
388-300-2400	REP-P	97-16-054	388-509-0960	AMD	97-16-008	388-550-3350	NEW-P	97-11-008
388-300-2500	REP-P	97-16-054	388-510	PREP	97-11-075	388-550-3400	NEW-P	97-11-008
388-300-2600	REP-P	97-16-054	388-510-1005	NEW-E	97-16-053	388-550-3450	NEW-P	97-11-008
388-300-2700	REP-P	97-16-054	388-510-1020	AMD-E	97-16-053	388-550-3500	NEW-P	97-11-008
388-300-2800	REP-P	97-16-054	388-511-1105	AMD	97-03-036	388-550-3600	NEW-P	97-11-008
388-300-2900	REP-P	97-16-054	388-511-1130	AMD	97-10-022	388-550-3700	NEW-P	97-11-008
388-300-3000	REP-P	97-16-054	388-511-1140	AMD	97-10-022	388-550-3800	NEW-P	97-11-008
388-300-3100	REP-P	97-16-054	388-511-1160	AMD	97-03-034	388-550-3900	NEW-P	97-11-008
388-300-3200	REP-P	97-16-054	388-511-1160	PREP	97-08-035	388-550-4000	NEW-P	97-11-008
388-300-3300	REP-P	97-16-054	388-513-1315	PREP	97-12-023	388-550-4100	NEW-P	97-11-008
388-300-3400	REP-P	97-16-054	388-513-1320	AMD-P	97-11-082	388-550-4200	NEW-P	97-11-008
388-300-3500	REP-P	97-16-054	388-513-1320	AMD	97-15-025	388-550-4300	NEW-P	97-11-008
388-300-3600	REP-P	97-16-054	388-513-1330	AMD	97-10-022	388-550-4400	NEW-P	97-11-008
388-300-3700	REP-P	97-16-054	388-513-1350	AMD-P	97-07-023	388-550-4500	NEW-P	97-11-008
388-300-3800	REP-P	97-16-054	388-513-1350	AMD	97-09-112	388-550-4600	NEW-P	97-11-008
388-300-3900	REP-P	97-16-054	388-513-1365	AMD	97-05-040	388-550-4700	NEW-P	97-11-008
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388-310-0200	NEW-P	97-17-070	388-513-1380	AMD-W	97-12-062	388-550-4900	NEW-P	97-11-008
388-310-0300	NEW-P	97-17-070	388-513-1380	AMD-P	97-13-057	388-550-5000	NEW-P	97-11-008
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388-310-0500	NEW-P	97-17-070	388-517-1720	AMD-E	97-08-031	388-550-5150	NEW-P	97-11-008
388-310-0600	NEW-P	97-17-070	388-517-1720	AMD-P	97-13-057	388-550-5200	NEW-P	97-11-008
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388-310-1300	NEW-P	97-17-070	388-517-1760	AMD	97-16-009	388-550-5700	NEW-P	97-11-008
388-310-1400	NEW-P	97-17-070	388-522-2205	AMD-E	97-08-030	388-550-5800	NEW-P	97-11-008
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388-320-225	AMD-E	97-03-046	388-524-2405	AMD	97-15-084	388-550-6250	NEW-P	97-11-008
388-320-225	AMD-P	97-03-053	388-528-2810	REP	97-03-037	388-550-6300	NEW-P	97-11-008
388-320-225	AMD	97-07-008	388-538-070	PREP	97-11-076	388-550-6350	NEW-P	97-11-008
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388-320-410	PREP	97-15-131	388-538-110	AMD	97-04-004	388-550-6500	NEW-P	97-11-008
388-320-410	REP-P	97-19-102	388-540-005	PREP	97-11-081	388-550-6600	NEW-P	97-11-008
388-320-470	PREP	97-15-131	388-540-030	PREP	97-11-081	388-550-6700	NEW-P	97-11-008
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388-320-500	PREP	97-15-131	388-550-1000	NEW-P	97-11-008	388-555-1050	NEW-E	97-15-058
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388-555-1300	NEW-E	97-15-058	392-130-090	REP	97-19-075	392-140-720	NEW-E	97-18-036
388-555-1350	NEW-E	97-15-058	392-130-095	REP-P	97-16-001	392-140-721	NEW-E	97-18-036
388-555-1400	NEW-E	97-15-058	392-130-095	REP	97-19-075	392-140-722	NEW-E	97-18-036
388-555-1450	NEW-E	97-15-058	392-130-100	REP-P	97-16-001	392-140-723	NEW-E	97-18-036
390-16-041	AMD-P	97-03-117	392-130-100	REP	97-19-075	392-140-724	NEW-E	97-18-036
390-16-041	AMD	97-06-085	392-130-105	REP-P	97-16-001	392-140-725	NEW-E	97-18-036
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390-24-010	AMD-P	97-19-051	392-130-110	REP	97-19-075	392-140-728	NEW-E	97-18-036
390-24-020	AMD-P	97-19-051	392-130-115	REP-P	97-16-001	392-140-730	NEW-E	97-18-036
390-24-300	NEW-P	97-19-051	392-130-115	REP	97-19-075	392-140-731	NEW-E	97-18-036
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392-120-025	AMD-P	97-15-072	392-130-120	REP	97-19-075	392-140-733	NEW-E	97-18-036
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392-121	PREP	97-16-095	392-130-140	REP-P	97-16-001	392-140-744	NEW-E	97-18-036
392-121	PREP	97-16-096	392-130-140	REP	97-19-075	392-140-745	NEW-E	97-18-036
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392-121-122	AMD-P	97-15-073	392-130-155	REP-P	97-16-001	392-142-155	AMD	97-17-042
392-121-133	AMD-P	97-15-073	392-130-155	REP	97-19-075	392-160-004	AMD-C	97-14-077
392-121-136	AMD-P	97-15-073	392-130-160	REP-P	97-16-001	392-160-005	AMD-C	97-14-077
392-121-137	AMD-P	97-15-073	392-130-160	REP	97-19-075	392-160-010	AMD-C	97-14-077
392-121-182	AMD-P	97-15-073	392-130-165	REP-P	97-16-001	392-160-015	AMD-C	97-14-077
392-121-245	AMD-P	97-19-055	392-130-165	REP	97-19-075	392-160-016	NEW-C	97-14-077
392-121-257	AMD-P	97-19-055	392-130-170	REP-P	97-16-001	392-160-020	AMD-C	97-14-077
392-121-259	AMD-P	97-19-055	392-130-170	REP	97-19-075	392-160-029	AMD-C	97-14-077
392-121-262	AMD-P	97-19-055	392-130-175	REP-P	97-16-001	392-160-035	AMD-C	97-14-077
392-121-280	AMD-P	97-19-055	392-130-175	REP	97-19-075	392-160-036	NEW-C	97-14-077
392-122	PREP	97-16-097	392-130-180	REP-P	97-16-001	392-160-037	NEW-C	97-14-077
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392-130-005	REP	97-19-075	392-130-190	REP-P	97-16-001	392-160-060	NEW-C	97-14-077
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392-130-010	REP	97-19-075	392-130-195	REP-P	97-16-001	392-160-080	NEW-C	97-14-077
392-130-015	REP-P	97-16-001	392-130-195	REP	97-19-075	392-160-090	NEW-C	97-14-077
392-130-015	REP	97-19-075	392-130-200	REP-P	97-16-001	392-160-091	NEW-C	97-14-077
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392-130-040	REP	97-19-075	392-134-020	AMD-P	97-15-074	392-165-180	AMD-P	97-16-118
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392-130-050	REP	97-19-075	392-137-195	AMD-P	97-15-075	392-165-302	AMD-P	97-16-118
392-130-055	REP-P	97-16-001	392-137-220	REP-P	97-15-075	392-165-304	AMD-P	97-16-118
392-130-055	REP	97-19-075	392-139	PREP	97-16-098	392-165-310	AMD-P	97-16-118
392-130-060	REP-P	97-16-001	392-140	PREP	97-15-116	392-165-315	AMD-P	97-16-118
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392-130-065	REP	97-19-075	392-140-700	NEW-E	97-18-036	392-165-325	AMD-P	97-16-118
392-130-070	REP-P	97-16-001	392-140-701	NEW-E	97-18-036	392-165-330	AMD-P	97-16-118
392-130-070	REP	97-19-075	392-140-702	NEW-E	97-18-036	392-165-340	AMD-P	97-16-118
392-130-075	REP-P	97-16-001	392-140-710	NEW-E	97-18-036	392-165-345	AMD-P	97-16-118
392-130-075	REP	97-19-075	392-140-711	NEW-E	97-18-036	392-165-347	AMD-P	97-16-118
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392-130-080	REP	97-19-075	392-140-713	NEW-E	97-18-036	392-165-362	AMD-P	97-16-118
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392-165-440	AMD-P	97-16-118	434-09-070	DECOD-P	97-14-106	434-30-110	REP-P	97-14-106
392-165-450	AMD-P	97-16-118	434-09-080	AMD-P	97-14-106	434-30-120	REP-P	97-14-106
392-165-455	AMD-P	97-16-118	434-09-080	DECOD-P	97-14-106	434-30-130	REP-P	97-14-106
392-165-460	AMD-P	97-16-118	434-09-090	AMD-P	97-14-106	434-30-140	REP-P	97-14-106
392-165-490	NEW-P	97-16-118	434-09-090	DECOD-P	97-14-106	434-30-150	REP-P	97-14-106
392-165-500	AMD-P	97-16-118	434-20-010	REP-P	97-14-106	434-30-160	AMD-P	97-14-106
392-165-510	AMD-P	97-16-118	434-20-020	REP-P	97-14-106	434-30-160	DECOD-P	97-14-106
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399-30-034	NEW-E	97-12-077	434-24-010	DECOD-P	97-14-106	434-30-190	DECOD-P	97-14-106
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415-108-500	DECOD	97-19-035	434-24-020	AMD-P	97-14-106	434-30-210	DECOD-P	97-14-106
415-108-530	DECOD	97-19-035	434-24-020	DECOD-P	97-14-106	434-30-220	REP-P	97-14-106
415-108-540	DECOD	97-19-035	434-24-025	DECOD-P	97-14-106	434-34-010	DECOD-P	97-14-106
415-108-580	DECOD	97-19-035	434-24-030	DECOD-P	97-14-106	434-34-015	DECOD-P	97-14-106
415-108-730	RECOD	97-19-035	434-24-035	AMD-P	97-14-106	434-34-020	DECOD-P	97-14-106
415-108-810	RECOD	97-19-035	434-24-035	DECOD-P	97-14-106	434-34-025	DECOD-P	97-14-106
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415-108-830	RECOD	97-19-035	434-24-050	AMD-P	97-14-106	434-34-035	DECOD-P	97-14-106
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415-112-330	AMD-S	97-05-010	434-24-055	REP-P	97-14-106	434-34-045	DECOD-P	97-14-106
415-112-330	AMD	97-09-037	434-24-060	AMD-P	97-14-106	434-34-050	DECOD-P	97-14-106
415-112-335	NEW-S	97-05-010	434-24-060	DECOD-P	97-14-106	434-34-055	DECOD-P	97-14-106
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415-112-411	REP	97-03-016	434-24-065	NEW	97-18-014	434-34-070	DECOD-P	97-14-106
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415-112-444	NEW	97-03-016	434-24-080	REP-P	97-14-106	434-34-080	DECOD-P	97-14-106
415-112-445	NEW	97-03-016	434-24-085	AMD-P	97-14-106	434-34-085	DECOD-P	97-14-106
415-112-450	NEW	97-03-016	434-24-085	DECOD-P	97-14-106	434-34-090	AMD-P	97-14-106
415-112-460	NEW	97-03-016	434-24-090	REP-P	97-14-106	434-34-090	DECOD-P	97-14-106
415-112-4601	NEW	97-03-016	434-24-095	AMD-P	97-14-106	434-34-095	DECOD-P	97-14-106
415-112-4603	NEW	97-03-016	434-24-095	DECOD-P	97-14-106	434-34-100	DECOD-P	97-14-106
415-112-4604	NEW	97-03-016	434-24-100	REP-P	97-14-106	434-34-105	DECOD-P	97-14-106
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415-112-4607	NEW	97-03-016	434-24-105	DECOD-P	97-14-106	434-34-110	DECOD-P	97-14-106
415-112-4608	NEW	97-03-016	434-24-110	AMD-P	97-14-106	434-34-115	DECOD-P	97-14-106
415-112-4609	NEW	97-03-016	434-24-110	DECOD-P	97-14-106	434-36-010	DECOD-P	97-14-106
415-112-470	NEW	97-03-016	434-24-115	AMD-P	97-14-106	434-36-020	AMD-P	97-14-106
415-112-471	NEW	97-03-016	434-24-115	DECOD-P	97-14-106	434-36-020	DECOD-P	97-14-106
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415-112-480	NEW	97-03-016	434-24-130	DECOD-P	97-14-106	434-36-040	DECOD-P	97-14-106
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415-112-483	NEW	97-03-016	434-24-140	DECOD-P	97-14-106	434-36-050	DECOD-P	97-14-106
415-112-485	NEW	97-03-016	434-24-150	REP-P	97-14-106	434-36-060	AMD-P	97-14-106
415-112-487	NEW	97-03-016	434-24-155	REP-P	97-14-106	434-36-060	DECOD-P	97-14-106
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415-112-490	NEW	97-03-016	434-24-160	DECOD-P	97-14-106	434-36-070	DECOD-P	97-14-106
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415-200-030	NEW	97-16-039	434-28-012	AMD-W	97-19-013	434-36-090	DECOD-P	97-14-106
415-200-040	NEW-E	97-08-053	434-28-020	DECOD-P	97-14-106	434-36-100	AMD-P	97-14-106
415-200-040	NEW-P	97-13-058	434-28-050	DECOD-P	97-14-106	434-36-100	DECOD-P	97-14-106
415-200-040	NEW	97-16-039	434-28-060	DECOD-P	97-14-106	434-36-110	AMD-P	97-14-106
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434-09-020	AMD-P	97-14-106	434-30-010	AMD-W	97-19-013	434-36-120	AMD-P	97-14-106
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434-09-030	AMD-P	97-14-106	434-30-030	AMD-P	97-14-106	434-36-130	REP-P	97-14-106
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434-36-180	DECOD-P	97-14-106	434-53-110	DECOD-P	97-14-106	434-120-040	NEW-P	97-08-076
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434-36-200	AMD-P	97-14-106	434-53-120	DECOD-P	97-14-106	434-120-105	AMD-P	97-08-076
434-36-200	DECOD-P	97-14-106	434-53-130	DECOD-P	97-14-106	434-120-105	AMD-S	97-16-034
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434-40-010	AMD-P	97-14-106	434-53-160	AMD-P	97-14-106	434-120-210	AMD-P	97-13-093
434-40-010	DECOD-P	97-14-106	434-53-160	DECOD-P	97-14-106	434-120-210	AMD	97-16-036
434-40-020	DECOD-P	97-14-106	434-53-170	AMD-P	97-14-106	434-120-212	NEW-P	97-13-093
434-20-025	DECOD-P	97-14-106	434-53-170	DECOD-P	97-14-106	434-120-212	NEW	97-16-036
434-40-030	AMD-P	97-14-106	434-53-180	DECOD-P	97-14-106	434-120-215	AMD-P	97-08-076
434-40-030	DECOD-P	97-14-106	434-53-190	AMD-P	97-14-106	434-120-215	AMD	97-16-035
434-40-040	DECOD-P	97-14-106	434-53-190	DECOD-P	97-14-106	434-120-250	AMD-P	97-13-093
434-40-050	AMD-P	97-14-106	434-53-200	AMD-P	97-14-106	434-120-250	AMD	97-16-036
434-40-050	DECOD-P	97-14-106	434-53-200	DECOD-P	97-14-106	434-120-255	AMD-P	97-08-076
434-40-060	AMD-P	97-14-106	434-53-210	AMD-P	97-14-106	434-120-255	AMD	97-16-035
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434-40-080	REP-P	97-14-106	434-53-220	DECOD-P	97-14-106	434-209-030	RECOD-P	97-14-106
434-40-090	DECOD-P	97-14-106	434-53-230	AMD-P	97-14-106	434-209-040	RECOD-P	97-14-106
434-40-100	DECOD-P	97-14-106	434-53-230	DECOD-P	97-14-106	434-209-050	RECOD-P	97-14-106
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434-40-130	AMD-P	97-14-106	434-53-260	DECOD-P	97-14-106	434-209-080	RECOD-P	97-14-106
434-40-130	DECOD-P	97-14-106	434-53-270	AMD-P	97-14-106	434-209-090	RECOD-P	97-14-106
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434-40-160	DECOD-P	97-14-106	434-53-290	AMD-P	97-14-106	434-228-050	RECOD-P	97-14-106
434-40-170	REP-P	97-14-106	434-53-290	DECOD-P	97-14-106	434-228-060	RECOD-P	97-14-106
434-40-180	DECOD-P	97-14-106	434-53-300	AMD-P	97-14-106	434-230-010	RECOD-P	97-14-106
434-40-190	AMD-P	97-14-106	434-53-300	DECOD-P	97-14-106	434-230-020	RECOD-P	97-14-106
434-40-190	DECOD-P	97-14-106	434-53-310	DECOD-P	97-14-106	434-230-030	RECOD-P	97-14-106
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434-40-200	DECOD-P	97-14-106	434-61-010	AMD-P	97-14-106	434-230-050	RECOD-P	97-14-106
434-40-210	REP-P	97-14-106	434-61-010	DECOD-P	97-14-106	434-230-060	RECOD-P	97-14-106
434-40-220	REP-P	97-14-106	434-61-020	AMD-P	97-14-106	434-230-070	RECOD-P	97-14-106
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434-40-250	DECOD-P	97-14-106	434-62-020	AMD-P	97-14-106	434-236-010	RECOD-P	97-14-106
434-40-260	DECOD-P	97-14-106	434-62-020	DECOD-P	97-14-106	434-236-020	RECOD-P	97-14-106
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434-240-100	RECOD-P	97-14-106	434-262-070	RECOD-P	97-14-106	440-22-250	AMD-S	97-08-073
434-240-110	RECOD-P	97-14-106	434-262-080	RECOD-P	97-14-106	440-22-250	AMD	97-13-050
434-240-120	RECOD-P	97-14-106	434-262-090	RECOD-P	97-14-106	440-22-253	NEW-S	97-08-073
434-240-130	RECOD-P	97-14-106	434-262-100	RECOD-P	97-14-106	440-22-253	NEW	97-13-050
434-240-150	RECOD-P	97-14-106	434-262-110	RECOD-P	97-14-106	440-22-255	NEW-S	97-08-073
434-240-160	RECOD-P	97-14-106	434-262-120	RECOD-P	97-14-106	440-22-255	NEW	97-13-050
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434-240-250	RECOD-P	97-14-106	434-324-010	RECOD-P	97-14-106	440-22-310	AMD-S	97-08-073
434-240-260	RECOD-P	97-14-106	434-324-015	RECOD-P	97-14-106	440-22-320	AMD-S	97-08-073
434-240-270	RECOD-P	97-14-106	434-324-020	RECOD-P	97-14-106	440-22-320	AMD	97-13-050
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434-253-070	RECOD-P	97-14-106	434-324-115	RECOD-P	97-14-106	446-16-050	REP	97-05-048
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434-253-110	RECOD-P	97-14-106	434-324-160	RECOD-P	97-14-106	446-16-110	AMD	97-05-048
434-253-120	RECOD-P	97-14-106	434-334-010	RECOD-P	97-14-106	446-16-120	AMD	97-05-048
434-253-130	RECOD-P	97-14-106	434-334-015	RECOD-P	97-14-106	446-20-050	AMD	97-05-048
434-253-140	RECOD-P	97-14-106	434-334-020	RECOD-P	97-14-106	446-20-090	AMD	97-05-048
434-253-150	RECOD-P	97-14-106	434-334-025	RECOD-P	97-14-106	446-20-100	AMD	97-05-048
434-253-160	RECOD-P	97-14-106	434-334-030	RECOD-P	97-14-106	446-20-110	REP	97-05-048
434-253-170	RECOD-P	97-14-106	434-334-035	RECOD-P	97-14-106	446-20-170	AMD	97-05-048
434-253-180	RECOD-P	97-14-106	434-334-040	RECOD-P	97-14-106	446-20-280	AMD	97-05-048
434-253-190	RECOD-P	97-14-106	434-334-045	RECOD-P	97-14-106	446-20-285	AMD	97-05-048
434-253-200	RECOD-P	97-14-106	434-334-050	RECOD-P	97-14-106	446-20-500	AMD	97-05-048
434-253-210	RECOD-P	97-14-106	434-334-055	RECOD-P	97-14-106	446-20-500	PREP	97-17-058
434-253-220	RECOD-P	97-14-106	434-334-060	RECOD-P	97-14-106	446-20-510	AMD	97-05-048
434-253-230	RECOD-P	97-14-106	434-334-065	RECOD-P	97-14-106	446-20-510	PREP	97-17-058
434-253-240	RECOD-P	97-14-106	434-334-070	RECOD-P	97-14-106	446-20-520	AMD	97-05-048
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434-253-260	RECOD-P	97-14-106	434-334-080	RECOD-P	97-14-106	446-20-530	AMD	97-05-048
434-253-270	RECOD-P	97-14-106	434-334-085	RECOD-P	97-14-106	458-10-010	NEW	97-08-068
434-253-280	RECOD-P	97-14-106	434-334-090	RECOD-P	97-14-106	458-10-020	NEW	97-08-068
434-253-290	RECOD-P	97-14-106	434-334-095	RECOD-P	97-14-106	458-10-030	NEW	97-08-068
434-253-300	RECOD-P	97-14-106	434-334-100	RECOD-P	97-14-106	458-10-040	NEW	97-08-068
434-253-310	RECOD-P	97-14-106	434-334-105	RECOD-P	97-14-106	458-10-050	NEW	97-08-068
434-253-320	RECOD-P	97-14-106	434-334-110	RECOD-P	97-14-106	458-10-060	NEW	97-08-068
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434-261-040	RECOD-P	97-14-106	440-22-005	AMD-S	97-08-073	458-12-341	PREP-X	97-14-043
434-261-060	RECOD-P	97-14-106	440-22-005	AMD	97-13-050	458-12-345	PREP-X	97-14-043
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434-261-090	NEW-P	97-14-106	440-22-200	AMD-S	97-08-073	458-12-370	PREP-X	97-14-043
434-261-100	NEW-P	97-14-106	440-22-200	AMD	97-13-050	458-12-375	PREP-X	97-14-043
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458-40-540	AMD	97-07-041	466-03-110	REP	97-15-110	468-86-020	NEW-P	97-06-005
458-40-540	AMD-W	97-11-060	466-03-120	REP-P	97-12-074	468-86-020	NEW	97-09-046
458-40-540	PREP	97-19-030	466-03-120	REP	97-15-110	468-86-030	NEW-P	97-06-005
458-40-650	PREP	97-19-029	466-03-130	REP-P	97-12-074	468-86-030	NEW	97-09-046
458-40-660	PREP	97-06-111	466-03-130	REP	97-15-110	468-86-040	NEW-P	97-06-005
458-40-660	AMD-P	97-10-027	466-03-900	REP-P	97-12-074	468-86-040	NEW	97-09-046
458-40-660	AMD	97-14-068	466-03-900	REP	97-15-110	468-86-050	NEW-P	97-06-005
458-40-660	PREP	97-19-031	466-04-010	REP-P	97-12-074	468-86-050	NEW	97-09-046
460-21B-050	AMD	97-03-122	466-04-010	REP	97-15-110	468-86-060	NEW-P	97-06-005
460-21B-080	REP	97-03-122	466-04-020	REP-P	97-12-074	468-86-060	NEW	97-09-046
460-22B-070	REP	97-03-122	466-04-020	REP	97-15-110	468-86-070	NEW-P	97-06-005
460-22B-080	REP	97-03-122	466-04-030	REP-P	97-12-074	468-86-070	NEW	97-09-046
460-22B-090	AMD-P	97-13-076	466-04-030	REP	97-15-110	468-86-080	NEW-P	97-06-005
460-22B-090	AMD	97-16-050	466-04-040	REP-P	97-12-074	468-86-080	NEW	97-09-046
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460-24A-040	AMD	97-16-050	466-04-050	REP	97-15-110	468-86-100	NEW-P	97-06-005
460-24A-045	AMD-P	97-13-076	466-04-060	REP-P	97-12-074	468-86-100	NEW	97-09-046
460-24A-045	AMD	97-16-050	466-04-060	REP	97-15-110	468-86-110	NEW-P	97-06-005
460-24A-046	REP	97-03-122	466-04-070	REP-P	97-12-074	468-86-110	NEW	97-09-046
460-24A-050	AMD-P	97-13-076	466-04-070	REP	97-15-110	468-86-120	NEW-P	97-06-005
460-24A-050	AMD	97-16-050	466-07-010	REP-P	97-12-074	468-86-120	NEW	97-09-046
460-24A-170	AMD-P	97-13-076	466-07-010	REP-E	97-15-109	468-86-130	NEW-P	97-06-005
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460-42A-082	NEW	97-16-051	466-08-010	REP	97-15-110	468-86-140	NEW	97-09-046
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463-10-010	AMD-XA	97-19-057	466-08-080	REP	97-15-110	468-105-070	AMD-P	97-11-040
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478-116-650	NEW	97-14-005	478-276-100	AMD	97-14-004	495A-141-065	NEW-P	97-07-002
478-116-660	NEW-P	97-09-071	478-276-105	NEW-P	97-08-062	495A-141-065	NEW	97-12-038
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478-116-670	NEW	97-14-005	478-276-140	AMD	97-14-004	495A-141-080	NEW-P	97-07-002
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478-136-010	AMD-P	97-18-064	480-09	PREP	97-17-047	495A-141-090	NEW-P	97-07-002
478-136-012	AMD-P	97-18-064	480-11	PREP	97-17-047	495A-141-090	NEW	97-12-038
478-136-015	AMD-P	97-18-064	480-31-010	NEW	97-08-037	495A-141-100	NEW-P	97-07-002
478-136-025	AMD-P	97-18-064	480-31-020	NEW	97-08-037	495A-141-100	NEW	97-12-038
478-136-030	AMD-P	97-18-064	480-31-030	NEW	97-08-037	495A-141-110	NEW-P	97-07-002
478-136-040	REP-P	97-18-064	480-31-040	NEW	97-08-037	495A-141-110	NEW	97-12-038
478-136-060	AMD-P	97-18-064	480-31-050	NEW	97-08-037	495A-141-120	NEW-P	97-07-002
478-156	PREP	97-16-101	480-31-060	NEW	97-08-037	495A-141-120	NEW	97-12-038
478-160-035	AMD-P	97-08-062	480-31-070	NEW	97-08-037	495A-141-130	NEW-P	97-07-002
478-160-035	AMD	97-14-004	480-31-080	NEW	97-08-037	495A-141-130	NEW	97-12-038
478-160-040	AMD-P	97-08-062	480-31-090	NEW	97-08-037	495A-141-140	NEW-P	97-07-002
478-160-040	AMD	97-14-004	480-31-100	NEW	97-08-037	495A-141-140	NEW	97-12-038
478-160-050	AMD-P	97-08-062	480-31-110	NEW	97-08-037	495A-141-150	NEW-P	97-07-002
478-160-050	AMD	97-14-004	480-31-120	NEW	97-08-037	495A-141-150	NEW	97-12-038
478-160-060	AMD-P	97-08-062	480-31-130	NEW	97-08-037	495A-141-160	NEW-P	97-07-002
478-160-060	AMD	97-14-004	480-31-140	NEW	97-08-037	495A-141-160	NEW	97-12-038
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478-160-065	AMD	97-14-004	480-69	PREP	97-17-046	495A-141-165	NEW	97-12-038
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478-160-110	AMD	97-14-004	480-120-042	AMD-P	97-11-072	495B-120-035	NEW	97-11-014
478-160-120	AMD-P	97-08-062	480-120-042	AMD	97-18-056	504-12-010	PREP-X	97-14-038
478-160-120	AMD	97-14-004	480-120-106	PREP	97-11-071	504-12-020	PREP-X	97-14-038
478-160-125	AMD-P	97-08-062	480-120-106	AMD-P	97-19-070	504-12-030	PREP-X	97-14-038
478-160-125	AMD	97-14-004	480-120-137	PREP	97-08-036	504-12-040	PREP-X	97-14-038
478-160-130	AMD-P	97-08-062	480-120-138	PREP	97-08-036	504-12-050	PREP-X	97-14-038
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478-160-140	AMD-P	97-08-062	480-120-139	NEW	97-18-056	504-36-030	AMD-C	97-16-072
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478-160-160	AMD-P	97-08-062	480-120-142	PREP	97-08-036	516-12-400	AMD-P	97-11-025
478-160-160	AMD	97-14-004	480-123-010	NEW-E	97-17-026	516-12-400	AMD	97-17-052
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478-160-162	AMD	97-14-004	484-20-103	AMD	97-06-013	516-12-420	AMD	97-17-052
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478-160-175	AMD	97-14-004	490-500	PREP	97-13-086	516-12-430	AMD	97-17-052
478-160-210	AMD-P	97-08-062	491-10-010	PREP-X	97-13-046	516-12-450	AMD-P	97-11-025
478-160-210	AMD	97-14-004	491-10-010	REP	97-18-001	516-12-450	AMD	97-17-052
478-160-230	AMD-P	97-08-062	495A-120-041	NEW-P	97-07-003	516-12-460	AMD-P	97-11-025
478-160-230	AMD	97-14-004	495A-120-042	NEW-P	97-07-003	516-12-460	AMD	97-17-052
478-160-246	AMD-P	97-08-062	495A-120-043	NEW-P	97-07-003	516-12-470	AMD-P	97-11-025
478-160-246	AMD	97-14-004	495A-141-010	NEW-P	97-07-002	516-12-470	AMD	97-17-052
478-160-290	AMD-P	97-08-062	495A-141-010	NEW	97-12-038	516-12-480	AMD-P	97-11-025
478-160-290	AMD	97-14-004	495A-141-011	NEW-P	97-07-002	516-12-480	AMD	97-17-052
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478-160-320	AMD	97-14-004	495A-141-014	NEW-P	97-07-002			
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Revenue, department of	MISC 97-02-030	licensing, minimum requirements	PROP 97-18-087
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<b>CITIZENS COMMISSION</b>			PROP 97-13-090
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	MISC 97-12-014	unemployed parent program	
	MISC 97-13-013	100-hour work rule	PROP 97-09-108
	MISC 97-14-018	work quarters, definition	PERM 97-01-043
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	MISC 97-17-007	chemical dependency counselors	PROP 97-02-009
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	<b>MISC 97-19-011</b>		PERM 97-13-050
	<b>MISC 97-19-036</b>		EMER 97-15-033
	<b>MISC 97-19-068</b>		PROP 97-15-133
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		Aliens	PERM 97-13-050
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	MISC	97-09-053
	MISC	97-12-005

### WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

Meetings	MISC	97-01-004
	MISC	97-03-025
	MISC	97-06-031
	MISC	97-06-090
	MISC	97-07-019
	MISC	97-11-006
	MISC	97-11-016
	MISC	97-12-046
	MISC	97-15-004
	MISC	97-17-033
	MISC	97-18-017
	MISC	<b>97-19-001</b>

### YAKIMA VALLEY COMMUNITY COLLEGE

Parking and traffic regulations	PREP	97-10-076
	PROP	97-14-101
	PERM	<b>97-19-026</b>