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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of May 1998 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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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].

1997 - 1998
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS			
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>	<i>First Agency Adoption Date</i>
97-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9	Oct 4
97-17	Jul 23	Aug 6	Aug 20	Sep 3	Sep 23	Oct 18
97-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7	Nov 1
97-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21	Nov 15
97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4	Nov 29
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25	Dec 20
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9	Jan 3, 1998
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23	Jan 17, 1998
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998	Jan 31
98-01	Nov 26	Dec 10	Dec 24, 1997	Jan 7, 1998	Jan 27	Feb 21
98-02	Dec 10	Dec 24, 1997	Jan 7, 1998	Jan 21	Feb 10	Mar 7
98-03	Dec 24, 1997	Jan 7, 1998	Jan 21	Feb 4	Feb 24	Mar 21
98-04	Jan 7	Jan 21	Feb 4	Feb 18	Mar 10	Apr 4
98-05	Jan 21	Feb 4	Feb 18	Mar 4	Mar 24	Apr 18
98-06	Feb 4	Feb 18	Mar 4	Mar 18	Apr 7	May 2
98-07	Feb 18	Mar 4	Mar 18	Apr 1	Apr 21	May 16
98-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5	May 30
98-09	Mar 25	Apr 8	Apr 22	May 6	May 26	Jun 20
98-10	Apr 8	Apr 22	May 6	May 20	Jun 9	Jul 4
98-11	Apr 22	May 6	May 20	Jun 3	Jun 23	Jul 18
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98-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10	Dec 5
98-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24	Dec 19
98-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8	Jan 2, 1999
98-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22	Jan 16, 1999
98-24	Nov 4	Nov 18	Dec 2	Dec 16, 1998	Jan 5, 1999	Jan 30

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

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

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

⁴A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230, as amended by section 202, chapter 409, Laws of 1997.

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.

WSR 98-10-024**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed April 23, 1998, 11:05 a.m.]

Subject of Possible Rule Making: WAC 180-90-125 Definitions—Exceptional case, unusual competence, and general supervision.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.195.040 and 28A.225.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

April 23, 1998

Larry Davis
Executive Director**WSR 98-10-035****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed April 27, 1998, 11:35 a.m.]

Subject of Possible Rule Making: Temporary labor camps in general safety standards, chapter 296-24 WAC and Safety standards for agriculture, chapter 296-307 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1998 legislature passed 2SSB 6168 (chapter 37, Laws of 1998) requiring the agency to adopt rules "requiring electricity in all temporary worker housing and establishing minimum requirements to ensure the safe storage, handling, and preparation of food in these camps, regardless of whether individual or common cooking facilities are in use."

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal OSHA also regulates this subject. We must maintain rules that are at least as effective as those enforced by federal OSHA.

Process for Developing New Rule: The department will mail a proposed rule to everyone on our mailing list for agriculture rules and ask for comments on the proposal. We will develop the public hearing proposal based on the comments and receive further testimony at the public hearing.

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

April 24, 1998

Gary Moore
Director**WSR 98-10-037****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed April 28, 1998, 1:09 p.m.]

Subject of Possible Rule Making: Amending WAC 468-38-160.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring WAC 468-38-160 into compliance with RCW 46.37.400 and thereby enhance the preservation of public safety.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The WAC is enforced by the Washington State Patrol, which was the agency that brought the inconsistency to the attention of the Washington State Department of Transportation.

Process for Developing New Rule: Rule has been adopted on an emergency basis to enhance public safety.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, FAX (360) 664-9440.

April 28, 1998

Gerald E. Smith
Deputy Secretary, Operations**WSR 98-10-040****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed April 28, 1998, 3:42 p.m.]

Subject of Possible Rule Making: WAC 275-27-020, 275-27-180, 275-27-182, 275-27-185, 275-27-190, 275-27-195, 275-27-200, 275-27-205, 275-27-210, and 275-27-212, rules relating to the Division of Developmental Disabilities (DDD) family support opportunity pilot program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DDD wants to extend the ending date of the family support opportunity pilot project for an additional six months to December 31, 1998, in order to get full benefit from the pilot project. The pilot rules must be amended in order to extend the pilot project.

Process for Developing New Rule: Pilot rule making, the pilot project, which is now called the family support opportunity, has provided an array of services to over 700 families since its inception in 1996. DDD is evaluating the project using a variety of approaches, including a formal evaluation through the University of Washington.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rita Dickey, Department of Social and Health Services, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504, phone (360) 902-8451, FAX (360) 902-8482, TDD (360) 902-8455.

April 27, 1998
Edith M. Rice, Chief
Office of Legal Affairs

WSR 98-10-063

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 1, 1998, 11:35 a.m.]

Subject of Possible Rule Making: Increase real estate appraiser application, certification, and renewal fees to defray costs of administering the real estate appraiser program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.140.050, 43.24.086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under provision of RCW 43.24.086, the cost of each professional licensing program shall be borne by the members of that profession. The director of the Department of Licensing is charged with setting fees at a level sufficient to defray the costs of administering the program.

Projected revenue for the 1997-99 biennium from licensing fees is not sufficient to cover projected operating costs for the real estate appraiser program. An increase in original license applications anticipated as a result of mandatory licensing legislation has not been realized. In addition, many licensees have opted not to renew due to market conditions and perceptions regarding the value of certification or licensing.

Current resources are needed, at a minimum, to maintain program effectiveness. Program workload has shifted from primarily an application review process to include an emphasis on the enforcement of practice standards. Consumer complaints are technical in nature, related enforcement involves increased staff training, investigation and legal support costs.

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 Cleotis Borner, Jr., Real Estate Appraiser Program, Department of Licensing, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 753-1062, FAX (360) 586-0998.

May 1, 1998
Cleotis Borner, Jr.
Program Manager

WSR 98-10-071

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 4, 1998, 9:50 a.m.]

Subject of Possible Rule Making: Chapter 308-66 WAC, Motor vehicle dealers and manufacturers review in accordance with Governor Gary Locke's Executive Order 97-02.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.70.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review of current rules to ensure necessity, effectiveness, efficiency, clarity, intent, coordination with other jurisdictions and agencies, cost benefits and fairness.

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

Process for Developing New Rule: Elicit input from industry/stakeholders and those program employees who enforce these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending comments to Gail Saul, Dealer and Manufacturer Services, Department of Licensing, P.O. Box 9039, Olympia, WA 98507-9039, phone (360) 902-3709, FAX (360) 586-6703.

April 17, 1998
Evelyn P. Yenson
Director

WSR 98-10-080

**PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed May 4, 1998, 3:40 p.m.]

Subject of Possible Rule Making: Establishing universal service mechanisms for intrastate service, including the definition and identification of high cost areas, finding the costs of serving such areas, setting out the organizational elements for an intrastate funding mechanism, and any related matters. Docket No. UT-980311(r).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, section 1, chapter 337, Laws of 1998.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature has directed that the commission prepare for its approval and prepare to implement a proposed program, with an estimate of the costs, for the preservation and advancement of universal telecommunications service. The commission is using this mechanism to develop the program and estimate the costs, to provide for the maximum public and constituent involvement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal communications commission provides under federal law for implementation of analogous federal requirements.

Process for Developing New Rule: Agency study; and the commission will hold workshops and will invite written comments. The commission's goal will be to develop a consensus among involved interests that the commission will feel can responsibly adopt in the exercise of its rule-making discretion. In the absence of such a consensus, the commission will consider all proposals and agreements in reaching its conclusions. To assure that participants have the opportunity to test in a formal setting the development of costs to be used in the estimate of costs for the legislature, the commission will use Administrative Procedure Act adjudicative procedures under RCW 34.05.413(1).

In the matter of determining costs for Universal Service, Docket No. UT-980311(a), Notice of Prehearing Conference, May 15, 1998.

The Washington Utilities and Transportation Commission has undertaken a proceeding to revise and implement a program to define and provide universal telecommunications services to the people of the state of Washington. That proceeding is authorized by chapters 80.04 and 80.36 RCW, including RCW 80.01.040 and 80.04.160, and required by section 1, chapter 337, Laws of 1998, and the Federal Telecommunications Act of 1996, Public Law No. 104-104, 110 Stat. 56, codified at 47 U.S.C. § 151 *et seq.* (1996) ("the 1996 Act" or "the Telecom Act").

As part of that program, the commission finds it necessary to make determinations estimating the cost of providing telecommunications services in each area that may qualify as a high-cost location. The ultimate issue to be determined by the commission in this investigation is the reasonable and accurate cost of providing service in each such area. Any telecommunications company that believes it is serving customers in a high-cost location or that it may wish to serve such customers, and that wishes to obtain universal service support for such service is hereby put on notice that it should intervene and provide evidence in this proceeding, demonstrating the cost of its service. Determinations of cost made in this proceeding will be used to fulfill the requirements of ESSB 6622 (chapter 37, Laws of 1998) and may be used for other purposes, including possible interim explicit universal service rate elements.

To narrow the list of contested issues, a list of guidelines is presented herein, which companies must use in preparing and reporting their cost of serving customers in high-cost

locations. Companies must provide cost estimates that are consistent with past commission decisions on forward-looking cost studies, such as the 15th Supplemental Order in Docket No. UT-950200 and the 8th Supplemental Order in Docket No. UT-960369, *et al.*, when those orders are relevant. The commission reserves the authority, during this proceeding, upon notice to parties, to allow or require parties to present evidence on related information if the commission believes that the information should be received and findings made thereon in the adjudication.

These guidelines do not prescribe the exclusive means of establishing costs. Any party that believes a more reasonable or accurate estimate of cost requires a different assumption, model, or methodology may also submit alternative evidence consistent with its preferred assumption, model, or methodology along with a justification for doing so, but it must submit evidence consistent with the guidelines in this notice to the extent it has or can reasonably obtain that consistent evidence. *NOTE: Parties must also provide revenue information at the same level of granularity of the cost information that they provide. Parties must also state the relationship between cost and the national average revenue per subscriber.*

1. Cost must be measured and reported at a geographic unit no greater than the wire center and exchange level. Companies may wish to supply cost data on smaller geographic units, such as census block groups or grids, in which case they must also calculate and present the data at the wire center and exchange level.

2. Cost must be determined separately for (a) a network that serves single and multi-line subscribers (where multi-line subscribers include nonswitched loops); (b) the cost of a network that serves only multi-line subscribers; and (c) the cost of a network that serves only single-line subscribers.

3. For companies other than rural companies, cost must be determined based on forward-looking, long-run economic costs. For rural companies, cost may be determined based on embedded cost. Rural companies that use embedded cost must nonetheless provide a disaggregation of costs (a) at the wire center and exchange level and (b) between first lines and additional lines.

4. Cost must be measured using: (a) Cost of money - each company's authorized rate of return; (b) depreciation - each company's prescribed depreciation lives and salvage values; and (c) fill factors used in the 8th Supplemental Order, Docket No. UT-960369, especially paragraphs 171-173.

5. Actual line counts for each wire center and each exchange must be used in cost calculations, and the submission must include average loop lengths, by wire center and exchange.

6. Cost must be measured assuming that all services identified by the FCC and by ESSB 6622 are supported.

7. Shared, overhead, or common costs, if included, must be separately stated, and the factual support for such costs must be provided.

8. Each party who presents a recommendation in the rule-making phase regarding administration of a universal service fund should in the adjudicative phase describe its pro-

posal briefly and state in detail the expected costs of administration if its recommendation were adopted.

A tentative schedule has been developed in consultation with potential parties. The schedule will be addressed and a final schedule adopted at the prehearing conference. Parties are advised that the bench intends to propose that all parties who advocate the use of a particular cost model must present information regarding that model on the first filing date, tentatively set for June 15, 1998. Because of the parties' need for adequate opportunity to consider and respond to such models, the filing requirement should apply to parties who are not local exchange companies.

An issue to be addressed at the prehearing conference is the extent to which the commission will allow protections of confidentiality for models, methodologies, and cost data that the parties present in this proceeding. In conjunction with that discussion, parties are referred to the FCC's May 8, 1997, order at paragraph 250 and to the UNE order at paragraphs 36, 83, 297, and, especially, 298.

NOTICE IS HEREBY GIVEN That a prehearing conference herein will be held at 9:30 a.m., May 15, 1998, in Room 108, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The time and place for evidentiary hearings and other procedural stages will be set at the prehearing conference or by later written notice. The purpose of the prehearing conference is to consider formulating the issues in the proceeding and determining other matters to aid in its disposition, including schedule. The commission does not expect the parties to have available at that time copies of testimony or exhibits, and the parties need not have witnesses available as no oral testimony will be taken. However, the commission intends to propose to the parties that testimony will be required to be prefiled pursuant to the following schedule:

June 15, 1998	Proponents of cost studies file direct evidence
July 1, 1998	Others file direct evidence
August 3, 1998	All parties file responsive evidence
August 24, 1998	All parties file rebuttal evidence

The commission also intends to hold a subsequent prehearing conference on or about September 3, 1998, and contemplates beginning hearings on September 9, 1998. These filing and hearing dates will be discussed at the prehearing conference established herein and confirmed or revised by subsequent letter or notice to the parties.

All persons who wish to participate as parties to this adjudicative phase of the proceeding must file petitions to intervene in writing prior to this prehearing conference or appear at the conference and orally request such participation. The commission will develop its list of parties at the prehearing conference.

Please see the form attached to this notice, which should be filled out and returned if any party or witness needs an interpreter or other assistance.

NOTICE IS FURTHER GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE PREHEARING CONFERENCE SET HEREIN, OR OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH THE TERMS OF RCW

34.05.440, AND MAY BE BOUND BY THE OUTCOME OF THIS PROCEEDING. THE PARTIES ARE FURTHER ADVISED THAT THE SANCTION PROVISIONS OF WAC 480-09-700(4) ARE SPECIFICALLY INVOKED.

An administrative law judge from the Washington Utilities and Transportation Commission, (360) 664-1140, will be designated to preside at the hearing.

The names and mailing addresses of all persons and companies which the commission anticipates to be parties and their known representatives are as follows:

- Commission Staff: Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160
- Representative: Gregory Trautman
Assistant Attorney General
1400 South Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1187

The commission may at a later date designate special hearing sessions for the purpose of receiving the testimony of members of the public. The commission will provide at its offices in Olympia, Washington, current records of the proceeding for the use of persons who may wish to review them. Information about the proceeding will also be posted to the commission's Internet web site at <<http://www.wutc.wa.gov>>. The public counsel section of the Office of Attorney General has been designated by the Attorney General to represent the public. Persons who wish to inquire of or submit comments to public counsel, may do so in care of the commission's address and telephone number below, or may contact public counsel directly by writing or calling the public counsel address or telephone number below. Public counsel will be able to help members of the public to prepare their testimony if assistance is desired.

Inquiries should be addressed to: The Secretary, Washington Utilities and Transportation Commission, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1160 or Public Counsel Section, Office of Attorney General, Suite 2000, 900 Fourth Avenue, TB-14, Seattle, WA 98164-1012, (206) 464-6253.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA, 98504-7250, (360) 664-1174, FAX (360) 586-1150. Such persons may submit comments, as specified below, or may ask to be included in the commission's list of interested persons for the proceeding.

Written Comments: Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. UT-980311(r), not later than June 8, 1998. All commenters are asked to address questions posed by commission staff, available at the commission web site or by calling the commission. All parties are also asked, but not required, to file an original and ten copies of their written comments. Finally, the commission requests, but does not require, that comments be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 5.1, [5.1], 6.0 or 6.1, labeled with the docket number of this proceeding and the commenter's name and type of software used. The commission will offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. Interested persons may also attend and participate in the workshop described below and in any other workshop that may be scheduled.

Notice of Workshop: A workshop will be held on July 21, 1998, beginning at 9:30 a.m., in Seattle, Washington, at a place to be announced. The commission's teleconference bridge line will be available for this workshop. A limited number of teleconference ports will be available and will be assigned one to an organization, first come first served. Persons wishing to attend via the teleconference bridge line must contact Shirley Burrell at (360) 664-1140 no later than 3:00 p.m., July 16, 1998. Questions may be addressed to Bob Shirley, (360) 664-1292, or <bobs@wutc.wa.gov>. The commission will provide written notice of any additional pre-proposal workshops and any public meetings that the commission may schedule, to all commenters and to any other persons specifically asking to receive notice in this rule-making proceeding. Notice of such meetings or workshops will also be posted on the commission web site, <<http://www.wutc.wa.gov>>.

May 4, 1998
C. Robert Wallis
for Paul Curl
Acting Secretary

WSR 98-10-087

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

(Board of Funeral Directors and Embalmers)

[Filed May 5, 1998, 12:36 p.m.]

Subject of Possible Rule Making: Changing annual license expiration dates of funeral establishments, branch funeral establishments, and crematories from June 30 to January 31; and changing the period for which crematory license renewal fees are determined from "June 1 to May 31" to "previous calendar year."

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.39.175(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To allow a more accurate projection of revenues by changing the renewal dates from

June 30, which is the end of the fiscal year, to a later date within the fiscal year. Currently, there is a significant number of renewal documents which are mailed in one fiscal year, i.e., before June 30, but are received by the department in the next fiscal year, July 1 or later. The number of late receipts varies from year to year, making it difficult to accurately predict the revenue for a fiscal year. A change to January 31 will permit accurate tracking and estimation of these revenues.

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 providing written comments to the board at Funeral and Cemetery Unit, P.O. Box 9012, Olympia, WA 98507-9012, phone (360) 586-4905, FAX (360) 664-2550.

March 20, 1998
Jon Donnellan
Administrator

WSR 98-10-088

PREPROPOSAL STATEMENT OF INQUIRY EXECUTIVE ETHICS BOARD

[Filed May 5, 1998, 4:02 p.m.]

Subject of Possible Rule Making: RCW 42.52.360 (2)(b) Rules and policies governing the conduct of the board's business.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.52 RCW, RCW 42.52.360 (2)(b).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule will establish policy relating to the conduct of board meetings and administrative matters; e.g., office location and hours, public records requests.

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 board will accept written comments via letter, facsimile, or e-mail from any persons who may be interested. All comments received will be considered by the board before a proposed rule is published pursuant to a formal notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments must be received by June 12, 1998. These comments will be considered by the board at its July 17, 1998, regular meeting at Building 1, 4224 6th Avenue S.E., Lacey, WA, at 10:00 a.m. Thereafter, the board may proceed with rule making. Contact Executive Secretary, Executive Ethics Board, 1125 Washington Street S.W., P.O. Box 40100, Olympia, WA 98504-0100, (360) 664-0871, ethics@atg.wa.gov.

May 5, 1998
Margaret A. Grimaldi
Executive Secretary

WSR 98-10-089

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed May 6, 1998, 9:03 a.m.]

Subject of Possible Rule Making: Modification to existing chapter 468-58 WAC implementing chapter 47.52 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.04 [34.05] RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The modification of chapter 468-58 WAC will fulfill the intent of the Governor's Executive Order for WAC review. The modification will provide minor technical changes and clarify the intent of this WAC by making it easier to understand.

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. Contact person for the Department of Transportation is Randy Deer, P.O. Box 47329, Olympia, WA 98504-7329, (360) 705-6805. The proposed modification will be sent to the following for their review: Washington State Association of Counties, 206 10th Avenue S.E., Olympia, WA 98501-1311, Gary Lowe, Director, (360) 753-1886, FAX (360) 753-2842; Association of Washington Cities, 1076 Franklin Street S.E., Olympia, WA 98501, Craig Olson, (360) 753-4137, FAX (360) 753-4896; Department of Community, Trade and Economic Development, 906 Columbia Street S.W., Olympia, WA, Tim Douglas, Mailstop 48300, (360) 753-7426, FAX (360) 586-3582; City Design Standards Committee, TransAid Service Center, Olympia, Washington, Wayne Gruen, Deputy Assistant Secretary, Mailstop 47390, (360) 705-7374, FAX (360) 705-6822; and County Road Administration Board, Engineering Services Division, 2404 Chandler Court, Suite 240, Olympia, WA, Christine Mudgett, Manager, Mailstop 40913, (360) 753-5989.

May 6, 1998

Gerald E. Smith

Deputy Secretary, Operations

ified in 40 CFR Part 63, Subpart LL, or their equivalent, also need to be incorporated into state rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology must adopt the new federal standards for hazardous air pollutants (or their equivalent). Determining control technology for other (criteria) pollutants, and updating monitoring requirements at the same time will result in the least burdensome and most consistent set of requirements for smelters. Updating rules on this subject will also assure that environmental impacts from smelters are minimized.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Environmental Protection Agency has determined the maximum achievable control technology for emissions of hazardous air pollutants from aluminum smelters. Once ecology has adopted these regulations into state rules, EPA will delegate the authority to implement the federal standard to ecology.

Process for Developing New Rule: This rule making will proceed with advice from an advisory committee of interested stakeholders. If there is sufficient public interest, public meetings to explain the revisions to the rules will be held. In any case, one or more public hearings will be held. Since the substantive requirements are already established by existing state and/or federal regulation, and the purpose of this rule making is to coordinate the two, "negotiated rule making" is not appropriate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties should contact Carol Piening to determine their level of involvement. Address: Washington State Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6858, FAX (360) 407-6802, e-mail cpie461@ecy.wa.gov.

May 4, 1998

Joseph R. Williams

Program Manager

WSR 98-10-090

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 98-09—Filed May 6, 1998, 9:05 a.m.]

Subject of Possible Rule Making: Revisions to chapter 173-415 WAC, Primary aluminum plants and chapter 173-481 WAC, Ambient air quality and environmental standards for fluorides. Revisions to existing rules to incorporate new federal standards, determine reasonably available control technology (RACT) and examine whether smelters need to continue ambient monitoring for fluoride emissions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.154 requires that all sources of air pollution employ reasonably available control technology. Federal maximum achievable control technology standards, cod-

WSR 98-10-092

**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed May 6, 1998, 10:03 a.m.]

Subject of Possible Rule Making: WAC 363-116-082 Limitations on new pilots.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.16.105.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A pilot licensed in the Puget Sound pilotage district must complete certain familiarization/training trips at the expiration of his/her first license year in order to remove specified limitations from his/her state pilot license. These trip assignments require modifications relating to vessel gross tonnage and/or bridge and waterway transits.

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 board will begin considering written and oral comments from persons who may be interested in the development of rule amendments as described above. Comments received will be considered by the board before proposed rules are published pursuant to a formal notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peggy Larson, 801 Alaskan Way, Seattle, WA 98104-1487, phone (206) 515-3904, FAX (206) 515-3969. Comments received will be considered by the board through June 11, 1998. Thereafter, the board will proceed with rule making.

May 1, 1998
Peggy Larson
Administrator

WSR 98-10-095
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed May 6, 1998, 10:36 a.m.]

Subject of Possible Rule Making: Operational procedures for bingo games, awarding and accrual of prizes.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify method for collection of fees. Specify accrual method to require that games in which prizes accrue are identified ahead of time on a record maintained on the licensee's premises; require that money taken out of accrual are only for actual prizes paid; allow the total accrued prize balance to reach two times the total amount of prizes available on games in which prizes accrue. Make adjustment to merchandise give-away rule to allow player points, instead of merchandise, to be awarded.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; Carrie Tellefson, Director of Policy, Support and Enforcement, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Soojin Kim, Rules and Policy Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. #310.

Meetings at Maple Hall Convention Center, 104 Commercial Street, La Conner, WA 98257, (360) 466-3101, on June 11 and 12; and at the Double Tree Inn, 322 North Spokane Falls Court, Spokane, WA 99201, (509) 455-9600, on July 9 and 10; and at the Inn at Gig Harbor, 3211 56th N.W.,

Gig Harbor, WA 98335, (253) 851-6665, on August 13 and 14.

Soojin Kim
Rules and Policy Coordinator

WSR 98-10-099
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 6, 1998, 10:47 a.m.]

Subject of Possible Rule Making: Migratory game birds and trapping seasons; permits for special hunting and trapping seasons; game reserves; hunting hours and small game seasons; nontoxic shot pertaining to migratory game birds; and remove sage/sharp-tailed grouse from classification as game birds.

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 for hunters and trappers. Sage/sharp-tailed grouse are now threatened species and cannot be hunted.

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 Mike Kuttel, Assistant Director, Wildlife Management, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by June 15, 1998, rule proposal filing expected to be July 1, 1998.

May 5, 1998
Evan Jacoby
Rules Coordinator

WSR 98-10-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed May 6, 1998, 10:55 a.m.]

Subject of Possible Rule Making: Chapter 388-151 WAC (and any other related sections regarding), School-age child care center minimum licensing requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.15.010 and 74.15.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules need to be revised to keep current with regulatory reform.

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

agreements have just been completed between Office of Child Care Policy and these agencies. WAC rewrite is ongoing with the Department of Health regarding health and safety.

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

Each region held forums for interested parties to give input to suggested WAC changes. These suggestions were brought to the School-age Subcommittee of the Child Care Coordinating Committee. A meeting of the school-age subcommittee was held March 4th in Ellensburg to discuss the suggestions. Representatives came from most regions. Providers of school-age care were well represented. The group will meeting monthly to give input on the WAC changes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Contact persons are Karri Livingston, Regional Manager for OCCP for Region 2, 1002 North 16th Avenue, Yakima, WA 98909, (509) 454-7680; and Debra Duitch, Chairperson, 909 Fourth Avenue, Seattle, WA 98104, (206) 382-4960.

May 5, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 98-10-105

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed May 6, 1998, 10:57 a.m.]

Subject of Possible Rule Making: Establish a new rule in chapter 275-59 WAC to delineate which records and reports should be made available to criminal justice agencies, mental health facilities or correctional institutions or facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 10.77.200 and [10.77.]210 as amended by 2SSB 6214, 1998 (not yet codified).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature, in sections 45 and 47 of 2SSB 6214, 1998, specified that certain state hospital records related to a competency or sanity evaluation or commitment (chapter 10.77 RCW) should be made available to criminal justice agencies, mental health facilities or correctional institutions or facilities. Section 46 of the bill states the following intent: "Increasing public safety; and making decisions based on a person's current conduct and medical condition rather than the classification of the charges."

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

Process for Developing New Rule: The Department of Social and Health Services welcomes the public to take part in developing the rule. Anyone interested in participating should contact the staff person indicated below. After the rule is drafted, the Department of Social and Health Services will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy. As required in the legislation, the Department of Corrections be consulted during the development.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Weston, Mental Health Program Administrator, P.O. Box 45320, Olympia, WA 98504-5320, voice (360) 902-0782, FAX (360) 902-7691, e-mail dweston@dshs.wa.gov.

May 1, 1998

Edith M. Rice, Chief
Office of Legal Affairs

WSR 98-10-106

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed May 6, 1998, 10:57 a.m.]

Subject of Possible Rule Making: Medical Assistance Administration (MAA) rules pertaining to public assistance programs including, but not limited to, chapters 388-86, 388-87, 388-500, 388-501, 388-503, 388-504, 388-505, 388-506, 388-507, 388-508, 388-509, 388-510, 388-511, 388-512, 388-513, 388-515, 388-517, 388-518, 388-519, 388-521, 388-522, 388-523, 388-524, 388-525, 388-526, 388-527, 388-528, 388-529, and 388-538 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.050, 74.04.055, 74.04.057.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Social and Health Services' Medical Assistance and Economic Services Administration have been working together to integrate and rewrite public assistance rules to implement Executive Order 97-02 principles. This CR-101 announces a housekeeping action that will repeal some rules, and delete/amend subsections of other rules, that are being rewritten in this project. This housekeeping action will not include any substantive rule changes that alter the effect of the current rules. MAA will also be amending rules to change references to reflect the new rules. Without this action, many rules would exist in two places in a slightly different form, which could confuse clients and other stakeholders.

Process for Developing New Rule: MAA will use an internal work group to amend and repeal these rules and subsections of rules. Any interested parties who wish to participate in this development process can contact the regulatory

improvement coordinator at the address or phone number listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, Regulatory Improvement Coordinator, Medical Assistance Administration, Olympia, Washington 98504-5530, phone (360) 664-2314.

April 30, 1998
Edith M. Rice, Chief
Office of Legal Affairs

WSR 98-10-108

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed May 6, 1998, 11:03 a.m.]

Subject of Possible Rule Making: WAC 246-840-990 Fees and recycle [renewal cycle].

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.300 Department—Rules for administration.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The renewal cycle for registered nurses and practical nurses is currently annual. The renewal cycle for registered nurses who also are advanced registered nurse practitioners is currently two years. This proposed change to a two-year renewal cycle for all nurses would alleviate the confusion and make it easier for the nurses regarding renewals. The current renewal fee of \$50 per year will change to \$100 every two years. Licensees will still pay the same amount, but will pay it every two years, rather than annually.

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

Process for Developing New Rule: During the public involvement process on changing the administrative rules to comply with chapter 246-12 WAC, the Department of Health staff received a lot of public input requesting that the renewal cycle be changed from one year to two years. In the process of changing the nursing fees, the commission received additional input from nurses requesting this change. An article will appear in the June 1998 newsletter to all nurses with a survey of whether they are in support or opposed to a change to a two-year renewal cycle. Public meetings will be held May 26 and 27, 1998, for people to comment on this proposal. A notice will be sent to the interested persons mailing list.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry J. West, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, phone (360) 664-4207, FAX (360) 586-2165.

April 30, 1998
Bruce Miyahara
Secretary

WSR 98-10-109

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed May 6, 1998, 11:04 a.m.]

Subject of Possible Rule Making: Temporary worker housing building code, building permits, plan review and inspections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 2SSB 6168 directs the Department of Health to adopt rules for temporary worker housing building codes, plan review, building permits, inspections and fees.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is directed by the legislature to adopt rules for the temporary worker housing building codes, the permit process for such codes, plan reviews and fees. All of these rules are to be completed by December 31, 1998. Temporary worker housing operators who follow the building code as adopted by the Department of Health will be exempted from the uniform building codes. It is expected that the different standards will result in lower building costs which will result in increased building of housing for temporary use.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Labor and Industries, Building Code Council, and local building officials regulate either temporary worker housing or the building code itself. The department worked with contacts of each group throughout the 1998 legislative session and will continue to include each group in the rule-writing process.

Process for Developing New Rule: A draft of the rule will be developed with stakeholders including licensees, building officials and Department of Labor and Industries representatives. The draft will then be used in community work sessions to develop the final proposed rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. If interested in participating in community work sessions, contact Jennell Prentice, Rules Coordinator, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 705-6661, FAX (360) 705-6654, e-mail JZP0303@hub.doh.wa.gov.

April 30, 1998
Bruce Miyahara
Secretary

WSR 98-10-110

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed May 6, 1998, 11:04 a.m.]

Subject of Possible Rule Making: WAC 260-24-560 Horse identifier, to add language to subsection (3) to allow other designated location approved by the commission for the horse identifier to check the identification of horses in a race.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To be able to identify horses in a less stressful environment, which is less distressing to the horse.

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 Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, (360) 459-6462, or FAX (360) 459-6461.

May 6, 1998
Bruce Batson
Executive Secretary

WSR 98-10-116

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed May 6, 1998, 11:29 a.m.]

Subject of Possible Rule Making: Establishing the method for determining "Washington application rates" as defined in RCW 15.54.270(33).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.54.800 (3)(a) establishes standards for allowable levels of nonnutritive substances in commercial fertilizers. The subsection states that "Washington application rates shall be used to ensure that the maximum acceptable cumulative metal additions to soil are not exceeded." RCW 15.54.800(2) gives the director authority to adopt appropriate rules for carrying out the purpose and provisions of the chapter.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In order to determine if commercial fertilizers meet the new standards for nonnutritive substances, the department needs information regarding maximum application rates. For those products that have no specific label directions, the department needs to establish default assumptions regarding application rates in Washington.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Department of Ecology (ecology) has regulatory authority over certain commercial fertilizers. The Department of Agriculture has been working closely with ecology regarding this issue.

Process for Developing New Rule: The Washington Department of Agriculture will be meeting with the Fertilizer Advisory Committee and other interested parties. Anyone wishing to receive more information on the proposed rule should contact the department by one of the methods listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending any comments/suggestions to Washing-

ton State Department of Agriculture, P.O. Box 42589, Olympia, WA 98504-2589, Attn: Robin Schoen-Nessa, phone (360) 902-1934, e-mail Rnessa@agr.wa.gov, FAX (360) 902-2093, Attn. Robin Schoen-Nessa.

May 6, 1998

Cliff Weed

for Bob Arrington

Assistant Director

WSR 98-10-117

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed May 6, 1998, 11:30 a.m.]

Subject of Possible Rule Making: Establishing acceptable analysis methods for determining levels of nonnutritive substances in commercial fertilizer.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.54.800 (3)(a) establishes allowable levels of nonnutritive substances (heavy metals) in commercial fertilizer. RCW 15.54.800(2) gives the director authority to adopt appropriate rules for carrying out the provisions of the chapter.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There are numerous analysis methods for metals available to the manufacturers of commercial fertilizers. The methods vary in both ability to detect total metals levels, and minimum detection levels. It is important, for both the manufacturer and the regulating agency, that acceptable methods of analysis are clearly defined.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Department of Ecology (ecology) also regulates certain commercial fertilizers and the Department of Agriculture has been working closely with ecology on this issue.

Process for Developing New Rule: The Washington Department of Agriculture will be meeting with the Fertilizer Advisory Committee and other interested parties. Anyone wishing to receive more information on the proposed rule should contact the department by one of the methods listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending any comments/suggestions to Washington State Department of Agriculture, P.O. Box 42589, Olympia, WA 98504-2589, Attn: Robin Schoen-Nessa, phone (360) 902-1934, e-mail Rnessa@agr.wa.gov, FAX (360) 902-2093, Attn: Robin Schoen-Nessa.

May 6, 1998

Cliff Weed

for Bob Arrington

Assistant Director

WSR 98-10-125**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Juvenile Rehabilitation Administration)**

[Filed May 6, 1998, 11:52 a.m.]

Subject of Possible Rule Making: These new and amended rules will apply to the placement of juvenile offenders under the jurisdiction of the Juvenile Rehabilitation Administration (JRA). As a part of this process we will be amending WAC 275-46-010 Definitions, 275-46-020 Security classification, 275-46-060 Minimum security, 275-46-070 Disciplinary sanctions, and any related sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: New sections added to chapters 72.05 and 74.15 RCW as a result of sections 6, 7, 13, 15, and 16, chapter 269, Laws of 1998 (E2SSB 6445), and RCW 13.40.460 Juvenile rehabilitation administration—Administration.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To meet statutory rule-writing requirements which are designed to improve public safety by strengthening the safeguards in assessment, placement, oversight, and monitoring of the juvenile offenders placed in the community.

Process for Developing New Rule: The Department of Social and Health Services welcomes the public to take part in developing the rules. Anyone interested in participating should contact the staff person indicated below. After the rules are drafted, the Department of Social and Health Services will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cheryl Colglazier, P.O. Box 45720, Olympia, WA 98504-5720, (360) 902-8081, FAX (360) 902-8108, TTY (360) 902-7862, e-mail colglcl@dshs.wa.gov.

May 6, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit



WSR 98-10-001
WITHDRAWAL OF PROPOSED RULES
HORSE RACING COMMISSION

[Filed April 22, 1998, 2:45 p.m.]

The Washington Horse Racing Commission would like to withdraw WSR 97-21-092 regarding WAC 260-24-030.

Patty Sorby
 Rules Coordinator

Submit Written Comments to: Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, FAX (360) 664-9440, by June 10, 1998.

Date of Intended Adoption: June 15, 1998.

April 27, 1998

Gerald E. Smith

Deputy Secretary, Operations

WSR 98-10-038
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION

[Filed April 28, 1998, 1:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-06-023.

Title of Rule: WAC 468-38-110 Escort vehicle requirements.

Purpose: To enhance public safety by establishing a clear set of requirements and operating guidelines for escort vehicles.

Statutory Authority for Adoption: RCW 46.44.090.

Summary: Radically expands current rule to clarify requirements and add operating procedures for escorting oversize vehicles/loads on state highways.

Reasons Supporting Proposal: Reduces risk to motoring public by adding consistency to operating procedures and further clarifying expectations of an escort vehicle and its operation.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Washington State Department of Transportation, Olympia, (360) 664-9497; and Enforcement: Capt. Tim Erickson, Washington State Patrol, Olympia, (360) 753-0350.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule provides minimum requirements for the equipping and operation of an escort vehicle engaged in escorting an oversize vehicle/load. The rule should provide for greater consistency, more specific operating procedure and result in reduced risk to motoring public.

Proposal Changes the Following Existing Rules: Dramatically expands on current requirements and procedures.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Any costs associated with this amendment are considered insignificant. Equipment described in the rule should already be in use by existing operators.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Transportation, Commission Board Room 1D2, Transportation Building, Olympia, Washington 98504, on June 15, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by June 10, 1998.

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-110 ((Type of escort cars.)) Escort vehicle requirements. ~~((1))~~ Escort cars must be furnished by the permittee. They may be a passenger car or a two-axle truck.

~~((2))~~ Escort cars will be of such design as to afford the driver clear and unobstructed vision both front and rear. Escort cars will be in safe operational condition and properly licensed.

~~((3))~~ Escort car operators must be experienced in the operation of escort vehicles, and no unnecessary passengers shall be permitted.

~~Pilot escort cars will travel at a distance of approximately 800-1,500 feet in front of and to the rear of the load. This distance shall be reduced in urban areas, at major intersections, and at structures less than 28 feet curb-to-curb width.~~

~~In hazardous conditions, the pilot car driver will act as a flagperson for traffic control and will signal by hand or by radio to the towing vehicle driver when he can proceed.~~

~~((4))~~ The driver of the rear escort car will act as flagperson when hazardous conditions exist, either in advising the driver of the tow vehicle as to clearance in turning movements or of accumulations of overtaking traffic.

~~As required, the rear escort car will travel far enough behind the load to provide adequate warning for overtaking vehicles and safe space between the rear escort car and the trailing unit for passing vehicles. All escort cars shall carry a minimum of three approved emergency fuses and red flags.~~

~~Pilot car operators shall be properly licensed to operate the vehicle.~~

~~((5))~~ When uniformed off-duty law enforcement officers act as escorts, using official police cars or motoreycles, the preceding requirements shall not be applicable.) (1) When the escort vehicle is in front of the extra-legal vehicle or load being escorted, the operator shall:

(a) Warn oncoming traffic of the presence of the vehicle or load by use of signs and lights as provided in subsections (4) and (8) of this section.

(b) Notify the driver of the extra-legal vehicle or load by two-way radio of all hazards: overhead clearances; obstructions; traffic congestion; pedestrians; and any other circumstances evident to the operator that could affect either the safe movement of the extra-legal vehicle or load, the safety of the traveling public, or the efficient movement of traffic in sufficient time for the driver of the extra-legal vehicle or load to take remedial action, as necessary.

(c) To the extent necessary, locate safe places (if available) adjacent to the highway and notify the driver of the extra-legal vehicle or load thereof to allow the extra-legal

vehicle or load and the escort vehicle(s) to clear the highway, so that following traffic can safely pass or for any other reasons necessary to protect public safety and efficient movement of traffic.

(d) Be far enough in front of the extra-legal vehicle or load to signal oncoming motorists to stop in a timely manner, or as specified by local jurisdiction, before such motorists enter any narrow structures or other restrictions on the highway to permit the safe passage of the vehicle or load.

(2) When the escort vehicle is behind the extra-legal vehicle or load, the operator shall:

(a) Warn traffic approaching from the rear of the presence of the extra-legal vehicle or load ahead, by use of signs and lights as provided in subsections (4) and (8) of this section.

(b) Notify the driver of the extra-legal vehicle or load by two-way radio of flat tires or other problems with the extra-legal vehicle or load; objects coming loose from the extra-legal vehicle or load; other traffic approaching or passing the extra-legal vehicle or load; and any other circumstances evident to the operator that could affect either the safe movement of the extra-legal vehicle or load, the safety of the traveling public, or the efficient movement of traffic in sufficient time for the driver of the extra-legal vehicle or load to take remedial action, as necessary.

(c) Notify the front escort driver and the driver of the extra-legal vehicle or load by two-way radio of traffic build-up and other delays to the normal flow and efficient movement of traffic caused by the movement of the extra-legal vehicle or load.

(d) Notify the driver of the extra-legal vehicle or load by two-way radio of other vehicles attempting to pass the extra-legal vehicle or load.

(e) Be far enough behind the extra-legal vehicle or load to signal motorists following the extra-legal vehicle or load to slow or stop in a timely manner, or as specified by local jurisdiction, before narrow structures or other restrictions in the highway to permit the safe passage of the extra-legal vehicle or load.

(3) The escort vehicle operator shall ensure that the escort vehicle is in safe operating condition.

(4) An escort vehicle shall, in addition to any other equipment required by traffic law, be equipped with two flashing or rotating amber lights mounted at each end of the required OVERSIZE LOAD sign, positioned above the roof line, visible from a minimum of five hundred feet. As an alternative, the escort vehicle may be equipped with one flashing or rotating amber light mounted above the roof line, not obstructing the required OVERSIZE LOAD sign, and visible to approaching traffic from a minimum of five hundred feet.

(5) The escort vehicle shall:

(a) Be either a single unit passenger car or a two-axle truck;

(b) Not to exceed a maximum gross vehicle weight rating of fourteen thousand pounds;

(c) Be at least sixty inches wide; and

(d) Not to exceed the legal limits of size and weight, as defined in chapter 46.44 RCW.

(6) The escort vehicle shall not carry any passengers or equipment or load which:

(a) Exceeds the height, length, or width of the escort vehicle, or overhangs the escort vehicle, or otherwise impairs its immediate recognition as a safety escort vehicle by the motoring public; or

(b) Obstructs the view of the flashing yellow lights or the signs used by the escort vehicle; or

(c) Causes safety risks; or

(d) Otherwise impairs the performance by the operator or the escort vehicle of the duties required by these rules.

(7) The escort vehicle operator shall properly load and secure any item(s) or equipment or load carried by the escort vehicle to ensure compliance with the requirements of this section.

(8) An escort vehicle shall display "oversize load" signs which shall be mounted above the roofline of the escort vehicle and be visible to approaching traffic from the front and the rear. All such signs shall be a minimum of five feet wide, ten inches high with one-inch wide brush stroke, black letters a minimum of eight inches high on yellow background, or shall be a maximum of seven feet wide, eighteen inches high, with a 1.41 inch brush stroke, black letters a minimum of ten inches high on yellow background.

(9) The escort vehicle(s) shall use its headlights at all times when escorting an extra-legal vehicle or load.

(10) The escort vehicle(s) shall be equipped with two-way radio facilities capable of providing reliable two-way voice communication between the driver of the extra-legal vehicle or load and the driver(s) of the escort vehicle(s) when the extra-legal vehicle or load is in motion on a public highway.

(11) An escort vehicle shall carry the following items of equipment at all times when escorting an extra-legal vehicle or load:

(a) Standard eighteen inch STOP & SLOW paddle sign.

(b) Three bi-directional emergency reflective triangles.

(c) A minimum of one 5 pound B. C. fire extinguisher.

(d) A reflectorized orange vest, shirt or jacket, which must be worn by the operator while directing traffic.

(e) An orange or white hard hat, which must be worn by the operator when out of the vehicle acting as a flagperson.

(f) A height measuring device which is nonconductive and nondestructive to overhead clearances, when required by the terms of the permit or regulations.

(g) A minimum ten package first-aid kit, as described in WAC 296-24-065, First-aid kit.

(h) A flashlight with red nose cone.

(12) An escort vehicle is prohibited from escorting more than one extra-legal vehicle or load at the same time, unless expressly authorized by the department.

(13) An escort vehicle shall use a height pole at all times when escorting an extra-legal vehicle or load exceeding fourteen feet six inches in height, unless otherwise expressly authorized by the department on the permit. The height pole shall extend not less than six inches above the maximum height of the extra-legal vehicle or load being escorted. When the escort vehicle is not escorting an extra-legal vehicle or load, but is moving on the highway, the height pole shall be removed, tied down, or shortened to within legal limits.

(14) The operator of the escort vehicle shall use the escort vehicle and the equipment described herein only in compliance with these rules.

(15) When an escort vehicle is not escorting an extra-legal vehicle or load but is moving on a public highway, the signs, described in subsection (8) of this section, shall either be removed or covered, and the flashing yellow lights, described in subsection (4) of this section, shall not be operated.

(16) In the performance of the duties required by these rules, the operator of the escort vehicle may be required to stop the extra-legal vehicle to allow other traffic to proceed safely. The operator of the escort vehicle shall signal the extra-legal vehicle or load to stop, and the extra-legal vehicle shall stop, as far off the roadway as practicable to allow other traffic to pass in the following situations:

(a) When the extra-legal vehicle or load becomes disabled; or

(b) When the movement of the extra-legal vehicle or load on a particular section of public highway presents a safety risk or unreasonably interferes with the efficient movement of other traffic, based upon such factors as the widths of the extra-legal vehicle or load and the roadway, volume of other traffic, visibility and limited sight distance, and mountainous terrain; or

(c) When driving conditions for the extra-legal vehicle or load are hazardous for any other reason, including weather.

(17) In the performance of the duties required by these rules, the operator may be required to direct other traffic to stop, slow or proceed in order to allow the extra-legal vehicle or load to continue moving safely, or to help the other traffic to navigate around a stopped extra-legal vehicle or load. When directing traffic in these situations, the operator of the escort vehicle shall:

(a) Be certified as a flagperson by the Washington state department of labor and industries;

(b) Comply with procedures described in Section 6 E of the MUTCD, Part 6, published September 3, 1993, or as subsequently amended;

(c) Stand outside of the escort vehicle; and

(d) Use the paddle signs and other equipment identified in subsection (11) of this section.

(18) The operator of the extra-legal vehicle or load and the operator of the pilot car escort vehicle shall comply with the following procedures:

(a) Before trip:

(i) Discuss aspects of the move, including the extra-legal vehicle or load, the route, and specific responsibilities.

(ii) Review permit conditions.

(iii) Review the permitted route.

(iv) Determine the proper position of the pilot car escort vehicle(s).

(v) Establish particular procedures.

(vi) Check mandatory equipment.

(vii) Mount signs, adjust mirrors, turn on lights.

(viii) Check each two-way radio to ensure clear communication on a selected channel.

(ix) Verify that driver's licenses and extra-legal vehicle or load permit are in the possession of the operators.

(x) Determine if additional flagpersons will be necessary and, if so, have them available.

(b) During the trip:

(i) Obey all traffic laws.

(ii) Do not follow or precede more closely than is reasonably prudent, considering the speed of the extra-legal vehicle or load, other traffic, and highway conditions.

(iii) Do not exceed 1/2 mile distance between extra-legal vehicle or load and the escort vehicle to maintain radio contact.

(iv) Be close enough to warn other traffic of extra-legal vehicle or load.

(c) Traffic lights:

(i) If the escort vehicle goes through a traffic light but the extra-legal vehicle or load does not, the escort vehicle must pull over to the right side of the highway, where practicable, to wait for the extra-legal vehicle or load.

(ii) If the extra-legal vehicle or load goes through the traffic light but the escort vehicle does not, then the extra-legal vehicle or load must continue and the escort vehicle must catch up when possible.

(19) When uniformed off-duty law enforcement officers act as escorts, using official police cars or motorcycles, the preceding requirements shall not be applicable.

WSR 98-10-043

PROPOSED RULES

STATE BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Filed April 29, 1998, 8:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: Project even start.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Title 131 WAC, review in compliance with Governor's Executive Order 97-02.

Summary: Defines the even start program, its public policy goals, eligible parents, and other; provides relevant program definitions, reporting requirements, coordination of programs; the composition and duties of the Even Start Advisory Committee, etc.

Name of Agency Personnel Responsible for Drafting and Implementation: Janet Anderson, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, (360) 664-9403; and Enforcement: Howard Fischer, Senior Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: Minor updating of rules to reflect current practice.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Yakima Valley College, 16th and Nob Hill, Yakima, Washington, on June 18, 1998, at 10 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger by June 1, 1998, FAX (360) 586-6440.

Submit Written Comments to: Claire Krueger, State Board for Community and Technical Colleges, 319 7th Avenue, P.O. Box 42495, Olympia, WA 98504, FAX (360) 586-6440, by June 1, 1998.

Date of Intended Adoption: June 18, 1998.

April 29, 1998

Claire C. Krueger

Executive Assistant and

Agency Rules Coordinator

AMENDATORY SECTION (Amending WSR 93-19-079, filed 9/15/93, effective 10/16/93)

WAC 131-47-020 Public policy goals of project even start. The public policy goals of project even start are to:

(1) Recognize that parents can be the most effective teachers for their children.

(2) Provide (~~illiterate or semiliterate~~) parents with low-literacy skills with opportunities to acquire basic skills and child development knowledge that will enhance their ability to assist and support their children in the learning process.

(3) Enhance children's learning experiences in the formal education environment by providing children with the motivation and positive home environment which contributes to enhanced academic performance.

AMENDATORY SECTION (Amending WSR 93-19-079, filed 9/15/93, effective 10/16/93)

WAC 131-47-025 Project even start—Definition. As used in this chapter, the term "project even start" means a program primarily designed to provide (~~illiterate or semiliterate~~) parents with low-literacy skills with basic skills instruction and which may include instruction in child development knowledge and other eligible program components as provided in WAC 392-315-030.

AMENDATORY SECTION (Amending WSR 93-19-079, filed 9/15/93, effective 10/16/93)

WAC 131-47-045 Eligible parents—Definition. As used in this chapter, the term "eligible parents" means one or more parents, which may be a biological or foster parent, a guardian, or a person with whom a child resides, and who meets the following two part test:

(1) (~~Is illiterate or semiliterate~~) Demonstrates low-literacy skills, i.e., has less than (~~an eighth~~) a ninth grade ability in one or more basic skill areas (~~± Provided, That in the case of parents whose primary language is other than English, eighth grade ability shall be determined on the basis of performing basic skill activities in their native language~~).

(2) Has a child enrolled in one of the following programs:

(a) State early childhood education and assistance program.

(b) Federal head start program.

(c) State or federally funded elementary school—i.e., grades K-8—basic skills program serving students who have scored below the national average of the basic skill areas of reading, language arts, or mathematics.

(d) A cooperative nursery—e.g., preschool or day care—at a community or technical college.

(e) A bilingual education/ESL program which includes children who are eligible for programs listed in (a) through (d) of this subsection.

(f) A program that serves children with special needs who are eligible for programs listed in (a) through (d) of this subsection.

AMENDATORY SECTION (Amending WSR 93-19-079, filed 9/15/93, effective 10/16/93)

WAC 131-47-050 Basic skills—Definition. As used in this chapter, the term (~~(("))basic skills(("))~~) means (~~(reading, language arts, and mathematics, including the readiness skills associated with such skills))~~ the ability to read, write, and speak in English, compute, and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals, and to develop one's knowledge and potential.

AMENDATORY SECTION (Amending WSR 93-19-079, filed 9/15/93, effective 10/16/93)

WAC 131-47-055 Standardized test—Definition. As used in this chapter, the term "standardized test" means any recognized test of adult basic skills and/or ESL that has received the prior approval of the state board for community and technical colleges and the adult education advisory council.

AMENDATORY SECTION (Amending WSR 93-19-079, filed 9/15/93, effective 10/16/93)

WAC 131-47-090 Assurance to submit annual evaluation report to the state board for community and technical colleges. No application for an even start project grant shall be approved by the (~~(superintendent of public instruction))~~ state board for community and technical colleges unless the authorized agent of the eligible grantee agrees to submit (~~(to the state board for community and technical colleges on a date established by the state board for community and technical colleges))~~ an annual evaluation report (~~(which shall contain the following:~~

(1) Progress made by adult enrolled as evidence by:

(a) Grade equivalent or standardized test scores by basic skills at beginning and end of enrollment in even start programs;

(b) Total number of instructional hours offered;

(c) Total number of instructional hours actually received by participants;

~~(2) Effect of parents' participation in even start on children of enrollees as evidenced by:~~

- ~~(a) Preinterviews and post interviews of parents; and/or
(b) Other independent verifications of the parent's effect on the child's education.~~

~~(3) Summary impressions on the most effective methods and materials for serving specific populations.~~

~~(4) Observations regarding the effect of support services on program participation.~~

~~(5) Recommendations for program improvements.~~

~~(6) Estimated need for even start programs in service area versus number of participants enrolled.~~

~~(7) Such additional information as the state board for community and technical colleges shall request related to the effectiveness of the funded project even start)) containing the information requested by the state board for community and technical colleges as outlined in the request for proposals.~~

AMENDATORY SECTION (Amending WSR 93-19-079, filed 9/15/93, effective 10/16/93)

WAC 131-47-095 Reporting requirements. Successful applicants for project even start will be required to report fiscal, program, and client data to state board for community and technical colleges upon request.

At a minimum, applicants are required to ensure that:

(1) Financial systems allow for effective control and accountability for all program funds, property, and other assets, including use for authorized purposes only.

(2) Accounting systems will meet and comply with generally accepted accounting principles. Transactions will be supported by source documentation which identifies the source and use of the contract funds.

(3) The agency records management system provides for systematic accumulation; filing; retention of appropriate records; all contract documentation of accountability and an inventory of nonexpendable items. Included are vouchers; receipts; materials and equipment cost; facilities usage; and, general indirect costs.

(4) Program and client data are available at a minimum on a quarterly basis. ~~(Monthly)~~ Attendance records are kept on all participants.

AMENDATORY SECTION (Amending WSR 93-19-079, filed 9/15/93, effective 10/16/93)

WAC 131-47-110 Assurance of service to targeted groups. No application for an even start project grant shall be approved by the state board of community and technical colleges unless the authorized agent or eligible grantee agrees to provide written assurance that even start programs will serve one or more of the following groups:

(1) Single heads of household.

(2) Parents of early childhood education assistance program (ECEAP) participants.

(3) Parents of federal head start program participants.

(4) ~~((Public assistance recipients:))~~ Recipients of funds from the temporary assistance for needy families program.

(5) Ethnic minorities.

(6) ~~((Limited English proficient))~~ Parents who are below the ~~((eighth))~~ ninth grade literacy level ~~((in their own language)).~~

(7) Parents of children with special needs.

AMENDATORY SECTION (Amending WSR 93-19-079, filed 9/15/93, effective 10/16/93)

WAC 131-47-125 Even start advisory committee. An advisory committee composed of at least ~~((one representative from among the following agencies/groups shall make recommendations to the state board for community and technical colleges regarding the implementation and operation of project even start and the proposal selection process:~~

~~Office of superintendent of public instruction, department of social and health services, department of community development, community-based agencies, adult basic education directors, local literacy councils, parent education specialists, state university colleges of education, common school districts, education service districts, ethnic minority commissions, a local board of education, a business or industry with a commitment to education, and professional organizations devoted to early childhood education, reading instruction, and English as a second language (ESL) instruction, and department of social and health services or common school programs serving children with special needs in grades P-3. A selection committee approved by the advisory committee shall evaluate the proposals submitted under project even start. Members of the selection committee will not be from commissions, agencies, organizations, or schools which have submitted proposals, and, must not personally benefit from the outcome of the selection process)) ten representatives from citizens and groups within the state having an interest in family literacy shall make recommendations to the state board for community and technical colleges and the adult education advisory council on the administration and operation of project even start, including the need to change any statute or rule affecting family literacy programs.~~

AMENDATORY SECTION (Amending WSR 93-19-079, filed 9/15/93, effective 10/16/93)

WAC 131-47-130 Duties of even start advisory committee. The even start advisory committee shall select subcommittees of not more than seven members of the committee, or individuals approved by the committee to:

(1) Evaluate requests for proposals and make recommendations for funding to the state board for community and technical colleges, including the need for the state board for community and technical colleges to negotiate the terms, conditions, or funding of any grant proposal. Members of the selection subcommittee will not be from commissions, agencies, organizations, or schools which have submitted even start proposals and must not personally benefit from the outcome of the selection process.

(2) Make recommendations to the state board for community and technical colleges and the adult education advisory council on the administration and operation of project even start, including the need to change any statute or rule affecting ~~((project even start))~~ family literacy programs.

(3) Develop the bylaws that govern the activities of the advisory committee.

AMENDATORY SECTION (Amending WSR 93-19-079, filed 9/15/93, effective 10/16/93)

WAC 131-47-135 ((Priority projects)) Preference for existing programs before developing new programs.

In accordance with RCW 28A.610.040, "before developing and funding new adult literacy programs to carry out the purposes of project even start.", the state board for community and technical colleges shall fund the existing adult literacy programs and parent related programs which meet the conditions established in this chapter and are offered by the following agencies:

- (1) Common schools.
- (2) Community and technical colleges.
- (3) Community-based, nonprofit organizations.

AMENDATORY SECTION (Amending WSR 93-19-079, filed 9/15/93, effective 10/16/93)

WAC 131-47-140 Coordination of programs. Even start programs shall coordinate their services with programs that enroll the participants' children and programs that serve adult literacy. Such coordination is essential ~~((for several reasons:~~

~~(1) Parent participation opportunities in the children's programs enable parents to become involved in their children's learning and development.~~

~~(2) Resources available to children and parents through state funded early childhood education and assistance programs and federally funded head start programs and other programs serving at risk children complement those available to parents through even start.~~

~~(3) The support network of parents and instructional personnel offered through the children's programs will complement, extend, and continue the parent education component beyond participants' period of active involvement in the even start program)) so that:~~

~~(1) Parents can practice and receive feedback and guidance on the ways they interact with their children.~~

~~(2) Parents can take advantage of the resources and services offered by both the children's program and the program.~~

~~(3) Parents can continue to gain support from adult and child programs after their period of active involvement in the even start program is completed.~~

AMENDATORY SECTION (Amending WSR 93-19-079, filed 9/15/93, effective 10/16/93)

WAC 131-47-145 Evaluation criteria for project even start. Proposals for even start funds shall be evaluated according to the following criteria:

(1) The applicant's likely success in meeting the goals of this program;

(2) The need for literacy, basic skills, and child development instruction for illiterate and semiliterate parents of young children in the geographical area served by the applicant. All proposals must contain data which identify the esti-

mated number of males and females to be served, the estimate of limited English-speaking adults and ethnic minorities to be enrolled, the number of anticipated public assistance recipients to be served, and the number of anticipated percentage of participants with children enrolled in early childhood education and assistance programs (ECEAP) and head start programs;

~~(3) ((The applicant's ability to design a unique program of instruction for parents which integrates instruction in literacy, basic skills, and child development knowledge;~~

~~(4) The linkages between the applicant's program and the instructional programs serving the children of the parents being served: Head start programs, early childhood education assistance program (ECEAP), state or federally funded elementary school basic skills programs serving students who have scored below the national average on basic skills tests, and cooperative preschools at community or technical colleges;~~

~~(5)) The applicant's plan for evaluating the effect of the program on both the parent participants and their preschool or school aged children;~~

~~((6)) (4) The cost-effectiveness of the program; and the reasonableness of the budget;~~

~~((7)) (5) The applicant's administrative capability; and~~

~~((8)) (6) The applicant's ability to ((cooperate and coordinate between a variety of relevant service providers in all phases of the program and the ability and willingness to leverage other resources to support the participants and the program)) meet the even start indicators of program quality as approved by the even start advisory committee.~~

AMENDATORY SECTION (Amending WSR 93-19-079, filed 9/15/93, effective 10/16/93)

WAC 131-47-150 Performance standards for project even start. Programs proposed under project even start shall:

(1) Reflect instructional methods, staffing patterns, curricula, and utilization of resources which reflect current research in adult learning theory, first and second language literacy acquisition, the role of parents in the child's acquisition of language, and effective parenting skills;

(2) Be sensitive to the social, cultural, and ethnic differences of the participants, and shall respond to those differences in the program design;

(3) Offer adult services at least ten hours per week for a minimum of ten weeks and for at least thirty weeks within a fifty-two week period;

(4) Meet the even start indicators of program quality as approved by the even start advisory committee.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 131-47-115

WAC 131-47-120

Priority groups.

Date of receipt of even start project proposals.

PROPOSED

WSR 98-10-044
PROPOSED RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed April 29, 1998, 8:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: Charges for courses utilizing supplemental funding; and charges for courses utilizing shared funding.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Review of Title 131 WAC in order to comply with Governor's Executive Order 97-02 related to regulatory reform.

Summary: See Title of Rule above.

Name of Agency Personnel Responsible for Drafting and Implementation: Jan Yoshiwara, State Board for Community and Technical Colleges, 319 Seventh Avenue, Olympia, (360) 753-4691; and Enforcement: Howard Fischer, Senior Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: Minor updating of rules to reflect current practice.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Yakima Valley College, 16th and Nob Hill, Yakima, Washington, on June 18, 1998, at 10 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger by June 1, 1998, FAX (360) 586-6440.

Submit Written Comments to: Claire Krueger, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504, FAX (360) 586-6440, by June 1, 1998.

Date of Intended Adoption: June 18, 1998.

April 29, 1998

Claire C. Krueger

Executive Assistant and
Agency Rules Coordinator

AMENDATORY SECTION (Amending Order 88, Resolution No. 81-32, filed 6/25/81)

WAC 131-32-010 Charges for courses utilizing supplemental funding. (1) For the purpose of this section, the term "supplemental funding" shall mean restricted funds provided on the basis of an agreement between a college district and a cooperating agency or organization for the purpose of augmenting state fund support above the current funding level provided for particular courses, classes, or programs that have extraordinary costs and that, in the judgment of the

college district board of trustees, could not be offered without such supplemental funding.

(2) College districts that desire to offer services that involve supplemental funding pursuant to RCW 28B.50.140(17) shall report such agreements to the state director within ten days of the execution of the agreement.

(3) Reports of any such agreements shall be accompanied by supporting cost information in the detail and format prescribed by the state director.

(4) The supplemental (~~fee charged~~) charge for any such services shall be (~~retained~~) deposited by the college district in fund 148 for the purpose of supporting such services and the general operations and maintenance of the college district.

(5) Enrollments generated by courses utilizing supplemental funding shall be eligible for state fund support, subject to review and approval of the state director.

(6) Courses denied approval under this section may be considered for eligibility as a shared funding course pursuant to WAC 131-32-020.

(7) Tuition and fees for such courses, classes, or programs shall be charged consistent with WAC 131-28-025 and 131-28-026.

AMENDATORY SECTION (Amending Order 88, Resolution No. 81-32, filed 6/25/81)

WAC 131-32-020 Charges for courses utilizing shared funding. (1) For the purpose of this section, the term "shared funding" shall mean funds provided on the basis of an agreement between a college district and a cooperating agency or organization for the support of particular courses, classes, or programs that have costs within current state funding levels and that, in the judgment of the college district board of trustees, otherwise could not be offered because of inadequate state funding.

(2) College districts that desire to offer services that involve shared funding pursuant to RCW 28B.50.140(17) shall report such agreements to the state director within ten days of the execution of the agreement.

(3) Requests for approval of any such agreements shall be accompanied by supporting cost information in the detail and format prescribed by the state director.

(4) Enrollments generated by courses utilizing shared funding shall be eligible for state funding support subject to review and approval by the state director, but shall be discounted to the proportion that the state fund support provided for the services bears to the direct and indirect costs of the program.

(5) Tuition and fees for such courses, classes, or programs shall be charged consistent with WAC 131-28-025 and 131-28-026.

WSR 98-10-045
PROPOSED RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed April 29, 1998, 8:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: Certificate of educational competence, also known as the general educational development (GED) test.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Title 131 WAC, review in compliance with Governor's Executive Order 97-02.

Summary: Outlines authority, definition of the GED test; definition of official GED testing center; and those eligible to take the test.

Name of Agency Personnel Responsible for Drafting and Implementation: Janet Anderson, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, WA, (360) 664-9403; and Enforcement: Howard Fischer, Senior Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: Minor updating of rules to reflect current practice.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Yakima Valley College, 16th and Nob Hill, Yakima, Washington, on June 18, 1998, at 10 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger by June 1, 1998, FAX (360) 586-6440.

Submit Written Comments to: Claire Krueger, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504, FAX (360) 586-6440, by June 1, 1998.

Date of Intended Adoption: June 18, 1998.

April 29, 1998
 Claire C. Krueger
 Executive Assistant and
 Agency Rules Coordinator

AMENDATORY SECTION (Amending WSR 93-22-006, filed 10/21/93, effective 11/21/93)

WAC 131-48-010 Authority. The authority for this chapter is RCW ((28B.50.915)) 28B.50.912 which authorizes the state board for community and technical colleges to adopt rules governing the eligibility of persons sixteen years of age or older to take the general educational development (GED) test subject to rules adopted by the state board of education.

AMENDATORY SECTION (Amending WSR 93-22-006, filed 10/21/93, effective 11/21/93)

WAC 131-48-040 General educational development test—Definition. As used in this chapter, the term "general educational development test" means the most recent general educational development test ((of the American Council on Education)) as determined by the authorizing agency.

AMENDATORY SECTION (Amending WSR 93-22-006, filed 10/21/93, effective 11/21/93)

WAC 131-48-060 Official GED testing center—Definition. As used in this chapter, the term "official GED testing center" means public or private agencies which have agreed to comply with the provisions of this chapter and with policies and regulations of the GED Testing Service, and which have been designated by the state board for community and technical colleges, administrator of the GED testing program to administer the general educational development test. Additional official GED testing centers and local GED examiners shall be approved by the state administrator of the GED testing program at the state board for community and technical colleges when the following have been documented:

(1) Need for a new testing site in a specific region or location;

(2) Need for new or replacement examiner at a testing center;

(3) Commitment of the governing board or, if none, the chief official of the proposed new testing center to meet all testing center requirements described in the *GED Examiner's Manual* published by GED Testing Service of the American Council on Education; and

(4) Availability of testing center personnel who meet the qualifications specified in the *GED Examiner's Manual* published by the GED Testing Service ((of the American Council on Education)) as determined by the authorizing agency.

AMENDATORY SECTION (Amending WSR 93-22-006, filed 10/21/93, effective 11/21/93)

WAC 131-48-100 Eligibility to take the GED test. The following individuals shall be eligible to take the general educational development test in official GED testing centers, provided that they are not enrolled in ((a)) public, private, or home-based instruction of high school or a high school completion program at the time the test is administered:

(1) Any person age nineteen or over who has not graduated from a public or private high school.

(2) Any person between the ages of sixteen and nineteen who has not graduated from a public or private high school and who has been adjudged by a school district in accordance with rules of the state board of education to have a substantial and warranted reason for leaving the regular high school education program.

(3) Any student age sixteen or over who has completed an education center individual student program in accordance with the provisions of chapter 392-185 WAC.

(4) Any person between the ages of sixteen and nineteen who has not graduated from a public or private high school,

and who has completed a program of home-based instruction in compliance with RCW 28A.225.010(4) as certified by the written and notarized statement of the parent(s) or legal guardian(s) who provided the home-based instruction.

(5) Any person who is an active member of the military, national guard, or reserves and has not received a high school diploma.

(6) Adjudicated youth under the director of prisons, jails, detention centers, parole and probation offices, and other corrections facilities while enrolled in school if so ordered by a court or officer of the court.

WSR 98-10-046
PROPOSED RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed April 29, 1998, 8:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: Exceptional faculty awards trust fund.

Purpose: Proceeds from the endowment funds shall be used to pay expenses for faculty awards, which may include in-service training, faculty development programs, conferences, travel, publication and dissemination of exemplary projects, etc. (not all inclusive list).

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Review of Title 131 WAC in response to Governor's Executive Order 97-02 pertaining to regulatory reform.

Summary: Defines exceptional faculty award program and provides limitations and uses for the endowment fund.

Name of Agency Personnel Responsible for Drafting and Implementation: Ron Crossland, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, WA, (360) 753-3674; and Enforcement: Howard Fischer, Senior Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: Minor updating of rules to reflect current practice.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Yakima Valley College, South 16th Avenue and Nob Hill, Yakima, Washington, 98907-1647, on June 18, 1998, at 10 a.m.

Assistance for Persons with Disabilities: Contact Claire Krueger by June 1, 1998, FAX (360) 586-6440.

Submit Written Comments to: Claire Krueger, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504, FAX (360) 586-6440, by June 1, 1998.

Date of Intended Adoption: June 18, 1998.

April 29, 1998

Claire C. Krueger

Executive Assistant and

Agency Rules Coordinator

AMENDATORY SECTION (Amending Order 122, Resolution Nos. 90-42 and 90-43, filed 9/20/90, effective 10/21/90)

WAC 131-16-450 Exceptional faculty awards trust fund. (1) Pursuant to chapter 29, Laws of 1990, the community and technical college exceptional faculty award program shall be subject to the following limitations:

(a) All funds generated by and through this program shall be credited to the college district's exceptional faculty local endowment trust fund, from which only the earnings of such funds may be expended for the purpose of this program.

(b) Authorization to transfer funds from the exceptional faculty award trust fund in the state treasury to a college district endowment fund shall be contingent upon certification by the college district that no less than twenty-five thousand dollars of matching cash donations from private sources has been deposited in the district endowment fund.

(c) Grants to individual colleges shall not exceed:

~~((i)) One grant to each college prior to June 30, 1991, unless all colleges have received one grant each;~~

~~((ii)) Two grants to each college ((prior to December 31, 1991; and~~

~~((iii)) Four grants to each college in any single biennium)), each year beginning July 1, 1998.~~

(d) Award of requested grants to colleges shall be contingent upon determination by the state board for community and technical college (~~(education)~~) that the request is consistent with and meets the requirements of these guidelines. Further, if grant requests exceed available funds, the state board for community and technical college (~~(education)~~) shall select the recipients.

(e) Funds granted for the purposes of the faculty awards program shall be held in trust by the district for the college to which such funds were specifically awarded.

(f) Each college district shall establish procedures by which awards may be named in honor of a donor, benefactor, or honoree; may designate the use of funds; and may renew or redesignate the award annually.

(g) By September 1 of each year beginning in 1991, each district shall report to the state board for community and technical college (~~(education)~~) the amount of contributed endowment funds, their earnings, type of investments, and uses made during the previous fiscal year.

(h) The process for determining awards shall be subject to collective bargaining, except that the amount of individual awards and the recipient(s) shall be determined by the district board of trustees.

(i) Only persons holding faculty assignments as defined by RCW 28B.52.020(2) shall be eligible to receive awards under this section.

(2) The award of exceptional faculty grants from the district endowment fund shall be subject to the following limitations:

(a) The proceeds from the endowment fund shall be used to pay expenses for faculty awards, which may include in-service training, temporary substitute or replacement costs directly associated with faculty development programs, conferences, travel, publication and dissemination of exemplary projects; to make a one time supplement to the salary of the holder or holders of a faculty award, for the duration of the award; or to pay expenses associated with the holder's program area.

(b) Funds from this program shall not be used to supplant existing faculty development funds.

WSR 98-10-047

PROPOSED RULES

STATE BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Filed April 29, 1998, 8:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: Assessment of tuition and fee charges; and criteria for granting tuition waivers.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Title 131 WAC, review in response to Governor's Executive Order 97-02 pertaining to regulatory reform.

Summary: Sets assessment of tuition and fees on a uniform and equitable basis and states exceptions; sets criteria for granting tuition waivers.

Name of Agency Personnel Responsible for Drafting and Implementation: Scott Morgan, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, WA, (360) 753-0880; and Enforcement: Howard Fischer, Senior Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: Minor updating of rules to reflect current practice.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Yakima Valley College, 16th and Nob Hill, Yakima, Washington, on June 18, 1998, at 10 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger by June 1, 1998, FAX (360) 586-6440.

Submit Written Comments to: Claire Krueger, P.O. Box 42495, Olympia, WA 98504, FAX (360) 586-6440 by June 1, 1998.

Date of Intended Adoption: June 18, 1998.

April 29, 1998

Claire C. Krueger

Executive Assistant and
Agency Rules Coordinator

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-015 Assessment of tuition and fee charges. It shall be the general policy of the state board that all tuition and services and activities fees shall be assessed on a uniform and equitable basis, except when the requirement to pay all or part of such fees has been specifically waived or altered by law or by regulation of the state board or the district board of trustees. Students must pay tuition and fees to be enrolled in courses unless a waiver is allowed.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-02501 Waivers. Community college boards may grant waivers from the standard tuition and fees rate for ungraded courses designated in WAC 131-28-026(3) and to students who qualify under a waiver created in Title 28B RCW.

Except for ungraded courses, colleges shall ~~((not waiver))~~ waive the building fee ~~((or))~~, services and activities fee ~~((at a percentage rate greater than the percentage rate of waiver for))~~, and operating fees in equal proportion.

Colleges may not impose conditions or eligibility criteria beyond that specified in this chapter or Title 28B RCW. Colleges may restrict the number of waivers granted.

Colleges may round the amount waived to the nearest dollar.

WSR 98-10-049

PROPOSED RULES

GAMBLING COMMISSION

[Filed April 29, 1998, 11:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-08-012 on March 18, 1998.

Title of Rule: Licensing requirements for nonprofit and commercial entities, WAC 230-04-064, 230-08-122, 230-08-255, 230-12-060, and 230-30-052.

Purpose: Rule changes will enable the agency to further streamline the licensing process; increase agency's ability to monitor activities of manufacturers, financiers, and management companies; clarify reporting requirements; allow agency to recover additional fees incurred in the conduct of

high level investigations; increase agency's ability to assess the accounting of funds raised by nonprofit organizations.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Purpose above.

Reasons Supporting Proposal: Streamline licensing requirements for nonprofit and commercial entities.

Name of Agency Personnel Responsible for Drafting: Soojin Kim, Lacey, (360) 438-7654 ext. 310; Implementation: Ben Bishop, Lacey, (360) 438-7640; and Enforcement: Carrie Tellefson, Lacey, (360) 438-7636.

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 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. Proposal is exempt under RCW 19.85.025(2); therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, 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: Maple Hall Convention Center, 104 Commercial Street, La Conner, WA 98257, (360) 466-3101, on June 12, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by June 1, 1998, TDD (360) 438-7638, or (360) 438-7654, ext. 302.

Submit Written Comments to: Soojin Kim, Mailstop 42400, Olympia, WA, 98504-2400, FAX (360) 438-8652 by May 31, 1998.

Date of Intended Adoption: June 12, 1998.

August [April] 26, 1997 [1998]

Soojin Kim

Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 96-07-075, filed 3/19/96, effective 7/1/96)

WAC 230-04-064 Certification procedure—All licenses—Formal commission approval. The commission shall review and make a determination regarding the qualification of all persons or organizations requesting to operate gambling activities authorized by chapter 9.46 RCW. The following review procedures apply to applicants for a license:

(1) Charitable and nonprofit organizations - To ensure that only bona fide charitable or nonprofit organizations are granted the privilege of raising funds from authorized gambling activities, the commission shall annually review the qualifications of each organization requesting a license to conduct such activities. As a part of this process, each organization shall clearly demonstrate that progress has been made in meeting its purpose(s) by submitting required information and answering such inquiries as deemed necessary by commission staff. The certification process shall be completed as follows:

(a) All organizations requesting to be certified to conduct any gambling activities in Group I, II, or III shall be reviewed by commission staff and forwarded to the commission for review and approval at a public meeting: *Provided*, That for any organization requesting to be certified to conduct gambling activities in Group III, the director may direct the staff to prepare a summary of qualifications, as required by subsection (1)(b) of this section, and provide such to the commission for review;

(b) Any organization requesting to be certified to conduct gambling activities in Group IV or V shall be reviewed by commission staff and a summary of the organization's qualifications shall be prepared and provided to the commission for review and approval. At least one representative from the organization shall be present at the public meeting at which the summary of their qualification is presented;

(c) In addition, any organization requesting approval or an upgrade to conduct gambling activities in Group V shall be scheduled for formal review as a condition of licensure and periodically thereafter as determined by the director or the commission. The formal review shall be at a scheduled open meeting of the commission and, when possible, held in the general area which encompasses the organization's service area. The review will cover the organization's most recent annual financial report as required by WAC 230-08-122. If an organization desires to submit additional information, it must be submitted at least twenty days prior to the date of its scheduled review. The organization must be represented by at least three members of its board of directors, its chief executive officer, and the primary gambling manager. The organization may solicit testimony from clients, local social and welfare providing agencies, public agencies, and other charitable or nonprofit organizations. The commission may solicit information from the public or any other interested parties and shall notify local law enforcement agencies of the time and location of the review. The formal review will include a brief session for the organization to inform the commission on the progress made during its previous fiscal year in achieving its purposes, including the extent to which gambling income was used for charitable as opposed to nonprofit services and planned uses for any gambling income remaining from the previous fiscal year;

(d) At the conclusion of the review of qualifications for a charitable or nonprofit organization, the commission will approve the organization requested or:

(i) Require the organization to submit additional information;

(ii) Return the application to the staff for further investigation; or

(iii) ~~((Call for a special review; or~~

~~(iv)))~~ Grant a temporary or conditional license;

(2) Commercial, individual and all other applicants - After the staff has completed its review of an application, a recommendation shall be made to the commission. The commission shall review each application at a public meeting. Each applicant found to be qualified will be issued the license requested. If the commission does not approve the application, it shall be returned to commission staff for further investigation;

(3) If an organization is currently licensed and the commission does not approve the application, the application shall be returned to commission staff for further investigation. A temporary or conditional license will be issued pending completion of the review process.

AMENDATORY SECTION (Amending WSR 96-07-075, filed 3/19/96, effective 7/1/96)

WAC 230-08-122 Annual progress and financial report—All nonprofit and charitable organizations. Each charitable or nonprofit organization licensed to conduct gambling activities shall report annually the progress made toward accomplishment of its stated purposes. This report shall be made on a standard form provided by the commission and explain the type and scope of activities that were conducted during the organization's last annual fiscal accounting period. If any applicant has provided such information on an application within the preceding twelve months, only those items that have changed must be reported. This report shall include at least the following information:

(1) A brief history of the organization, including its purpose(s): *Provided*, That only changes in the purposes and organizational structure need to be reported after the initial application;

(2) A written statement setting out the progress made in meeting its organizational purpose(s) during the period and its goals for the future;

(3) Number of membership meetings conducted;

(4) Number of active members, as defined by WAC 230-02-183;

(5) Number of voting members;

(6) The nature, type, or kind of programs provided to members or the public;

(7) The scope of the organization's programs, including:

(a) Number of persons served;

(b) The primary geographical service area; and

(c) Number of volunteer workers and estimation of hours worked;

(8) A list of contributions, scholarships, grants, or sponsorships made during the period. The list must include the following:

(a) The name of each organization or individual receiving a contribution. In the alternative, if a contribution was made to an individual for charitable purposes, the term "individual contribution" may be used instead of the individual's name. If individual names are omitted, the organization must maintain necessary records to verify and identify the recipient for each individual contribution;

(b) The amount(s);

(c) Date(s) made; and

(d) Whether funds awarded were from gambling income or other funds;

(9) Gross income from all nongambling activities, including the source;

(10) Total expenses for both charitable and nonprofit services;

(11) The percentage or extent to which net gambling income was used for charitable as distinguished from nonprofit purposes;

(12) Revenue and expenses for any nongambling sales activities must be presented separately when conducted primarily in conjunction with gambling activities;

(13) Details of any loans, contracts, or other business transactions with related parties that cumulatively exceed one thousand dollars during the period. "Related parties" is defined as officers, board members, key employees, or members of the organization, including spouses, parents, children, and brothers or sisters of each;

(14) The names, duties performed, total hours worked, and total compensation paid for the following employees:

(a) All employees paid more than forty thousand dollars annually;

(b) Part-time employees paid more than twenty dollars per hour; and

(c) All officers receiving compensation for services rendered;

(15) In addition to information required in subsection (1) of this section, any organization licensed to conduct gambling activities in Group III, IV, or V must submit complete financial statements prepared in accordance with generally accepted accounting principles and all required disclosures or footnotes. Any organization licensed to conduct gambling activities in Groups IV and V must submit financial statements prepared by a licensed certified public accountant. This information must be submitted no later than one hundred twenty days following the end of the organization's fiscal year. The financial statements must include:

(a) A statement of financial position;

(b) A statement of activities. This statement may be presented in a consolidated form if details of each component are provided as supplemental information. Revenue and expenses for each activity must be presented separately as follows:

(i) Each gambling activity;

(ii) Retail sales conducted in conjunction with gambling activities;

(c) A statement of cash flows;

(d) A statement of functional expenses;

(e) In addition to all disclosures required by generally accepted accounting principles, the financial statements must disclose the following:

(i) Loans to or from officers, board members, and employees: *Provided*, That employee salary advances of five hundred dollars or less will not be considered as loans. Details of all terms, including interest rates and payment schedules, must be disclosed;

(ii) All civil penalties, fines, bribes, or embezzlements incurred or discovered during the period; and

(iii) An explanation of any adjustments made to prior period capital accounts or net asset balances;

(f) An explanation of material differences between amounts reported on gambling activity reports and the financial statements;

(16) The commission may require additional information to ensure completeness of the information reported including selected information covering the period from the end of the fiscal year reported and the license renewal date;

(17) The commission may grant an organization additional time to submit the information required if a written

request is received prior to the due date. Any request for additional time shall be signed by the president, include a statement setting out the hardship necessitating the delay, and the expected date the required report(s) will be submitted;

(18) The commission may request any organization licensed to conduct gambling activities in Group II to submit financial statements and other information required by this rule in order to evaluate the organization's qualification.

AMENDATORY SECTION (Amending WSR 96-07-075, filed 3/19/96, effective 7/1/96)

WAC 230-08-255 Bona fide charitable or nonprofit organizations—Significant progress. Any charitable or nonprofit organization requesting to be certified to conduct gambling activities must demonstrate it has made significant progress toward meeting its stated purpose(s) during the period under review. "Significant progress" means an organization has complied with requirements set forth in its bylaws and articles of incorporation; has actively engaged in providing services to the public or its members during the entire period under consideration; and the services provided directly relate to the stated purposes of the organization. Such activities will be deemed significant when an organization utilizes a substantial portion of the resources it has available, including net gambling income, for providing services. Provided that: Any organization requesting to be certified to operate gambling activities in Group III, IV, or V, as defined in WAC 230-12-076, shall demonstrate it has made "significant progress" by meeting the following additional requirements:

(1) Elections to select officers were held at least once in the previous two years;

(2) A general membership meeting to conduct the business of the organization was held at least once in the previous two years;

(3) At least sixty percent of the net gambling income earned in the organization's most recently completed fiscal accounting year was utilized in the same period as functional expenses to provide services to members or the public. The following procedures apply for purposes of determining compliance with this subsection:

(a) Fees paid by members or the public to receive services or to participate in specific activities shall be classified as a reduction to ~~((expenses for providing such services))~~ both program service expenses and supporting service expenses on a pro rata share and as income to the extent fees paid exceed the cost of providing such services;

(b) The amount of net gambling income used to provide services in the year under review shall be determined by the following procedure:

(i) Compute the amount of net gambling income that must be used for services by multiplying net gambling income for the period by sixty percent or six tenths (0.6);

(ii) Compute the ratio of net gambling income when compared to total net revenue from all sources for the period by dividing net gambling income by total net revenue from all sources;

(iii) Compute the amount of net gambling income that was used for services by multiplying total expenses of pro-

viding services for the period by the result of the computation in (b)(ii) of this subsection; and

(iv) Total expenses of providing program services must be equal to or greater than the results of the computation in (b)(iii) of this subsection ~~((must be equal to or greater than the results of the computation in (b)(i) of this subsection;~~

~~(c) An organization may be exempted from this subsection for a limited time if it:~~

~~(i) Has a formal plan to utilize an amount that is equal to or greater than sixty percent of the net gambling income earned in the current period to provide services in the next fiscal accounting period and the plan is submitted to the commission as a part of its annual progress and financial report required by WAC 230-08-122. Such services shall be in addition to those required for the next period; or~~

~~(ii) Is reserving funds to start or expand specific programs. If funds are being reserved to start or expand specific programs, the organization must expend at least twenty-five percent of net gambling income for providing services in the current fiscal accounting period;)),~~

(4) It does not expend more than thirty-five percent of functional expenses for supporting service expenses. If more than fifty percent of ~~((functional))~~ program expenses are provided through indirect methods such as contributions, scholarships, and/or sponsorships, ~~((services;))~~ then not more than twenty percent of functional expenses shall be spent for supporting services;

(5) An organization may be exempted from or held to a lower standard than the requirements set forth in subsection (3) or (4) of this section by the director if:

(a) It demonstrates circumstances, which requires it to delay providing services to members or the public or to accumulate funds in the current period, such as it:

(i) Has a formal plan to utilize an amount that is equal to or greater than sixty percent of the net gambling income earned in the current period to provide services in the next fiscal accounting period. Such services shall be in addition to those required in the next period;

(ii) Is reserving funds to start or expand specific programs. If funds are being reserved under authority of this subsection, the organization must expend at least twenty-five percent of net gambling income for providing services in the current fiscal accounting period;

(iii) Utilizes a substantial amount of capital assets that are not subject to depreciation or amortization to provide program services, such as fully depreciated or amortized assets or assets that are not normally depreciated such as land used for athletic fields, riding areas, parks, etc.; or

(iv) Conducts a substantial portion of program services through use of volunteers; and

(b) The organization submits details of the circumstances resulting in the lack of funds spent on services and its plans for use of the reserved funds to the commission as a part of its annual progress and financial report required by WAC 230-08-122.

(6) Compliance with the requirements of this section shall be prima facie evidence that an organization has made significant progress towards accomplishing its stated purposes.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-12-060 Charitable or nonprofit—
Bingo—Special review.

AMENDATORY SECTION (Amending WSR 90-10-007, filed 4/19/90, effective 7/1/90)

WAC 230-30-052 **Punchboards and pull tabs operated by charitable or nonprofit organizations—Net income required.** Charitable or nonprofit organizations operating punchboards and pull tabs and which do not operate bingo games at any level shall not pay excessive expenses. To ensure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, net income, as a percentage of gross gambling receipts from punchboards and pull tabs, shall not be less than ~~((the limits set out in subsections (1) and (2) below))~~ zero when measured over the annual license period((-)); Provided, That the limits set out in Table 1. of WAC ((230-20-064)) 230-20-059 shall apply to organizations operating punchboards and pull tabs in conjunction with a bingo game. ((Net income limits:

(1) Class A and B licensees—Net income of at least 5.5%, before deduction of local taxes; and

(2) Class C and above licensees—Net income of at least 7.0%, before deduction of local taxes.))

WSR 98-10-050

WITHDRAWAL OF PROPOSED RULES
GAMBLING COMMISSION

[Filed April 29, 1998, 11:37 a.m.]

On November 17, 1997, our office filed a CR-102 under WSR 97-23-054 requesting that WAC 230-30-220 be repealed.

At this time, we are withdrawing our request that this rule be repealed. This rule will remain as it is.

If you have any questions, please call (360) 438-7654, extension 310.

Soojin Kim
Rules Coordinator

WSR 98-10-066

PROPOSED RULES
GAMBLING COMMISSION

[Filed May 1, 1998, 3:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-06-018 on February 20, 1998.

Title of Rule: Gambling service supplier rules, WAC 230-02-208, 230-04-119, 230-04-124, 230-04-133, 230-08-025, and 230-08-026.

Purpose: These rules define punchboard and pull tab service businesses; clarifies that services involving the storage, counting, and/or specialized recordkeeping services for punchboards and pull tabs must pay the individual contract fees; specifies the accounting records to be maintained by a gambling service supplier; sets out requirements for gambling service supplier representatives who have an interest in a licensed manufacturer or distributor and provide services to any operator; and sets out procedures for the registration of businesses that provide services to punchboard and pull tab operators.

Statutory Authority for Adoption: RCW 9.46.070 (4), (14), and (20).

Summary: See Purpose above.

Reasons Supporting Proposal: Activities of gambling services suppliers and representatives need to be regulated.

Name of Agency Personnel Responsible for Drafting: Soojin Kim, Lacey, (360) 438-7654 ext. 310; Implementation: Ben Bishop, Lacey, (360) 438-7640; and Enforcement: Carrie Tellefson, Lacey, (360) 438-7636.

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 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. Proposal is exempt under RCW 19.85.025(2); therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, 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: Maple Hall Convention Center, 104 Commercial Street, La Conner, WA 98257, (360) 466-3101, on June 12, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by June 1, 1998, TDD (360) 438-7638, or (360) 438-7654 ext. 302.

Submit Written Comments to: Soojin Kim, Mailstop 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by May 31, 1998.

Date of Intended Adoption: June 12, 1998.

April 29, 1998

Soojin Kim

Rules and Policy Coordinator

NEW SECTION

WAC 230-02-208 **Punchboard and pull tab service business defined.** "Punchboard and pull tab service business" is defined as a business that provides recordkeeping services for punchboard and pull tab operators for compensation and:

- (1) The individuals are not employees of the operator;
- (2) The recordkeeping services do not include recommendations or advice of a management nature;

PROPOSED

(3) The combined total gross income received for such services during any calendar year does not exceed fifty thousand dollars (\$50,000); and

(4) The records completed are normally the responsibility of the operator. For purposes of this section, recordkeeping duties that are normally the responsibility of the operator include at least the following:

(a) Reconciling sales, prizes, and cash on hand for punchboards and pull tab series;

(b) Completing mandatory records required by WAC 230-08-010: *Provided*, That recordkeeping services provided by a professional accounting business are exempt from these requirements when:

(i) The business performs services other than punchboard and pull tab records for the licensee;

(ii) The business has clients other than punchboard and pull tab licensees; and

(iii) The recordkeeping service only includes transcribing entries from the licensee into the required format; and/or

(c) Storing boards and series removed from play.

AMENDATORY SECTION (Amending WSR 97-24-031, filed 11/25/97, effective 1/1/98)

WAC 230-04-119 Licensing of gambling services suppliers. Prior to providing any type of gambling related service to any licensed operator or Class III tribal gaming facility, a gambling services supplier shall first obtain a license or certification from the commission. The following requirements and restrictions apply to certification and licensing of gambling services suppliers:

(1) For purposes of this title, a license is required to provide any service related to licensed gambling activities as defined in WAC 230-02-205.

(2) The applicant shall include upon the application form supplied by the commission, sufficient information to determine the types of services provided, personal and financial information to determine applicant identity and qualifications, as well as all other information and materials required elsewhere in these rules.

(3) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form.

(4) The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of the commission.

(5) In no circumstance may a gambling services supplier assume ultimate responsibility for an operator's gambling activity.

(6) License fees for gambling service(s) suppliers shall be \$575, plus one hundred twenty-five dollars per contract for gambling related services (~~Provided, That services involving the storage, counting, and/or specialized recordkeeping services for punchboards and pull tabs are exempt from the individual contract fees~~).

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.

(7) A licensed gambling service supplier or substantial interest holder thereof that provides services to punchboard and pull tab operators shall not hold a substantial interest in a licensed manufacturer or distributor of punchboards and pull tabs: *Provided*, That for purposes of this section only, the spouse of an individual that is a holder of a substantial interest in a gambling service supplier may not be considered a substantial interest holder in such business if, after considering the entire circumstances surrounding the relationship and services being provided, the director finds the potential for involvement or influence in either business by the spouse is not material. The director may impose additional requirements on either or both licensees, including, but not limited to prohibiting sales or the provision of services to any operator by both licensees. At least the following documents may be considered by the director in a determination of potential influence:

(a) Community or marital property agreements;

(b) Separate property agreements;

(c) Prenuptial agreements; and

(d) Wills and codicils.

AMENDATORY SECTION (Amending WSR 97-24-031, filed 11/25/97, effective 1/1/98)

WAC 230-04-124 Licensing of manufacturer, distributor and gambling service(s) supplier representatives. Prior to selling or supplying to any person gambling equipment, paraphernalia or related services (~~for use~~) in connection with licensed gambling activities, a representative or agent of a licensed manufacturer, distributor, or gambling service(s) supplier shall first obtain a license from the commission. The following definitions and restrictions apply:

(1) A sole owner, partner, major officer and/or owner of a substantial interest in an entity licensed as a manufacturer (~~or~~), distributor, or gambling service supplier shall not be required to be additionally licensed as a representative to engage in the selling or supplying of the (~~manufacturer's, distributor's, or gambling services supplier's~~) entity's products or services. Office, clerical or warehouse personnel who have contact with the public and potential customers (~~occasionally and~~) only by telephone or at the manufacturer's, distributor's, or gambling service supplier's own premises when working under the immediate and direct supervision of (~~the~~) an owner, (~~a~~) partner, or major officer (~~of a corporation~~), shall also be exempt from this licensing requirement. A manager or supervisor who is not a sole owner, partner or a major officer or owner of a substantial interest and whose duties and responsibilities include the supervision of selling, supplying and/or the promotion of products or services shall be licensed as required by this rule prior to performing such functions. A manufacturer, distributor, or gambling service(s) supplier shall not allow an unlicensed person to represent them in such transactions and shall take all measures necessary to prevent an unlicensed person from doing so.

(2) The manufacturer, distributor, or gambling service(s) supplier for which the representative will work shall sign the application (~~of each such representative~~) acknowledging that the applicant will be representing them with their full knowledge and consent.

PROPOSED

(3) ~~((In addition to the above requirements,))~~ An applicant ~~((applying))~~ for a license as a distributor or gambling service~~((s))~~ supplier representative shall:

(a) Complete a training course for any activity being managed, as required and provided by the commission within ~~((30))~~ thirty days after the first day worked; and

(b) Represent only one licensed distributor or gambling service~~((s))~~ supplier at a time and shall not represent a manufacturer: *Provided*, That this rule shall not ~~((bar the distributor's))~~ prevent a licensed representative from representing ~~((his own distributor who is also licensed as a manufacturer))~~ both a manufacturer and distributor when both are owned by the same entity.

(4) If a licensed gambling service supplier representative has any interest in a licensed manufacturer or distributor and they provide services to any punchboard, pull tab, or bingo operator, they shall inform the commission, the operator, and the manufacturer or distributor of the relationship. Such manufacturer or distributor shall be prohibited from selling punchboards, pull tabs, or disposable bingo cards to such operator.

NEW SECTION

WAC 230-04-133 Punchboard and pull tab service business—Registration required—Procedures—Restrictions. It is in the public's interest to closely control gambling devices and records relating to the operation of a gambling activity. The commission must identify all individuals and businesses that have control over gambling devices, including punchboards and pull tabs, and all records relating to the operation of gambling activities. Businesses that provide punchboard and pull tab record services, as defined by WAC 230-02-208, shall register with the commission and receive a permit prior to providing services to a licensee. The following procedures and restrictions apply to punchboard and pull tab service businesses:

(1) Each business seeking to register as a punchboard and pull tab service representative shall submit a permit application on a form provided by the commission. Such application shall be complete in every respect, accompanied by proper fees, and signed by the applicant. The application shall include at least the following:

- (a) A complete description of the services provided;
- (b) Personal and criminal history forms for all individuals involved in providing services; and
- (2) Permit fees as follows:

(a) Initial application for a business (includes up to two associates) = \$200;

Note: When the business includes more than three individuals that are directly involved in providing record services, all additional individuals must register as associates to the business. Personnel that perform duties that are not directly involved in preparing records, such as security, pick-up and delivery, or general office duties, are not required to register.

- (b) Initial application - Associates = \$125; and
- (c) Annual renewal - Business and associates = \$50.

(3) The permit shall be valid for a period not to exceed one year from the date approved.

(4) Any changes in information provided with the application must be submitted to the commission within thirty days of change.

(5) The permit becomes void and the business must apply for a gambling service supplier license to continue providing services if any of the conditions listed below occur:

(a) The nature of the business being provided change to include services defined in WAC 230-02-205(1); or

(b) The gross revenue from providing services exceeds \$50,000 during the permit period.

(6) The permit may be revoked by the director at any time for the following reasons:

(a) Reasons set forth in WAC 230-04-400 or RCW 9.46.075; or

(b) The permit holder has acted with gross negligence or intentionally misstated or manipulated a licensee's records or punchboard/pull tab games; or

(c) Failure to produce an operator's record or copies thereof, or punchboard or pull tab games when requested by a commission agent.

(7) Immediately upon request, a punchboard and pull tab service business shall provide the commission or any of its representatives a complete list of customers and the location where records of each are maintained.

(8) If a punchboard and pull tab service business or associate of such business has any interest in a licensed manufacturer or distributor, they shall inform the commission, any operator to which they provide services, and the manufacturer or distributor of the relationship. The director may restrict the manufacturer or distributor from selling punchboards or pull tabs to such operator.

(9) Punchboard and pull tab service business permit holders shall follow the records requirements of WAC 230-08-026 (1)(a), (c), (d), (2), and (3). In addition, such businesses shall be familiar with minimum record keeping requirements and availability of records for services they provide, including but not limited to WAC 230-08-010, 230-12-010, and 230-30-072.

AMENDATORY SECTION (Amending WSR 97-24-031, filed 11/25/97, effective 1/1/98)

WAC 230-08-025 Accounting records to be maintained by distributors~~((;))~~ and manufacturers~~((, and gambling services suppliers))~~. Every licensed distributor~~((;))~~ and manufacturer~~((, and gambling services supplier))~~ shall keep and maintain a complete set of records which include all details of all activities of the licensee related to the conduct of the licensed activity.

What system of accounting must I use and how long must I keep my records?

(1) These records shall be recorded using the double entry accounting system and maintained in accordance with generally accepted accounting principles. This system shall be capable of being reconciled to the licensee's federal income tax return. All records shall be maintained for a period of not less than three years following the end of the licensee's fiscal year. These records shall be updated at least

once a month and provide a monthly balance for each account.

What are the minimum requirements that must be included in a record system?

(2) Sales invoices - every manufacturer(~~(;)~~) and distributor(~~(; and gambling services supplier)~~) shall record every sale of equipment or services, any return or refund, or any other type of transfer of punchboards/pull tabs, pull tab dispensing devices or bingo equipment including cards, by completing a standard sales invoice or credit memo. Distributors shall use an invoice in a format prescribed and approved by the commission that includes a separate line for each identification and inspection services stamp number. This invoice shall provide space for the operator to either attach a records entry label or enter the identification and inspection services stamp number and the date the device was placed out for play. These spaces shall be adjacent to the written entry of the identification and inspection services stamp number made by the distributor. These invoices shall set out the following information:

(a) Each invoice must be prenumbered at the time of purchase. The numbering must be consecutive, using not less than four digits: *Provided*, That a computer generated numbering system may be utilized if the same system is used for all sales and specific numbers can not be input by use of a manual override function;

(b) The date of sale. For distributors only: If the date of delivery is different, then the delivery date must also be entered;

(c) The customer's name and an adequate business address;

(d) A full description of each item sold or service provided, including the identification and inspection services stamp number for each item, if attached, and all information required by WAC 230-08-040;

(e) The quantity and sales price of each individual item, including individual items of merchandise to be used as prizes on punchboards and pull tabs;

(f) The gross amount of each sale to each customer including all discount terms and the total dollar amount of any discount;

(g) The sales invoice shall be prepared in at least three parts. Invoices shall be distributed and maintained as follows:

(i) The original shall be issued to the customer;

(ii) One shall be retained in an invoice file by customer name; and

(iii) One shall be retained in an invoice file by invoice number or in an alternative manner that accounts for each invoice numerically. This provision may be waived if the licensee receives written commission approval.

(h) Information documenting the sales of progressive jackpot pull tabs must be separately tracked, invoiced, and maintained in its own filing system. *Provided*, that a computerized system, which is capable of separately tracking this information and providing immediate output of the data, is sufficient for this requirement.

(i) Credit memos for returned items shall be prepared in the same detail as (a) through (g) of this subsection.

(3) Sales journal - the sales journal shall contain at least, but not be limited to, the following by month:

(a) The date of the sale;

(b) The invoice number of the sale;

(c) The customer name or person remitting a payment;

(d) Sales shall be categorized at least by the following as applicable:

(i) Punchboards that pay out cash prizes;

(ii) Punchboards that pay out merchandise prizes;

(iii) Pull tabs that pay out cash prizes;

(iv) Pull tabs that pay out merchandise prizes;

(v) Pull tab dispensing devices;

(vi) Merchandise that is intended for use as a prize on a punchboard or pull tab series;

(vii) Bingo equipment;

(viii) Other types of sales directly related to gambling activities, including but not limited to, equipment leases or sales(~~(;)~~) and supplies(~~(; and gambling related services)~~); and

(ix) Sales and leases of general purpose equipment and supplies indirectly related to gambling activities, including cash registers, scales, tables, chairs, glue sticks, souvenirs, etc.

(e) Total amount of the invoice.

(4) Cash disbursements book (check register) - this record shall include a recording of all checks issued by the licensee, cash payments made by the licensee, or payments made by any other means. All expenses by the licensee, both gambling and nongambling related, shall be documented by invoices or other appropriate supporting documents. Entries to this record shall contain at least, but not limited to, the following information by month:

(a) The date the check was issued or payment made;

(b) The number of the check issued;

(c) The name of the payee; and

(d) Each disbursement shall be categorized by type of expense.

(5) Cash receipts - all cash receipts shall be recorded in an original book of entry whether it be a sales journal, a check register, or a separate cash receipts journal, and at a minimum shall include a recording of not only cash sales, but also cash received from all sources, and shall contain at least, but not limited to, the following by month:

(a) The date the payment was received;

(b) The name of the person remitting the payment;

(c) The amount of payment received.

(6) General ledger - each licensee whose gambling related sales exceed \$500,000 per year, shall have a general ledger which shall contain, in addition to all other accounts by month, a separate sales account for each type of sale;

(7) Bank reconciliation - a bank reconciliation shall be performed each month;

(8) Copies of all financial data which support tax reports to any and all governmental agencies;

(9) Copies of all agreements entered into regarding sales or leasing of (~~(gambling related services;)~~) gambling equipment or paraphernalia. These agreements shall fully disclose all terms and conditions;

(10) Manufacturer shall maintain records that provide an accountability trail for all identification and inspection services stamps purchased. These records shall include enough

details to allow audit of all used, unused, and damaged stamps and includes the following minimum items:

- (a) The name of the purchaser;
- (b) The date of the sale; and
- (c) The invoice number recording the sale.

(11) An alternative format may be used for subsections (2)(a), (2)(g)(ii), (2)(g)(iii), (2)(h), (3), and (4), of this section upon advance written approval from the commission.

NEW SECTION

WAC 230-08-026 Accounting records to be maintained by gambling service suppliers. Gambling service suppliers shall maintain records that document services they provide and receipts for payment for such services. The following records shall be maintained and procedures followed:

(1) A minimum accounting system must be maintained that includes at least the following records:

(a) Sales invoices - sales invoices or a detailed monthly billing statement shall be issued to each customer. Copies of each invoice or billing statement must be maintained on the premises;

(b) Sales journal - the sales journal shall contain at least, but not be limited to, the following by month:

- (i) The date of the sale;
- (ii) The invoice number of the sale;
- (iii) The customer name or person remitting a payment;
- (iv) Sales shall be categorized at least by the type of service or activity provided; and

(v) Total amount of the invoice.

(c) Cash receipts - all cash receipts shall be recorded in an original book of entry whether it be a sales journal, a check register, or a separate cash receipts journal, and at a minimum shall include a recording of not only cash sales, but also cash received from all sources, and shall contain at least, but not limited to, the following by month:

- (i) The date the payment was received;
- (ii) The name of the person remitting the payment;
- (iii) The amount of payment received.

(d) Bank statements which show all deposits along with copies of bank deposit slips and receipts;

(e) General ledger - each licensee whose gambling related activities exceed \$500,000 per year, shall have a general ledger which shall contain, in addition to all other accounts by month, a separate sales account for each type of activity;

(f) Copies of all financial data which support tax reports to any and all governmental agencies.

(2) If the gambling service(s) supplier enters into contracts with their customers, copies of such agreements which fully disclose all terms must be maintained.

(3) Records must be maintained for a period of three years following the end of the licensee's fiscal year.

WSR 98-10-068
PROPOSED RULES
GAMBLING COMMISSION

[Filed May 1, 1998, 3:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-08-043 on March 25, 1998.

Title of Rule: Punchboard and pull tab operation, WAC 230-30-050.

Purpose: Rule change will enable a pull tab operator to remove a pull tab game, which is being held for a customer, from display and replace it with a new pull tab game. This enables the operator to offer more games for play to patrons.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Purpose above.

Reasons Supporting Proposal: According to Washington Gaming Consultants, pull tab customers want as many choices as possible when selecting a game to play. Requiring hold games to be on display means a narrower selection, given the operator's space limitations. By using space that is not at a premium (under the counter) to store games that are held, the licensee is able to maximize their selection of open games.

Name of Agency Personnel Responsible for Drafting: Soojin Kim, Lacey, (360) 438-7654 ext. 310; Implementation: Ben Bishop, Lacey, (360) 438-7640; and Enforcement: Carrie Tellefson, Lacey, (360) 438-7636.

Name of Proponent: Washington Gaming Consultants, private.

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

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

Proposal Changes the Following Existing Rules: See Purpose and Reasons Supporting Proposal above.

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.

Section 201, chapter 403, Laws of 1995, 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: Maple Hall Convention Center, 104 Commercial Street, La Conner, WA 98257, (360) 466-3101, on June 12, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by June 1, 1997 [1998], 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 May 31, 1998.

Date of Intended Adoption: June 12, 1998.

Soojin Kim
Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 97-14-012, filed 6/20/97, effective 7/21/97)

WAC 230-30-050 Punchboard and pull tab operating restrictions and dispensing limitations. The following operating restrictions and dispensing limitations apply to punchboards and pull tabs:

(1) No person under the age of eighteen years and no person visibly intoxicated or visibly under the influence of any narcotic, shall be allowed to play or sell any punchboard or pull tab series. It shall be the responsibility of both the licensee and the person physically operating the punchboard or pull tab series to determine and ensure that no unauthorized person is allowed to play or sell.

(2) No operator shall permit the display or operation of any punchboard or pull tab which may have in any manner been marked, defaced, tampered with or otherwise placed in a condition, or operated in a manner, which may deceive the public or which affects the chances of winning or losing upon the taking of any chance thereon.

(3) No punchboard or pull tab series shall be placed out for play unless it meets the requirements of WAC 230-30-080.

(4) Once placed out for play, a punchboard or pull tab series flare may not be modified or otherwise changed, except for the deletion of prizes as required by WAC 230-30-070.

(5) All records, reports and receipts relating to a punchboard or pull tab series in play must be retained on the licensed premises so long as the series or punchboard is in play and be made available on demand to law enforcement officers and representatives of the commission.

(6) Pull tab dispensing limitations:

(a) No pull tab shall be added to a series of pull tabs after that series has been shipped from its place of manufacture;

(b) All pull tabs must be sold from a commission approved dispensing device or a transparent container. If sold from a transparent container, the pull tabs must be visible to the players so that the players are able to estimate the number of chances remaining in the series;

(c) All pull tabs in a series must be thoroughly mixed prior to being placed in a dispensing device or clear container and being offered for sale. Failure to mix may result in a minimum five-day suspension of license for each series not mixed;

(d) Licensees may assemble pull tabs into bundles with a sales price of up to twenty dollars: *Provided*, That the bundles must be thoroughly mixed prior to sale to the public;

(e) No person shall put out any pull tab series for play unless the series of pull tabs is wholly contained within the device or container used for dispensing that series. In cases where a spindle is used, the series of pull tabs may sit upon the device or container used for dispensing that series: *Provided*, That progressive jackpot pull tab games, as authorized by WAC 230-30-025, may utilize more than one machine for a series;

(f) No pull tab series, or any portion thereof, shall be placed in any pull tab dispensing device or container until any other series of pull tabs previously in the device or container has been played out or permanently removed from play: *Pro-*

vided, That in the use of a multiple series dispensing device, each series shall be played independently and in accordance with this provision;

(g) Once placed out for play, no pull tab shall be removed from the dispensing device or container until it is sold or the series is permanently removed from play, except only:

(i) Those pull tabs removed by commission representatives or other law enforcement agency inspecting the device; or

(ii) Those tabs temporarily removed during necessary repair or maintenance of the dispensing device or container; and

(iii) Those pull tab games put on hold for a specific player: A held pull tab game is a game removed from public play for a specific player who leaves the premises but intends to return and play that game at a later date: *Provided*, That the game is clearly identified as held and daily accounting records are maintained showing the status of all held games. Held games must be stored in the immediate vicinity of the pull tab area: *Provided*, That a held game cannot be kept for the player more than seven days without play and cannot be returned to normal play: *Provided further*, That the licensee shall establish house rules as required under subsection (7)(b)(i) and (b)(ii) of this section.

(7) Any punchboard or pull tab series that is permanently removed from play shall not be placed out for further play under any circumstances: *Provided*, That boards or series may be temporarily removed from play for any of the following reasons and returned to normal play at a later time:

(a) Pull tab series removed under authority of subsection (6)(g);

(b) To reserve a game for a specific player when:

(i) The licensee has established house rules for reserving games that include reasons or conditions for reserving such games and the maximum time for which a game may be reserved;

(ii) The house rules are clear in meaning and posted in a manner that players can observe; and

(iii) The board or series is clearly identified as reserved;

(c) A board or series is designated to be played during certain hours of the licensee's operation, such as "happy hour." Such games shall be clearly identified and house rules shall be posted regarding hours of play and/or other conditions affecting play.

WSR 98-10-069

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 4, 1998, 9:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-003.

Title of Rule: Declaring all formulations of pesticides with the active ingredient of Strychnine to be "Restricted Use" -not for distribution to home and garden users, WAC 16-228-155 (1)(g).

PROPOSED

Purpose: Allow the purchase and use of Strychnine pesticide products by licensed and trained applicators only. Require recordkeeping on sales of product by dealers.

Other Identifying Information: Authority of the Washington State Department of Agriculture to declare pesticides as "Restricted Use" if the director determines that such pesticides may require rules restricting or prohibiting their distribution or use.

Statutory Authority for Adoption: RCW 15.58.040 (2)(h).

Statute Being Implemented: WAC 16-228-155 (1)(g).

Summary: Removes the federal exemption that allows 0.5% or less Strychnine pesticides to be sold, purchased and used by home and garden users/dealers. Requires dealers to keep records on all sales (as currently required for all RUPs).

Reasons Supporting Proposal: Strychnine is a highly toxic product with a Skull and Crossbones label and should not be allowed for use by untrained applicators or for home and garden uses. The Washington State Department of Agriculture has documented cases of numerous pet animal poisonings where product was purchased and used intentionally for this purpose. No records were required on sales and no action could be taken.

Name of Agency Personnel Responsible for Drafting: Ann Wick, NRB Building, Olympia, Washington, (360) 902-2051; Implementation: Ted Maxwell, NRB Building, Olympia, Washington, (360) 902-2026; and Enforcement: Cliff Weed, Ted Maxwell, NRB Building, Olympia, Washington, (360) 902-2036.

Name of Proponent: The Washington State Department of Agriculture, Washington State Veterinarians, Washington Department of Health, private and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Removes the exemption for 0.5% or less Strychnine pesticide products - makes all Strychnine pesticides "Restricted Use." Currently, Washington state rule states that "Strychnine products with 1.1% and above are Restricted Use." A later federal change in laws lowered the percentage to 0.5%, with all products with more than 0.5% Strychnine federally "Restricted Use."

This change will make all Strychnine products "Restricted Use," clarifying the language currently in rule (which still states 1.1%).

This change will remove Strychnine products from the home and garden market, remove the remaining Skull and Crossbones (highly toxic) pesticide from the home and garden market and limit the availability of the product to untrained applicators. It will not restrict the use of the product for legitimate agricultural uses (gopher baits).

The anticipated effect should reduce the incidents of pet animal poisonings from Strychnine and also maintain records on any purchases if needed for enforcement purposes.

Proposal Changes the Following Existing Rules: Strikes the exemption for 0.5% or less Strychnine for sale in the home and garden market.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Other methods of control are available to home and garden users; other control

methods will be sold by retail outlets; and no Washington state manufacturers will be affected.

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

Hearing Location: NRB Building, 1111 Washington Street, Room 259, Olympia, WA, on June 22, 1998, at 9-11 a.m.; and at the Wenatchee Public Library, Auditorium, 310 Douglas Street, Wenatchee, WA, on June 22, 1998, at 7-9 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by June 23, 1998, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Ann Wick, Washington State Department of Agriculture, P.O. Box 42589, Olympia, WA 98504-2589, e-mail awick@agr.wa.gov, by June 22, 1998, 5 p.m.

Date of Intended Adoption: July 7, 1998.

May 4, 1998

Bob Arrington

Assistant Director

AMENDATORY SECTION (Amending Order 2022, filed 11/30/89, effective 12/31/89)

WAC 16-228-155 Pesticides—Not for distribution to home and garden users. (1) The following pesticides are hereby declared to be restricted use pesticides in the state of Washington because of their toxicity to people and animals and shall not be distributed to home and garden users. The following pesticides shall be registered only when manufactured, labeled, delivered, distributed, sold, or held for sale for use by commercial producers and/or commercial applicators or governmental agencies experienced in the application of pesticides:

- (a) DiNitro-O-Sec Butyl Phenol (DNOSBP)
- (b) Endothall (20% and above)
- (c) Ethion (26% and above)
- (d) Guthion (16% and above)
- (e) Hydrogen Cyanide (Hydrocyanic acid) (HCN)
- (f) Methyl Bromide
- (g) Strychnine and its salts (~~((Strychnine Alkaloid 1.1% and above))~~)

(2) Pesticide dealers shall keep records on the sale of any of the above listed pesticides. These records shall contain the date of sale, the name and amount of the pesticide sold and the name and address of the purchaser. These records shall be kept on file for a period of seven years and the director shall have access to these records upon request.

WSR 98-10-074

PROPOSED RULES

STATE BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Filed May 4, 1998, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: General description of state board organization and operations; presentations and special meeting criteria, etc.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Updating of rules in accordance with Governor's Executive Order 97-02 RE: Regulatory reform.

Summary: See Title of Rule above.

Name of Agency Personnel Responsible for Drafting and Implementation: Sandy Wall, 319 Seventh Avenue, Olympia, (360) 586-2157; and Enforcement: Howard Fischer, Senior Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: Minor changes to reflect current practice.

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: Yakima Valley College, 16th and Nob Hill, Yakima, Washington, on June 18, 1998, at 10 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger by June 1, 1998, FAX (360) 586-6440.

Submit Written Comments to: Claire Krueger, State Board for Community and Technical Colleges, 319 7th Avenue, P.O. Box 42495, Olympia, WA 98504-2495, FAX (360) 586-6440, by June 1, 1998.

Date of Intended Adoption: June 18, 1998.

May 4, 1998

Claire C. Krueger

Executive Assistant and

Agency Rules Coordinator

AMENDATORY SECTION (Amending Order 136, Resolution No. 92-05-23, filed 6/8/92, effective 7/9/92)

WAC 131-08-005 General description of state board organization and operations. (1) The state board for community and technical colleges consists of nine members appointed by the governor. (~~Successors of the~~) Members (~~initially appointed~~) serve for terms of four years.

(2) The executive officer and secretary of the board is the executive director of the state system of community and technical colleges. The executive director is in charge of the offices of the board and responsible to the board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community and technical colleges. The executive director exercises, in the name of the board, all powers and duties delegated by the board and at the direction of the board executes,

together with the chair of the board, all contracts entered into by the board.

(3) It is the board's duty to exercise general supervision and control over the state system of community and technical colleges consistent with the specific powers and duties set forth in the Community and Technical College Act of 1991, chapter 28B.50 RCW.

(4) The board's office is located in Olympia, Washington, 319 Seventh Avenue, 98504.

(5) Information about specific meeting places and times may be obtained at the board office. Formal submission or requests to the state board should be addressed to the executive director at the Olympia office.

AMENDATORY SECTION (Amending Order 136, Resolution No. 92-05-23, filed 6/8/92, effective 7/9/92)

WAC 131-08-007 Presentations to state board. Any interested individual or organization, upon written request to and receipt by the state board office at least two weeks in advance of the next scheduled board meeting, may request that any relevant matter concerning the state community and technical college system be placed on the board meeting agenda. The chair or the executive director of the state board may, however, waive this two week notification procedure, if in the judgment of either, sufficient emergency exists.

The following format shall be used by individuals or organizations in making their request for additions to the board meeting agenda:

(1) Title of the item to be considered;

(2) A brief descriptive background which includes relevant facts and documentary evidence, including written materials, personal interviews, expert testimony or matters of record;

(3) Identification of the requesting party, including relevant organizational affiliations and job titles.

It shall be the prerogative of the board not to take any action on matters that come before the board pursuant to this rule.

In the case of presentations to the board on behalf of organizations, special interest groups, and other multimember bodies, testimony shall normally be limited to one individual representative.

In the case of all presentations, the board reserves the right, without notice, to limit the length of any particular presentation or to reschedule presentations when, in its judgment, the demands of public business before the board necessitate making such limitations.

It is the intent of the state board that procedures set forth in this regulation shall be liberally interpreted to the end that all interested citizens and organized groups shall be able to address the board on any matter relevant to its responsibilities and duties in the operations of Washington's community and technical college system. Notwithstanding any of the provisions of this section, impromptu comments or questions by members of the public or organization representative may be presented at any meeting of the board consistent with the provisions of chapter 42.30 RCW, the Open Public Meetings Act.

In the case of adoption, amendment or repeal of rules, which are subject to the provisions of the Administrative Procedure Act, chapter 34.05 RCW, the provisions of that chapter regarding the presentation of data, views or arguments to shall govern.

AMENDATORY SECTION (Amending Order 136, Resolution No. 92-05-23, filed 6/8/92, effective 7/9/92)

WAC 131-08-008 Special meetings of the state board. Special meetings of the state board may be called by the chair or by a majority of the members of the state board (~~by delivery personally or by mail written notice to each member~~). Notification of such a meeting must be made at least twenty-four hours before the time of such meeting. Such 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. Notice of such special meetings also shall be provided twenty-four hours prior to such meetings to each local newspaper of general circulation and to each local radio and television station which has on file with the state board a written request to be notified of such special meetings or of all meetings of the state board.

WSR 98-10-081

WITHDRAWAL OF PROPOSED RULES GAMBLING COMMISSION

(By the Code Reviser's Office)

[Filed May 5, 1998, 8:00 a.m.]

WAC 230-30-070 and 230-30-080, proposed by the Gambling Commission in WSR 97-21-101 appearing in issue 97-21 of the State Register, which was distributed on November 5, 1997, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 98-10-082

WITHDRAWAL OF PROPOSED RULES INSURANCE COMMISSIONER'S OFFICE

(By the Code Reviser's Office)

[Filed May 5, 1998, 8:01 a.m.]

WAC 284-43-400, 284-43-410, 284-43-420, 284-43-610, 284-43-620, 284-43-630, 284-43-640 and 284-43-650, proposed by the Insurance Commissioner's Office in WSR 97-21-155 appearing in issue 97-21 of the State Register, which was distributed on November 5, 1997, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 98-10-093 PROPOSED RULES BOARD OF PILOTAGE COMMISSIONERS

[Filed May 6, 1998, 10:05 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Tariffs and pilotage rates for the Grays Harbor pilotage district.

Purpose: To establish a Grays Harbor pilotage district annual tariff.

Other Identifying Information: WAC 363-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

Summary: The proposed rule reflects a 9% increase in all tariff categories to be charged for pilotage services in the Grays Harbor pilotage district for the 1998-99 tariff year.

Reasons Supporting Proposal: RCW 88.16.035 requires that a tariff be set annually.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pilotage Commission, 2911 2nd Avenue, Seattle, WA, (206) 515-3904.

Name of Proponent: Grays Harbor Bar Pilots Association, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Current rates for the Grays Harbor pilotage district expire on July 31, 1998. New rates must be set annually.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed would increase the tariff for pilotage services in the Grays Harbor pilotage district by 9% over the present tariff in all categories.

Proposal Changes the Following Existing Rules: The proposed rule is a 9% increase over the existing tariff in all categories.

The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from other interested parties and the public.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule is being considered in the context of the required annual revision to the rates charged for pilotage services. The application of the 9% increase is clear in the proposed tariff below.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: 2911 2nd Avenue, Suite 100, Level B Conference Room, Seattle, WA 98121, on June 11, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by June 8, 1998, (206) 515-3904.

Submit Written Comments to: Mr. Larry Vognild, Chairman, FAX (206) 515-3969, by June 4, 1998.

Date of Intended Adoption: June 11, 1998.

May 1, 1998
Peggy Larson
Administrator

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AMENDATORY SECTION (Amending WSR 97-15-120, filed 7/23/97, effective 8/1/97)

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. Effective 0001 hours on ~~((8-1-97))~~ 8-1-98 through 2400 hours ~~((7-31-98))~~ 7/31/99.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be ~~\$((60.80))~~ 66.27 per meter (or ~~\$((18.50))~~ 20.17 per foot) and the tonnage charge shall be ~~\$((0.1939))~~ 0.2114 per net registered ton. The minimum net registered tonnage charge is ~~\$((678.39))~~ 739.45. The charge for an extra vessel (in case of tow) is ~~\$((387.67))~~ 422.56.

Boarding fee:

Per each boarding/deboarding from a boat \$ ~~((292.49))~~ 318.81

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage \$ ~~((486.30))~~ 530.07

Delays per hour \$ ~~((115.96))~~ 126.40

Cancellation charge (pilot only) \$ ~~((193.82))~~ 211.26

Cancellation charge (pilot boat only) ... \$ ~~((581.48))~~ 633.81

Travel allowance:

Boarding or deboarding a vessel off Grays Harbor entrance \$ ~~((90.00))~~ 98.10

Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid ~~\$((678.41))~~ 739.47 for each day or fraction thereof, and the travel expense incurred \$ ~~((678.41))~~ 739.47

Bridge transit:

Charge for each bridge transited \$ ~~((212.88))~~ 232.04

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

WSR 98-10-094

PROPOSED RULES

FRUIT COMMISSION

[Filed May 6, 1998, 10:35 a.m.]

Supplemental Notice to WSR 98-03-081.

Preproposal statement of inquiry was filed as WSR 97-24-112.

Title of Rule: WAC 224-12-090 Bartlett pear assessment rate.

Purpose: Increase the maximum allowable assessment rate on fresh Bartlett pears from \$11.36 per 2000 pounds (\$.25 per standard box) to \$14.09 per 2000 pounds (\$.31 per standard box).

Statutory Authority for Adoption: Chapter 15.28 RCW, chapter 303, Laws of 1997.

Statute Being Implemented: Chapter 15.28 RCW.

Summary: The rule change, if approved by a majority of the affected producers voting in a referendum, will increase the maximum assessment on fresh Bartlett pears from \$11.36 per 2000 pounds (\$.25 per standard box) to \$14.09 per 2000 pounds (\$.31 per standard box).

Reasons Supporting Proposal: The assessment rate increase is necessary to maintain and expand markets for fresh Bartlett pears grown in Washington.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kenneth F. Severn, 105 South 18th Street, Yakima, WA, (509) 453-4837.

Name of Proponent: Washington State Fruit Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Adoption of the rule is subject to approval by a majority of the affected producers voting in a referendum conducted by the Department of Agriculture.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Washington State Fruit Commission collects assessments on soft tree fruits, including Bartlett pears, to fund advertising and promotion programs. The cost of conducting the programs for fresh pears has increased substantially since the current assessment rate went into effect over ten years ago. The assessment rate increase will increase funding for programs necessary to maintain and expand markets for fresh Bartlett pears grown in Washington.

Proposal Changes the Following Existing Rules: The proposed rule change will increase the maximum allowable assessment rate on fresh Bartlett pears from \$11.36 per 2000 pounds (\$.25 per standard 44 pound box) to \$14.09 per 2000 pounds (\$.31 per standard box).

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will only affect fresh Bartlett pear growers in Washington state and will only

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become effective with the approval of a majority of fresh Bartlett pear growers voting in a referendum. There will be no disproportionate cost to small businesses because producers of Bartlett pears in Washington state are considered small businesses (less than fifty full-time, year-round employees). The rule will not increase cost in equipment, supplies, labor or administrative expenses. Cost to the producers is a per unit fee, established annually by an advisory committee based on anticipated production, condition of the markets and estimated cost of the programs. All cost as well as economic benefit to the producer will be in proportion to the level of production of each producer.

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

Hearing Location: Washington State Fruit Commission Meeting Room, W.L. Hansen Building, 105 South 18th Street, Yakima, WA 98901, on June 9, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by June 5, 1998, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Washington State Fruit Commission, 105 South 18th Street, Suite 205, Yakima, WA 98901, (509) 453-4837, FAX (509) 453-4837, by June 9, 1998.

Date of Intended Adoption: July 1, 1998.

May 6, 1998

Kenneth F. Severn

President

AMENDATORY SECTION [(Amending Order 4, Resolution 4, filed 7/29/81)]

WAC 224-12-090 Bartlett pear assessment rate. As provided for by RCW 15.28.160 and 15.28.180, there is hereby levied on Bartlett pears, an assessment of up to a maximum of ~~((twenty five cents per standard box equivalent (approximately forty four pounds)))~~ fourteen dollars and nine cents (\$14.09) per two thousand pounds (\$31 per standard box equivalent approximately forty-four pounds) of Bartlett pears shipped fresh, and an assessment of six dollars for each two thousand pounds of Bartlett pears delivered to processors.

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

WSR 98-10-098
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed May 6, 1998, 10:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-017.

Title of Rule: To adopt WAC 232-12-002, the duty of Fish and Wildlife Commission members to recuse themselves when they have a beneficial interest in commission decision making.

Purpose: To adopt model rules promulgated by the state of Washington Executive Ethics Board regarding the duty of members of executive boards to recuse themselves in the event they have a beneficial interest in either a transaction involving the commission or in an entity involved in a transaction with the board.

Statutory Authority for Adoption: RCW 42.52.200 and 77.04.055.

Statute Being Implemented: Chapter 42.52 RCW.

Summary: The proposed rule allows commissioners to disclose particular financial interests in contracts and other transactions and recuse themselves from discussing and voting on those matters.

Reasons Supporting Proposal: Certain state boards and commissions such as the Fish and Wildlife Commission may be appointed from identified groups or interests. In Advisory Opinion 96-09, the Executive Ethics Board suggested that such boards and commissions adopt rules to require their members to disclose their interest and abstain from voting or attempting to influence votes on certain matters. In Advisory Opinion 96-09A, the Executive Ethics Board approved a model rule from which boards and commissions could adapt to the board or commission's particular needs. Based upon this model rule, the Fish and Wildlife Commission proposes the following rules to govern member duties when members have a beneficial interest in certain transactions involving the commission.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Fraidenburg, Executive Assistant, Fish and Wildlife Commission, Olympia, (360) 902-2265.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule allows commissioners to disclose particular financial interests in contracts and other transactions and recuse themselves from discussing and voting on those matters.

The anticipated effect is that commissioners who have a beneficial interest in a transaction must recuse themselves from the certain commission transaction.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Doubletree Hotel, 221 North Lincoln, Port Angeles, WA 98362, phone (360) 425-9215, on June 13, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by June 1, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Mike Fraidenburg, Fish and Wildlife Commission, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2448, by June 1, 1998.

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Date of Intended Adoption: June 13, 1998.

May 6, 1998

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 232-12-002 Fish and Wildlife Commission members recusal requirements for commissioners with beneficial interests in certain commission decisions and transactions. (1) Commission members must comply with subsection (2) of this section when the following circumstances apply or it is reasonably foreseeable that they will apply:

(a) The member is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or under the supervision of the Commission, in whole or in part; or

(b) The member accepts, directly or indirectly, any compensation, gratuity or reward from any other person beneficially interested in a contract, sale, lease, purchase, or grant that may be made by, through, or under the supervision of the Commission, in whole or in part; or

(c) The member either owns a beneficial interest in, or is an officer, agent, employee or member of, an entity which is engaged in a transaction involving the Commission.

(2) If required by subsection (1) of this section, the member must:

(a) Recuse himself or herself from discussions by the Commission, regarding the specific contract, sale, lease, purchase, grant, or transaction; and

(b) Recuse himself or herself from any vote by the Commission on the specific contract, sale, lease, purchase, grant, or transaction; and

(c) Refrain from attempting to influence any other member or employee in any discussion or vote regarding the specific contract, sale, lease, purchase, grant, or transaction.

(3) Definitions. The following definitions apply to this section:

(a) "Transaction involving the Commission" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the Commission member in question believes, or has reason to believe:

(i) Is, or will be, the subject of Commission action; or

(ii) Is one to which the Commission is or will be a party;

or

(iii) Is one in which the Commission has a direct and substantial proprietary interest.

(b) "Transaction involving the Commission" does not include the following: preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a Commission member; or a claim, case, lawsuit, or similar matter if the Commission member did not participate in the underlying transaction involving the Commission that is the basis for the claim, case, or lawsuit. Rule making is not a transaction involving the Commission member.

(c) "Commission action" means any action on the part of the Commission, including, but not limited to:

(i) A decision, determination, finding, ruling, or order; and

(ii) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(4) Under subsection (1)(b), "any other person" has a beneficial interest in a contract, sale, lease, purchase, or grant when the other person bids or otherwise seeks to be awarded the contract, sale, lease, purchase, or grant.

(5) The prohibitions contained in this subsection do not prohibit the member from using his or her general expertise to educate and provide general information on the subject area to other Commission members.

(6) If recusal occurs pursuant to the State Ethics law, chapter 42.52 RCW, or rules adopted pursuant to the State Ethics law, the Commission member must disclose to the public the reasons for his or her recusal from any Commission action whenever recusal occurs. The Commission staff must record each such recusal and basis for the recusal.

EXAMPLES:

EXAMPLE ONE: The Commission is composed of individuals who often are employed in the private sector. The governor appoints members of the Commission. In making these appointments, the governor is required to seek to maintain a balance reflecting all aspects of fish and wildlife. Commission members are appointed because they have general knowledge of the habit and distribution of fish and wildlife and are often recommended by interest groups, such as sport fishers, commercial fishers, hunters, private landowners, and environmentalists. A Commission member is employed by a company that provides contract facilitation services. The Commission is in the process of selecting a contractor to conduct a series of public meetings on fishing in Washington. The company which employs the member of the Commission has bid for the contract. The Commission member may use his or her general expertise to educate Commissioners about desirable public meeting design elements for a successful public involvement project like the one the Commission wants to conduct. The Commission member is prohibited from participating in the Commission discussion and analysis establishing criteria for selecting a contractor and is prohibited from participating in the Commission vote to select a contractor (see WAC 232-12-002-1(c)). The Commission member would publicly announce his or her recusal and the reasons for it, and the Commission staff would record this information as part of the public record.

EXAMPLE TWO: The Commission contracts with King Software (hypothetical company) to provide computer systems for tracking recreational license purchases. King Software's contract with the Commission is almost expired, and the Commission must seek bids from software companies for the next contract period. The Commission issues a request for bids to various software companies who offer suitable software, including Fishsoft, Inc. (hypothetical company). Approximately nine months ago, one Commission member

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worked for Fishsoft, Inc. and received compensation from that company. The Commission member subsequently left Fishsoft, Inc. The commission member is not required to recuse himself or herself from selecting a contractor for the Commission's computer license system. Fishsoft, Inc. did not have a beneficial interest in the Commission's contract until it bid on the contract. Therefore, Fishsoft, Inc. was not a person beneficially interested in the contract when the Commission member received the compensation (see WAC 232-12-002(4)). However, if the Commission member received compensation from Fishsoft, Inc. after it bid on the contract, the Commission member would be required to disclose the fact that he or she received the compensation from a bidder and recuse himself or herself from the Commission's specific discussion and the vote awarding the contract (see WAC 232-12-002(1(b))). The Commission staff would record this information into the public record. Again, the Commission member could participate in discussions using his or her general expertise to educate and provide general information on the subject area to the other Commission members.

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 98-10-100
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed May 6, 1998, 10:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-091.

Title of Rule: 1998 Salmon buy-back program.

Purpose: Establish 1998 buy-back program.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Establishes 1998 salmon license buy-back program.

Reasons Supporting Proposal: Moneys are available under the Magnuson-Stevens Fisheries Conservation and Management Act to retire salmon licenses affected by Washington winter flooding.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This program is designed to reduce the number of salmon fishing licenses, thereby reducing fishing pressure and potentially increasing the income of fishers remaining in the fishery. There are funds available for the first time to pur-

chase Puget Sound licenses. The proposal is a two-step process, a Phase One in which a fixed amount would be paid, and a Phase Two in which an income driven ratio would be used to rank offers. In Phase One, everyone who holds a license is eligible, while Phase Two applicants must have been in the fishery during the period 1986-1991. Any moneys remaining after Phase One would be used in Phase Two. It is unknown how many persons intend to participate in Phase One. The offer amount has been set in consultation with industry.

Proposal Changes the Following Existing Rules: Amends current rules used for the 1995 program.

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

Small Business Economic Impact Statement

1. Description of Reporting, Recordkeeping and Other Compliance Measures Required by Proposed Rule: Persons participating in the program will be required to provide fish tickets or a certified statement of fish landings in order to verify income during the base and comparison years.

2. Professional Services Required by Rule: None.

3. Costs of Compliance, Including Costs of Equipment, Supplies, Labor and Increased Administrative Costs: There is no compliance requirement, as this is a voluntary program. There will be a certain amount of time needed to fill out the application form.

4. Will compliance cost businesses to lose sales or revenue? No.

5. Comparison of Costs for the 10% of Businesses that are the Largest Businesses Required to Comply with the Proposed Rule: No additional costs.

6. Steps Taken by Agency to Reduce the Costs of the Rule on Small Businesses: The department is putting on a series of workshops to acquaint persons with the program, the forms, and the application process. Persons who participated in the 1996 program need not provide additional records if they used only Washington landings to calculate the offer amount.

7. Description of How the Agency will Involve Small Businesses in Rule Development: These rules are the result of negotiation with industry. The participation, Phase One offer amount, Phase Two calculation method and dates for the offer period were all suggested by industry.

8. List of Industries Required to Comply with this Rule: Washington state salmon fishers may participate in the program.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Auditorium, Office Building 2, 14th and Jefferson, Olympia, on June 12, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by June 1, 1998, TDD (360) 902-2295, or (902) [(360)] 902-2933.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, or FAX (360) 902-2940, by June 11, 1998.

PROPOSED

Date of Intended Adoption: June 12, 1998.

May 6, 1998
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 95-200 [95-20], filed 3/3/95, effective 4/3/95)

WAC 220-95-013 ((1995)) 1998 Salmon ((disaster relief)) license buy-back program established—Fund allocation—Expiration. (1) The National Marine Fisheries Service (NMFS) has designated the department as the administering agency for distribution of ((Northwest Emergency Assistance Plan)) Magnuson-Stevens Fisheries Conservation and Management Act (the Act) funds to buy back salmon licenses from commercial license holders who ((are)) have been affected by reductions in salmon fishing ((needed to conserve Columbia River threatened and endangered salmon stocks)) caused by winter flooding in Washington State. The ((state of Washington in consultation with the National Marine Fisheries Service believes the program should be designed to purchase licenses from fisheries that are dependent on chinook and coho salmon and are affected by the Endangered Species Act)) department hereby designates ((this program)) the fund distribution as the ((1995)) 1998 salmon ((disaster relief)) license buy-back program (program). Under the Act, a commercial license is a license issued to a vessel from which fish are sold. Accordingly, the licenses eligible to participate in the program are salmon delivery, salmon troll, salmon gill net, salmon purse seine and salmon reef net.

(2) The ((rules provided for in this chapter implement the provisions of the Northwest Emergency Assistance Plan as published in the Federal Register, and appeals as to which fishery license holders may apply for relief and the maximum level of monetary relief offered are to be made to the National Marine Fisheries Service)) goal of the program is to provide economic relief to Washington commercial salmon fishers, and to reduce the number of Washington commercial salmon licenses. To accomplish this, the department is proposing a two-step process, first an open purchase of licenses for a fixed sum (Phase One), then, if any funds remain available, an income-based purchase plan (Phase Two).

(3) The department ((allocates the available federal funding for the program to the following categories in the following amounts:

- | | | |
|-----|---|-----------------|
| (a) | Salmon troll licenses and salmon delivery licenses | \$1,700,000.00 |
| (b) | Willapa Harbor-Columbia River and Grays Harbor-Columbia River gill net licenses | \$1,700,000.00 |
| (c) | Salmon charter licenses | \$ 300,000.00 |
| (d) | Program administration | \$-300,000.00)) |

will distribute the funds available for the program, first, between the coastal and Puget Sound fisheries based on the percentage of licensees in each geographical region, and, sec-

ond, within each region based on the percentage of licensees in each gear group. The fund distribution shall be rounded to the closest \$1,000, the percentages shall be rounded to the nearest whole number.

(4) The actual 1997 license numbers are: Total - 1,898 salmon licenses

(a) Coastal: 689 total licenses

(i) Salmon troll and salmon delivery - 325 licenses

(ii) Willapa—Columbia River and Grays Harbor—Columbia River gill net - 364 licenses

(b) Puget Sound: 1209 total licenses

(i) Puget Sound salmon gill net - 871

(ii) Salmon purse seine - 290

(iii) Reef net - 48

(5) The department will allocate the \$4,670,000 available under Section 312(a) as follows:

(a) Program administration - 5% - \$234,000.

(b) Total available for license purchases - 95% - \$4,436,000

(c) Coastal licenses - 36% of total licenses - \$1,597,000

(i) Salmon troll and salmon delivery - 47% of coastal licenses - \$751,000

(ii) Willapa—Columbia River and Grays Harbor—Columbia River gill net - 53% of coastal licenses - \$846,000

(d) Puget Sound - 64% of total licenses - \$2,839,000

(i) Puget Sound Salmon gill net - 72% of Puget Sound licenses - \$2,044,000

(ii) Salmon purse seine - 24% of Puget Sound licenses - \$681,000

(iii) Reef net - 4% of Puget Sound licenses - \$114,000

Program administration funds that will not be used will be reallocated to license purchases on a proportional basis as set out above.

((4)) (6) The program expires ((March 31, 1996, or)) upon the distribution of all available funds((, whichever occurs first)).

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.

AMENDATORY SECTION (Amending Order 95-20, filed 3/3/95, effective 4/3/95)

WAC 220-95-018 Program eligibility. Only persons meeting the following criteria are eligible to participate in the program.

(1) ((The person participated in the coastal, Columbia River, Grays Harbor or Willapa Bay fisheries and had derived form one of those fisheries in at least one year during the period 1986 through 1991 and has not participated nor will participate in a Northwest Emergency Assistance Plan jobs program; and

(2)) For phase one applicants, the person possessed or was eligible to possess one of the ((following)) Washington state salmon ((fishery licenses in 1994:

(a) Salmon troll license (RCW 75.28.110 (1)(f));

(b) Salmon delivery license (RCW 75.28.113);

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~~(c) Salmon gill net—Grays Harbor—Columbia River (RCW 75.28.110 (1)(a));~~

~~(d) Salmon gill net—Willapa Bay—Columbia River (RCW 75.28.110 (1)(c));~~

~~(e) Salmon charter (RCW 75.28.095 (1)(b)); and~~

~~(3) The person incurred an uninsured loss computed under the federal plan requirements as follows: The maximum amount of uninsured loss under the program is the difference between the highest gross income derived from designated salmon fishing activity (including incidental catch provided that some salmon are included within the catch) during any calendar year 1986 through 1991 (the base year) less the sum of the least amount of gross income derived from salmon fishing activities during any calendar year from 1992 through 1994, plus any federal unemployment compensation received during that year, plus any federally funded training received during that year (the comparison year). The maximum amount payable under the program is 2.25 times the uninsured loss, but not to exceed \$100,000.00 to any individual for all payments received from the program. For purposes of calculating income, the license holder must and may only use income from salmon fisheries in the coastal waters of Washington, Oregon and California, the waters of Grays Harbor and Willapa Bay, and the waters of the Columbia River) fishing licenses issued pursuant to RCW 75.28.110 or RCW 75.28.113 in 1997 and is eligible to possess the same license in 1998.~~

~~(2) For phase two applicants:~~

~~(a) The person possessed or was eligible to possess one of the Washington State salmon fishing licenses issued pursuant to RCW 75.28.110 or RCW 75.28.113 in 1997 and is eligible to possess the same license in 1998, and had income derived under the license from 1986 through 1991;~~

~~(b) The person had a salmon income loss greater than \$0, computed as follows: The salmon income loss under the program is the difference between the highest gross income derived from Washington State and offshore salmon fishing activity (including incidental catch provided that some salmon are shown on the Washington State fish receiving ticket documenting the catch) during any calendar year 1986 through 1991 (the base year), less the sum of the least amount of gross income derived from the same salmon fishing activity during any calendar year from 1992 through 1997 (the comparison year), multiplied by 2.5. For purposes of calculating income, the license holder must and may only use income from salmon fisheries in the coastal waters of Washington, the waters of Grays Harbor, Willapa Bay, and the Columbia River, and waters of Puget Sound easterly of the Bonilla-Tatoosh Line. Income that was used in calculating uninsured loss in the 1995 salmon disaster relief license buy-back program or salmon decline impact in the 1996 Washington salmon license buy-out program may not be used to calculate salmon income loss in the 1998 program if the license offered in either the 1995 or 1996 program was purchased and retired.~~

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

AMENDATORY SECTION (Amending Order 95-20, filed 3/3/95, effective 4/3/95)

WAC 220-95-022 Program applications. (1) A ((license holder)) person may make only one offer per license ((during an offer period)) per phase under the program.

(2) ((An offer to sell a license must be made on department forms and must be received by the department's licensing division during the period 8:30 a.m., March 29 through 4:30 p.m., May 12, 1995.))

(3)) Income used in the calculation of offers that are accepted may not be used in the calculation of any other offer.

((4) The license holder may offer the license for any amount up to the maximum allowable under the program.

(5)) (3) Phase One Applications:

(a) Phase one applications must be submitted to the department's licensing division on a department offer form. A completed offer form must contain the following information:

(i) The applicant's name, Social Security number, mailing address during the offer period, telephone number (if applicable), and the license type and license number being offered;

(b) The offer amounts for phase one are:

(i) Salmon troll and salmon delivery: \$7,500

(ii) Grays Harbor—Columbia and Willapa Bay—Columbia gill net: \$10,000

(iii) Puget Sound gill net: \$12,000

(iv) Reef net: \$15,000

(v) Salmon purse seine: \$30,000

(c) Phase one applications will be accepted August 17, 1998, through 4:30 p.m., August 31, 1998. Any application received before August 17, 1998 will be treated as being received on August 17, 1998, for purposes of prioritizing the applications. Any amounts remaining in the area and gear category from phase one will be used in phase two.

(4) Phase Two Applications:

(a) Phase two applications must be made on department forms and must be received by the department's licensing division between October 1, 1998, and 4:30 p.m., October 31, 1998.

(b) The licensee may offer the license for any amount up to the salmon income loss incurred under the license or \$75,000, whichever is the lesser amount.

(c) An offer is not made unless a complete offer is received by the department. In order for an offer to be complete, the following must be received:

((+)) (i) A complete offer sheet showing:

((+)) (A) The applicant's name, Social Security number, mailing address during the offer period and telephone number (if applicable);

((+)) (B) The license type and license number that is being offered;

((+)) (C) The offer amount;

((+)) (D) The base year income (1986-1991);

((+)) (E) The comparison year income (1992-((1994))1997((, including federal unemployment funds and the amount of any federally funded training received))); and

~~((vi) The amount of uninsured loss)) (F) The offer ratio, defined as the offer amount divided by the salmon income loss.~~

~~((b)) (i) Salmon income supporting documents((-~~

~~(i) For salmon troll, salmon delivery and gill net license fishing activity, the only acceptable supporting documents are)), defined as official Washington state fish receiving tickets, ((official state fish landing receipts)) or computer generated landing lists that have been certified by ((a state agency)) the department or the Pacific States Marine Fisheries Commission to be true and correct copies of Washington landings. All landings count in calculation of base and comparison year incomes.~~

~~((ii) For salmon charter license fishing activity, acceptable supporting documents are trip tickets identifying the species targeted, the number of anglers, and the date of the trip or, if such tickets are unavailable, the department will accept a letter of endorsement from a charterboat association or charterboat booking office indicating salmon fishing was a major component of earnings, and if such letter is provided, will review the total income of the applicant for the base and comparison years.)) NOTE: Commercial salmon licensee applicants who submitted complete offers in the 1996 Washington salmon license buy-out program need not resubmit supporting documents for offers based on the same base and comparison years if all landings are from Washington State. Such persons must submit a new offer sheet to participate in the 1998 program, but the offer amount may differ from the 1996 offer amount, provided it does not exceed the 1998 program limits.~~

~~((e)) (iii) Records disclosure authorization that allows the department to receive copies of the applicant's Internal Revenue Service returns for the base and comparison years ((are required from salmon charter license applicants who use income other than that shown on trip tickets and may be required for salmon troll, salmon delivery, and gill net license applicants claiming a percentage of income shown on fish tickets.~~

~~(d) A signed permission form that allows the department to receive copies of the applicant's Internal Revenue Service returns for the base and comparison years)), and to receive landing information from the Pacific States Marine Fisheries Commission((- and the states of Oregon and California)).~~

~~((e)) (iv) A signed statement certifying that all information provided is true and correct.~~

~~(v) A completed 1998 license application if the person has not already renewed for 1998 the license offered for sale. If the applicant has is not reached on the ranked offers, the 1998 license fee will be required within 30 days of notification.~~

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.

AMENDATORY SECTION (Amending Order 95-20, filed 3/3/95, effective 4/3/95)

WAC 220-95-027 Ranking of offers. ~~((1) Incomplete offers will be returned:~~

~~(2) Complete offers will be verified prior to ranking.~~

~~(3) Ranking of complete offers will occur at the close of the offer period and offers will be ranked within the following three categories:~~

~~(a) Salmon troll and salmon delivery licenses.~~

~~(b) Willapa Bay Columbia River and Grays Harbor Columbia River gill net licenses.~~

~~(c) Salmon charter licenses.~~

~~(4) Ranking will be established in ascending order from the lowest offer to the highest offer in each license category.~~

~~(5) In the event of a tie, the offer of the person with the highest uninsured loss will be accepted)) Phase two offers will be ranked by the offer ratio, beginning with the lowest ratio.~~

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

AMENDATORY SECTION (Amending Order 95-20, filed 3/3/95, effective 4/3/95)

WAC 220-95-032 Offer acceptance—Acknowledgment—Retirement of licenses. ~~(1) ((Offers will be accepted in rank order, beginning with the lowest offer)) Phase One. The department will accept applications for phase one on a first come, first serve basis. Applicants will be prioritized on the basis of the date the application was received by the department. Phase one applicants may apply in person at the department licensing office in Olympia, by FAX to the license office at (360) 902-2925, or by mail to Fish and Wildlife Licensing, 600 Capitol Way North, Olympia, Washington 98501-1091. If insufficient funds are remaining to process all applications received on a given day, a random drawing will be made of that day's applicants to determine which applications will be accepted to participate in the program.~~

~~(2) Phase Two. The department will accept applications for phase two in rank order, beginning with the lowest offer ratio. In the event of a tie between identical offer ratios, the lowest offer amount will be given preference.~~

~~((2)) (3) The department will notify license holders that it has accepted a license offer by sending an acceptance and acknowledgment to the license holder by registered mail to the address provided on the offer form or offer sheet. The acknowledgment must be signed and returned to the department ((and must be received by the license division at or before 4:30 p.m. on June 14, 1995. Any acknowledgment received after that date)) within ten days of the date of the mailing of the acceptance. Any acknowledgment received after the ten-day period is void and the acceptance is withdrawn.~~

~~((3) If the license being offered has been issued for 1995,)) (4) The department will tender the amount of the offer upon ~~((return of the license card)) receipt of a valid acknowledgment.~~~~

PROPOSED

~~((4) If the license being offered has not been issued for 1995, the department will tender the amount of the offer upon receipt of a valid acknowledgment))~~

~~(5) Persons who sell a license in the program cannot purchase or operate a commercial license listed in RCW 75.28.110 or RCW 75.28.113 for ten years, beginning January 1, 1999, except that persons may operate such a license if the license was owned or operated by that person in 1997.~~

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.

WSR 98-10-101
PROPOSED RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
[Filed May 6, 1998, 10:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-04-049.

Title of Rule: Amendments to chapter 391-08 WAC, and conforming changes to chapters 391-25, 391-35, 391-45, 391-55, and 391-95 WAC.

Purpose: To improve clarity and readability by cross-referencing filing and service requirements; to use terms such as "appeal," "furnish," "submit," "file," "papers," "may" and "shall" consistently; to delete references to repealed WAC sections; to standardize appeal procedures; and to correct typographical error.

Statutory Authority for Adoption: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050.

Statute Being Implemented: Additional statutory authority for the implementation of these rule changes are listed as follows:

Chapter 391-08 WAC

- 120 RCW 34.05.010 (6) and (19)
- 300 RCW 34.05.446
- 310 RCW 2.40.010, 5.56.010, and 34.05.446
- 315 RCW 2.42.120 and 2.43.030
- 520 RCW 34.05.240
- 630 RCW 41.58.010 and 41.58.015
- 640 RCW 34.05.464
- 800 RCW 34.05.220 and 34.05.476

Chapter 391-25 WAC

- 050 and -090 RCW 28B.52.030, 34.05.413, 41.56.060 and [41.56].070, and 41.59.070 and [41.59].080

- 110 RCW 41.56.070 and 41.59.070
- 190 RCW 28B.52.030, 41.56.070, and 41.59.070
- 210 RCW 41.56.070 and 41.59.070
- 220 RCW 34.05.431
- 230, -250, and -270 RCW 28B.52.030, 41.56.060 and [41.56].070, and 41.59.070 and [41.59].080
- 350 RCW 28B.52.030, 34.05.437, 41.56.060 and [41.56].070, and 41.59.070 and [41.59].080
- 390 RCW 41.56.060 and [41.56].070, and 41.59.070 and [41.59].080
- 391 and -410 RCW 41.56.060
- 450 RCW 41.56.070 and 41.59.070
- 590 RCW 28B.52.030, 41.56.060, and 41.59.070
- 630 and -650 RCW 41.56.070 and 41.59.070
- 660 and -670 RCW 34.05.464, 41.56.070, and 41.59.070
- Chapter 391-35 WAC
- 030 RCW 34.05.413, 41.56.060, and 41.59.080
- 170 RCW 34.05.437, 41.56.060, and 41.59.080
- 190 RCW 41.56.060 and 41.59.080
- 210 and -250 RCW 34.05.464, 41.56.060, and 41.59.080
- Chapter 391-45 WAC
- 030 RCW 28B.52.065, 34.05.413, 41.56.160, and 41.59.150
- 110 RCW 28B.52.065 and [28B.52].073, 34.05.419, 41.56.140 and [41.56].150, and 41.59.140
- 190 and -250 RCW 28B.52.065, 41.56.160, and 41.59.150
- 290 RCW 34.05.437, 41.56.160, and 41.59.150
- 310 RCW 28B.52.065, 41.56.160, and 41.59.150
- 350 and -390 RCW 28B.52.065, 34.05.464, 41.56.160, and 41.59.150
- 430 RCW 41.56.160(3) and 41.59.150

PROPOSED

Chapter 391-55 WAC

- 245 RCW 41.56.450
- 345 RCW 41.59.120

Chapter 391-95 WAC

- 070 RCW 28B.52.045, 41.56.122, and 41.59.100
- 090 RCW 28B.52.045, 34.05.413, 41.56.122, and 41.59.100
- 150 RCW 28B.52.045, 34.05.419, 41.56.122, and 41.59.100
- 230 RCW 28B.52.045, 34.05.437, 41.56.122, and 41.59.100
- 250 RCW 28B.52.045, 41.56.122, and 41.59.100
- 270 and -290 RCW 28B.52.045, 34.05.464, 41.56.122, and 41.59.100

Summary: Rule changes are proposed concerning the filing and service of papers, continuances, subpoenas, interpreters, declaratory orders, and appeals in adjudicative proceedings.

Reasons Supporting Proposal: To conform to Executive Order 97-02 and to address ongoing clientele errors related to filing and service requirements, to conform interpreter rule with current law, and to standardize terminology and procedures on appeals of staff member decisions.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark S. Downing, Rules Coordinator, 603 Evergreen Plaza, (360) 753-2955.

Name of Proponent: Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The agency is proposing that these rule changes be adopted.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rule changes are designed to make the agency's rules clearer and easier to read. Proposed changes will standardize appeal requirements for adjudicative proceedings, correct typographical errors, delete references to outdated rules, simplify interpreter procedures by referencing existing Model Rule of Procedure, and replace several model rules on declaratory orders with one rule. The changes will affect all parties who use the services of the Public Employment Relations Commission.

Proposal Changes the Following Existing Rules: Examples of changes include clarifying service procedures by mandating that service of papers on other parties be completed no later than the day papers are filed with agency and requiring the person completing service to make certificate on same day service is completed, expanding "ask other side first" concept to all requests for continuances not just requests made prior to hearing date, consolidating several statutory references concerning subpoenas into one administrative rule, and adopting new uniform appeal rules affecting

all adjudicative proceedings except for minor variations in representation cases.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Agency rules only affect public employees and unions representing public employees, and do not impose costs on profit-making businesses.

RCW 34.05.328 does not apply to this rule adoption. Agency rules are excepted by RCW 34.05.328 (5)(a)(i) from the provisions of RCW 34.05.328.

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, on June 16, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Majel C. Boudia, Conference Secretary, by June 9, 1998, (360) 586-7859.

Submit Written Comments to: Mark S. Downing, Rules Coordinator, P.O. Box 40919, Olympia, WA 98504-0919, FAX (360) 586-7091, by June 9, 1998.

Date of Intended Adoption: June 16, 1998.

May 6, 1998

Marvin L. Schurke
Executive Director

PROPOSED

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-08-001 Application and scope of chapter 391-08 WAC. Chapter 391-08 WAC has been added to the Washington Administrative Code by the public employment relations commission pursuant to the authority of section 12, chapter 288, Laws of 1975 1st ex. sess. (RCW 41.59.110); sections 14 and 20, chapter 296, Laws of 1975 1st ex. sess. (RCW 28B.52.080 and ~~((41.56.040))~~ 41.56.090); and section ~~((3))~~ 7, chapter ~~((5))~~ 296, Laws of 1975 ~~((2nd))~~ 1st ex. sess. (RCW 41.58.050), to promulgate comprehensive and uniform rules for practice and procedure before the agency. ~~((The provisions of chapter 1-08 WAC shall not be applicable to proceedings before the agency.))~~ This chapter sets forth general rules applicable to all types of proceedings before the agency, and should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapters 391-25, 391-35, 391-45 and 391-95 WAC, except:

(a) WAC 10-08-035, which is ~~((supplanted))~~ replaced by detailed requirements in WAC 391-25-070, 391-25-090, 391-35-050, 391-45-050, and 391-95-110;

(b) WAC 10-08-050, which relates to procedures of the office of administrative hearings, ~~((and so))~~ is inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-090, which is replaced by detailed requirements in WAC 391-08-180;

(d) WAC 10-08-110, which is ~~((supplanted))~~ replaced by detailed requirements in WAC 391-08-120;

~~((d))~~ (e) WAC 10-08-120, ~~((to the extent that it is further limited))~~ which is replaced by detailed requirements in WAC 391-08-040, 391-08-300 and 391-08-310;

~~((e))~~ (f) WAC 10-08-140, ~~((to the extent that it is further))~~ which is limited by WAC 391-08-040, 391-08-300 and 391-08-310;

~~((f))~~ (g) WAC 10-08-150, which is ~~((supplanted))~~ limited by ~~((detailed requirements in))~~ WAC 391-08-315;

~~((g))~~ (h) WAC 10-08-211, which is ~~((supplanted))~~ replaced by WAC 391-08-640 and detailed requirements in WAC 391-25-390, 391-25-391, 391-25-590, 391-25-630, 391-25-650, 391-25-660, 391-25-670, 391-35-210, ~~((391-35-230))~~ 391-35-250, 391-45-350, ~~((391-45-370))~~ 391-45-390, 391-95-270, and ~~((391-95-280))~~ 391-95-290; ~~((and~~

~~((h))~~ (i) WAC 10-08-230, which is ~~((supplanted))~~ replaced by detailed requirements in WAC 391-25-150, 391-25-220, 391-25-230, 391-25-250, 391-25-270, 391-35-070, 391-35-080, 391-45-070, 391-45-090, 391-45-260, and 391-95-170; and

(j) WAC 10-08-250, 10-08-251, and 10-08-252 which are replaced by detailed requirements in WAC 391-08-520.

(2) Chapter 391-25 WAC, which ~~((contains rules relating to))~~ regulates representation proceedings ~~((on petitions for investigation of questions concerning representation of employees))~~.

(3) Chapter 391-35 WAC, which ~~((contains rules relating to))~~ regulates unit clarification proceedings ~~((on petitions for clarification of an existing bargaining unit))~~.

(4) Chapter 391-45 WAC, which ~~((contains rules relating to))~~ regulates unfair labor practice proceedings ~~((on complaints charging unfair labor practices))~~.

(5) Chapter 391-55 WAC, which ~~((contains rules relating to))~~ regulates the resolution of impasses ~~((occurring))~~ in collective bargaining.

(6) Chapter 391-65 WAC, which ~~((contains rules relating to))~~ regulates grievance arbitration ~~((of grievance disputes arising out of the interpretation or application of a collective bargaining agreement))~~ proceedings.

(7) Chapter 391-95 WAC, which ~~((contains rules relating to determination of))~~ regulates union security ~~((disputes arising between employees and employee organizations certified or recognized as their bargaining representative))~~ non-association proceedings.

In the event of a conflict between a general rule in this chapter and a special rule in another chapter applicable to a particular proceeding, the special rule shall govern.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-100 ~~((Service of process—))~~ **Computation of time.** In computing any period of time prescribed or allowed by any applicable statute or rule, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less

than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-08-120 Filing and service of papers.

FILING OF PAPERS FOR ADJUDICATIVE PROCEEDINGS

(1) Filing of ~~((documents))~~ papers with the agency for adjudicative proceedings under the Administrative Procedure Act (cases under chapters 391-25, 391-35, 391-45 and 391-95 WAC) shall be deemed complete only upon actual receipt of the original ~~((document))~~ paper and any required copies during office hours at the agency office designated in this rule. Electronic telefacsimile transmissions shall not be accepted as filing for such ~~((documents))~~ papers, unless RCW 34.05.010(6) or WAC 10-08-110 is amended to permit filings by electronic telefacsimile transmission.

(a) Petitions or complaints to initiate adjudicative proceedings shall be filed in the Olympia office;

(b) ~~((Documents))~~ Papers to be filed with the executive director or with the agency generally shall be filed in the Olympia office;

(c) ~~((Documents))~~ Papers to be filed with a presiding officer can be filed in the Olympia office or in the office of the presiding officer;

(d) ~~((Documents))~~ Papers to be filed with the commission, including any ~~((petitions for review or))~~ objections, notice of appeal or notice of cross-appeal, shall be filed in the Olympia office.

SUBMISSION OF PAPERS FOR NONADJUDICATIVE PROCEEDINGS

(2) Submission of papers to the agency for cases that are not adjudicative proceedings under the Administrative Procedure Act (cases under chapters 391-55 and 391-65 WAC) shall be deemed complete upon actual receipt of the original paper and any required copy during office hours at the Olympia office or at the office of the agency staff member assigned to process the case. Papers ~~((will also be accepted))~~ may be submitted by electronic telefacsimile transmission in cases under this subsection, with the following limitations:

(a) The maximum length of papers acceptable for submission by electronic telefacsimile transmission is ten pages;

(b) The party sending papers by electronic telefacsimile transmission is responsible for confirming that the material was complete and legible when received by the agency;

(c) An agency staff member processing the case may require mailing of the original papers to the agency;

(d) Electronic telefacsimile transmission shall not be used to submit authorization cards for purposes of a showing of interest or cross-check under chapter 391-25 WAC.

SERVICE ON OTHER PARTIES

(3) ~~((All notices, pleadings, and other papers filed with the agency or the presiding officer shall be served))~~ A party which files or submits any papers to the agency shall serve a

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copy of the papers upon all counsel and representatives of record, and upon all parties not represented by counsel or upon their agents designated by them or by law. Service shall be completed no later than the day of filing or submission under subsection (1) or (2) of this section, by one of the following methods:

(a) Service may be made personally, and shall be regarded as completed when delivered in the manner provided in RCW 4.28.080;

(b) Service may be made by first class, registered, or certified mail, and shall be regarded as completed upon deposit in the United States mail properly stamped and addressed.

(c) Service may be made by telegraph or by commercial parcel delivery company, and shall be regarded as completed when deposited with a telegraph company or parcel delivery company properly addressed and with charges prepaid.

(d) Service may be made by electronic telefacsimile transmission, and shall be regarded as completed upon production by the telefacsimile device of confirmation of transmission, together with same day mailing of a copy of the papers, postage prepaid and properly addressed, to the person being served.

PROOF OF SERVICE

(4) ~~((Where the sufficiency of service is contested, the timely filing of the papers under this section, together with one of the following shall constitute proof of service:))~~ On the same day that service of any papers is completed under subsection (3) of this section, the person who completed the service shall:

(a) Obtain an acknowledgment of service ((by)) from the person who accepted personal service((-)); or

(b) Make a certificate ((signed on the date of service;)) stating that the person signing the certificate personally served the papers ((upon all parties of record in the proceeding)) by delivering a copy ((thereof in person to (names) at dates, times and places)) at a date, time and place specified in the certificate((-) to a person named in the certificate; or

(c) Make a certificate ((signed on the date of service;)) stating that the person signing the certificate completed service of the papers ((upon all parties of record in the proceeding)) by:

(i) Mailing a copy ((thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent)) under subsection (3)(b) of this section; or

(ii) Depositing a copy ((thereof)) under subsection (3)(c) of this section with a telegraph or parcel delivery company named in the certificate((-, properly addressed with charges prepaid, to each party to the proceeding or to his or her attorney or authorized agent)); or

(iii) Transmitting and mailing a copy ((thereof by electronic telefacsimile device, and on the same day mailing a copy, to each party to the proceeding or his or her attorney or authorized agent)) under subsection (3)(d) of this section.

(5) Where the sufficiency of service is contested, an acknowledgment of service obtained under subsection (4)(a) of this section or a certificate of service made under subsec-

tion (4)(b) or (c) of this section shall constitute proof of service.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-08-180 ~~((Service of process—))~~ **Continuances.** (1) Postponements, continuances, extensions of time, and adjournments may be ordered by the presiding officer:

(a) On his or her own motion;

(b) With the consent of all parties; or ~~((may be granted on))~~

(c) On the timely oral or written request of any party((; with notice to all other parties;)) showing good and sufficient cause ~~((therefor)).~~

(2) Before submitting a request for a continuance ((made prior to the hearing date may be oral or written and shall state that)), the party seeking the continuance ~~((has notified))~~ shall notify all other parties of the request ((and)), and shall attempt to obtain their consent. The request for continuance shall specify that ((either)) all other parties either agree to ((the continuance or that all parties do not agree to)) or disagree on the continuance.

(a) If all parties do not agree to ((the)) a continuance requested before or after a hearing, the presiding officer shall promptly schedule a prehearing conference to receive argument and to rule on the request.

(b) If all parties do not agree to a continuance requested during a hearing, the presiding officer shall receive argument and rule on the request.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-230 Summary judgment. A summary judgment may be issued if the pleadings and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that one of the parties is entitled to a judgment as a matter of law. Motions for summary judgment made in advance of a hearing shall be filed ~~((with the agency))~~ and served ~~((on all other parties to the proceeding))~~ as required by WAC 391-08-120.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-300 Subpoenas—Discovery ~~((—Form)).~~ ~~((1))~~ Every subpoena shall state the name of the agency as: State of Washington, public employment relations commission; and shall state the title of the proceeding and case number.

(2) The power of subpoena shall be limited to compelling the testimony of witnesses and production of documents or other tangible evidence at hearings conducted by the agency. ((3)) Pursuant to the authority delegated to the agency by RCW 34.05.446(2), other forms of discovery shall not be available in proceedings before the agency.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-310 Subpoenas—~~Form~~—Issuance to parties. ((Subpoenas requiring the attendance and testimony of witnesses or the production of evidence shall be issued *ex parte* to any party to a case. *Provided, however, That*)) (1) Every subpoena shall:

(a) State the name of the agency as: State of Washington, public employment relations commission;

(b) State the title of the proceeding and case number; and

(c) Identify the party causing issuance of the subpoena.

(2) Every subpoena shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his or her control at the time and place set for the hearing, except no subpoena shall be issued or given effect to require the attendance and testimony of, or the production of evidence by, any member of the commission or any member of the agency staff in any proceeding before the agency.

(3) Subpoenas may be issued by the commission or its ((hearing officer or examiner shall issue subpoenas upon the application)) presiding officer:

(a) On the request of counsel or other representative authorized to practice before the agency((and may condition the issuance of subpoenas to parties not so)); or

(b) On the request of a party not represented by counsel or other representative authorized to practice before the agency, but may then be conditioned upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

(4) Subpoenas may be issued by attorneys ((may act)) under the authority conferred upon them by RCW 34.05.446(1).

(5) A subpoena may be served by any suitable person over eighteen years of age, by exhibiting and reading it to the witness, or by giving him or her a copy of the subpoena, or by leaving a copy of the subpoena at the place of his or her abode. When service is made by any person other than an officer authorized to serve process, proof of service shall be made by affidavit.

(6) The party which issues or requests issuance of a subpoena shall pay the fees and allowances and the cost of producing records required to be produced by subpoena.

(a) Witness fees, mileage, and allowances for meals and lodging shall be at the rates and terms allowed by the superior court for Thurston County.

(b) Witnesses shall be entitled to payment in advance for their fees for one day's attendance, together with mileage for traveling to and returning from the place where they are required to attend, if their demand for payment is made to the officer or person serving the subpoena at the time of service.

(7) The presiding officer, upon motion made at or before the time specified in the subpoena for compliance therewith, may:

(a) Quash or modify the subpoena if it is unreasonable or oppressive; or

(b) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of

the reasonable cost of producing the books, papers, documents, or tangible things.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-315 Interpreters. (1) ((An "impaired person" is any person who is a hearing-impaired person or a limited-English-speaking person.

(2) A "hearing-impaired person" is a person who, because of a hearing impairment or speech defects, cannot readily understand or communicate in spoken language; and includes persons who are deaf, deaf and blind, or hard of hearing.

(3) A "limited-English-speaking person" is a person who, because of a non-English-speaking cultural background cannot readily speak or understand the English language.

(4) A "qualified interpreter" is a person who is qualified to act as interpreter under chapter 2.42 RCW as now or hereafter enacted.

(5) An "intermediary interpreter" is a person who is qualified to act under chapter 2.42 RCW as now or hereafter enacted.

(6) When an impaired person is a party to an adjudicative proceeding under chapter 391-25, 391-35, 391-45 or 391-95 WAC, the presiding officer shall, in the absence of a written waiver signed by the impaired person, require the appointment of a qualified interpreter to assist the impaired person throughout the proceedings. The right to a qualified interpreter may not be waived except when:

(a) The impaired person requests a waiver through the use of a qualified interpreter;

(b) The representative, if any, of the impaired person consents; and

(c) The presiding officer determines that the waiver has been made knowingly, voluntarily, and intelligently.

(7) Waiver of a qualified interpreter shall not preclude the impaired person from claiming his or her right to a qualified interpreter at a later time during the proceedings.

(8) The presiding officer shall make a preliminary determination that an interpreter is able in the particular proceeding to interpret accurately all communication to and from the impaired person. This determination shall be based upon the testimony or stated needs of the impaired person, the interpreter's education, certifications, and experience in interpreting adjudicative proceedings, and the interpreter's understanding of the basic vocabulary and procedure involved in the proceeding, and the interpreter's impartiality. The parties or their representatives may question the interpreter as to his or her qualifications and impartiality.

(9) If at any time during the proceeding, in the opinion of the impaired person, the presiding officer or a qualified observer, the interpreter does not provide accurate and effective communication with the impaired person, the presiding officer shall require the appointment of another qualified interpreter.

(10) If the communication mode or language of a hearing impaired person is not readily interpretable, the interpreter or hearing-impaired person shall notify the presiding officer,

who shall require the appointment of an intermediary interpreter to assist the qualified interpreter.

(11) ~~The mode of interpretation shall be as permitted by chapter 2.42 RCW or WAC 10-08-150, as now or hereafter amended.~~

(12) ~~A qualified interpreter shall not, without the written consent of the parties to the communication, be examined as to any communication the interpreter interprets under circumstances where the communication is privileged by law. A qualified interpreter shall not, without the written consent of the parties to the communication, be examined as to any information the interpreter obtains while interpreting pertaining to any proceeding then pending.~~

(13) ~~The presiding officer shall explain to the impaired party that a written decision or order will be issued in English, and that the party may contact the interpreter for a translation of the decision. If the party has a right to review of the order or decision, the presiding officer shall orally inform him or her during the hearing of the right and the time limits to request review.~~

(14) ~~At the hearing, the interpreter for a limited English-speaking party shall provide to the presiding officer the interpreter's telephone number written in the primary language of the impaired party. A copy of such telephone number shall be attached to the decision or mailed to the impaired party. A copy of the decision or order shall also be mailed to the interpreter for use in translation.~~

(15) ~~In any proceeding involving a hearing-impaired person, the presiding officer may order that the testimony of the hearing-impaired person and the interpretation of the proceeding by the qualified interpreter be visually recorded for use as the official transcript of that portion of the proceedings. Where simultaneous translation is used for interpreting statements of limited English-speaking persons, the foreign language statements shall be recorded simultaneously with the English language statements by means of a separate tape recorder.~~

(16) ~~A qualified interpreter appointed under this section is entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses.~~

(17) ~~The costs of providing the interpreter shall be borne by the impaired party or by the party who calls the impaired person as a witness, unless the impaired party is indigent under the standards applied in criminal proceedings in the superior court for Thurston County and thus unable to pay for the interpreter, in which case the cost shall be borne as an administrative cost by the commission.~~

(18) ~~The cost of providing the interpreter may be a taxable cost of any proceeding in which costs are taxed.)~~ For all adjudicative proceedings under the Administrative Procedure Act (cases under chapters 391-25, 391-35, 391-45 and 391-95 WAC), the provisions of WAC 10-08-150 as now or hereafter amended shall apply.

(2) For all cases that are not adjudicative proceedings under the Administrative Procedure Act (cases under chapters 391-55 and 391-65 WAC), the provisions of WAC 10-08-150 as now or hereafter amended shall apply, except that all interpreter fees and expenses shall be paid by the party which requests the participation of an impaired person as

defined in chapter 2.42 RCW or a non-English-speaking person as defined in chapter 2.43 RCW.

NEW SECTION

WAC 391-08-520 Declaratory orders. Any person may petition the commission for a declaratory order, under RCW 34.05.240, with respect to the applicability to specified circumstances of a rule, order, or statute enforceable by the commission. For purposes of this section, the term person includes natural persons, employee organizations, and employers.

(1) A petition for a declaratory order shall generally adhere to the following form:

(a) At the top of the page shall appear the wording "Before the Public Employment Relations Commission", a caption setting out "In the Matter of the Petition of (name of petitioner to be inserted) for a Declaratory Order", and the title "Petition".

(b) The body of the petition shall set out, in numbered paragraphs:

(i) The name and address of the petitioner and the name and address, if any, of the representative appearing on behalf of the petitioner.

(ii) The name(s) and address(es) of any other party which the petitioner seeks to have bound by any declaratory order issued by the commission, and the name(s) and address(es) of their representatives, if known.

(iii) The rule(s), order(s) or statute(s) from which the controversy arises.

(iv) The facts which the petitioner wishes the commission to consider in issuing a declaratory order.

(v) The issues which the petitioner wishes the commission to address in its order.

(vi) The relief requested by the petitioner.

(vii) The reasons on which the petitioner relies to show that: Uncertainty necessitating resolution exists; there is actual controversy arising from the uncertainty such that a declaratory order will not be merely an advisory opinion; the uncertainty adversely affects the petitioner; and the adverse effect of uncertainty on the petitioner outweighs any adverse effects on others or on the general public that may likely arise from the order requested.

(c) The petition shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on other parties named in the petition as required by WAC 391-08-120 (3) and (4).

(2) Within fifteen days after receipt of a petition for a declaratory order, the executive director or designee shall give notice of the petition to all persons to whom notice is required by law, and may give notice to any other person he or she deems desirable. The notice shall establish a deadline for necessary parties other than the petitioner to file written consent to the determination of the matter by a declaratory order.

(3) The petition and any responses from parties shall be forwarded to the commission for consideration. The commission shall not issue a declaratory order if:

(a) The matter is or could have been the subject of any other adjudicative proceeding before the commission; or

(b) A necessary party whose rights would be substantially prejudiced does not consent, in writing, to the determination of the matter by a declaratory order.

(4) The commission may consider the petition without argument and shall, within thirty days after receipt of the petition, do one of the following:

(a) Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances;

(b) Set a reasonable time and place for a hearing to be held no more than ninety days after receipt of the petition, including submission of evidence by the parties if deemed necessary by the commission, or submission of written argument upon the matter if the material facts are not in dispute. The commission shall give not less than seven days advance written notice to the petitioner and other persons who have been given notice of the petition pursuant to subsection (2) of this section of the time, date, and place for the hearing or submission and of the issues it will be considering;

(c) Set a specified time no more than ninety days after receipt of the petition by which it will enter a declaratory order; or

(d) Decline to enter a declaratory order, stating the reasons for its action.

(5) The commission may extend the time limits of subsection (4)(b) and (c) of this section, for good cause.

(6) The commission may, at any time before taking final action on a petition under this section, request submission of additional facts or argument, including setting the case for oral argument.

(7) If the commission proceeds in the manner provided in subsection (4)(b) of this section, it shall within a reasonable time after conclusion of the proceeding:

(a) Issue a declaratory order; or

(b) Notify the petitioner and any other party to the proceeding that no declaratory order will be issued and state the reasons for such action.

(8) A declaratory order entered by the commission or a decision to decline to enter a declaratory order shall be in writing, and shall be served upon all parties identified in subsection (2) of this section. Each declaratory order shall contain the names of all parties to the proceeding on which it is based, the particular facts on which it is based, and the reasons for its conclusions.

(9) A declaratory order has the same status as any other order entered in an adjudicative proceeding conducted by the commission.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-630 Agency structure—Substitution for executive director. (1) The public employment relations commission and its staff maintain an impartial role in all proceedings pending before the agency.

(2) The commission consists of three citizen members appointed by the governor with the advice and consent of the senate, pursuant to RCW 41.58.010. ~~((The)) Commission members ((of the commission))~~ serve on a part-time basis only. All ~~((of the)) commission members ((of the commission))~~ represent the interests of the public. The commission

reserves to itself a policy-making and appellate ~~((review))~~ function.

(3) The executive director appointed by the commission pursuant to RCW 41.58.015(2) is the full-time agency head, with authority to act in administrative and personnel matters. Authority is also delegated to the executive director to make substantive decisions in certain types of cases ~~((subject in adjudicative proceedings to the right of the parties to appeal to the commission))~~.

(4) The commission's professional staff is appointed pursuant to RCW 41.58.015(3). A "multifunctional" staffing pattern is used, whereby individual members of the commission's professional staff are assigned from time to time to conduct any or all of the types of dispute resolution services provided by the agency. Authority is delegated to members of the professional staff to make decisions as "examiner" under chapters 391-45 and 391-95 WAC. The executive director may also delegate authority to members of the professional staff to make decisions in certain situations under chapters 391-25 and 391-35 WAC.

(5) In the event the executive director ~~((disqualifies himself or herself))~~ is disqualified from participation in a decision, the most senior (in terms of length of service with this agency) member of the agency's mediation staff, who has not been directly involved in the particular circumstances shall make decisions and rulings otherwise required of the executive director.

NEW SECTION

WAC 391-08-640 Adjudicative proceedings—Appeals. Actions by the executive director and other agency staff members in adjudicative proceedings under the Administrative Procedure Act (cases under chapters 391-25, 391-35, 391-45 and 391-95 WAC) are taken under authority delegated by the commission.

(1) The parties shall have the right to appeal to the commission, as follows:

(a) Under chapter 391-25 WAC, a direction of election or direction of cross-check and other rulings in the proceedings up to the issuance of a tally are interim orders, and may only be appealed to the commission by objections under WAC 391-25-590 after the election or cross-check.

(b) Under chapter 391-25 WAC, an order issued under WAC 391-25-390 or 391-25-510 and any rulings in the proceedings up to the issuance of the order, as well as rulings that the employer or employees are subject to the jurisdiction of the commission, may be appealed to the commission under WAC 391-25-660.

(c) Under chapter 391-35 WAC, an order issued under WAC 391-35-190 and any rulings in the proceedings up to the issuance of the order may be appealed to the commission under WAC 391-35-210.

(d) Under chapter 391-45 WAC, an order issued under WAC 391-45-110(1) or 391-45-310 and any rulings in the proceedings up to the issuance of the order may be appealed to the commission under WAC 391-45-350.

(e) Under chapter 391-95 WAC, an order issued under WAC 391-95-150(1) or 391-95-250 and any rulings in the

proceedings up to the issuance of the order may be appealed to the commission under WAC 391-95-270.

(2) The commission may, on its own motion, review any order which is subject to appeal under subsection (1) of this section, by giving written notice to all parties within thirty days following the issuance of the order.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-800 Agency records—Public access. The agency ~~((with))~~ shall maintain for public inspection:

(1) An index to all proceedings ~~((filed with and))~~ processed by the agency;

(2) A docket for each proceeding ~~((filed with and))~~ processed by the agency, showing the actions taken ~~((on))~~ and the final resolution of each such proceeding;

(3) A schedule of hearing dates assigned in particular cases; and

(4) The files for all proceedings, including all documents filed with the agency in the particular case, except materials held in confidence as provided in WAC 391-08-810.

AMENDATORY SECTION (Amending WSR 90-06-070, filed 3/7/90, effective 4/7/90)

WAC 391-08-810 Agency records—Confidentiality. The agency, in order to protect the privacy of individual employees and in order to respect the confidential nature of the mediation process, shall not permit the disclosure to any person of (1) evidence ~~((filed))~~ furnished as a showing of interest in support of a representation petition or motion for intervention, or (2) notes and memoranda made by any member of the commission or its staff as a recording of communication made or received while acting in the capacity of a mediator between the parties to a labor dispute.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-050 Petition form—Number of copies—Filing—Service. Each petition shall be prepared on a form furnished by the commission or on a facsimile thereof. The original and one copy of the petition shall be filed ~~((with the agency at its))~~ at the commission's Olympia office, as required by WAC 391-08-120(1). The party filing the petition shall serve a copy on the employer and on each employee organization named in the petition as having an interest in the proceedings, as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-090 Contents of petition filed by employer. (1) Where an employer has been presented with one or more demands for recognition of an exclusive bargaining representative of previously unrepresented employees, it may ~~((file a petition to))~~ obtain a determination of the question concerning representation. A petition ~~((filed by an employer))~~ under this subsection shall contain all of the

information required by WAC 391-25-070, except as follows:

(a) The petition shall contain a statement that the employer has been presented with a demand by an organization seeking recognition as the exclusive bargaining representative of the employees in the bargaining unit described in the petition.

(b) WAC 391-25-110 shall not be applicable to petitions filed under this subsection.

(c) The employer shall attach copies of any written demand(s) for recognition or other correspondence pertaining to the claimed question concerning representation.

(2) Where an employer has a good faith belief that a majority of its employees in an existing bargaining unit no longer desire to be represented by their incumbent exclusive bargaining representative, it may ~~((file a petition to))~~ obtain a determination of the question concerning representation. A petition ~~((filed by an employer))~~ under this subsection shall contain all of the information required by WAC 391-25-070 except as follows:

(a) The employer shall attach affidavits and other documentation as may be available to it to demonstrate the existence of a good faith doubt concerning the representation of its employees.

(b) To constitute a basis for a good faith doubt under this paragraph, signature documents provided to the employer by employees must be in a form which would qualify as supporting evidence under WAC 391-25-110 if filed by the employees directly with the commission.

(3) The original and one copy of a petition under this section shall be filed at the commission's Olympia office, as required by WAC 391-08-120(1). The employer shall serve a copy on each employee organization named in the petition as having an interest in the proceedings, as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-110 Supporting evidence. The original petition shall be accompanied by a showing of interest indicating that the petitioner has the support of not less than thirty percent of the employees in the bargaining unit which the petitioner claims to be appropriate. The showing of interest ~~((must be timely filed))~~ shall be furnished under the same timeliness standards applicable to the petition, and ~~((must))~~ shall consist of original or legible copies of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. Authorization documents shall not be valid unless signed and dated during the ninety-day period preceding the filing of the petition or the ~~((filing))~~ furnishing of such evidence ~~((with))~~ to the agency, whichever is later.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-190 Intervention—By organization other than incumbent. (1) An organization not covered by WAC 391-25-170 may, by motion, intervene in proceedings

under this chapter and, upon granting of its motion for intervention, shall be entitled to participate in the proceedings and have its name listed as a choice on the ballot in any election. The motion for intervention shall be supported by a showing of interest indicating that the intervenor has the support of not less than ten percent of the employees in the bargaining unit which the petitioner claims to be appropriate or of not less than thirty percent of the employees in whatever different bargaining unit the intervenor claims to be appropriate. The showing of interest (~~(must)~~) shall consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. Such authorization cards shall not be valid unless signed and dated during the ninety-day period preceding the filing of the motion for intervention or the (~~(filing)~~) furnishing of such evidence (~~(with)~~) to the agency, whichever is later. The showing of interest shall be made confidentially to the agency at or before the time the motion for intervention is made: *Provided, however*, That a motion for intervention may be granted conditionally subject to the subsequent furnishing of a showing of interest under such conditions as the agency may impose to avoid undue delay of the proceedings.

(2) No motion for intervention shall be considered if made:

- ((+)) (a) After the close of the hearing on the petition;
- ((2)) (b) More than seven days after the filing and posting of an election agreement or cross-check agreement; or
- ((3)) (c) More than seven days after the posting of an investigation statement.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-210 Showing of interest confidential.

The question of whether a showing of interest requirement for a petition or for intervention has been satisfied is a matter for administrative determination by the agency and may not be litigated at any hearing. The agency shall not disclose the identities of employees whose authorization cards or letters are (~~(filed)~~) furnished to the agency in support of a petition or motion for intervention. In order to preserve the confidentiality of the showing of interest and the right of employees freely to express their views on the selection of a bargaining representative, the agency shall not honor any attempt to withdraw or diminish a showing of interest.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-220 Investigation conferences. (1) The agency routinely conducts conferences with the parties, to investigate a representation petition according to a checklist provided to the parties.

(a) The issues which may properly arise in representation cases include:

- (i) The identification of the parties;
- (ii) The jurisdiction of the commission;
- (iii) The qualification of the petitioner and any intervenor(s) for certification as exclusive bargaining representative;

(iv) The existence of a question concerning representation;

(v) The timeliness of the petition;

(vi) The existence of blocking charges under WAC 391-25-370;

(vii) The propriety of the petitioned-for bargaining unit;

(viii) The list of employees eligible to vote or be considered in determining a question concerning representation, and cut-off date for eligibility; and

(ix) The method and arrangements for determining a question concerning representation.

(b) The investigation conference may be conducted by telephone conference call, or in-person by agency staff;

(c) The parties are encouraged to reach binding stipulations on all issues during the course of the investigation conference.

(2) The stipulations made by the parties during an investigation conference may be set forth in an investigation statement issued in lieu of an election agreement or cross-check agreement.

(a) Immediately upon receipt of an investigation statement, the employer shall post it in conspicuous places on its premises where notices to affected employees are usually posted, and it shall remain posted for at least seven days thereafter.

(b) An investigation statement shall be binding on the parties unless written objections are filed (~~(with the agency)~~) and served (~~(on other parties)~~) as required by WAC 391-08-120 within ten days following issuance of the statement.

(3) When all conditions precedent to an election or cross-check in an appropriate bargaining unit have been met, the executive director shall proceed with the determination of the question concerning representation. Objections by parties named in the investigation statement shall be limited to matters relating to specific conduct affecting the results of an election.

(4) The parties may set forth stipulations in election agreements, cross-check agreements, and/or supplemental agreements provided for in this chapter.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-230 Election agreements. Where an employer and all other parties agree on a representation election, they may (~~(file)~~) enter into an election agreement (~~(with the executive director)~~).

(1) An election agreement shall contain:

((+)) (a) The name and address of the employer and the name, address and telephone number of its principal representative(-);

((2)) (b) The names and addresses of all other parties participating in the election agreement and the names, addresses and telephone numbers of their principal representatives(-);

((3)) (c) A description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions, and the number of employees in that unit(-);

((4)) (d) A statement by the parties that(~~(-a))~~) no organization is known which is or may be entitled to inter-

vene as an incumbent representative, or ~~((b))~~ the incumbent representative is a party to the election agreement, or ~~((e))~~ the incumbent representative has abandoned the unit as evidenced by documentation attached to the election agreement~~((:))~~;

~~((5))~~ ~~((e))~~ A statement by the parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that the parties agree that a question concerning representation exists; that a hearing is waived; and that the agency is requested to proceed to conduct an election and certify the results~~((:))~~;

~~((6))~~ ~~((f))~~ A list, attached to the election agreement as an appendix, containing the names of the employees eligible to vote in the election and the eligibility cut-off date for the election. If the election is to be conducted by mail ballot, the list shall include the last known address of each of the employees eligible to vote. If no eligibility cut-off date is specified by the parties, the eligibility cut-off date shall be the date on which the election agreement is filed~~((:))~~;

~~((7))~~ ~~((g))~~ The suggestions of the parties as to the arrangements for conducting the election~~((:))~~; and

~~((8))~~ ~~((h))~~ The signatures and, if any, the titles of all parties or their representatives.

(2) The original and one copy of the election agreement shall be filed ~~((with the agency at its))~~ at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be posted by the employer in conspicuous places on the employer's premises where notices to affected employees are usually posted. The election agreement shall remain posted for at least seven days after it is filed with the agency.

(3) Upon the filing of an election agreement conforming to the foregoing requirements and seeking an election in an appropriate bargaining unit, the executive director shall proceed to conduct an election.

(4) Objections to the election by a party to the election agreement shall be limited to matters relating to specific conduct affecting the results of the election.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-250 Cross-check agreements. Where only one organization is seeking certification as the representative of unrepresented employees, the employer and the organization may ~~((file))~~ enter into a cross-check agreement ~~((with the executive director))~~.

(1) A cross-check agreement shall contain:

~~((1))~~ ~~((a))~~ The name and address of the employer and the name, address and telephone number of its principal representative~~((:))~~;

~~((2))~~ ~~((b))~~ The name and address of the organization and the name, address and telephone number of its principal representative~~((:))~~;

~~((3))~~ ~~((c))~~ A description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions, and the number of employees in that unit~~((:))~~;

~~((4))~~ ~~((d))~~ A statement by the parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that the parties agree that a question concerning representation exists; that a hearing is

waived; and that the agency is requested to conduct and certify the results of a cross-check of individually signed and dated authorization cards or membership records submitted by the organization against the employment records of the employer~~((:))~~;

~~((5))~~ ~~((e))~~ A list, attached to the cross-check agreement as an appendix, containing the names of the employees in the bargaining unit~~((:))~~;

~~((6))~~ ~~((f))~~ The suggestions of the parties as to the arrangements for conducting the cross-check~~((:))~~;

~~((7))~~ ~~((g))~~ The agreement of the parties to be bound by the results of the cross-check~~((:))~~; and

~~((8))~~ ~~((h))~~ The signatures and, if any, the titles of the representatives of the parties.

(2) The original and one copy of the cross-check agreement shall be filed ~~((with the agency at its))~~ at the commission's Olympia office as required by WAC 391-08-120(1), and copies ~~((thereof))~~ shall be posted by the employer in conspicuous places on the employer's premises where notices to affected employees are usually posted. The cross-check agreement shall remain posted for at least seven days after it is filed with the agency.

(3) Upon the filing of a cross-check agreement conforming to the foregoing requirements and seeking a cross-check in an appropriate bargaining unit, the executive director shall proceed with the cross-check of records. The cross-check may be conducted at any time following the execution of a cross-check agreement; but no certification shall be issued until seven days have elapsed following the filing and posting of the cross-check agreement. Where a motion for intervention is timely filed and granted, no certification shall be issued on the basis of the cross-check.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-270 Supplemental agreements. Where the parties are able to agree generally on the matters to be set forth in an election agreement under WAC 391-25-230 or a cross-check agreement under WAC 391-25-250, but are unable to agree on limited issues concerning the definition of the bargaining unit or employee eligibility, they may expedite the determination of the question concerning representation while reserving their disagreement for subsequent determination by ~~((filing))~~ entering into a supplemental agreement under this rule together with an agreement under WAC 391-25-230 or 391-25-250. ~~((Such))~~

(1) ~~A~~ supplemental agreement shall contain:

~~((1))~~ ~~((a))~~ The names of all parties to the election agreement or cross-check agreement and the case number of the proceedings~~((:))~~;

~~((2))~~ ~~((b))~~ Identification of the employees or classifications as to which a dispute exists, together with the identification of the position taken by each party on the dispute~~((:))~~;

~~((3))~~ ~~((c))~~ A statement by all parties requesting that employees affected by the supplemental agreement be permitted to vote by challenged ballot or be challenged for purposes of a cross-check, subject to a subsequent determination of the dispute; and that the certification of the results of the election or cross-check not be withheld pending the determi-

nation of the dispute unless the challenges are sufficient in number to affect the outcome(-); and

((4)) (d) The signatures and, if any, the titles, of the representatives of the parties.

(2) The original and one copy of the supplemental agreement shall be filed ~~((with the agency))~~ at the commission's Olympia office as required by WAC 391-08-120(1), together with the agreement filed under WAC 391-25-230 or 391-25-250, and copies shall be posted with such agreement.

(3) Upon the filing of a supplemental agreement, the executive director shall proceed with the determination of the question concerning representation. If the challenges are sufficient in number to affect the outcome, they shall be determined prior to the issuance of a certification. Otherwise, ~~((a conditional))~~ an interim certification shall be issued which shall be amended upon final disposition of the issues framed in the supplemental agreement.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-350 Hearings—Nature and scope. Hearings shall be public and shall be limited to matters concerning the determination of the existence of a question concerning representation, the appropriate bargaining unit and questions of eligibility. During the course of the hearing, the hearing officer may, upon motion by any party, or upon his or her own motion, sequester witnesses. It shall be the duty of the hearing officer to inquire fully into all matters in issue and to obtain a clear and complete factual record upon which the commission and the executive director may discharge their duties under the pertinent statutes and these rules. Once a hearing has been declared closed, it may be reopened only upon the timely motion of a party upon discovery of new evidence which could not with reasonable diligence have been discovered and produced at the hearing. A party which desires to have a brief or written argument considered shall file an original and one copy with the hearing officer as required by WAC 391-08-120(1), and shall serve copies on all other parties to the proceeding as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-370 Blocking charges—Suspension of proceedings—Request to proceed. (1) ~~((Where))~~ The executive director may suspend the processing of a representation ((proceedings have been commenced)) petition under this chapter ((and)) pending the outcome of related unfair labor practice proceedings, where:

(a) A complaint charging unfair labor practices is filed under the provisions of chapter 391-45 WAC; and

(b) It appears that the facts as alleged may constitute an unfair labor practice; and

(c) Such unfair labor practice could improperly affect the outcome of a representation election ~~((; the executive director may suspend the representation proceedings under this chapter pending the resolution of the unfair labor practice case)).~~

(2) The complainant(s) in the unfair labor practice case may file and serve as required by WAC 391-08-120 a written request to proceed((-in writing,)) with the executive director. ~~((Such))~~ The request to proceed shall ((identify, by)) specify the case number((-)) of the representation ((proceedings for which it is made)) proceeding, shall request that ((those)) the representation ((proceedings be continued)) petition be processed notwithstanding the pending unfair labor practice case, and shall ((acknowledge that the commission will not entertain)) waive the right to file objections under WAC 391-25-590 (1)(a) based on conduct alleged in the unfair labor practice case. Upon the filing of a request to proceed ~~((conforming to the foregoing requirements))~~ under this subsection, the executive director shall resume the processing of the representation petition and shall summarily dismiss any objections filed in conflict with the request to proceed.

(3) Where a complaint charging unfair labor practices is filed after the issuance of a notice of election, the executive director shall proceed with the determination of the question concerning representation, subject to the right of any party to file objections as provided in WAC 391-25-590.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-390 Proceedings before the executive director. (1) The executive director may proceed forthwith upon the record, after submission of briefs or after hearing, as may be appropriate.

(a) The executive director shall determine whether a question concerning representation exists, and shall issue a direction of election, dismiss the petition or make other disposition of the matter.

(b) Unless otherwise provided in a direction of election, the cut-off date for eligibility to vote in an election shall be the date of issuance of the direction of election.

(2) Where the executive director determines that employee eligibility issues exist, the executive director may delegate authority to the hearing officer to decide those issues. ~~((Such actions shall be subject to review by the commission only as follows:~~

(1) ~~Except for rulings as to whether the employer is subject to the jurisdiction of the commission, a direction of election and any accompanying rulings shall not be subject to review by the commission except upon objections timely filed under WAC 391-25-590.~~

(2) ~~An order of dismissal shall be subject to review by the commission on its own motion or at the request of any party made within twenty days following the date of the order. Briefs or written arguments shall be submitted as provided in WAC 391-25-650. Unless the matter is transferred to the commission for review, an order of dismissal issued by the executive director shall have the same force and effect as if issued by the commission.)~~

(3) A direction of election and other rulings in the proceedings up to the issuance of a tally are interim orders, and may only be appealed to the commission by objections under WAC 391-25-590 after the election. An exception is made for rulings on whether the employer or employees are subject

to the jurisdiction of the commission, which may be appealed under WAC 391-25-660.

(4) Unless appealed to the commission under WAC 391-25-660, an order issued under this section shall be the final order of the agency, with the same force and effect as if issued by the commission.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-391 Special provision—Public employees. (1) Where only one organization is seeking certification as the representative of unrepresented employees, and the showing of interest submitted in support of the petition indicates that the organization has been authorized by in excess of seventy percent of the employees to act as their representative for the purposes of collective bargaining, the executive director may issue a direction of cross-check. ~~((The direction of cross-check and any accompanying rulings shall not be subject to review by the commission except upon objections timely filed under WAC 391-25-590.))~~

(2) A direction of cross-check and other rulings in the proceedings up to the issuance of a tally are interim orders, and may only be appealed to the commission by objections under WAC 391-25-590 after the cross-check. An exception is made for rulings on whether the employer or employees are subject to the jurisdiction of the commission, which may be appealed under WAC 391-25-660.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-410 Cross-check of records. (1) Where a cross-check of records is to be conducted to determine a question concerning representation, the organization shall ~~((submit))~~ furnish to the agency original or legible copies of individual cards or letters signed and dated by employees in the bargaining unit not more than ninety days prior to the filing of the petition and indicating that the employees authorize the named organization to represent them for the purposes of collective bargaining, or shall ~~((submit))~~ furnish to the agency membership records maintained by the organization as a part of its business records containing the names of employees and indicating those employees currently members in good standing.

(2) The agency shall honor a valid revocation of authorization contained in an individual card or letter signed by the employee and ~~((filed with))~~ furnished to the agency by the employee.

(3) The employer shall make available to the agency original or legible copies of employment records maintained as a part of its business records containing the names and signatures of the employees in the bargaining unit.

(4) Prior to the commencement of the cross-check, the organization may file and serve, as required by WAC 391-08-120, a request that the question concerning representation be determined by a representation election ~~((and))~~. Any such requests shall be honored.

(5) Where the organization files a disclaimer or a request for election after the commencement of the cross-check, the

cross-check shall be terminated and the organization shall not seek to be certified in the bargaining unit for a period of at least one year thereafter.

~~((5))~~ (6) All cross-checks shall be by actual comparison of records ~~((submitted))~~ furnished by the parties. The agency shall not disclose the names of employees giving representation authorization in favor of or appearing on the membership rolls of the organization. Upon the conclusion of the comparison of records, the agency officer conducting the cross-check shall prepare and furnish to the parties a tally sheet containing the number of employees in the bargaining unit, the number of employee records examined and the number of employee records counted as valid evidence of representation.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-450 Disclaimers. An organization may ~~((file a disclaimer))~~ disclaim a bargaining unit and have its name removed from the ballot ~~((: Provided, however, That if such))~~ by written notice filed and served as required by WAC 391-08-120. If a disclaimer is filed after the issuance of a notice of election, the organization filing the disclaimer shall not seek to be certified in that bargaining unit for a period of at least one year thereafter.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-590 Filing and service of objections to improper conduct and interim orders. ~~((Objections must be filed within))~~ The due date for objections is seven days after the tally has been served under WAC 391-25-410 or under WAC 391-25-550, regardless of whether challenged ballots are sufficient in number to affect the results of the election. The time period for objections cannot be extended.

(1) Objections ~~((filed))~~ by the petitioner, the employer or any intervenor ~~((may consist of))~~ shall set forth, in separate numbered paragraphs:

(a) ~~((Designation of))~~ The specific conduct which the party filing the objection claims has improperly ((affecting)) affected the results of the election; and/or

(b) ~~((Designation of one or more previous))~~ The direction of election, direction of cross-check or other interim rulings ((or directions in the matter)) which the objecting party desires to ((have reviewed by)) appeal to the commission.

(2) Objections ~~((filed))~~ by individual employees are limited to conduct or procedures which prevented them from casting a ballot.

~~((3))~~ ~~((Objections shall contain, in separate numbered paragraphs, statements of the specific conduct, if any, alleged to have improperly affected the results of the election and, in separate numbered paragraphs, the specific rulings or directions, if any, which the party filing the objections desires to have reviewed.))~~

~~((4))~~ The original and three copies of the objections shall be filed ~~((with the commission at its))~~ at the commission's Olympia office as required by WAC 391-08-120(1), and the party filing the objections shall serve a copy on each of the

other parties to the proceedings (~~(-Objections must be timely filed, whether or not challenged ballots are sufficient in number to affect the results of the election))~~ as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-630 Procedure where conduct objections are filed. (~~((1-Objections to))~~ Where objections allege improper conduct ((improperly affecting the results of an election shall be referred to the executive director for investigation:)) under WAC 391-25-590 (1)(a) or (2), other parties may be requested to respond to the objections within a period of time established by the agency. The period shall be not less than seven days.

(1) If the objections and any responses indicate there is no genuine issue as to any material fact and that one of the parties is entitled to a judgment as a matter of law, the commission may issue a summary judgment in the matter.

(2) If the objections and any responses raise material questions of fact which cannot be resolved without a hearing, there shall be issued and served on each of the parties a notice of hearing before a hearing officer.

(a) Hearings on objections to conduct affecting the results of an election may be consolidated with hearings on challenged ballots in the same proceeding.

(b) The rules relating to ((the conduct of)) hearings on petitions shall govern hearings on objections, except that the scope of the hearing shall be limited to matters relevant to the disposition of the objections.

~~((2-Objections to prior rulings and/or directions in the matter shall be referred directly to the commission:))~~ (3) The objections, any responses, and the record made at any hearing on the objections shall be referred to the commission.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-650 Briefs and written arguments on objections. (~~(All parties shall be entitled to submit briefs or written arguments for consideration by the commission. The briefs or written arguments of all parties shall be due simultaneously, as follows:~~

~~(1) The deadline for the filing of briefs or written arguments shall be fourteen days))~~ (1) The due date for any brief which the party filing an objection desires to have considered by the commission is fourteen days following the later of:

(a) ((The close of an investigation under WAC 391-25-630(1);

(b)) The issuance of a transcript of a hearing held under WAC 391-25-630((1)) (2); or

((e)) (b) The filing of objections under WAC 391-25-590((2)) (1)(b).

~~((2) The commission, the executive director or the designee of the executive director may, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made prior to the deadline previously established.~~

~~The original and three copies of any brief or written argument shall be filed with the commission at its Olympia office and a copy shall be served on each of the other parties. If a party presents an issue which requires study of a statute, rule, regulation, or finding of fact, the party should set out the material portions of the text verbatim or include them by facsimile copy in the text or in an appendix to the brief.)~~ The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(2) The due date for any responsive brief which other parties desire to have considered by the commission is fourteen days following the date on which that party is served with an appeal brief. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(3) The executive director or designee may extend the due date for an appeal brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.

NEW SECTION

WAC 391-25-660 Appeals from orders and jurisdictional rulings. An order issued under WAC 391-25-390 or 391-25-510 and any rulings in the proceedings up to the issuance of the order, as well as rulings that the employer or employees are subject to the jurisdiction of the commission, may be appealed to the commission as follows:

(1) The due date for a notice of appeal shall be twenty days following the date of the order being appealed. The time for filing a notice of appeal cannot be extended.

(2) Where an order has been appealed, the due date for a notice of cross-appeal by other parties shall be seven days after the last date on which a notice of appeal could be timely. The time for filing a notice of cross-appeal cannot be extended.

(3) A notice of appeal or notice of cross-appeal shall identify, in separate numbered paragraphs, the specific rulings, findings of fact, conclusions of law, or orders claimed to be in error.

(4) The original and three copies of a notice of appeal or notice of cross-appeal shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(5) The due date for any appeal brief which the party filing an appeal or cross-appeal desires to have considered by the commission shall be fourteen days following the filing of its notice of appeal or notice of cross-appeal. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(6) The due date for any responsive brief which a party desires to have considered by the commission shall be four-

teen days following the date on which that party is served with an appeal brief. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(7) The executive director or designee may extend the due date for an appeal brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.

AMENDATORY SECTION (Amending WSR 90-06-072, filed 3/7/90, effective 4/7/90)

WAC 391-25-670 Commission action on objections and appeals. ~~((In all cases where objections have been filed))~~ If there are objections under WAC 391-25-590 or an order is appealed under WAC 391-25-660, the entire record in the proceedings shall be transferred to the commission. The commission may request the parties to appear before it to make oral argument as to ((certain of the issues)) any or all of the issues in the matter. The commission shall determine the objections or appeal and any challenged ballots referred to the commission pursuant to WAC 391-25-510, and shall issue appropriate orders.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-35-030 Petition form—Number of copies—Filing—Service. Each petition for clarification of an existing bargaining unit shall be prepared on a form furnished by the commission or shall be prepared in conformance with WAC 391-35-050. The original and one copy of the petition shall be filed ~~((with the agency at its))~~ at the commission's Olympia office, as required by WAC 391-08-120(1). If the petition is filed other than as a jointly filed petition, the party filing the petition shall serve a copy on the other party to the collective bargaining relationship in which the disagreement arises, as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-35-170 Hearings—Nature and scope. Hearings shall be public and shall be limited to matters concerning the determination of the petition for clarification of an existing bargaining unit. During the course of the hearing, the hearing officer may, upon motion by any party, or upon his or her own motion, sequester witnesses. It shall be the duty of the hearing officer to inquire fully into all matters in issue and to obtain a full and complete factual record upon which the commission ~~((or))~~ and the executive director may discharge their duties under the pertinent statutes and these rules. Once a hearing has been declared closed, it may be reopened only upon the timely motion of a party upon discovery of new evidence which could not with reasonable diligence have been discovered and produced at the hearing. A party which desires to have a brief or written argument con-

sidered shall file an original and one copy with the hearing officer as required by WAC 391-08-120(1), and shall serve copies on all other parties to the proceeding as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-190 Proceedings before the executive director. (1) The executive director may proceed forthwith upon the record, after submission of briefs or after hearing, as may be appropriate. The executive director shall determine the status of each position, classification or group of employees over which there is a disagreement and issue an order clarifying bargaining unit, dismiss the petition or make other disposition of the matter.

(2) Where the executive director determines that employee eligibility issues exist, the executive director may delegate authority to the hearing officer to decide those issues.

(3) Unless appealed to the commission under WAC 391-35-210, an order issued under this section shall be the final order of the agency, with the same force and effect as if issued by the commission.

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-210 ~~((Proceedings before the commission—Petition for review.))~~ **Appeals.** ~~((The final order of the executive director shall be subject to review by))~~ An order issued under WAC 391-35-190 and any rulings in the proceedings up to the issuance of the order may be appealed to the commission ((on its own motion, or at the request of any party made within twenty days after the date of the order. The original and three copies of the petition for review shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on any other parties. The petition for review shall identify the actions or rulings claimed to be in error. Any party to the proceeding may, within fourteen days after the filing of the petition for review, file briefs or written arguments for consideration by the commission. The original and three copies of any brief or written argument shall be filed with the commission at its Olympia office and a copy shall be served on the other party.)) as follows:

(1) The due date for a notice of appeal shall be twenty days following the date of the order being appealed. The time for filing a notice of appeal cannot be extended.

(2) Where an order has been appealed, the due date for a notice of cross-appeal by other parties shall be seven days after the last date on which a notice of appeal could be timely. The time for filing a notice of cross-appeal cannot be extended.

(3) A notice of appeal or notice of cross-appeal shall identify, in separate numbered paragraphs, the specific rulings, findings of fact, conclusions of law, or orders claimed to be in error.

(4) The original and three copies of a notice of appeal or notice of cross-appeal shall be filed at the commission's

Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120(3) and (4).

(5) The due date for any appeal brief which the party filing an appeal or cross-appeal desires to have considered by the commission shall be fourteen days following the filing of its notice of appeal or notice of cross-appeal. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120(3) and (4).

(6) The due date for any responsive brief which a party desires to have considered by the commission shall be fourteen days following the date on which that party is served with an appeal brief. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120(3) and (4).

(7) The ~~((commission, the))~~ executive director or ~~((the))~~ designee ~~((of the executive director may, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made prior to the deadline previously established. The commission may request the parties to appear before it to make oral argument as to certain of the issues or all of the issues. If a party presents an issue which requires study of a statute, rule, regulation, or finding of fact, the party should set out the material portions of the text verbatim or include them by facsimile copy in the text or in an appendix to the brief))~~ may extend the due date for an appeal brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.

AMENDATORY SECTION (Amending WSR 90-06-073, filed 3/7/90, effective 4/7/90)

WAC 391-35-250 Commission action on appeals. ~~((The executive director shall transfer))~~ If an order is appealed under WAC 391-35-210, the entire record in the proceedings shall be transferred to the commission. The commission may request the parties to appear before it to make oral argument as to any or all of the issues in the matter. The commission shall determine the status of each position, classification or group covered by the ~~((petition for review))~~ appeal, and shall issue appropriate orders.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 391-35-230

Filing and service of cross-petition for review.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-45-030 Form—Number of copies—Filing—Service. Charges shall be in writing, in the form of a complaint of unfair labor practices. The original and one copy shall be filed ~~((with the agency at its))~~ at the commission's Olympia office, as required by WAC 391-08-120(1). The party filing the complaint shall serve a copy on each party named as a respondent, as required by WAC 391-08-120(3) and (4).

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-45-110 Preliminary ruling by executive director. The executive director shall determine whether the facts as alleged may constitute an unfair labor practice within the meaning of the applicable statute.

(1) If it is determined that the facts as alleged do not, as a matter of law, constitute a violation, the executive director shall issue and cause to be served on all parties an order of dismissal containing the reasons for that action. ~~((An order of dismissal issued pursuant to this section shall be subject to a petition for review as provided in WAC 391-45-350.))~~ Unless appealed to the commission under WAC 391-45-350, an order issued under this subsection shall be the final order of the agency, with the same force and effect as if issued by the commission.

(2) If the complaint is found to state a cause of action for unfair labor practice proceedings before the commission, the executive director shall set a period for the respondent to file its answer, which shall be not less than ten days following the issuance of the preliminary ruling.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-45-190 Answer—Filing and service. The respondent(s) shall, on or before the date specified ~~((therefor))~~ in the preliminary ruling or a notice of hearing, file ~~((with the agency))~~ the original and one copy of its answer to the complaint as required by WAC 391-08-120(1), and shall serve a copy on the complainant, as required by WAC 391-08-120(3) and (4).

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-250 Motion to make complaint more definite and certain. If a complaint is alleged by a respondent to be so indefinite as to hamper the respondent in the preparation of its answer, such respondent may, on or before the date specified for the filing of an answer, ~~((file))~~ make a motion ~~((requesting))~~ for an order ~~((directing))~~ that the complaint be made more definite and certain. Such motion shall be filed ~~((with the examiner))~~ and served ~~((by the moving party on the complainant and on any other parties))~~ as required by WAC 391-08-120. The filing of such a motion will extend the ~~((time during which the respondent must file~~

~~and serve an~~) due date for the respondent's answer until such date as the executive director or examiner may set. The examiner may require the complainant to file and serve a statement supplying information necessary to make the complaint definite and certain.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-45-290 Briefs and proposed findings. Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings of fact, conclusions of law and order, or both, at such time as may be fixed by the examiner. The examiner may direct the filing of briefs when he or she deems such filing warranted by the nature of the proceeding or of particular issues therein. A party which desires to have a brief or written argument considered shall file an original and one copy with the examiner as required by WAC 391-08-120(1), and shall serve copies on all other parties to the proceeding as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-310 Examiner decision. After the close of the hearing and the filing of all briefs, the examiner shall ~~((make a decision))~~ issue an order containing findings of fact~~((;))~~ and conclusions of law ~~((and order))~~. ~~((The examiner shall file the original decision with the commission and shall cause a copy thereof to be served on each of the parties.))~~ Unless appealed to the commission under WAC 391-45-350, an order issued under this section shall be the final order of the agency, with the same force and effect as if issued by the commission.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-45-330 Withdrawal or modification of examiner decision. On the examiner's own motion or on the motion of any party, the examiner may set aside, modify, change or reverse any findings of fact, conclusions of law or order at any time within ten days following the issuance thereof, if any mistake is discovered therein: *Provided, however,* That this section shall be inoperative after the filing of ~~((a petition for review with))~~ an appeal to the commission.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-350 ((Petition for review of examiner decision.)) Appeals. ~~((The examiner's findings of fact, conclusions of law and))~~ An order ((shall be subject to review by)) issued under WAC 391-45-110(1) or 391-45-310 and any rulings in the proceedings up to the issuance of the order may be appealed to the commission ((on its own motion, or at the request of any party made within twenty days following the date of the order issued by the examiner. The original and three copies of the petition for review shall be filed with the

commission at its Olympia office and the party filing the petition shall serve a copy on each of the other parties to the proceeding. Such petition for review shall contain, in separate numbered paragraphs, statements of the specific findings, conclusions, orders or rulings on which the party filing the petition seeks review by the commission. A petition for review shall have attached to it any appeal brief or written argument which the party filing the petition for review desires to have considered by the commission. Other parties to the proceeding shall have fourteen days following the date on which they are served with a copy of such petition for review and accompanying brief or written argument to file a responsive brief or written argument.)) as follows:

(1) The due date for a notice of appeal shall be twenty days following the date of the order being appealed. The time for filing a notice of appeal cannot be extended.

(2) Where an order has been appealed, the due date for a notice of cross-appeal by other parties shall be seven days after the last date on which a notice of appeal could be timely. The time for filing a notice of cross-appeal cannot be extended.

(3) A notice of appeal or notice of cross-appeal shall identify, in separate numbered paragraphs, the specific rulings, findings of fact, conclusions of law, or orders claimed to be in error.

(4) The original and three copies of a notice of appeal or notice of cross-appeal shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(5) The due date for any appeal brief which the party filing an appeal or cross-appeal desires to have considered by the commission shall be fourteen days following the filing of its notice of appeal or notice of cross-appeal. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(6) The due date for any responsive brief which a party desires to have considered by the commission shall be fourteen days following the date on which that party is served with an appeal brief. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(7) The ((commission, the)) executive director or ((his)) designee may((, for good cause, grant any party an extension of the time for filing of its brief or written argument. If a party presents an issue which requires study of a statute, rule, regulation, or finding of fact, the party should set out the material portions of the text verbatim or include them by facsimile copy in the text or in an appendix to the brief. In the event no timely petition for review is filed, and no action is taken by the commission on its own motion within thirty days following the examiner's final order, the findings of fact, conclusions of law and order of the examiner shall automatically become the findings of fact, conclusions of law and order of the commission and shall have the same force and effect as if issued by the commission.)) extend the due date for an appeal

brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-390 Commission action on appeals. ~~((On its own motion, or on the filing of a petition for review,))~~ If an order is appealed under WAC 391-45-350, the entire record in the proceedings shall be transferred to the commission((, and thereafter all motions and arguments shall be directed to the commission)). The commission may request the parties to appear before it to make oral ~~((arguments as to certain of the issues))~~ argument as to any or all of the issues in the matter. The commission shall, on the basis of the record and any briefs or arguments submitted to it ~~((on review)),~~ determine the ~~((matter))~~ appeal, and shall issue appropriate orders.

AMENDATORY SECTION (Amending WSR 90-06-074, filed 3/7/90, effective 4/7/90)

WAC 391-45-430 Motion for temporary relief. In addition to the remedies available under WAC 391-45-410, any complainant in an unfair labor practice proceeding may ~~((file))~~ make a motion requesting that the commission seek appropriate temporary relief through the superior court, and all such motions shall be processed as provided in this section.

(1) ~~When the ((complainant shall, at the time its))~~ complaint is filed, or as soon thereafter as facts giving rise to the request for temporary relief become known, ~~((provide))~~ the complainant shall file written notice ~~((to the executive director))~~ of its intent to make a motion for temporary relief with the executive director as required by WAC 391-08-120(1), and shall((, at the same time,)) serve a copy of such notice on each of the other parties to the proceedings as required by WAC 391-08-120 (3) and (4).

(2) Upon the filing of a notice of intent to make a motion for temporary relief, the executive director shall expedite the processing of the matter under WAC 391-45-110.

(3) After ~~((the))~~ a determination ~~((of))~~ by the executive director that the complaint states a cause of action, ~~((any))~~ the complainant ((desiring temporary relief)) may file ((with the executive director)) and serve, as required by WAC 391-08-120, a motion for temporary relief together with affidavits as to the risk of irreparable harm and the adequacy of legal remedies((, and shall serve a copy of such motion and affidavits on all other parties to the proceedings. The)).

(4) ~~If there is a motion for temporary relief, the due date for counter-affidavits from~~ other parties ~~((shall have))~~ is seven ((calendar)) days ((thereafter to file and serve counter-affidavits.

~~((4))~~ following the date on which that party is served with a motion for temporary relief. The counter-affidavits shall be filed and served as required by WAC 391-08-120.

(5) The executive director shall forward all such motions and affidavits to the commission, which shall determine

whether an injunction pendente lite should be sought. In making such determination, the commission shall adhere to the following policy:

"The name and authority of the public employment relations commission shall not be invoked in connection with a request for temporary relief prior to the completion of administrative proceedings under WAC 391-45-010, et seq., unless it appears that one or more of the allegations in the complaint of unfair labor practices is of such a nature that, if sustained, the complainant would have no fair or adequate remedy and the complainant would suffer irreparable harm unless the status quo be preserved pending the completion of administrative proceedings."

(a) If the commission concludes that temporary relief should be sought, the executive director, acting in the name and on behalf of the commission and with the assistance of the attorney general, shall petition the superior court of the county in which the main office of the employer is located or wherein the person who is alleged to be engaging in unfair labor practices resides or transacts business for an injunction pendente lite.

(b) Whenever temporary relief has been procured, the complaint which has been the basis for such temporary relief shall be heard expeditiously and the case shall be given priority over all other cases except cases of like character.

(c) ~~((If))~~ A determination by the commission ~~((concludes))~~ that temporary relief should not be sought ~~((prior to the conclusion of administrative proceedings in the matter, such determination))~~ at a particular time shall not bar renewal of the ((request)) motion for temporary relief following the completion of administrative proceedings in which unfair labor practice violations have been found to exist.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 391-45-370 Filing and service of cross-petition for review.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-55-245 Interest arbitration—Award. The rulings and determination of the neutral chairman shall be controlling, and shall not require concurrence, but may be accompanied by the concurring and/or dissenting opinions of the appointed members. Such rulings and determinations shall not be subject to ~~((review by))~~ appeal to the commission, but the neutral chairman shall ~~((file))~~ submit a copy of the award ~~((with))~~ to the executive director.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-55-345 Educational employees—Findings of fact and recommendations. The findings of fact and recommendations of the fact finder shall not be subject to

~~((review by))~~ appeal to the commission, but the fact finder shall ~~((file))~~ submit a copy of his or her written recommendations ~~((with))~~ to the executive director. Fact finders shall rule only on the reasonability of the proposals advanced in the context of the whole of the negotiations between the parties and shall not rule on whether or not a subject or proposal in dispute is a mandatory subject for collective bargaining.

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-070 Union security—~~((Filing of dispute with))~~ Disputes resolved by commission. In the event of a disagreement between an employee and his or her exclusive bargaining representative as to the eligibility of such employee to make alternative payments or as to the organization which is to receive such payments, either the employee or the exclusive bargaining representative may ~~((file with))~~ obtain a ruling from the commission ~~((a petition for a declaratory ruling))~~ on the union security obligations of the ~~((affected))~~ employee.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-95-090 Union security—Petition form—Number of copies—Filing—Service. Each petition for ~~((declaratory))~~ a ruling on union security obligations shall be prepared in conformance with WAC 391-95-110. The original and one copy of the petition shall be filed ~~((with the commission at its))~~ at the commission's Olympia office as required by WAC 391-08-120(1), and the party filing the petition shall serve a copy on the other party to the dispute and on the employer as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-150 Union security—Initial processing by executive director. The ~~((matter shall be referred to the))~~ executive director ~~((who))~~ shall determine whether the facts as alleged may constitute a basis for assertion of a right of nonassociation within the meaning of the applicable statute.

(1) If it is determined that the claim does not, as a matter of law, constitute a basis for assertion of a right of nonassociation, the executive director shall issue and cause to be served on all parties an order of dismissal containing the reasons ~~((therefor; otherwise))~~ for that action. Unless appealed to the commission under WAC 391-95-270, an order issued under this subsection shall be the final order of the agency, with the same force and effect as if issued by the commission.

(2) If the petition is found to state a claim for nonassociation proceedings before the commission, the executive director shall assign the matter to an examiner and shall notify the parties of such assignment. ~~((An order of dismissal issued pursuant to this section shall be subject to a petition for review as provided in WAC 391-95-270.))~~

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-95-230 Hearings—Nature and scope. Hearings shall be public and shall be limited to matters concerning the determination of the eligibility of the employee to make alternative payments and the designation of an organization to receive such alternative payments. During the course of the hearing, the examiner may, upon motion by any party, or upon his or her own motion, sequester witnesses. The employee has the burden to make a factual showing, through testimony of witnesses and/or documentary evidence, of the legitimacy of his or her beliefs, as follows:

(1) In cases where the claim of a right of nonassociation is based on the teachings of a church or religious body, the claimant employee ~~((must))~~ shall demonstrate:

(a) His or her bona fide religious objection to union membership; and

(b) That the objection is based on a bona fide religious teaching of a church or religious body; and

(c) That the claimant employee is a member of such church or religious body.

(2) In cases where the claim of a right of nonassociation is based on personally held religious beliefs, the claimant employee ~~((must))~~ shall demonstrate:

(a) His or her bona fide religious objection to union membership; and

(b) That the religious nature of the objection is genuine and in good faith.

(3) Once a hearing has been declared closed, it may be reopened only upon the timely motion of a party upon discovery of new evidence which could not with reasonable diligence have been discovered and produced at the hearing.

(4) A party which desires to have a brief or written argument considered shall file an original and one copy with the examiner as required by WAC 391-08-120(1), and shall serve copies on all other parties to the proceeding as required by WAC 391-08-120 (3) and (4).

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-250 Examiner decision. After the close of the hearing and the filing of all briefs, the examiner shall ~~((make a decision))~~ issue an order containing findings of fact ~~((;))~~ and conclusions of law ~~((; and order. The examiner shall file the original decision with the commission and shall cause a copy thereof to be served on each of the parties)).~~ Unless appealed to the commission under WAC 391-95-270, an order issued under this section shall be the final order of the agency, with the same force and effect as if issued by the commission.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-95-260 Withdrawal or modification of examiner decision. On the examiner's own motion or on the motion of any party, the examiner may set aside, modify, change, or reverse any findings of fact, conclusions of law or

order at any time within ten days following the issuance thereof, if any mistake is discovered therein: *Provided, however*, That this section shall be inoperative after the filing of ~~((a petition for review with))~~ an appeal to the commission.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-95-270 ~~((Proceedings before the commission—Petition for review.))~~ **Appeals.** ~~((The final order of the examiner shall be subject to review by))~~ An order issued under WAC 391-95-150(1) or 391-95-250 and any rulings in the proceedings up to the issuance of the order, may be appealed to the commission ((on its own motion, or at the request of any party made within twenty days following the date of the order issued by the examiner. The original and three copies of the petition for review shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on the other party to the proceeding and on the employer. The petition for review shall identify the actions or rulings claimed to be in error. Any party to the proceeding may, within fourteen days after the initiation of review, file briefs or written arguments for consideration by the commission. The original and three copies of any brief or written argument shall be filed with the commission at its Olympia office and a copy shall be served upon the other party.)) as follows:

(1) The due date for a notice of appeal shall be twenty days following the date of the order being appealed. The time for filing a notice of appeal cannot be extended.

(2) Where an order has been appealed, the due date for a notice of cross-appeal by other parties shall be seven days after the last date on which a notice of appeal could be timely. The time for filing a notice of cross-appeal cannot be extended.

(3) A notice of appeal or notice of cross-appeal shall identify, in separate numbered paragraphs, the specific rulings, findings of fact, conclusions of law, or orders claimed to be in error.

(4) The original and three copies of a notice of appeal or notice of cross-appeal shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(5) The due date for any appeal brief which the party filing an appeal or cross-appeal desires to have considered by the commission shall be fourteen days following the filing of its notice of appeal or notice of cross-appeal. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

(6) The due date for any responsive brief which a party desires to have considered by the commission shall be fourteen days following the date on which that party is served with an appeal brief. The original and three copies of the brief shall be filed at the commission's Olympia office as required by WAC 391-08-120(1), and copies shall be served on all other parties as required by WAC 391-08-120 (3) and (4).

~~(7) The ((commission, the)) executive director or ((the)) designee ((of the executive director)) may ((, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made prior to the deadline previously established. The commission may request the parties to appear before it to make oral argument as to certain of the issues or all of the issues in the matter. If a party presents an issue which requires study of a statute, rule, regulation, or finding of fact, the party should set out the material portions of the text verbatim or include them by facsimile copy in the text or in an appendix to the brief. In the event no timely petition for review is filed, and no action is taken by the commission on its own motion within thirty days following the examiner's final order, the findings of fact, conclusions of law and order of the examiner shall automatically become the findings of fact, conclusions of law and order of the commission and shall have the same force and effect as if issued by the commission)) extend the due date for an appeal brief or responsive brief. Such requests shall only be considered if made on or before the date the brief is due, and in compliance with WAC 391-08-180. Extensions of time shall not be routine or automatic.~~

AMENDATORY SECTION (Amending WSR 90-06-075, filed 3/7/90, effective 4/7/90)

WAC 391-95-290 **Commission action on appeals.** ~~((The executive director shall transfer))~~ If an order is appealed under WAC 391-95-270, the entire record in the proceedings shall be transferred to the commission. The commission may request the parties to appear before it to make oral argument as to any or all of the issues in the matter. The commission shall, on the basis of the record and any briefs or arguments submitted to it, determine the ((matter)) appeal, and shall issue appropriate orders.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 391-95-280	Filing and service of cross-petition for review.
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WSR 98-10-102
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed May 6, 1998, 10:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-04-087.

Title of Rule: WAC 180-79A-420 Academic requirement for certification—Administrators and 180-79A-422 Experience requirement for initial endorsement—Principals.

Purpose: The amendments are being revised to clarify the language.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

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

Name of Proponent: State Board of Education, governmental.

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

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

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

Hearing Location: Puget Sound Educational Service District, 400 S.W. 152nd, Burien, WA 98166-2209, on June 17, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin, by June 1, 1998, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, by June 1, 1998.

Date of Intended Adoption: June 17, 1998.

May 6, 1998

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

WAC 180-79A-420 Academic requirements for certification—Administrators. Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 180-79A-150 and 180-79A-424.

(1) Superintendent.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least forty-five quarter hours (thirty semester hours) of graduate level course work in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79A-150(4).

(b) Continuing.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least sixty quarter hours (forty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79A-150(4).

(2) Principal.

(a) Initial.

The candidate shall hold a master's degree and have completed an approved program for the preparation of principals.

(b) Continuing.

(i) The candidate who applies prior to August 31, 1998, shall hold an approved master's degree and completed subsequent to the baccalaureate degree at least forty-five hours (thirty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate who applies on or after August 31, 1998, shall have completed ~~((a program based on the state principal performance domains included in WAC 180-78A-257. Such program shall consist of))~~ at least fifteen quarter (ten semester) ~~((hours))~~ credits of graduate ~~((post-initial))~~ course work offered by a college or university with a state approved principal program or one hundred fifty clock hours of study, which meet the state continuing education clock hour criteria, ~~((as determined in consultation with and approved by the employer))~~ or a combination of credits and clock hours equivalent to the above. Such study shall:

(A) Be based on the principal performance domains included in WAC 180-78A-165;

(B) Be taken subsequent to the issuance of the initial principal's certificate; and

(C) Be determined in consultation with and approved by the candidate's employer or the administrator of a state approved principal preparation program.

(iii) The candidate must meet requirements for a principal's certificate pursuant to WAC 180-79A-150(4).

(3) Program administrator.

(a) Initial.

The candidate shall hold an approved master's degree, a master's degree required for an educational staff associate certificate, a master's degree in school nursing, occupational therapy or physical therapy, or a master's degree in public education, or business administration and have completed subsequent to the baccalaureate degree at least twenty-four quarter hours (sixteen semester hours) of graduate level course work in education.

(b) Continuing.

The candidate shall hold an approved master's degree, a master's degree required for an educational staff associate certificate, a master's degree in school nursing, occupational therapy, physical therapy, or a master's degree in public education, or business administration and have completed subsequent to the baccalaureate degree at least thirty quarter hours (twenty semester hours) of graduate level course work in education or shall hold a doctorate in education.

AMENDATORY SECTION (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

WAC 180-79A-422 Experience requirement for initial ~~((endorsement))~~ certificate—Principals. In addition to the academic requirements specified in WAC 180-79A-420(2), candidates applying for initial ~~((administrator's))~~ principal's certificates ~~((with a principal's endorsement))~~ who were admitted to a principal preparation program prior to August 31, 1998, as a condition for the issuance of such endorsement, shall present documentation of one hundred eighty days or full-time equivalent or more teaching experience with an authorized employer—i.e., school district, state agency, college or university, private school, or private

school system—and at least thirty days of such employment with the same employer. Candidates applying for the initial principal's certificate who were admitted to a principal preparation program on or after August 31, 1998, shall present documentation of five hundred forty days (three school years) of full-time or more teaching in a public or private school system. No more than sixty days substitute or equivalent teaching experience may be included for this requirement.

WSR 98-10-103
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed May 6, 1998, 10:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-104.

Title of Rule: WAC 180-79A-433 Academic requirements for certification—School nurse, school occupational therapist, school physical therapist, and school speech pathologist or audiologist.

Purpose: The amendments would align the thirty clock hour course required for certain educational staff associate roles with the state goals and essential academic learning requirements.

Statutory Authority for Adoption: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

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

Name of Proponent: State Board of Education, governmental.

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

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

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

Hearing Location: Puget Sound Educational Service District, 400 S.W. 152nd, Burien, WA 98166-2209, on June 17, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Patty Martin by June 1, 1998, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, by June 1, 1998.

Date of Intended Adoption: June 17, 1998.

May 6, 1998
Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 98-01-027, filed 12/8/97, effective 1/8/98)

WAC 180-79A-433 Academic requirements for certification—School nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist. Candidates for school nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist certification shall apply directly to the professional education and certification office. Such candidates shall complete the following requirements, in addition to those set forth in WAC 180-79A-150, except state approved college/university professional preparation program:

(1) School nurse.

(a) Initial.

(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree in nursing from a National League of Nursing accredited program.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting including the state learning goals and essential academic learning requirements: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred eighty-day period.

(b) Continuing. The candidate shall have completed the requirements for the initial certificate as a school nurse and have completed forty-five quarter hours (thirty semester hours) of post-baccalaureate course work in education, nursing, or other health sciences.

(2) School occupational therapist.

(a) Initial.

(i) The candidate shall hold a valid license as an occupational therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Occupational Therapy Association approved program in occupational therapy.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting including the state learning goals and essential academic learning requirements: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty calendar days which will allow the individual to practice in the role. The candidate

shall verify to OSPI the completion of the required course work during the one hundred eighty-day period.

(b) Continuing. The candidate shall have completed the requirements for the initial certificate as a school occupational therapist and have completed at least fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in occupational therapy, other health sciences or education.

(3) School physical therapist.

(a) Initial.

(i) The candidate shall hold a valid license as a physical therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Physical Therapy Association accredited program in physical therapy.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting including the state learning goals and essential academic learning requirements: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred eighty-day period.

(b) Continuing. The candidate shall have completed the requirements for the initial certificate as a school physical therapist and have completed fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in physical therapy, other health sciences or education.

(4) School speech-language pathologist or audiologist.

(a) Initial.

(i) The candidate shall have completed all course work (except special project or thesis) for a master's degree from a college or university program accredited by the American Speech and Hearing Association (ASHA) with a major in speech pathology or audiology. Such program shall include satisfactory completion of a written comprehensive examination: *Provided*, That if any candidate has not completed a written comprehensive examination, the candidate may present verification from ASHA of a passing score on the National Teacher's Examination in speech pathology or audiology as a condition for certification.

(ii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting including the state learning goals and essential academic learning requirements: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty calendar days which will allow the individual to practice in the role. The candidate

shall verify to OSPI the completion of the required course work during the one hundred eighty-day period.

(b) Continuing. The candidate shall hold a master's degree with a major in speech pathology or audiology.

WSR 98-10-107

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed May 6, 1998, 11:01 a.m.]

Supplemental Notice to WSR 98-07-050.

Preproposal statement of inquiry was filed as WSR 98-01-188.

Title of Rule: Chapter 388-555 WAC, Interpreter services.

Purpose: This supplemental filing amends rules for interpreter services which were initially filed as WSR 98-07-050. The rules were revised to clarify existing policies and procedures regarding: (1) The definition of qualified interpreter for ASL; (2) services provided to family members; (3) eligible providers for interpreter agencies; (4) interpreter services at Federally Qualified Health Centers. This CR-102 also notes that, because the proposed rule is not a significant legislative rule, Medical Assistance Administration is not preparing a cost benefit analysis.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050.

Statute Being Implemented: RCW 74.04.025, 45 CFR Sec. 80.1 and 80.03; 45 CFR Sec. 605.52; 28 CFR, part 35.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Barbara Davis, Medical Assistance Administration, 617 8th S.E., Olympia, WA 98504, (360) 586-2337, or bdavis@dshs.wa.gov; Implementation and Enforcement: Nora Guzman-Dyrseth, Medical Assistance Administration, 617 8th S.E., Olympia, WA 98504, (360) 586-4195.

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

Rule is necessary because of federal law, 42 USC Sec. 2000d; 29 USC Sec. 794; 42 USC Sec. 12101.

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. Because this proposed rule codifies existing policies, procedures, operational relationships and arrangements, it has no economic impact on small businesses

RCW 34.05.328 does not apply to this rule adoption. The proposed rule does not meet the definition of "significant rule" in RCW 34.05.328 (5)(c)(3)[(iii)].

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on June 9, 1998, at 10:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Paige Wall by May 29, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, or pwall@dshs.wa.gov, by June 9, 1998.

Date of Intended Adoption: No sooner than June 10, 1998.

May 5, 1998

Marie Mycherin-Redifer, Manager
Rules and Policies Assistance Unit

Chapter 388-555 WAC

INTERPRETER SERVICES

NEW SECTION

WAC 388-555-1000 Definitions. For the purposes of this chapter, the following definitions apply:

"**Consecutive appointments**" – means appointments beginning or scheduled to begin within fifteen minutes of the last completed appointment.

"**Family member**" – means any person who is related to the client: a spouse, child, grandmother, grandfather, grandchild, mother, father, sister, brother, cousin, niece, nephew, aunt, uncle, step relations and/or in-laws.

"**Federally qualified health center (FQHC)**" - means:

(1) A facility that is receiving grants under section 329, 330, or 340 of the Public Health Services Act; or

(2) Receiving such grants based on the recommendation of the Health Resources and Services Administration within the Public Health Service as determined by the secretary to meet the requirements for receiving such a grant; or

(3) A tribe or tribal organization operating outpatient health programs or facilities under the Indian Self Determination Act (P.L. 93-638). Only Health Care Financing Administration-designated FQHCs will be allowed to participate in MAA's Medicaid program.

"**Independent interpreter**" – means any fluent, bilingual/multilingual person, certified by language interpretation services and translation (LIST) in medical terminology, who provides interpreter services for payment and who is not employed by, or a contractor of, any interpreter agency enrolled with the medical assistance administration (MAA). Independent interpreter also means any person fluent in American Sign Language, certified by the National Association for the Deaf (NAD) or Registry for Interpreters for the Deaf (RID).

"**Interpreter**" – means a person who speaks English and another language fluently or signs American Sign Language fluently. Fluency includes an understanding of nonverbal and cultural patterns necessary to communicate effectively. An interpreter enables clients and medical/health care providers to communicate effectively with each other.

"**Interpreter agency**" – a business entity, organized under and permitted to operate by the laws of the state of Washington. The main objective or purpose of the agency is

to procure interpreter services by employing or contracting with bilingual/multilingual persons on a permanent or part-time basis to provide medical interpreter services for payment to MAA clients. For purposes of this chapter, interpreter agency does not include:

(1) A business entity that employs a person exclusively or regularly to perform other duties, or to perform interpreter services solely in connection with the affairs of that employer; or

(2) A person who is self-employed and is the only bilingual/multilingual employee contracting for the purpose of providing interpreter services to others.

"**Language interpretation services and translation (LIST)**" – means the section within the department of social and health services (DSHS) that is responsible for certifying and qualifying spoken language interpreters.

"**Limited English proficient (LEP)**" – means a limited ability or an inability to speak, read, or write English well enough to understand and communicate effectively in normal daily activities. The client decides whether he/she is limited in his/her ability to speak, read, or write English.

"**Primary language**" – means the language identified by the client as the language in which he/she wishes to communicate. This may also be referred to as the preferred language.

"**Qualified interpreter for American Sign Language**" – means a certified NAD, RID, or noncertified interpreter who is determined by the consumer to be qualified to effectively meet his/her communication needs, both receptively and expressively.

"**Qualified interpreter for spoken languages**" – means an interpreter who has passed DSHS screening tests in languages other than the DSHS certificated languages as specified in RCW 74.04.025.

"**Unit**" – means a billable amount of time for interpreter services equal to fifteen minutes.

NEW SECTION

WAC 388-555-1050 Covered services. Interpreters and/or interpreter agencies shall receive payment for interpreter services that are:

(1) Provided for a client who is:

- (a) Deaf;
- (b) Deaf-blind;
- (c) Hard of hearing; or
- (d) Limited English proficient.

(2) Provided during a necessary medical service performed by an eligible provider; and

(3) Covered under a MAA program for which the client is eligible. For exceptions, see WAC 388-555-1100, Noncovered services.

NEW SECTION

WAC 388-555-1100 Noncovered services. Interpreters and/or interpreter agencies shall not receive payment for interpreter services related to:

- (1) Inpatient hospital services;
- (2) Nursing facility services;

- (3) Community mental health center services;
- (4) The provision of any noncovered service;
- (5) Interpreter services funded or paid for by any other source;
- (6) Interpreter services provided by an interpreter to the interpreter's own family members;
- (7) Any person other than an eligible MAA client;
- (8) Medical Assistance client no-shows;
- (9) The interpreter's failure to appear for scheduled services;
- (10) The interpreter's transportation costs or travel time;
- (11) Waiting time before the scheduled appointment; or
- (12) Any block of time when interpreter services are not required by the medical provider to communicate with a medical assistance client.

NEW SECTION

WAC 388-555-1150 Eligible providers. (1) To provide services other than at FQHCs, independent interpreters and/or interpreter agencies are considered eligible providers when they:

(a) Are enrolled with MAA to provide interpreter services;

(b) Meet the criteria in WAC 388-87-007, Medical provider agreement, and WAC 388-87-010, Conditions of payment—General.

(2) To enroll as an independent interpreter for MAA clients, interpreters shall submit the following to the department:

(a) Proof of certification which may be either:

(i) Number and date of medical certificate from LIST; or

(ii) A copy of a RID or NAD certificate for certified sign language interpreters.

(b) A Social Security Number, if the interpreter has one;

(c) A completed interpreter services core provider agreement;

(d) A signed confidentiality pledge;

(e) A completed provider information form; and

(f) Verification of errors and omissions liability insurance at or over one hundred thousand dollars per occurrence.

(3) To enroll with MAA as an interpreter agency, the agency shall submit to the department:

(a) A completed interpreter services core provider agreement;

(b) Verification of errors and omissions liability insurance at or over one million dollars per occurrence;

(c) A completed provider information form; and

(d) A list of interpreters employed/contracted to provide services to MAA clients, including the following information for each interpreter:

(i) A signed confidentiality pledge; and

(ii) Number and date of medical certificate from LIST;

or

(iii) A copy of a current RID or NAD certificate for certified sign language interpreters or written description of evaluation process for qualified interpreter status.

(4) To qualify as an eligible provider, an interpreter agency shall have the capacity to provide interpreter services in:

(a) American Sign Language; or

(b) At least three spoken languages; or

(c) Fewer than three spoken languages if the languages provided are reflective of a majority of the LEP clients residing within the county(ies) served by the agency. DSHS reports will be used to identify the languages needed in the demographic area.

NEW SECTION

WAC 388-555-1200 Provider requirements. (1) An interpreter or interpreter agency shall not determine the need for interpreter services, nor shall the interpreter market interpreter services to MAA clients. See WAC 388-555-1250, Coordination of services.

(2) An interpreter or interpreter agency shall not require a client to obtain interpreter services exclusive of other interpreters or interpreter agencies.

(3) An interpreter or interpreter agency shall adhere to department policies and procedures regarding confidentiality of client records as stated in WAC 388-501-0150.

(4) An independent interpreter shall enroll with the department as provided in WAC 388-555-1100 and obtain a current medical assistance provider number.

(5) An interpreter or interpreter agency must participate in an orientation which will be scheduled and given by MAA within their first year of contracting with the department. The department may terminate contracts with any provider who does not participate in the orientation.

(6) Interpreter agencies shall assume full legal and financial liability for interpreter services provided by employees and contractors.

NEW SECTION

WAC 388-555-1250 Coordination of services. An interpreter and/or interpreter agency shall:

(1) Facilitate coordination of the appointment dates and times with the medical provider and the client as requested by the medical provider; and

(2) Notify the medical provider of any changes to scheduled appointments at least twenty-four hours in advance.

NEW SECTION

WAC 388-555-1300 Payment. (1) Eligible interpreters and/or interpreter agencies shall only provide services when the following conditions are met:

(a) The client or the medical provider determines that an interpreter is necessary in order for the client to appropriately access necessary medical and health care services covered by the client's medical assistance program;

(b) The medical provider has informed the client that interpreter services are available at no cost to the client; and

(c) The interpreter presents a current identification card with his/her name, such as a driver's license, prior to providing interpreter services.

(2) To the extent permitted under federal law and regulation, the department may provide federal financial participa-

tion to match funds expended by public agencies for interpreter services.

NEW SECTION

WAC 388-555-1350 Payment methodology. (1) An interpreter and/or interpreter agency providing services at facilities other than FQHCs shall receive payment for interpreter services based on:

- (a) Funds legislatively provided for interpreter services;
- (b) Department allocation of vendor rate increases appropriated by the legislature;
- (c) Billable units of time; and
- (d) Submitting claims to the department according to billing instructions provided by MAA. All eligible interpreters will be provided with billing instructions.

(2) An interpreter and/or interpreter agency providing services at an FQHC shall seek payment according to WAC 388-55-1450.

NEW SECTION

WAC 388-555-1400 Record keeping and audits. Interpreters and/or interpreter agencies shall maintain legible, accurate, and complete records in order to support and justify interpretation services provided to medical assistance clients. The types of records that must be maintained are described in the billing instructions.

NEW SECTION

WAC 388-555-1450 Services at federally qualified health clinics. (1) A federally qualified health center shall receive payment for interpreter services when the FQHC:

- (a) Uses interpreters certified or qualified by LIST; and
 - (b) Bills MAA fee-for-service.
- (2) Interpreters providing services at an FQHC shall:
- (a) Be certified and qualified by LIST; and
 - (b) Meet the requirements described in WAC 388-555-1200 (1), (2) and (3), and 388-555-1250; and
 - (c) Seek payment from the FQHC.

**WSR 98-10-111
PROPOSED RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES**

[Filed May 6, 1998, 11:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: Chapter 131-276 WAC, Ensure compliance with public records; operations and procedures; etc.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Updating Title 131 WAC in accordance with Governor's Executive Order 97-02 related to regulatory reform.

Summary: See Title of Rule above.

Name of Agency Personnel Responsible for Drafting and Implementation: Sandy Wall, 319 7th Avenue, Olympia, WA, (360) 586-2157; and Enforcement: Howard Fischer, Senior Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: Minor changes to reflect current practice.

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: Yakima Valley College, 16th and Nob Hill, Yakima, Washington, on June 18, 1998, at 10 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger by June 1, 1998, (360) 586-6440.

Submit Written Comments to: C. Krueger, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA, FAX (360) 586-6440, by June 1, 1998.

Date of Intended Adoption: June 18, 1998.

May 6, 1998

Claire C. Krueger

Executive Assistant and

Agency Rules Coordinator

AMENDATORY SECTION (Amending Order 18, filed 7/2/73)

WAC 131-276-010 Purpose. The purpose of this chapter shall be to ensure compliance by the state board for community and technical colleges (~~(education)~~) with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25-32 of that act, dealing with public records.

AMENDATORY SECTION (Amending Order 18, filed 7/2/73)

WAC 131-276-020 Definitions. (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) **Writing.** "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) **State board for community and technical colleges** (~~(education)~~). The state board for community and technical

colleges ((education)) is an agency organized by statute pursuant to RCW 28B.50.050. The state board for community college education shall hereafter be referred to as the "board." Where appropriate, the term board also refers to the staff and employees of the board.

AMENDATORY SECTION (Amending Order 18, filed 7/2/73)

WAC 131-276-040 Operations and procedures. The board is established under RCW 28B.50.050 to implement the educational and administrative purposes established by RCW 28B.50.090 and 28B.50.020. The board is operated under the supervision and control of a board of trustees. The board of trustees is made up of ((seven)) nine members appointed by the governor for a term of four years. The trustees meet in regular meetings as published in the Washington Administrative Code unless public notice is given of a special meeting. At such time, the board exercises the powers and duties granted it under RCW 28B.50.090 and other provisions of the laws of Washington.

AMENDATORY SECTION (Amending Order 18, filed 7/2/73)

WAC 131-276-060 Public records officer. The board's public records shall be in the charge of the public records officer designated by the board director. The person so designated shall be located in the administrative office of the board. The public records officer shall be responsible for the following: The implementation of the board's rules and regulations regarding release of public records, coordinating the staff of the board in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of ((1973)) __.

AMENDATORY SECTION (Amending Order 18, filed 7/2/73)

WAC 131-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the board. For the purposes of this chapter, the customary office hours shall be from ((9:00)) 8:00 a.m. to noon and from 1:00 p.m. to ((4:00)) 5:00 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending Order 18, filed 7/2/73)

WAC 131-276-990 Appendix A—Request for public record to state board for community and technical colleges ((education)).

APPENDIX "A"

REQUEST FOR PUBLIC RECORD TO
STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
(EDUCATION)

(a)
Signature Signature (Please Print)

APPENDIX "A"

REQUEST FOR PUBLIC RECORD TO
STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
(EDUCATION)

Name of Organization, if Applicable
Mailing Address of Applicant Phone Number
(b) Date Request Made at State Board Time of Day
for Community and Technical Col- Request Made
leges (Education)
(c) Nature of request
.....
(d) Identification Reference on Current Index
Please Describe
.....
(e) Description of Record, or Matter, Requested if not Identifiable by
Reference to the State Board for Community and Technical Col-
leges (Education-Current) Index
.....
Request: Approved By
Date Public Records Officer
Denied Date
Reasons for Denial:
.....
Referred to Date
By
Public Records Officer

PROPOSED

WSR 98-10-112
PROPOSED RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES
[Filed May 6, 1998, 11:23 a.m.]

Original Notice.
Preproposal statement of inquiry was filed as WSR 97-21-012.
Title of Rule: Interdistrict instructional program arrangements; interdistrict joint program offerings; etc.
Statutory Authority for Adoption: Chapter 28B.50 RCW.
Statute Being Implemented: Updating WACs in accordance with Executive Order 97-02 (regulatory reform).
Summary: See Title of Rule above.
Name of Agency Personnel Responsible for Drafting and Implementation: Anna Sue McNeil, State Board for Community and Technical Colleges, 319 7th Avenue, Olym-

pia, WA, (360) 753-3676; and Enforcement: Howard Fischer, Senior Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: Minor changes to reflect current practice.

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: Yakima Valley College, 16th and Nob Hill, Yakima, Washington, on June 18, 1998, at 10 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger, FAX (360) 586-6440, by June 1, 1998.

Submit Written Comments to: C. Krueger, P.O. Box 42495, Olympia, WA, FAX (360) 586-6440, by June 1, 1998.

Date of Intended Adoption: June 18, 1998.

May 6, 1998

Claire C. Krueger

Executive Assistant and

Agency Rules Coordinator

AMENDATORY SECTION (Amending Order 112, Resolution No. 86-45, filed 10/30/86)

WAC 131-32-030 Interdistrict instructional program arrangements. (1) When circumstances warrant, two or more community and technical college districts may agree to allow one district to offer courses, special events, or other community service activities within the service area of the other district.

(2) Arrangements for interdistrict course(s) or program(s) offerings shall be formalized through written agreements between the cooperating college districts.

(3) A copy of the written agreement shall be filed with the office of the director for community (~~college education~~) and technical colleges.

(4) The college district providing the service shall maintain general administrative jurisdiction over the course(s) or program(s), including fees and other charges, instructor selection and remuneration, fiscal control and accounting, and enrollment reporting.

(5) Public announcements regarding such course(s) or program(s) shall describe the cooperative nature of the venture.

(6) In the event of a dispute related to interdistrict program arrangements and when in the judgment of the state board there are compelling reasons for intervention, the state board will make a final determination in the matter pursuant to authority granted in RCW 28B.50.090(11).

AMENDATORY SECTION (Amending Order 112, Resolution No. 86-45, filed 10/30/86)

WAC 131-32-035 Interdistrict joint program offerings. (1) Two or more community and technical college districts may enter into agreements to offer jointly courses, programs or other community service activities.

(2) Agreements covering joint offerings shall specify, in addition to the items required by chapter 39.34 RCW, the Interlocal Cooperation Act, procedures for instructor selection and remuneration, the basis for assessing fees and other charges, admissions, and registration policies, and the method by which enrollment will be reported.

(3) A copy of the written agreement shall be filed with the office of the director for community (~~college education~~) and technical colleges.

(4) Public announcements regarding such programs shall describe the cooperative nature of the venture.

WSR 98-10-113

PROPOSED RULES

STATE BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Filed May 6, 1998, 11:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: General standards for qualifications for community and technical college personnel; definition of "special funds" for the purpose of determining eligibility for tenurable faculty positions; repealers "layoff unit defined" and "duration of reduction in force lists."

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Updated WACs to comply with Governor's Executive Order 97-02 related to regulatory reform.

Summary: See Title of Rule above.

Name of Agency Personnel Responsible for Drafting and Implementation: Scott Morgan, 319 7th Avenue, Olympia, WA, (360) 753-0880; and Enforcement: Howard Fischer, Senior Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: Minor changes to reflect current practice.

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: Yakima Valley College, 16th and Nob Hill, Yakima, Washington, on June 18, 1998, at 10 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact C. Krueger, FAX (360) 586-6440, by June 1, 1998, or phone (360) 753-7413.

Submit Written Comments to: C. Krueger, P.O. Box 42495, Olympia, WA 98504-2495, FAX (360) 586-6440, by June 1, 1998.

Date of Intended Adoption: June 18, 1998.

May 6, 1998

Claire C. Krueger
Executive Assistant and
Agency Rules Coordinator

AMENDATORY SECTION (Amending Order 134, Resolution No. 91-27, filed 10/4/91, effective 11/4/91)

WAC 131-16-080 General standards of qualifications for community and technical college personnel. Prior to employment of candidates to perform professional services in Washington community and technical colleges, the district board of trustees shall establish that the candidate possesses:

- (1) Scholarship and/or technical skill that represents appropriate study, training, and skills in the proposed area of assignment,
- (2) Expertise as a practitioner as evidenced by reports of former associates and supervisors,
- (3) A demonstrable understanding and acceptance of the role to be played as a partner in an educational enterprise serving the best interests of the students,
- (4) A demonstrable understanding and acceptance of the mission, role, and character of the community or technical college,
- (5) The ability to perform assigned duties in a manner consistent with the goals of the institution and the community and technical college system, and
- (6) Personal characteristics that contribute to the ability to promote the welfare of the students, the institution, and the state of Washington.

AMENDATORY SECTION (Amending Order 122, Resolution Nos. 90-42 and 90-43, filed 9/20/90, effective 10/21/90)

WAC 131-16-400 Definition of "special funds" for the purpose of determining eligibility for tenurable faculty positions. (1) RCW 28B.50.851 authorizes the state board for community and technical colleges (~~(education)~~) to designate certain funds as "special funds" for the purpose of exempting positions funded thereby from the award of community college faculty tenure status as provided in RCW 28B.50.850 through 28B.50.869.

(2) For the purpose of implementing the provisions of RCW 28B.50.851, "special funds" shall be defined as all funds received by a (~~(community)~~) college district other than those generated by operating fees (~~(and special fees)~~) collected by such district pursuant to chapter 28B.15 RCW (~~(28B.15.100 and 28B.15.500)~~) and state general funds appropriated by the legislature and distributed to college districts by the state board by formula allocation.

(3) "Special funds" shall include, but not be limited to, funds designated as special funds by the legislature, funds

received by a community college district through contracts with federal, state, local, or private agencies; grants or gifts from philanthropic organizations; revenue produced by any auxiliary enterprise operated by a college district; federal vocational funds (~~(distributed by the commission for vocational education; adult basic education funds distributed by the superintendent of public instruction)~~); funds awarded to colleges by the state board as grants for specified purposes, not allocated by formula; and specifically funds received for operating overseas military educational programs.

(4) In order to qualify for the exemption from faculty tenure status, a position must be primarily maintained and funded at least 51% for salary and related benefits by such "special funds" as defined in this section.

(5) Determination of the application of the provisions of this section to any future programs shall be made by the state director consistent with subsections (2) and (3) of this section.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 131-16-210	Layoff unit defined.
WAC 131-16-220	Duration of reduction in force lists.

WSR 98-10-114

PROPOSED RULES

STATE BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Filed May 6, 1998, 11:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-21-012.

Title of Rule: Employee participation in political activities.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Governor's Executive Order 97-02 RE: Regulatory reform (updating of WACs).

Summary: See Title of Rule above.

Name of Agency Personnel Responsible for Drafting and Implementation: Sandy Wall, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, WA, (360) 586-2157; and Enforcement: Howard Fischer, Senior Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

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

Proposal Changes the Following Existing Rules: Minor changes to reflect current practice.

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: Yakima Valley College, 16th and Nob Hill, Yakima, WA, on June 18, 1998, at 10 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger by June 1, 1998, FAX (360) 586-6440.

Submit Written Comments to: C. Krueger, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504, FAX (360) 586-6440, by June 1, 1998.

Date of Intended Adoption: June 18, 1998.

May 6, 1998

Claire C. Krueger
Executive Assistant and
Agency Rules Coordinator

AMENDATORY SECTION (Amending Order 32, filed 12/13/74)

WAC 131-40-010 Political activities of state board staff. In the belief that citizen involvement in public affairs is basic to the effective functioning of government at all levels, it shall be the general policy of the state board for community and technical colleges ((education)) to encourage the participation of employees of the office of the state board in public affairs and the full exercise of their privileges and duties as citizens.

The purpose of the following provisions is to provide guidance to employees of the state board so that they may engage in political activity in a manner consistent with the policies of other state agencies, the laws of the state of Washington, and the United States code sections covering political activity of state employees engaged in activities funded in whole or in part by federal funds. Both classified and exempt employees shall be governed by these provisions.

(1) Solicitation for any partisan political purpose or any compulsory assessment or involuntary contribution is prohibited on state property.

(2) Employees shall have the right to vote and to express their opinions on all political subjects and candidates.

(3) Nothing in this section shall prohibit appointment, nomination or election or part-time public office in a political subdivision of the state when the holding of such office is not incompatible with, nor substantially interferes with, the discharge of official duties in state employment.

(4) Nothing in this section shall prohibit appointment, nomination or election to public office at the federal level, provided that upon such appointment or election to a full-time position the employee shall resign his state board position without claim of reinstatement and provided further that the requirements of the Hatch Act are met.

(5) The rules and regulations of the United States Civil Service Commission that pertain to political activities shall apply to any person employed through or otherwise engaged in the administration or operation of federal grant programs.

WSR 98-10-115

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 6, 1998, 11:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-107.

Title of Rule: Chrysanthemum white rust disease quarantine, chapter 16-471 WAC.

Purpose: To repeal the quarantine.

Statutory Authority for Adoption: RCW 17.24.041.

Statute Being Implemented: RCW 17.24.041.

Summary: The existing state quarantine was designed to complement a federal quarantine governing international and interstate shipment of possible hosts of chrysanthemum white rust. Since then the federal regulations have changed, state standards for plant health have been modified, and our knowledge of the disease has expanded. The current rule is outdated and no longer necessary.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, Assistant Director, 1111 Washington Street, Olympia, WA 98504, (360) 902-1907; Implementation and Enforcement: Tom Wessels, Plant Services Program Manager, 1111 Washington Street, Olympia, WA 98504, (360) 902-1984.

Name of Proponent: Thompson's Greenhouse and Skagit Gardens, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The existing state quarantine was designed to complement a federal quarantine governing international and interstate shipment of possible hosts of chrysanthemum white rust. Since then the federal regulations have changed, state standards for plant health have been modified, and our knowledge of the disease has expanded. The current rule is outdated and no longer necessary.

Proposal Changes the Following Existing Rules: It will repeal the existing chrysanthemum white rust quarantine.

No small business economic impact statement has been prepared under chapter 19.85 RCW. We are eliminating substantive regulatory requirements which are already covered under federal quarantine.

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

Hearing Location: Washington State Department of Agriculture, 1111 Washington Street N.E., 2nd Floor, Conference Room 259, Olympia, WA 98504, on June 22, 1998, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by June 15, 1998, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Mary Toohey, Assistant Director, Washington State Department of Agriculture, Lab Services Division, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2094, by June 22, 1998.

Date of Intended Adoption: July 7, 1998.

May 6, 1998
 Mary A. Martin Toohey
 Assistant Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-471-010 Definitions.
- WAC 16-471-015 Penalties.
- WAC 16-471-020 Quarantine—Chrysanthemum white rust disease.
- WAC 16-471-030 Area under quarantine.
- WAC 16-471-040 Regulated articles.
- WAC 16-471-050 Conditions governing the movement of regulated articles from an area under quarantine.
- WAC 16-471-060 Plant and plant parts to be destroyed or treated—Interval before replanting.
- WAC 16-471-070 Special permits and compliance agreements.
- WAC 16-471-080 Notice of quarantine—Notice of destruction.

**WSR 98-10-118
 PROPOSED RULES
 DEPARTMENT OF AGRICULTURE**

[Filed May 6, 1998, 11:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-069.

Title of Rule: Chapter 16-662 WAC, Weights and measures—National Handbooks.

Purpose: This rule would adopt current versions of National Institute of Standards and Technology (NIST) handbooks. Specifically NIST Handbook 130 entitled Uniform Laws and Regulations in the areas of legal metrology and motor fuel quality and NIST Handbook 44 titled Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices.

Statutory Authority for Adoption: RCW 19.94.195.

Statute Being Implemented: Chapter 19.94 RCW.

Summary: This rule adopts the 1998 versions of the NIST Handbook 130 and Handbook 44.

Reasons Supporting Proposal: Chapter 19.94 RCW requires the adoption of the most current handbooks and the change would bring the state requirements in conformance with current national standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jerry Buendel, 1111 Washington Street, Olympia, WA, (360) 902-1856.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule adopts the 1998 versions of NIST Handbook 130 and Handbook 44. Handbook 130 provides uniform regulations for method of sale, packaging and labeling and, specifies methods for conducting price verification inspections. Handbook 44 provides technical guidance on evaluation, inspection and tolerances for weighing and measuring devices. Changing to the current versions would achieve compliance with the statutory requirement for adopting the most current handbooks.

Proposal Changes the Following Existing Rules: The rule change would adopt the 1998 versions of Handbooks 130 and 144 [44] as required by chapter 19.94 RCW.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not require a statement because it does not impose any additional costs to small businesses under RCW 19.85.030.

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

Hearing Location: Natural Resources Building, 2nd Floor, Room 259, 1111 Washington Street, Olympia, WA 98504, on June 10, 1998, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by June 8, 1998, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Washington State Department of Agriculture, Jerry Buendel, Program Manager, P.O. Box 42560 or 1111 Washington Street, Olympia, WA 98504-2506, FAX (360) 902-2086, by 5:00 p.m.

Date of Intended Adoption: June 10, 1998.

May 6, 1998
 Julie C. Sandberg
 Assistant Director

AMENDATORY SECTION (Amending WSR 97-12-075, filed 6/4/97, effective 7/5/97)

WAC 16-662-105 Adoption—Weighing and measuring equipment requirements—Package checking—Packaging and labeling—Method of sale—Price verification.
 (1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment shall be those contained in the ((1997)) 1998 Edition of the National Institute of Standards and Technology (NIST) Handbook 44, published by the U.S. Department of Commerce, entitled the *National Institute of Standards and Technology Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices*.

(2) The procedures for checking the accuracy of the net contents of packaged goods shall be those contained in the Third Edition of National Bureau of Standards (NBS) Handbook 133 published by the United States Department of Commerce, entitled the *National Bureau of Standards Handbook 133 - Third Edition - Checking the Net Contents of Packaged Goods* as modified by NIST Handbook 133 Sup-

PROPOSED

plements 1, 2, 3, and 4, issued in 1990, 1991, 1992, and 1994 respectively.

(3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification shall be those contained in the ~~((1997))~~ 1998 Edition of National Institute of Standards and Technology Handbook 130, entitled the *NIST Handbook 130 - Uniform Laws And Regulations in the areas of legal metrology and motor fuel quality*, specifically:

(a) Weights and measures requirements for all food and nonfood commodities in package form shall be the *Uniform Packaging and Labeling Regulation* requirements as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ~~((1997))~~ 1998 Edition.

(b) Weights and measures requirements for the method of sale of food and nonfood commodities shall be those found in the *Uniform Regulation for the Method of Sale of Commodities* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ~~((1997))~~ 1998 Edition.

(c) Weights and measures requirements for price verification shall be the *Examination Procedures for Price Verification* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ~~((1997))~~ 1998 Edition.

AMENDATORY SECTION (Amending WSR 97-12-075, filed 6/4/97, effective 7/5/97)

WAC 16-662-115 Modifications to NIST Handbook 130. The following modifications are made to the *Uniform Regulation for the Method of Sale of Commodities* requirements published in NIST Handbook 130, identified in WAC 16-662-105 (3)(b):

(1) ~~((Section 2.5. Peat and Peat Moss. Modify Section 2.5.2.2. Cubic Measure by deleting the struck through words as follows: 2.5.2.2. Cubic Measure. Peat and peat moss sold in terms of cubic measures shall be offered and exposed for sale only in liters and/or cubic feet. If the commodity is labeled in terms of compressed cubic measurement, the quantity declaration shall represent the quantity in the compressed state.~~

(2)) Section 2.20. Gasoline-Oxygenate Blends. Delete Section 2.20 because requirements for this subject are addressed in RCW 19.94.505 and chapter 16-657 WAC.

~~((3))~~ (2) Section 2.23. Animal Bedding. Add a new subsection 2.23.1. Sawdust, Barkdust, Decorative Wood Particles, and Similar Products. As used in this subsection, "unit" means a standard volume equal to 200 cubic feet. Quantity representations for sawdust, barkdust, decorative wood particles, and similar loose bulk materials when advertised, offered for sale, or sold within the state of Washington shall be in terms of cubic measure or units and fractions thereof.

WSR 98-10-119

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 6, 1998, 11:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-067.

Title of Rule: Weights and measures—Liquefied petroleum gas, chapter 16-659 WAC.

Purpose: This rule would change the method of sale of propane in cylinders of less than 200 pounds water capacity to allow sales on an exchange basis.

Statutory Authority for Adoption: RCW 19.94.340, 19.94.390.

Statute Being Implemented: Chapter 19.94 RCW.

Summary: This rule permits the sale of propane in cylinders of less than 200 pounds water capacity to be sold by exchanging an empty or near empty tank for a filled one. The tank being sold would have to be labeled to indicate tank weight, product weight and to identify the facility at which the tank was filled.

Reasons Supporting Proposal: Selling propane to consumers on a tank exchange basis is a growing practice in other parts of the nation. This type of sale is viewed as a convenience to consumers and promotes the use of safe, approved propane tanks.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jerry Buendel, 1111 Washington Street, Olympia, WA, (360) 902-1856.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule permits the sale of propane on a tank exchange basis. This method of sale would make propane more widely available to consumers. Tanks sold on an exchange basis would bring a higher level of safety to propane gas users because the exchange system eliminates standard cylinders.

Proposal Changes the Following Existing Rules: Current rules require consumers to be credited for the fuel remaining in propane tanks at time of fill. This rule change would facilitate an alternate means for consumers to purchase propane. Under the new rule propane tanks could be exchanged at a variety of retail stores for a filled tank.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not require a statement because it does not impose any additional costs to small businesses under RCW 19.85.030.

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

Hearing Location: Natural Resources Building, 2nd Floor, Room 259, 1111 Washington Street, Olympia, WA 98504, on June 10, 1998, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by June 8, 1998, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Washington State Department of Agriculture, Jerry Buendel, Program Man-

ager, P.O. Box 42560 or 1111 Washington Street, Olympia, WA 98504-2506, FAX (360) 902-2086, by June 9, 5:00 p.m.

Date of Intended Adoption: June 10, 1998.

May 6, 1998

Julie C. Sandberg
Assistant Director

NEW SECTION

WAC 16-659-002 Purpose. The department of agriculture promulgates this chapter to implement the provisions of RCW 19.94.340. The provisions allow the director to issue reasonable rules as necessary to assure that the amounts of commodities sold are determined in accordance with good commercial practice and are determined and represented to be accurate and informative to all interested parties.

AMENDATORY SECTION (Amending Order 1142, filed 2/27/70, effective 4/1/70)

WAC 16-659-010 Liquefied petroleum gas. (1) Liquefied petroleum gas shall be sold or exposed for sale at retail only by avoirdupois weight, specified in pounds; liquid measure, specified in gallons; or vapor, specified in cubic feet.

(2) When sold by weight or by liquid measure or in units of cubic feet, it shall be dispensed and sold only by the use of such devices that conform to the ~~((specifications, tolerances, rules and regulations set forth in National Bureau of Standards Handbook 44, 3rd Edition))~~ requirements set forth in National Institute of Standards and Technology Handbook 44, edition specified in chapter 16-662 WAC.

(3) Liquefied petroleum gas sold or delivered to a consumer by liquid measure shall be corrected to a temperature of 60 F with an automatic correction device, or the quantity delivered shall be corrected to a temperature of 60 F in accordance with the volume correction factor table for liquefied petroleum gases set forth in subsection (6) of this chapter. When the delivery is made through a meter automatically corrected for temperature, the retail sales ticket shall show the meter adjusted gallons delivered and state that the temperature correction was made automatically. When the delivery is made through a meter not corrected automatically, the retail sales ticket shall show the metered gallons delivered and the temperature of the liquid at the time of delivery, the volume correction factor and the corrected gallonage: *Provided*, That this section shall be applicable to new equipment, equipment that has changed ownership or equipment used in the state of Washington for the first time after the effective date of this section. This subsection shall be applicable to all other equipment and with respect to the manual issuances of sales tickets as of January 1, 1969. This subsection shall not apply to unit sales or deliveries made direct to fuel tanks on trucks and automobiles operated on highways, or to containers of less than 200 pound water capacity.

(4) If a device is equipped with an automatic temperature compensator, this shall be connected, operable, and used at all times. Such automatic temperature compensator may not be removed, nor may a compensated device be replaced with an uncompensated device, without the written approval of the

weights and measures authority having jurisdiction over the device. Nothing in this subsection shall prohibit the removal of a meter or temperature compensator for repair providing notice of such removal for repair shall be given the weights and measures office in Olympia within three working days.

(5)(a) Containers, including I.C.C. cylinders, with water capacity less than 200 pounds, shall be charged and sold by weight or by metered measure, except containers excluded by law or regulation. The tare weight of the container and the net weight of the contents shall be plainly and conspicuously marked on the outside of the container or on a label firmly attached thereto. This subsection shall not be construed to require the net weight to be labeled on a container that is being filled at the time of sale. Tare weight shall not be construed to include the valve protecting cap which shall be removed when weighing. When liquefied petroleum gas is sold by the package or container ~~((, either))~~ by refilling of a container ~~((or an exchange of containers,))~~ the vendor shall give the purchaser full credit for the unused liquid remaining in the container being ~~((exchanged or))~~ refilled. When liquefied petroleum gas is sold by an exchange of containers the vendor shall specify conspicuously on a label firmly attached to the container the following: Tare weight of the container, the net weight of the contents and the name and address of the facility where the tank was filled. The address shall include the street address, city, state and zip code. Tare weight shall not be construed to include the valve protecting cap. The cap shall be removed when weighing.

(b) A delivery ticket shall be issued at the time of filling and shall set forth the exact amount of liquefied petroleum gas dispensed in terms of weight or if converted to gallons the weight factor used in such conversion. Any service charge shall be shown separately on the delivery ticket but may be included in the total price.

(c) When sold by weight, the tare weight, any unused portion and/or the net weight shall be determined only on devices that are adequately protected from wind and weather conditions that will assure normal accuracy.

(6) Volume correction factor table.

Specific Gravity at 60 F/60 F

[CODIFICATION NOTE: THE GRAPHIC PRESENTATION OF THESE TABLES HAS BEEN VARIED SLIGHTLY IN ORDER THAT THEY WOULD FALL WITHIN THE PRINTING SPECIFICATIONS FOR THE WASHINGTON ADMINISTRATIVE CODE. THE FOLLOWING TABLE WAS TOO WIDE TO BE ACCOMMODATED IN THE WIDTH OF THE WAC COLUMN. THE TABLE AS CODIFIED HAS BEEN DIVIDED INTO TWO TABLES COVERING THE "SPECIFIC GRAVITY AT 60 F/60 F." PART ONE IS FOR 0.500, 0.5079, 0.510, 0.520, 0.530, AND 0.540. PART TWO IS FOR 0.550, 0.560, 0.5631, 0.570, 0.580, AND 0.5844.]

[PART 1—0.500, 0.5079, etc.]

[PART 1—0.500, 0.5079, etc.]

Degrees Fahr	Propane					
	0.500	0.5079	0.510	0.520	0.530	0.540
VOLUME CORRECTION FACTORS						
-15	1.112	1.109	1.107	1.102	1.097	1.093
-10	1.105	1.102	1.100	1.095	1.091	1.087
- 5	1.098	1.094	1.094	1.078	1.085	1.081
0	1.092	1.088	1.088	1.084	1.080	1.076
2	1.089	1.086	1.085	1.081	1.077	1.074
4	1.086	1.083	1.082	1.079	1.075	1.071
6	1.084	1.080	1.080	1.076	1.072	1.069
8	1.081	1.078	1.077	1.074	1.070	1.066
10	1.078	1.075	1.074	1.071	1.067	1.064
12	1.075	1.072	1.071	1.068	1.064	1.061
14	1.072	1.070	1.069	1.066	1.062	1.059
16	1.070	1.067	1.066	1.063	1.060	1.056
18	1.067	1.065	1.064	1.061	1.057	1.054
20	1.064	1.062	1.061	1.058	1.054	1.051
22	1.061	1.059	1.058	1.055	1.052	1.049
24	1.058	1.056	1.055	1.052	1.049	1.046
26	1.055	1.053	1.052	1.049	1.047	1.044
28	1.052	1.050	1.049	1.047	1.044	1.041
30	1.049	1.047	1.046	1.044	1.041	1.039
32	1.046	1.044	1.043	1.041	1.038	1.036
34	1.043	1.041	1.040	1.038	1.036	1.034
36	1.039	1.038	1.037	1.035	1.033	1.031
38	1.036	1.035	1.034	1.032	1.031	1.029
40	1.033	1.032	1.031	1.029	1.028	1.026
42	1.030	1.029	1.028	1.026	1.025	1.023
44	1.027	1.026	1.025	1.023	1.022	1.021
46	1.023	1.022	1.022	1.021	1.020	1.018
48	1.020	1.019	1.019	1.018	1.017	1.016
50	1.017	1.016	1.016	1.015	1.014	1.013
52	1.014	1.013	1.012	1.012	1.011	1.010
54	1.010	1.010	1.009	1.009	1.008	1.007
56	1.007	1.007	1.006	1.006	1.005	1.005
58	1.003	1.003	1.003	1.003	1.003	1.002
60	1.000	1.000	1.000	1.000	1.000	1.000
62	0.997	0.997	0.997	0.997	0.997	0.997
64	0.993	0.993	0.994	0.994	0.994	0.994
66	0.991	0.990	0.990	0.990	0.991	0.992
68	0.986	0.986	0.987	0.987	0.988	0.989
70	0.983	0.983	0.984	0.984	0.985	0.986
72	0.979	0.980	0.981	0.981	0.982	0.983

Degrees Fahr	Propane					
	0.500	0.5079	0.510	0.520	0.530	0.540
VOLUME CORRECTION FACTORS						
74	0.976	0.975	0.977	0.978	0.980	0.980
76	0.972	0.973	0.974	0.975	0.977	0.978
78	0.969	0.970	0.970	0.972	0.974	0.975
80	0.965	0.966	0.967	0.969	0.971	0.972
82	0.961	0.963	0.963	0.966	0.968	0.969
84	0.957	0.959	0.960	0.962	0.965	0.966
86	0.954	0.956	0.956	0.959	0.961	0.964
88	0.950	0.952	0.953	0.955	0.958	0.961
90	0.946	0.949	0.949	0.952	0.955	0.958
92	0.942	0.945	0.946	0.949	0.952	0.955
94	0.938	0.941	0.942	0.946	0.949	0.952
96	0.935	0.938	0.939	0.942	0.946	0.949
98	0.931	0.934	0.935	0.939	0.943	0.946
100	0.927	0.930	0.932	0.936	0.940	0.943
105	0.918	0.920	0.923	0.927	0.932	0.935
110	0.907	0.911	0.913	0.918	0.923	0.927
115	0.897	0.901	0.904	0.910	0.915	0.920
120	0.887	0.892	0.894	0.900	0.907	0.912

To convert from measured volume at another temperature to net volume at 60°F: Measure the volume and temperature. Determine the gravity at 60°F. Refer to the column corresponding to this gravity and read the volume conversion factor opposite the observed temperature. Multiply the observed volume by this factor to obtain the volume at 60°F.

[PART 2—0.550, 0.560, etc.]

Degrees Fahr	iso-Butane				N-Butane	
	0.550	0.560	0.5631	0.570	0.580	0.5844
VOLUME CORRECTION FACTORS						
-15	1.089	1.084	1.083	1.080	1.077	1.075
-10	1.083	1.079	1.078	1.075	1.072	1.071
- 5	1.077	1.074	1.073	1.070	1.067	1.060
0	1.073	1.069	1.068	1.066	1.063	1.062
2	1.070	1.067	1.066	1.064	1.061	1.060
4	1.068	1.065	1.064	1.062	1.059	1.058
6	1.065	1.062	1.061	1.059	1.057	1.055
8	1.063	1.060	1.059	1.057	1.055	1.059
10	1.061	1.058	1.057	1.055	1.053	1.051

PROPOSED

[PART 2—0.550, 0.560, etc.]

[PART 2—0.550, 0.560, etc.]

Degrees Fahr	iso-Butane					N-Butane
	0.550	0.560	0.5631	0.570	0.580	0.5844
VOLUME CORRECTION FACTORS						
12	1.059	1.056	1.055	1.053	1.051	1.049
14	1.056	1.053	1.053	1.051	1.049	1.047
16	1.054	1.051	1.050	1.048	1.046	1.045
18	1.051	1.049	1.048	1.046	1.044	1.043
20	1.049	1.046	1.046	1.044	1.042	1.041
22	1.046	1.044	1.044	1.042	1.040	1.040
24	1.044	1.042	1.042	1.040	1.038	1.037
26	1.042	1.039	1.039	1.037	1.036	1.036
28	1.039	1.037	1.037	1.035	1.034	1.034
30	1.037	1.035	1.035	1.033	1.032	1.032
32	1.035	1.033	1.033	1.031	1.030	1.030
34	1.032	1.031	1.030	1.029	1.028	1.028
36	1.030	1.028	1.028	1.027	1.025	1.025
38	1.027	1.026	1.025	1.025	1.023	1.023
40	1.025	1.024	1.023	1.023	1.021	1.021
42	1.023	1.022	1.021	1.021	1.019	1.019
44	1.020	1.019	1.019	1.018	1.017	1.017
46	1.018	1.017	1.016	1.016	1.015	1.015
48	1.015	1.014	1.014	1.013	1.013	1.013
50	1.013	1.012	1.012	1.011	1.011	1.011
52	1.101	1.009	1.009	1.009	1.009	1.009
54	1.007	1.007	1.007	1.007	1.006	1.006
56	1.005	1.005	1.005	1.005	1.004	1.004
58	1.002	1.002	1.002	1.002	1.002	1.002
60	1.000	1.000	1.000	1.000	1.000	1.000
62	0.997	0.998	0.998	0.998	0.998	0.998
64	0.995	0.995	0.995	0.995	0.996	0.996
66	0.992	0.993	0.993	0.993	0.993	0.993
68	0.990	0.990	0.990	0.990	0.991	0.991
70	0.987	0.988	0.988	0.988	0.989	0.989
72	0.984	0.985	0.986	0.986	0.987	0.987
74	0.982	0.983	0.983	0.984	0.985	0.985
76	0.979	0.980	0.981	0.981	0.982	0.982
78	0.977	0.978	0.978	0.979	0.980	0.980
80	0.974	0.975	0.976	0.977	0.978	0.978
82	0.971	0.972	0.973	0.974	0.976	0.976
84	0.968	0.970	0.971	0.972	0.974	0.974
86	0.966	0.967	0.968	0.969	0.972	0.972
88	0.963	0.965	0.966	0.967	0.969	0.969
90	0.960	0.962	0.963	0.964	0.967	0.967

Degrees Fahr	iso-Butane					N-Butane
	0.550	0.560	0.5631	0.570	0.580	0.5844
VOLUME CORRECTION FACTORS						
92	0.957	0.959	0.960	0.962	0.964	0.965
94	0.954	0.957	0.958	0.959	0.962	0.962
96	0.952	0.954	0.955	0.957	0.959	0.960
98	0.949	0.952	0.953	0.954	0.957	0.957
100	0.946	0.949	0.950	0.952	0.954	0.955
105	0.939	0.943	0.943	0.946	0.949	0.949
110	0.932	0.936	0.937	0.939	0.943	0.944
115	0.925	0.930	0.930	0.933	0.937	0.938
120	0.918	0.923	0.924	0.927	0.931	0.932

PROPOSED

To convert from measured volume at another temperature to net volume at 60°F: Measure the volume and temperature. Determine the gravity at 60°F. Refer to the column corresponding to this gravity and read the volume conversion factor opposite the observed temperature. Multiply the observed volume by this factor to obtain the volume at 60°F.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-659-001 Promulgation.

**WSR 98-10-120
PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed May 6, 1998, 11:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-068.

Title of Rule: Retail pricing of motor and heating fuel, chapter 16-657 WAC.

Purpose: This rule would change the signage requirements for the posting of the alcohol content of motor fuel. Adopting the rule would bring the state in conformance with the standards and practices contained in National Institute of Standards and Technology Handbook 130.

Statutory Authority for Adoption: RCW 19.94.505.

Statute Being Implemented: Chapter 19.94 RCW.

Summary: This rule changes the requirements for the size of lettering used in posting alcohol blend gasolines from

one inch in height to lettering at least one-half inch in height and one-sixteenth in stroke.

Reasons Supporting Proposal: The change would bring the state requirements in conformance with national standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jerry Buendel, 1111 Washington Street, Olympia, WA (360) 902-1856.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule changes the requirements for the size of lettering used in posting alcohol blend gasolines from one inch in height to lettering at least one-half inch in height and one-sixteenth in stroke. The change would bring the state requirements in conformance with national standards.

Proposal Changes the Following Existing Rules: This rule changes the requirements for the size of lettering used in posting alcohol blend gasolines from one inch in height to lettering at least one-half inch in height and one-sixteenth in stroke.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not require a statement because it does not impose any additional costs to small businesses under RCW 19.85.030.

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

Hearing Location: Natural Resources Building, 2nd Floor, Room 259, 1111 Washington Street, Olympia, WA 98504, on June 10, 1998, at 11:30 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by June 8, 1998, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Washington State Department of Agriculture, Jerry Buendel, Program Manager, P.O. Box 42560 or 1111 Washington Street, Olympia, WA 98504-2506, FAX (360) 902-2086, by June 9, 5:00 p.m.

Date of Intended Adoption: June 10, 1998.

May 6, 1998

Julie C. Sandberg
Assistant Director

AMENDATORY SECTION (Amending Order 1829, filed 5/30/84)

WAC 16-657-040 Posting of alcohol blend gasolines.

(1) All retail motor fuel devices dispensing alcohol blend gasolines shall state on the face of the device that alcohol ingredients are contained therein. The statement shall disclose what alcohol products are included, i.e., methyl alcohol, ethyl alcohol, and the percentage of alcohol that is contained therein. The statement shall be conspicuously posted in ~~((gothic letters at least one inch in height))~~ letters at least one-half inch in height, at least one-sixteenth inch in stroke, in contrasting letters, in a location as to be easily seen by consumers and in the following format:

CONTAINS _____% ethyl/methyl ALCOHOL

(2) The percentage of alcohol disclosed on the dispensing device shall be the ratio between the amount of ethyl alcohol, or methyl alcohol including co-solvents or proprietary inhibitors, or any other alcohol, to the total product volume.

WSR 98-10-121

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed May 6, 1998, 11:43 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-18-075 Medical expense plans and 251-22-127 Medical expense plans.

Purpose: These rules pertain to medical expense plans which were adopted by the 1998 legislature.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: These rules implement the Voluntary Employees Benefit Association (VEBA) authorized by the 1998 legislature in HB 2371.

Name of Agency Personnel Responsible for Drafting: Sharon Peck, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules implement the Voluntary Employees Benefit Association (VEBA) authorized by the 1998 legislature in HB 2371.

Proposal Changes the Following Existing Rules: See above.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 11, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 4, 1998, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by June 9, 1998.

Date of Intended Adoption: June 11, 1998.

May 6, 1998

Dennis Karras
Secretary

NEW SECTION

WAC 356-18-075 Medical expense plans. (1) The employing agency may provide to eligible employees a medical expense plan that provides for reimbursement of medical expenses. Instead of cash out of sick leave at retirement as provided in WAC 356-18-050, the agency's head or designee may deposit equivalent funds in a medical expense plan for eligible employees. The medical expense plan must meet the requirements of the Internal Revenue Service.

(2) Medical expense plans shall be implemented only after consultation with affected groups of employees.

(a) Medical expense plans for eligible employees in any of the groups listed in (4) of this section, who are covered by a collective bargaining agreement shall be implemented only by written agreement with the bargaining unit's exclusive representative.

(b) A separate medical expense plan may be provided for unrepresented employees.

(3) As a condition of participation, the medical expense plan provided shall require that each covered eligible employee, sign an agreement with the employer. The agreement shall include the following provisions.

(a) A provision to hold the employer harmless should the United States government find that the employer or the employee is indebted to the United States as a result of:

(i) the employee not paying income taxes due on the equivalent funds placed into the plan, or

(ii) the employer did not withhold or deduct a tax, assessment, or other payment on funds placed into the plan as required by federal law.

(b) A provision to require each covered eligible employee to forfeit remuneration for accrued sick leave at retirement if the employee is covered by a medical expense plan and the employee refuses to sign the required agreement.

(4) Each medical expense plan offered by an agency shall apply to all eligible employees in any one of the following groups:

(a) Employees in an agency;

(b) Employees in a major organizational subdivision of an agency;

(c) Employees at a major operating location of an agency; or

(d) Classified employees in a bargaining unit established by the Washington personnel resources board.

(5) The following definitions are used for the medical expense plan.

(a) "Eligible employees" means all employees in a designated group in (4) of this section.

(b) "Covered eligible employee" means an eligible employee who is in a group for which the employing agency has established a medical expense plan.

(6) An established medical expense plan shall be applicable to all retirements of covered eligible employees within a calendar year. Such a medical expense plan may be discontinued in any future year, but once discontinued it may not be reinstated for the same group of eligible employees within the same calendar year as it was discontinued.

NEW SECTION

WAC 251-22-127 Medical expense plans. (1) The employing institution of higher education may provide to eligible employees a medical expense plan that provides for reimbursement of medical expenses. Instead of cash out of sick leave at retirement as provided in WAC 251-22-124, the higher education institution's head or designee may deposit equivalent funds in a medical expense plan for eligible employees. The medical expense plan must meet the requirements of the Internal Revenue Service.

(2) Medical expense plans shall be implemented only after consultation with affected groups of employees.

(a) Medical expense plans for eligible employees in any of the groups listed in (4) of this section, who are covered by a collective bargaining agreement shall be implemented only by written agreement with the bargaining unit's exclusive representative.

(b) A separate medical expense plan may be provided for unrepresented employees.

(3) As a condition of participation, the medical expense plan provided shall require that each covered eligible employee sign an agreement with the employer. The agreement shall include the following provisions.

(a) A provision to hold the employer harmless should the United States government find that the employer or the employee is indebted to the United States as a result of:

(i) the employee not paying income taxes due on the equivalent funds placed into the plan, or

(ii) the employer did not withhold or deduct a tax, assessment, or other payment on funds placed into the plan as required by federal law.

(b) A provision to require each covered eligible employee to forfeit remuneration for accrued sick leave at retirement if the employee is covered by a medical expense plan and the employee refuses to sign the required agreement.

(4) Each medical expense plan offered by a higher education institution shall apply to all eligible employees in any one of the following groups:

(a) Employees in a higher education institution;

(b) Employees in a major organizational subdivision of a higher education institution;

(c) Employees at a major operating location of a higher education institution; or

(d) Classified employees in a bargaining unit established by the Washington personnel resources board.

(5) The following definitions are used for the medical expense plan.

(a) "Eligible employees" means employees in a designated group in (4) of this section.

(b) "Covered eligible employee" means an eligible employee who is in a group for which the employing higher education institution has established a medical expense plan.

(6) An established medical expense plan shall be applicable to all retirements of covered eligible employees within a calendar year. Such a medical expense plan may be discontinued in any future year, but once discontinued it may not be reinstated for the same group of eligible employees within the same calendar year as it was discontinued.

WSR 98-10-122
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed May 6, 1998, 11:44 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-26-110 Certification—Actions required.

Purpose: This rule pertains to actions taken on certifications.

Statutory Authority for Adoption: Chapter 41.06 RCW.
 Statute Being Implemented: RCW 41.06.150.

Summary: This modification is housekeeping in nature and is needed to reflect current automated reporting programs.

Name of Agency Personnel Responsible for Drafting: Sharon Peck, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes what actions need to be taken on certifications.

Proposal Changes the Following Existing Rules: See above.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 11, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 4, 1998, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by June 9, 1998.

Date of Intended Adoption: June 11, 1998.

May 6, 1998
 Dennis Karras
 Secretary

AMENDATORY SECTION (Amending Order 40, filed 12/10/71)

WAC 356-26-110 Certification—Actions required.
 (~~Reports of actions taken on certified eligibles by the appointing authority shall be in writing to the director within ten working days following certification unless the director has specifically granted an extended time.~~) The Department of Personnel shall be notified by the appointing authority of

actions taken on certifications. Fair consideration must be given to all names certified.

The following actions are allowed and/or required:

(1) Appropriate appointment of one of the names certified.

(2) Request for additional names to replace names of eligibles who:

(a) Were considered, provided they were only from unranked registers.

(b) Waived consideration, which shall be confirmed by the director.

(c) Failed to reply within four days of notice to appear for consideration.

(d) Were not satisfactory for valid and pertinent reasons directly connected with the position as determined by the director from a written report by the appointing authority.

The preceding actions may be taken, provided the additional name or names do not cause the total number of names certified to exceed the number normally certified.

(3) Request for cancellation of the certification in accordance with WAC 356-26-050.

WSR 98-10-124
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed May 6, 1998, 11:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-05-074.

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

Purpose: RCW 84.33.091 requires that the stumpage value tables rule be revised twice annually. WAC 458-40-660 is being amended to provide the proposed stumpage values for the second half of 1998. Large harvesters of timber use these values to calculate the timber excise tax on harvested timber.

Statutory Authority for Adoption: RCW 82.32.330 and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: The rule contains eight tables of stumpage values. These eight tables represent the areas in the state in which timber is harvested. Each table breaks out the values by timber species, quality, and a downward adjustment for hauling. The rule also contains two harvest adjustment tables for the volume per acre which is harvested, logging conditions, remote island harvesting, and thinning. In addition, the rule also contains a domestic market adjustment table for some timber which is not sold by a competitive bidding process and that is prohibited from export.

Reasons Supporting Proposal: RCW 84.33.091 requires the values provided in this rule be revised twice a year.

Name of Agency Personnel Responsible for Drafting: Ed Ratcliffe, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 586-3505; Implementation and Enforcement: Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

Name of Proponent: Department of Revenue, 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: The amendment of WAC 458-40-660 complies with RCW 84.33.091 that requires the department to publish stumpage values on a semi-annual basis. The tables set out for each stumpage value area the amount that each species or subclassification of timber would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Timber harvesters, other than small harvesters, use the tables as a basis for calculating the amount of timber excise tax owed.

Proposal Changes the Following Existing Rules: See explanation above. Values are updated.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Updating the stumpage value tables are required by law. The rule does not impose a responsibility or require a small business to perform something that is not already required by law.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. These are significant legislative rules pursuant to RCW 34.05.328 (5)(a)(i).

Hearing Location: Department of Revenue, Conference Room, Target Place Building, No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on June 10, 1998, at 10 a.m.

Assistance for Persons with Disabilities: Contact Janet Schilter by June 3, 1998, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: Ed Ratcliffe, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by June 10, 1998.

Date of Intended Adoption: June 30, 1998.

May 4, 1998
 Russell W. Brubaker
 Assistant Director

AMENDATORY SECTION (Amending WSR 98-02-015, filed 12/30/97, effective 1/1/98)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This section sets forth the stumpage value tables and the stumpage value adjustments that are used to calculate the amount of timber excise tax owed by a timber harvester.

(2) **Stumpage value tables.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((January)) July 1 through ((June 30)) December 31, 1998:

((TABLE 1—Stumpage Value Table
 Stumpage Value Area 1
 January 1 through June 30, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$842	\$835	\$828	\$821	\$814
		2	680	673	666	659	652
		3	629	622	615	608	601
		4	421	414	407	400	393
Western Redcedar ²	RC	1	782	775	768	761	754
		2	754	747	740	733	726
		3	694	687	680	673	666
		4	651	644	637	630	623
Western Hemlock ³	WH	1	431	424	417	410	403
		2	395	388	381	374	367
		3	379	372	365	358	351
		4	282	275	268	261	254
Other Conifer	OC	1	431	424	417	410	403
		2	395	388	381	374	367
		3	379	372	365	358	351
		4	282	275	268	261	254
Red Alder	RA	1	194	187	180	173	166
		2	148	141	134	127	120
		3	36	29	22	15	8
Black Cottonwood	BC	1	50	43	36	29	22
		2	28	21	14	7	+
		3	20	13	6	+	+
Other Hardwood	OH	1	136	129	122	115	108
		2	95	88	81	74	67
		3	37	30	23	16	9
Douglas fir Poles and Piles	DFL	1	944	937	930	923	916
Western Redcedar Poles and Piles	RCL	1	944	937	930	923	916
Chipwood ⁴	CHW	1	+	+	+	+	+
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25

PROPOSED

**(TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1998**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

[†] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per ton.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1998**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$665	\$658	\$651	\$644	\$637
		2	625	618	611	604	597
		3	603	596	589	582	575
		4	264	257	250	243	236
Western Redcedar ²	RC	1	782	775	768	761	754
		2	754	747	740	733	726
		3	694	687	680	673	666
		4	651	644	637	630	623
Western Hemlock ³	WH	1	410	403	396	389	382
		2	398	391	384	377	370
		3	372	365	358	351	344
		4	306	299	292	285	278
Other Conifer	OC	1	410	403	396	389	382
		2	398	391	384	377	370
		3	372	365	358	351	344
		4	306	299	292	285	278
Red Alder	RA	1	194	187	180	173	166
		2	148	141	134	127	120
		3	36	29	22	15	8
Black Cottonwood	BC	1	50	43	36	29	22

**TABLE 3—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1998**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Other Hardwood	OH	1	136	129	122	115	108
		2	95	88	81	74	67
		3	37	30	23	16	9
Douglas fir Poles and Piles	DFL	1	944	937	930	923	916
Western Redcedar Poles and Piles	RCL	1	944	937	930	923	916
Chipwood ⁴	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

[†] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per ton.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1998**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$698	\$691	\$684	\$677	\$670
		2	640	633	626	619	612
		3	422	415	408	401	394

PROPOSED

TABLE 3 - Stumpage Value Table

² Includes Alaska Cedar.
³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴ Stumpage value per ton.
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

TABLE 4 - Stumpage Value Table
 Stumpage Value Area 4
 January 1 through June 30, 1998

Species Name	Species Code				Stumpage Values per Thousand Board Feet Net Scribner Log Scale ¹	
	Quality	Distance	Zone	Number		
Douglas Fir ²	+	1	\$698	\$691	\$677	\$670
	2	2	670	663	656	649
	3	3	639	632	625	618
	4	4	488	481	474	467
	4	4	629	622	615	608
Western Hemlock ³	+	1	421	414	407	400
	2	2	421	414	407	400
	3	3	388	381	374	367
	4	4	270	263	256	249
	4	4	388	381	374	367
Lodgepole Pine	+	1	215	208	201	194
	1	1	403	396	389	382
	2	2	270	263	256	249
	2	2	412	405	398	391
	3	3	389	382	375	368
Ponderosa Pine	+	1	403	396	389	382
	1	1	782	775	768	761
	2	2	754	747	740	733
	3	3	694	687	680	673
	4	4	651	644	637	630
Western Redcedar ²	+	1	782	775	768	761
	1	1	412	405	398	391
	2	2	412	405	398	391
	3	3	389	382	375	368
	4	4	290	283	276	269
Other Center	+	1	412	405	398	391
	1	1	412	405	398	391
	2	2	412	405	398	391
	3	3	389	382	375	368
	4	4	290	283	276	269
Black Cottonwood	+	1	50	43	36	29
	1	1	50	43	36	29
	2	2	28	21	14	7
	3	3	20	13	6	1
	4	4	28	21	14	7
Red Alder	+	1	194	187	180	173
	1	1	194	187	180	173
	2	2	148	141	134	127
	3	3	148	141	134	127
	4	4	148	141	134	127
Other Hardwood	+	1	136	129	122	115
	1	1	136	129	122	115
	2	2	95	88	81	74
	3	3	37	30	23	16
	4	4	95	88	81	74
Douglas Fir Poles and Piles	+	1	944	937	930	923
	1	1	944	937	930	923
	2	2	412	405	398	391
	3	3	389	382	375	368
	4	4	290	283	276	269
Western Redcedar Poles and Piles	+	1	944	937	930	923
	1	1	944	937	930	923
	2	2	412	405	398	391
	3	3	389	382	375	368
	4	4	290	283	276	269
Chipwood ⁴	+	1	303	296	289	282
	1	1	303	296	289	282
	2	2	148	141	134	127
	3	3	148	141	134	127
	4	4	148	141	134	127
RC Shake Blocks	+	1	121	114	107	100
	1	1	121	114	107	100
	2	2	95	88	81	74
	3	3	37	30	23	16
	4	4	95	88	81	74
RC & Other Posts ⁵	+	1	0.45	0.45	0.45	0.45
	1	1	0.45	0.45	0.45	0.45
	2	2	0.25	0.25	0.25	0.25
	3	3	0.50	0.50	0.50	0.50
	4	4	0.25	0.25	0.25	0.25
BF Christmas Trees ⁶	+	1	0.50	0.50	0.50	0.50
	1	1	0.50	0.50	0.50	0.50
	2	2	0.25	0.25	0.25	0.25
	3	3	0.50	0.50	0.50	0.50
	4	4	0.25	0.25	0.25	0.25
Log scale conversions Western and Eastern Washington - See conversion methods WAC 458-40-684 and 458-40-686.	+	1	0.50	0.50	0.50	0.50
	1	1	0.50	0.50	0.50	0.50
	2	2	0.25	0.25	0.25	0.25
	3	3	0.50	0.50	0.50	0.50
	4	4	0.25	0.25	0.25	0.25

PROPOSED

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1998

Species Name	Species Code	Hauling					
		Quality	Distance	Zone	Number	Stumpage Value	
Western Redcedar Poles and Piles	RCP	+	944	937	930	923	916
Chipwood ⁵	CHW	+	+	+	+	+	+
RC Shake-Blocks	RCS	+	303	296	289	282	275
RC Shingle-Blocks	RCP	+	121	114	107	100	93
RC & Other Posts ⁶	RCP	+	0.45	0.45	0.45	0.45	0.45
DP Christmas Trees ⁷	DPX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	TPX	+	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per ton.
⁶ Stumpage value per 8 lined foot or portion thereof.
⁷ Stumpage value per lined foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1998

Species Name	Species Code	Hauling					
		Quality	Distance	Zone	Number	Stumpage Value	
Douglas Fir ²	DF	+	\$665	\$658	\$651	\$644	\$637
DP Christmas Trees ⁷	DPX	+	636	629	622	615	608
RC Shingle-Blocks	RCP	+	512	505	498	491	484
Other Christmas Trees ⁷	TPX	+	342	335	328	321	314
Lodgepole Pine	LP	+	215	208	201	194	187
Ponderosa Pine	PP	+	403	396	389	382	375
Western Redcedar ³	RC	+	782	775	768	761	754

¹ Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per ton.
⁶ Stumpage value per 8 lined foot or portion thereof.
⁷ Stumpage value per lined foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1998

Species Name	Species Code	Hauling					
		Quality	Distance	Zone	Number	Stumpage Value	
Western Hemlock ⁴	WH	+	394	387	380	373	366
Other Conifer	OC	+	394	387	380	373	366
Red Alder	RA	+	194	187	180	173	166
Black Cottonwood	BC	+	50	43	36	29	22
Other Hardwood	OH	+	136	129	122	115	108
Douglas fir Poles and Piles	DFP	+	944	937	930	923	916
Chipwood ⁵	CHW	+	+	+	+	+	+
RC Shake-Blocks	RCS	+	303	296	289	282	275
RC Shingle-Blocks	RCP	+	121	114	107	100	93
RC & Other Posts ⁶	RCP	+	0.45	0.45	0.45	0.45	0.45
DP Christmas Trees ⁷	DPX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	TPX	+	0.50	0.50	0.50	0.50	0.50

¹ Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per ton.
⁶ Stumpage value per 8 lined foot or portion thereof.
⁷ Stumpage value per lined foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1998

Species Name	Species Code	Hauling					
		Quality	Distance	Zone	Number	Stumpage Value	
Douglas Fir ²	DF	+	\$665	\$658	\$651	\$644	\$637
DP Christmas Trees ⁷	DPX	+	636	629	622	615	608
RC Shingle-Blocks	RCP	+	512	505	498	491	484
Other Christmas Trees ⁷	TPX	+	342	335	328	321	314
Lodgepole Pine	LP	+	215	208	201	194	187
Ponderosa Pine	PP	+	403	396	389	382	375
Western Redcedar ³	RC	+	782	775	768	761	754

¹ Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

² Includes Western Larch.
³ Includes Alaska Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per ton.
⁶ Stumpage value per 8 lined foot or portion thereof.
⁷ Stumpage value per lined foot.

Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.

**TABLE 6—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1998**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	+	\$362	\$355	\$348	\$341	\$334
Engelmann Spruce	ES	+	217	210	203	196	189
Lodgepole Pine	LP	+	215	208	201	194	187
Ponderosa Pine	PP	+	403	396	389	382	375
		2	270	263	256	249	242
Western Redcedar ³	RC	+	382	375	368	361	354
True Firs ⁴	WH	+	227	220	213	206	199
Western White Pine	WP	+	402	395	388	381	374
Hardwoods	OH	+	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	+	516	509	502	495	488
Small Logs ⁵	SML	+	28	27	26	25	24
Chipwood ⁵	CHW	+	+	+	+	+	+
RC Shake & Shingle Blocks	RCF	+	92	85	78	71	64
LP & Other Posts ⁶	LPP	+	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁷	PX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	+	0.25	0.25	0.25	0.25	0.25

[†] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁸ Stumpage value per lineal foot.

**TABLE 7—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1998**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	+	\$306	\$299	\$292	\$285	\$278
Engelmann Spruce	ES	+	217	210	203	196	189
Lodgepole Pine	LP	+	215	208	201	194	187
Ponderosa Pine	PP	+	403	396	389	382	375
		2	295	288	281	274	267
Western Redcedar ³	RC	+	382	375	368	361	354
True Firs ⁴	WH	+	255	248	241	234	227
Western White Pine	WP	+	402	395	388	381	374
Hardwoods	OH	+	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	+	516	509	502	495	488
Small Logs ⁵	SML	+	21	20	19	18	17
Chipwood ⁵	CHW	+	+	+	+	+	+
RC Shake & Shingle Blocks	RCF	+	92	85	78	71	64
LP & Other Posts ⁶	LPP	+	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁷	PX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	+	0.25	0.25	0.25	0.25	0.25

[†] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁸ Stumpage value per lineal foot.

PROPOSED

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$684	\$677	\$670	\$663	\$656
		2	656	649	642	635	628
		3	625	618	611	604	597
		4	474	467	460	453	446
Lodgepole Pine	LP	1	215	208	201	194	187
Ponderosa Pine	PP	1	403	396	389	382	375
		2	270	263	256	249	242
Western Redcedar ³	RC	1	768	761	754	747	740
		2	740	733	726	719	712
		3	680	673	666	659	652
		4	637	630	623	616	609
Western Hemlock ⁴	WH	1	398	391	384	377	370
		2	398	391	384	377	370
		3	375	368	361	354	347
		4	276	269	262	255	248
Other Conifer	OC	1	398	391	384	377	370
		2	398	391	384	377	370
		3	375	368	361	354	347
		4	276	269	262	255	248
Red Alder	RA	1	180	173	166	159	152
		2	134	127	120	113	106
		3	22	15	8	1	1
Black Cottonwood	BC	1	36	29	22	15	8
		2	14	7	1	1	1
		3	6	1	1	1	1
Other Hardwood	OH	1	122	115	108	101	94
		2	81	74	67	60	53
		3	23	16	9	2	1
Douglas fir Poles and Piles	DFL	1	930	923	916	909	902
Western Redcedar Poles and Piles	RCL	1	930	923	916	909	902
Chipwood ⁵	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[†]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	TFX	1	0.50	0.50	0.50	0.50	0.50

[†] Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.))

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$616	\$609	\$602	\$595	\$588
		2	606	599	592	585	578
		3	564	557	550	543	536
		4	303	296	289	282	275
Western Redcedar ²	RC	1	1281	1274	1267	1260	1253
		2	950	943	936	929	922
		3	781	774	767	760	753
		4	737	730	723	716	709
Western Hemlock ³	WH	1	401	394	387	380	373
		2	375	368	361	354	347
		3	357	350	343	336	329
		4	279	272	265	258	251
Other Conifer	OC	1	401	394	387	380	373
		2	375	368	361	354	347
		3	357	350	343	336	329
		4	279	272	265	258	251

PROPOSED

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Red Alder	RA	1	212	205	198	191	184
		2	161	154	147	140	133
		3	119	112	105	98	91
Black Cottonwood	BC	1	62	55	48	41	34
		2	25	18	11	4	1
		3	22	15	8	1	1
Other Hardwood	OH	1	141	134	127	120	113
		2	98	91	84	77	70
		3	60	53	46	39	32
Douglas-fir Poles	DFL	1	986	979	972	965	958
Western Redcedar Poles	RCL	1	986	979	972	965	958
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska-Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁴ Stumpage value per 8 lineal feet or portion thereof.

⁵ Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$616	\$609	\$602	\$595	\$588

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Red Alder	RA	2	554	547	540	533	526
		3	530	523	516	509	502
		4	295	288	281	274	267
Western Redcedar ²	RC	1	1281	1274	1267	1260	1253
		2	950	943	936	929	922
		3	781	774	767	760	753
Western Hemlock ³	WH	1	401	394	387	380	373
		2	393	386	379	372	365
		3	379	372	365	358	351
Other Conifer	OC	4	291	284	277	270	263
		1	401	394	387	380	373
		2	393	386	379	372	365
Red Alder	RA	3	379	372	365	358	351
		4	291	284	277	270	263
		1	212	205	198	191	184
Black Cottonwood	BC	2	161	154	147	140	133
		3	119	112	105	98	91
		1	62	55	48	41	34
Other Hardwood	OH	2	25	18	11	4	1
		3	22	15	8	1	1
		1	141	134	127	120	113
Douglas-fir Poles	DFL	1	986	979	972	965	958
Western Redcedar Poles	RCL	1	986	979	972	965	958
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

PROPOSED

² Includes Alaska-Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁴ Stumpage value per 8 lineal feet or portion thereof.

⁵ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$616	\$609	\$602	\$595	\$588
		2	534	527	520	513	506
		3	484	477	470	463	456
		4	336	329	322	315	308
Western Redcedar ³	RC	1	1281	1274	1267	1260	1253
		2	950	943	936	929	922
		3	781	774	767	760	753
		4	737	730	723	716	709
Western Hemlock ⁴	WH	1	401	394	387	380	373
		2	378	371	364	357	350
		3	354	347	340	333	326
		4	248	241	234	227	220
Other Conifer	OC	1	401	394	387	380	373
		2	378	371	364	357	350
		3	354	347	340	333	326
		4	248	241	234	227	220
Red Alder	RA	1	212	205	198	191	184
		2	161	154	147	140	133
		3	119	112	105	98	91
Black Cottonwood	BC	1	62	55	48	41	34
		2	25	18	11	4	1
		3	22	15	8	1	1
Other Hardwood	OH	1	141	134	127	120	113
		2	98	91	84	77	70
		3	60	53	46	39	32
Douglas-fir Poles	DFL	1	986	979	972	965	958
Western Redcedar Poles	RCL	1	986	979	972	965	958
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$737	\$730	\$723	\$716	\$709
		2	586	579	572	565	558
		3	517	510	503	496	489
		4	361	354	347	340	333
Lodgepole Pine	LP	1	217	210	203	196	189
Ponderosa Pine	PP	1	538	531	524	517	510
		2	235	228	221	214	207
Western Redcedar ³	RC	1	1281	1274	1267	1260	1253
		2	950	943	936	929	922
		3	781	774	767	760	753
		4	737	730	723	716	709
Western Hemlock ⁴	WH	1	401	394	387	380	373
		2	396	389	382	375	368
		3	374	367	360	353	346

PROPOSED

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		4	288	281	274	267	260
Other Conifer	OC	1	401	394	387	380	373
		2	396	389	382	375	368
		3	374	367	360	353	346
		4	288	281	274	267	260
Red Alder	RA	1	212	205	198	191	184
		2	161	154	147	140	133
		3	119	112	105	98	91
Black Cottonwood	BC	1	62	55	48	41	34
		2	25	18	11	4	1
		3	22	15	8	1	1
Other Hardwood	OH	1	141	134	127	120	113
		2	98	91	84	77	70
		3	60	53	46	39	32
Douglas-fir Poles	DFL	1	986	979	972	965	958
Western Redcedar Poles	RCL	1	986	979	972	965	958
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TEX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$616	\$609	\$602	\$595	\$588
		2	574	567	560	553	546
		3	532	525	518	511	504
		4	379	372	365	358	351
Lodgepole Pine	LP	1	217	210	203	196	189
Ponderosa Pine	PP	1	538	531	524	517	510
		2	235	228	221	214	207
Western Redcedar ³	RC	1	1281	1274	1267	1260	1253
		2	950	943	936	929	922
		3	781	774	767	760	753
		4	737	730	723	716	709
Western Hemlock ⁴	WH	1	401	394	387	380	373
		2	363	356	349	342	335
		3	324	317	310	303	296
		4	290	283	276	269	262
Other Conifer	OC	1	401	394	387	380	373
		2	363	356	349	342	335
		3	324	317	310	303	296
		4	290	283	276	269	262
Red Alder	RA	1	212	205	198	191	184
		2	161	154	147	140	133
		3	119	112	105	98	91
Black Cottonwood	BC	1	62	55	48	41	34
		2	25	18	11	4	1
		3	22	15	8	1	1
Other Hardwood	OH	1	141	134	127	120	113
		2	98	91	84	77	70
		3	60	53	46	39	32
Douglas-fir Poles	DFL	1	986	979	972	965	958
Western Redcedar Poles	RCL	1	986	979	972	965	958
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45

PROPOSED

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	IFX	1	0.50	0.50	0.50	0.50	0.50

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Western Larch.
- ³ Includes Alaska-Cedar.
- ⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
- ⁵ Stumpage value per 8 lineal feet or portion thereof.
- ⁶ Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$281	\$274	\$267	\$260	\$253
Engelmann Spruce	ES	1	211	204	197	190	183
Lodgepole Pine	LP	1	217	210	203	196	189
Ponderosa Pine	PP	1	538	531	524	517	510
		2	235	228	221	214	207
Western Redcedar ³	RC	1	417	410	403	396	389
True Firs ⁴	WH	1	269	262	255	248	241
Western White Pine	WP	1	420	413	406	399	392
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	27	26	25	24	23
Chipwood	CHW	1	1	1	1	1	1

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
RC Shake & Shingle Blocks	RCE	1	92	85	78	71	64
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Western Larch.
- ³ Includes Alaska-Cedar.
- ⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.
- ⁵ Stumpage value per 8 lineal feet or portion thereof.
- ⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- ⁷ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$281	\$274	\$267	\$260	\$253
Engelmann Spruce	ES	1	211	204	197	190	183
Lodgepole Pine	LP	1	217	210	203	196	189
Ponderosa Pine	PP	1	538	531	524	517	510
		2	235	228	221	214	207
Western Redcedar ³	RC	1	417	410	403	396	389
True Firs ⁴	WH	1	269	262	255	248	241
Western White Pine	WP	1	420	413	406	399	392
Hardwoods	OH	1	50	43	36	29	22

PROPOSED

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	20	19	18	17	16
Chipwood	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁷ Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$723	\$716	\$709	\$702	\$695
		2	572	565	558	551	544
		3	503	496	489	482	475
		4	347	340	333	326	319
Lodgepole Pine	LP	1	217	210	203	196	189
Ponderosa Pine	PP	1	538	531	524	517	510
		2	235	228	221	214	207
Western Redcedar ³	RC	1	1267	1260	1253	1246	1239

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 1998

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock ⁴	WH	1	936	929	922	915	908
		2	767	760	753	746	739
		3	723	716	709	702	695
Other Conifer	OC	1	387	380	373	366	359
		2	382	375	368	361	354
		3	360	353	346	339	332
		4	274	267	260	253	246
Red Alder	RA	1	198	191	184	177	170
		2	147	140	133	126	119
		3	105	98	91	84	77
Black Cottonwood	BC	1	48	41	34	27	20
		2	11	4	1	1	1
		3	8	1	1	1	1
Other Hardwood	OH	1	127	120	113	106	99
		2	84	77	70	63	56
		3	46	39	32	25	18
Douglas-fir Poles	DFL	1	972	965	958	951	944
Western Redcedar Poles	RCL	1	972	965	958	951	944
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TEX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as White Fir.

PROPOSED

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

(3) **Harvest value adjustments.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in subsection (2) of this section for the designated stumpage value areas. See WAC 458-40-670 for more information about these adjustments.

The following harvest adjustment tables are hereby adopted for use during the period of ((~~January~~)) July 1 through ((~~June 30~~)) December 31, 1998:

**TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
((~~January~~)) July 1 through ((~~June 30~~)) December 31, 1998**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Most of the harvest unit has less than 30% slope. No significant rock outcrops or swamp barriers.	\$ 0.00
Class 2	Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.	- \$17.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	- \$145.00

Note: A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.

III. Remote island adjustment:

For timber harvested from a remote island - \$50.00

IV. Thinning (see WAC 458-40-610(21))

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1	Average log volume of 50 board feet or more.	- \$25.00
Class 2	Average log volume of less than 50 board feet.	-\$125.00

**TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
((~~January~~)) July 1 through ((~~June 30~~)) December 31, 1998**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Most of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Most of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$20.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$30.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	- \$145.00
Note: A Class 2 adjustment may be used for slopes less than ((30%)) <u>40%</u> when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.		
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00

TABLE 11—Domestic Market Adjustment

Public Timber

Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

PROPOSED

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

Private Timber

Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

Class 1:	SVA's 1 through 6, and 10	\$0.00 per MBF
Class 2:	SVA 7	\$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

PROPOSED



WSR 98-10-034
EXPEDITED ADOPTION
DEPARTMENT OF ECOLOGY
 [Order 98-04—Filed April 27, 1998, 11:22 a.m.]

Title of Rule: Chapter 173-400 WAC, General regulations for air pollution sources and chapter 173-460 WAC, Controls for new sources of toxic air pollutants.

Purpose: The purpose of this action is to update the state air quality regulations to incorporate by reference without change federal requirements and to update associated references. The air quality program must keep this regulation current by updating it regularly to incorporate new federal regulations as they are adopted.

Statutory Authority for Adoption: RCW 70.94.860, 70.94.510, and 70.94.331.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: The rule adopts federal requirements by reference for businesses that emit hazardous air pollutants covered by the MACT standards, or maximum achievable control technology requirements and NESHAPs, or national emission standards for hazardous air pollutants; and requirements covering the air emissions of sewage sludge incinerators. To ensure the rule remains useful and comprehensive, references for the associated test methods are updated, and one typographical error is changed.

Reasons Supporting Proposal: This rule is necessary for the state to implement, enforce and receive delegation of several federal programs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Elena Guilfoil, Olympia, (360) 407-6855.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule adopts federal requirements that Washington must be able to enforce in order to receive or retain delegation of the federal air toxics and operating permit programs. In addition, the proposal corrects references and associated requirements to ensure the rules remain useful. The overall effect of this proposal is to improve the air quality in Washington state.

Proposal Changes the Following Existing Rules: The proposal:

(1) Adds requirements for businesses that emit hazardous air pollutants covered by the MACT standards, or maximum achievable control technology requirements. This includes implementing Section 112(g) of the federal Clean Air Act which covers some new source MACT determinations for new and rebuilt major sources. Some of these regulations were incorrectly adopted in 1996 so they must be repropoed;

(2) Updates the adoption date of the requirements for businesses that must follow the national emission standards for hazardous air pollutants or NESHAPs;

(3) Adds requirements for air emissions for sewage sludge incinerators. These rules were incorrectly adopted in 1996 so they are being repropoed;

(4) Updates references to the applicable test methods businesses must follow to ensure the state rule remains useful and comprehensive; and

(5) Clarifies that the requirements for perchloroethylene dry cleaners in WAC 173-400-075 meet the control technology requirements in the control for new sources of toxic air pollutants in WAC 173-460-060.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY July 4, 1998.

April 24, 1998

Dan Silver

Deputy Director

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

WAC 173-400-060 Emission standards for general process units. General process units are required to meet all applicable provisions of WAC 173-400-040 and, no person shall cause or permit the emission of particulate material from any general process operation in excess of 0.23 grams per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas. EPA test methods from 40 CFR (~~Appendix A which are adopted by reference~~) parts 51, 60, 61, and 63 and any other approved test procedures which are contained in ecology's "Source Test Manual - Procedures For Compliance Testing" as of July 12, 1990, will be used to determine compliance.

AMENDATORY SECTION (Amending Order 94-35, filed 9/13/96, effective 10/14/96)

WAC 173-400-070 Emission standards for certain source categories. Ecology finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the maximum allowable standards for emissions units within the categories listed. Except as specifically provided in this section, such emissions units shall not be required to meet the provisions of WAC 173-400-040, 173-400-050 and 173-400-060.

(1) Wigwam burners.

(a) All wigwam burners shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7).

(b) All wigwam burners shall use RACT. All emissions units shall be operated and maintained to minimize emis-

sions. These requirements may include a controlled tangential vent overfire air system, an adequate underfire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by ecology or the authority.

(c) It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in WAC 173-400-040 and 173-400-050, except operating hours.

(d) Ecology may establish additional requirements for wigwam burners located in sensitive areas as defined by chapter 173-440 WAC. These requirements may include but shall not be limited to:

(i) A requirement to meet all provisions of WAC 173-400-040 and 173-400-050. Wigwam burners will be considered to be in compliance if they meet the requirements contained in WAC 173-400-040(1). An exception is made for a startup period not to exceed thirty minutes in any eight consecutive hours.

(ii) A requirement to apply BACT.

(iii) A requirement to reduce or eliminate emissions if ecology establishes that such emissions unreasonably interfere with the use and enjoyment of the property of others or are a cause of violation of ambient air standards.

(2) Hog fuel boilers.

(a) Hog fuel boilers shall meet all provisions of WAC 173-400-040 and 173-400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. This practice is to be scheduled for the same specific times each day and ecology or the authority shall be notified of the schedule or any changes.

(b) All hog fuel boilers shall utilize RACT and shall be operated and maintained to minimize emissions.

(3) Orchard heating.

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

(b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.

(4) Grain elevators.

Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of WAC 173-400-040 (2), (3), (4), and (5).

(5) Catalytic cracking units.

(a) All existing catalytic cracking units shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7) and:

(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds forty percent opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.

(b) All new catalytic cracking units shall meet all provisions of WAC 173-400-115.

(6) Other wood waste burners.

(a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 173-400-040.

(b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.

(7) Sulfuric acid plants.

No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H₂SO₄, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H₂SO₄.

(8) Sewage sludge incinerators. ~~((The))~~ Standards for the incineration of sewage sludge ~~((, as listed))~~ found in 40 CFR part 503 subparts A ~~((-))~~ (General Provisions) and ~~((subpart))~~ E ~~((-))~~ (Incineration) in effect on July 1, 1997, are ~~((hereby))~~ adopted by reference ~~((as proposed on (add proposal date)))~~.

AMENDATORY SECTION (Amending Order 94-35, filed 9/13/96, effective 10/14/96)

WAC 173-400-075 Emission standards for sources emitting hazardous air pollutants. (1) ~~((The emission standards for hazardous air pollutants promulgated by the United States Environmental Protection Agency (EPA) as in effect on date of adoption, as contained in Title 40, Code of Federal Regulations, Part 61))~~ National emission standards for hazardous air pollutants (NESHAPs). NESHAPs and Appendices found in 40 CFR part 61 in effect on April 1, 1998, are adopted by reference. The term "administrator" in 40 CFR part 61 ((shall mean both the administrator of EPA and)) includes the director of ecology.

(2) Ecology or the authority may conduct source tests and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants regulated under 40 CFR parts 61 and 63 in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Source testing, monitoring, and analytical methods for sources of hazardous air pollutants ~~((such as: Asbestos, benzene from fugitive emission sources, beryllium, mercury, or vinyl chloride))~~ shall conform with the requirements of ~~((Title 40, Code of Federal Regulations,))~~ 40 CFR parts 61 ((as promulgated prior to January 1, 1993)) and 63.

(4) This section shall not apply to any source operating pursuant to a waiver granted by EPA or an exemption granted by the president of the United States during the effective life of such waiver or exemption.

(5) ~~((National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, as proposed on March 1, 1996, hereby set standards of the maximum achievable control technology (MACT) standards affecting facilities for the following described subparts of Title 40 CFR, Part 63-))~~ Maximum achievable control technology (MACT) standards. MACT standards are officially known as national emission standards for hazardous air pollutants for source categories. They are found in 40 CFR part 63.

(a) Adopt by reference. This list of federal MACT standards and Appendices in 40 CFR part 63 in effect on April 1, 1998, is adopted by reference. The term "administrator" in 40 CFR part 63 includes the director of ecology.

- Subpart A ~~((NESHAPs for Source Categories:))~~ General Provisions
- Subpart B Requirements for Control Technology Determinations for Major Sources According to Section 112(g) and 112(j) of the federal Clean Air Act
- Subpart D Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants
- Subpart F NESHAPs for the Synthetic Organic Chemical Manufacturing Industry (a/k/a HON)
- Subpart G NESHAPs for the Synthetic Organic Chemical Manufacturing Industry: Process Vents, Storage Vessels, Transfer Operations, and Wastewater
- Subpart H NESHAPs for the Synthetic Organic Chemical Manufacturing Industry: Equipment Leaks
- Subpart I NESHAPs for Processes Subject to the Negotiated Regulation for Equipment Leaks
- Subpart L NESHAPs for ~~((Source Categories and))~~ Coke Oven Batteries: Charging, topside and door leaks
- Subpart N NESHAPs for Chromium Electroplating and Anodizing
- Subpart O NESHAPs for Commercial ~~((Ethylene Oxide))~~ Sterilizers
- Subpart Q NESHAPs for Industrial Process Cooling Towers
- Subpart R NESHAPs ~~((Source Categories:))~~ for Gasoline Distribution/Marketing (stage 1)
- Subpart T NESHAPs for Halogenated Solvent Cleaning Machines
- Subpart U NESHAPs for Group I Polymers and Resins
- Subpart W NESHAPs for Epoxy Resins Production and Non-Nylon Polyamides Production
- Subpart X NESHAPs for the Secondary Lead Smelters
- Subpart CC NESHAPs for the Petroleum Refinery Industry
- Subpart DD NESHAPs from Off-site Waste and Recovery Treatment Operation

- Subpart EE NESHAPs for Magnetic Tape Manufacturing Operations
- Subpart GG NESHAPs for the Aerospace Manufacturing and Rework Facilities
- Subpart II NESHAPs for Shipbuilding and Repair (surface coating)
- Subpart JJ NESHAPs for Wood Furniture Manufacturing Operations
- Subpart KK NESHAPs for Printing and Publishing Industry
- Subpart OO NESHAPs for Tanks-level 1
- Subpart PP NESHAPs for Containers
- Subpart QQ NESHAPs for Surface Impoundments
- Subpart RR NESHAPs for Individual Drain Systems
- Subpart VV NESHAPs for Oil-Water Separators and Organic Water Separators
- Appendix A Test Methods
- Appendix B Sources Defined for Early Reduction Provisions
- Appendix C Determination of the Fraction Biodegraded in a Biological Treatment Unit
- Appendix D Alternative Validation procedure for EPA Waste and Wastewater Methods

(b) Exceptions. The following subparts of 40 CFR part 63 are not adopted by reference:

- Subpart C List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, source Category List
- Subpart E Approval of State Programs and Delegation of Federal Authorities
- Subpart M National Perchloroethylene Emission Standards for Dry Cleaning Facilities
- Subpart S National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
- Subpart Y National Emission Standards for Hazardous Air Pollutants for Marine Tank Vessel Loading Operations
- Subpart LL National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants

(6) Emission Standards for Perchloroethylene Dry Cleaners.

(a) Policy and purpose. It is not the intent of this section to place any additional burden on the generator beyond the federal MACT. Instead, the purpose of this section is to provide the reader with a clearer and more concise regulation.

(b) Applicability. This section applies to all dry cleaning systems using perchloroethylene (PCE). The standards that

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apply to this section fall into the following source categories as presented in Table 1.

TABLE 1. Perchloroethylene Dry Cleaner NESHAP Source Categories

Applicability	Small Area Sources	Large Area Sources	Major Sources
Dry cleaning Facilities with	Consuming less than:	Consuming between:	Consuming more than:
(1) Only Dry-to-Dry Machines	140 gallons PCE/yr	140-2,100 gallons PCE/yr	2,100 gallons PCE/yr
(2) Only Transfer Machines	200 gallons PCE/yr	200-1,800 gallons PCE/yr	1,800 gallons PCE/yr
(3) Both Dry-to-Dry and Transfer Machines	140 gallons PCE/yr	140-1,800 gallons PCE/yr	1,800 gallons PCE/yr

(c) General requirements. It shall be unlawful for any person to cause or allow the operation of a large area or major source perchloroethylene dry cleaning system unless all the air-perchloroethylene gas-vapor stream is vented through a refrigerated condenser. A major source dry cleaning system installed after September 21, 1993, must utilize a refrigerated condenser followed by a small carbon adsorber. It shall be unlawful for any person to cause or allow the operation of a small area source dry cleaning system installed after September 21, 1993, unless all the air-perchloroethylene dry cleaning system is vented through a refrigerated condenser.

(d) General operation and maintenance requirements. It shall be unlawful for any person to cause or allow the operation of any perchloroethylene dry cleaning system unless all of the following conditions are met:

(i) All perchloroethylene dry cleaners who generate seventy-five thousand dollars per year in revenue must conduct a visual inspection of the dry cleaning system at least once a week for perceptible leaks. Perceptible leaks shall be repaired within twenty-four hours of detection unless repair parts cannot be ordered within that period of time. If parts must be ordered to repair a leak, the parts shall be ordered within two working days of detecting the leak and repair parts shall be installed within five working days after receipt;

(ii) Drain cartridge filters in their housing or other sealed container for at least twenty-four hours before discarding the cartridges;

(iii) Close the door of each dry cleaning machine except when transferring articles to or from the machine;

(iv) Store all perchloroethylene, and wastes containing perchloroethylene, in a closed container; and

(v) Operate and maintain the dry cleaning system according to the manufacturer's specification and recommendations.

(e) Requirements for refrigerated condensers. It shall be unlawful for any person to cause or allow the operation of any perchloroethylene dry cleaning system using a refrigerated condenser unless all of the following conditions are met:

(i) The air temperature at the outlet of the refrigerated condenser installed on a dry-to-dry machine, dryer or reclaimer must be less than or equal to 45°F (7°C) during the cool-down period. Compliance shall be determined by monitoring the temperature on a continuous basis using a perma-

nently installed temperature sensor that is accurate to within 2°F (1°C). The temperature shall be logged weekly;

(ii) The difference between the air temperature at the inlet and outlet of a refrigerated condenser installed on a washer must be greater than or equal to 20°F (11°C). Compliance shall be determined by monitoring the temperature on a continuous basis using a permanently installed temperature sensor that is accurate to within 2°F (1°C). The temperature shall be logged weekly. If the dry cleaning system was constructed before December 9, 1991, temperature sensors shall be installed by September 23, 1996;

(iii) The refrigerated condenser shall be operated with a diverter valve that prevents air drawn into the dry cleaning machine from passing through the refrigerated condenser when the door of the machines is open; and

(iv) The refrigerated condenser shall not vent the air-perchloroethylene gas-vapor stream while the dry cleaning machine drum is rotating or, if installed on a washer, until the washer door is opened.

(f) Requirements for carbon adsorbers. It shall be unlawful for any person to cause or allow the operation of any perchloroethylene dry cleaning system using a carbon adsorber unless all of the following conditions have been met:

(i) The concentration of perchloroethylene at the exhaust of the carbon adsorber shall not exceed 100 ppm while the dry cleaning machine is venting to the carbon adsorber at the end of the last dry cleaning cycle prior to desorption of the carbon adsorber; and

(ii) Compliance shall be determined by weekly measurements of the concentration of perchloroethylene at the outlet of the carbon adsorber using a colorimetric detector tube that is accurate to within 25 ppm. If the dry cleaning system was constructed before December 9, 1991, monitoring shall commence by September 23, 1996.

(g) Recordkeeping. Each dry cleaning facility shall have on-site the design specifications and operating manuals for all perchloroethylene dry cleaning equipment and process vent control devices, as well as an operations and maintenance plan that includes the following:

(i) A record of dates and results of all monitoring, inspections, and repair of the dry cleaning system; and

(ii) A record of the volume of perchloroethylene purchased each month including receipts of perchloroethylene purchases and a calculation of the amount of perchloroethylene purchased over the previous twelve months.

(h) A record shall be kept of any pollution prevention activities that have been accomplished.

(i) Major source requirements. If the dry cleaning system is located at a facility that emits 10 tons or more of perchloroethylene annually, the facility must meet the additional requirements set forth in 40 CFR Part 63, Subpart M.

AMENDATORY SECTION (Amending Order 94-35, filed 9/13/96, effective 10/14/96)

WAC 173-400-105 Records, monitoring, and reporting. The owner or operator of a source shall upon notification by the director of ecology, maintain records on the type and quantity of emissions from the source and other information

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deemed necessary to determine whether the source is in compliance with applicable emission limitations and control measures.

(1) Emission inventory. The owner(s) or operator(s) of any air contaminant source shall submit an inventory of emissions from the source each year. The inventory may include stack and fugitive emissions of particulate matter, PM_{10} , sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and other contaminants, and shall be submitted (when required) no later than one hundred five days after the end of the calendar year. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards.

(2) Monitoring. Ecology shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

As a part of this program, the director of ecology or an authorized representative may require any source under the jurisdiction of ecology to conduct stack and/or ambient air monitoring and to report the results to ecology.

(3) Investigation of conditions. Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from ecology or an authority shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families.

(4) Source testing. To demonstrate compliance, ecology or the authority may conduct or require that a test be conducted of the source using approved EPA methods from 40 CFR parts 51, 60 (~~Appendix A which are adopted by reference~~), 61 and 63, or approved procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, as of July 12, 1990, on file at ecology. The operator of a source may be required to provide the necessary platform and sampling ports for ecology personnel or others to perform a test of an emissions unit. Ecology shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(5) Continuous monitoring and recording. Owners and operators of the following categories of sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) Fossil fuel-fired steam generators.

(i) Opacity, except where:

(A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input; or

(B) Only gaseous fuel is burned.

(ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million BTU per hour heat input or if sulfur dioxide control equipment is not required.

(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average

capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to ecology or the authority by the owner(s) or operator(s).

(b) Sulfuric acid plants.

Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where steam generator capacity is less than one hundred million BTU per hour heat input.

(ii) Continuous monitoring equipment. The requirements of (e) of this subsection do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by (d) of this subsection shall be subject to approval by ecology.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this chapter shall demonstrate to ecology or the authority, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5, promulgated October 6, 1975, and amended November 7, 1986, which is adopted by reference.

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, ecology determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

(g) Exemptions. This subsection (5) does not apply to any source which is:

(i) Subject to a new source performance standard. These sources will be governed by WAC 173-400-115.

(ii) Not subject to an applicable emission standard.

(h) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this chapter during periods of monitoring system malfunctions provided that the source owner(s) or operator(s) shows to the satisfaction of ecology or the authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

(6) Change in raw materials or fuels for sources not subject to requirements of the operating permit program. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by subsection (1) of this section shall require the submittal of sufficient information to ecology or the authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. Ecology or the

authority may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice.

(7) No person shall make any false materials statement, representation or certification in any form, notice or report required under chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto.

(8) No person shall render inaccurate any monitoring device or method required under chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

AMENDATORY SECTION (Amending Order 96-01, filed 12/23/97, effective 1/23/98)

WAC 173-400-110 New source review (NSR). (1) **Applicability.** This section, WAC 173-400-112 and 173-400-113 apply state-wide except where an authority has adopted and is implementing its own new source review regulation and those regulations are incorporated into the state implementation plan.

(2) **Projects subject to NSR.** A notice of construction application must be filed by the owner or operator and an order of approval issued by ecology or an authority prior to the establishment of any new source, except for those sources exempt under subsection (4) or (5) of this section.

For purposes of this section "establishment" shall mean to begin actual construction, as that term is defined in WAC 173-400-030(9), and "new source" shall include any modification to an existing stationary source, as defined in WAC 173-400-030(44). Notwithstanding any other subsection of this section, a notice of construction application must be filed and an order of approval issued by ecology or an authority prior to establishment of any of the following new sources:

(a) Any project that qualifies as construction, reconstruction or modification of an affected facility, within the meaning of 40 CFR Part 60 (New Source Performance Standards) (except Part AAA, Wood stoves);

(b) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (except for asbestos demolition and renovation projects subject to 40 CFR 61.145);

(c) Any project that qualifies as a new source within the meaning of 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants);

(d) Any project that qualifies as a major stationary source, as defined in WAC 173-400-030(41), or a major modification, as defined in WAC (~~173-400-040~~) 173-400-030(40);

(e) Any project that requires an increase in a plant-wide cap or unit specific emission limit.

(3) New source review of a modification shall be limited to the emission unit or units proposed to be added to an existing source or modified and the air contaminants whose emissions would increase as a result of the modification.

(4) **Emission unit and activity exemptions.**

Except as provided in subsection (2) of this section, establishment of a new emission unit that falls within one of the categories listed below is exempt from new source review. Modification of any emission unit listed below is exempt from new source review, provided that the modified unit continues to fall within one of the listed categories. The installation or modification of a unit exempt under this subsection does not require the filing of a Notice of Construction Application.

(a) Maintenance/construction:

(i) Cleaning and sweeping of streets and paved surfaces;

(ii) Concrete application, and installation;

(iii) Dredging wet spoils handling and placement;

(iv) Paving application and maintenance, excluding asphalt plants;

(v) Plant maintenance and upkeep activities (grounds keeping, general repairs, routine house keeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);

(vi) Plumbing installation, plumbing protective coating application and maintenance activities;

(vii) Roofing application;

(viii) Insulation application and maintenance, excluding products for resale;

(ix) Janitorial services and consumer use of janitorial products.

(b) Storage tanks:

Note: It can be difficult to determine requirements for storage tanks. Ecology strongly recommends that an owner or operator contact ecology or the authority to determine the exemption status of storage tanks prior to their installation.

(i) Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;

(ii) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;

(iii) Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;

(iv) Process and white water storage tanks;

(v) Operation, loading and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than 260 gallon capacity (35 cft);

(vi) Operation, loading and unloading of storage tanks, ≤ 1100 gallon capacity, with lids or other appropriate closure, not for use with materials containing toxic air pollutants, as defined in chapter 173-460 WAC, max. VP 550 mm Hg @21°C;

(vii) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas with a vessel capacity less than 40,000 gallons;

(viii) Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids.

(c) A project with combined aggregate heat inputs of combustion units, ≤ all of the following:

(i) ≤ 500,000 Btu/hr using coal with ≤ 0.5% sulfur or other fuels with ≤ 0.5% sulfur;

(ii) $\leq 500,000$ Btu/hr used oil, per the requirements of RCW 70.94.610;

(iii) $\leq 400,000$ Btu/hr wood waste or paper;

(iv) $< 1,000,000$ Btu/hr using kerosene, #1, or #2 fuel oil and with $\leq 0.05\%$ sulfur;

(v) $\leq 4,000,000$ Btu/hr using natural gas, propane, or LPG.

(d) Material handling:

(i) Continuous digester chip feeders;

(ii) Grain elevators not licensed as warehouses or dealers by either the Washington state department of agriculture or the U.S. Department of Agriculture;

(iii) Storage and handling of water based lubricants for metal working where organic content of the lubricant is $\leq 10\%$;

(iv) Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallon, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @ 21°C , with lids or other appropriate closure.

(e) Water treatment:

(i) Septic sewer systems, not including active wastewater treatment facilities;

(ii) NPDES permitted ponds and lagoons used solely for the purpose of settling suspended solids and skimming of oil and grease;

(iii) De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;

(iv) Process water filtration system and demineralizer vents;

(v) Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;

(vi) Demineralizer tanks;

(vii) Alum tanks;

(viii) Clean water condensate tanks.

(f) Environmental chambers and laboratory equipment:

(i) Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;

(ii) Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;

(iii) Installation or modification of a single laboratory fume hood;

(iv) Laboratory calibration and maintenance equipment.

(g) Monitoring/quality assurance/testing:

(i) Equipment and instrumentation used for quality control/assurance or inspection purpose;

(ii) Hydraulic and hydrostatic testing equipment;

(iii) Sample gathering, preparation and management;

(iv) Vents from continuous emission monitors and other analyzers.

(h) Miscellaneous:

(i) Single-family residences and duplexes;

(ii) Plastic pipe welding;

(iii) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;

(iv) Comfort air conditioning;

(v) Flares used to indicate danger to the public;

(vi) Natural and forced air vents and stacks for bathroom/toilet activities;

(vii) Personal care activities;

(viii) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;

(ix) Tobacco smoking rooms and areas;

(x) Noncommercial smokehouses;

(xi) Blacksmith forges for single forges;

(xii) Vehicle maintenance activities, not including vehicle surface coating;

(xiii) Vehicle or equipment washing (see (c) of this subsection for threshold for boilers);

(xiv) Wax application;

(xv) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;

(xvi) Ozone generators and ozonation equipment;

(xvii) Solar simulators;

(xviii) Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted;

(xix) Electrical circuit breakers, transformers, or switching equipment installation or operation;

(xx) Pulse capacitors;

(xxi) Pneumatically operated equipment, including tools and hand held applicator equipment for hot melt adhesives;

(xxii) Fire suppression equipment;

(xxiii) Recovery boiler blow-down tank;

(xxiv) Screw press vents;

(xxv) Drop hammers or hydraulic presses for forging or metal working;

(xxvi) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;

(xxvii) Kraft lime mud storage tanks and process vessels;

(xxviii) Lime grits washers, filters and handling;

(xxix) Lime mud filtrate tanks;

(xxx) Lime mud water;

(xxxi) Stock cleaning and pressurized pulp washing down process of the brown stock washer;

(xxxii) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;

(xxxiii) Nontoxic air pollutant, as defined in chapter 173-460 WAC, solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm Hg @ 21°C ;

(xxxiv) Surface coating, aqueous solution or suspension containing $\leq 1\%$ (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;

(xxxv) Cleaning and stripping activities and equipment using solutions having $\leq 1\%$ VOCs (by weight); on metallic substances, acid solutions are not exempt;

(xxxvi) Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC.

(5) Exemptions based on emissions thresholds.

(a) Except as provided in subsection (2) of this section and in this subsection:

(i) A new emissions unit that has a potential to emit below each of the threshold levels listed in the table contained in (d) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.

(ii) A modification to an existing emissions unit that increases the unit's actual emissions by less than each of the threshold levels listed in the table contained in (d) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.

(b) The owner or operator seeking to exempt a project from new source review under this section shall notify, and upon request, file a brief project summary with ecology or the authority prior to beginning actual construction on the project. If ecology or the authority determine that the project will have more than a de Minimus impact on air quality, ecology or the authority may require the filing of a notice of construction application. Ecology or the authority may require the owner or operator to demonstrate that the emissions increase from the new emissions unit is smaller than all of the thresholds listed below.

(c) The owner/operator may begin actual construction on the project thirty-one days after ecology or the authority receive the summary, unless ecology or the authority notifies the owner/operator within thirty days that the proposed new source requires a notice of construction application.

(d) Exemption threshold table:

POLLUTANT	THRESHOLD LEVEL (TONS PER YEAR)
(a) Total Suspended Particulates	1.25
(b) PM10	0.75
(c) Sulfur Oxides	2.0
(d) Nitrogen Oxides	2.0
(e) Volatile Organic Compounds, total	2.0
(f) Carbon Monoxide	5.0
(g) Lead	0.005
(h) Ozone Depleting Substances in Aggregate (the sum of Class I and/or Class II substances as defined in FCAA Title VI and 40 CFR Part 82)	1.0
(i) Toxic Air Pollutants	As specified in chapter 173-460 WAC.

(6) **Completeness determination.** Within thirty days of receipt of a notice of construction application, ecology or the authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary, based upon review of

information already supplied, to complete the application. For a project subject to PSD review under WAC 173-400-141 a completeness determination includes a determination that the application provides all information required to conduct PSD review.

(7) Final determination.

(a) Within sixty days of receipt of a complete application, ecology or the authority shall either issue a final decision on the application or, for those projects subject to public notice, initiate notice and comment procedures under WAC 173-400-171 on a proposed decision, followed as promptly as possible by a final decision.

(b) A person seeking approval to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the notice of construction application required by this section. A notice of construction application designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines.

(c) Every final determination on a notice of construction application shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of ecology or the authority.

(d) If the new source is a major stationary source or the change is a major modification, ecology or the authority shall submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearing-house maintained by EPA.

(8) **Appeals.** An order of approval, any conditions contained in an order of approval, or the denial of a notice of construction application may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW. Ecology or the authority shall promptly mail copies of each order approving or denying a notice of construction application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising parties of their rights of appeal to the Pollution Control Hearings Board and, where applicable, to the EPA Environmental Appeals Board.

(9) **Portable sources.** For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction application, providing that the owner(s) or operator(s) notifies ecology or the authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable ecology or the authority to determine that the operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time (one year or less) and ecology or the authority may set specific conditions for operation during that period. A temporary source shall be required to comply with all applicable emission standards.

(10) **Construction time limitations.** Approval to construct or modify a stationary source shall become invalid if

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construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. Ecology or the authority may extend the eighteen-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen months of the projected and approved commencement date.

(11) Change of conditions.

(a) The owner or operator may request, at any time, a change in conditions of an approval order and ecology or the authority may approve such a request provided ecology or the authority finds that:

(i) The change in conditions will not cause the air contaminant source to exceed an emissions standard;

(ii) No ambient air quality standard or PSD increment will be exceeded as a result of the change;

(iii) The change will not adversely impact the ability of ecology or the authority to determine compliance with an emissions standard; and

(iv) The revised order will continue to require BACT, as defined at the time of the original approval, for each new source approved by the order except where the Federal Clean Air Act requires LAER.

(b) Actions taken under this subsection are subject to the public involvement provisions of WAC 173-400-171.

(c) This rule does not prescribe the exact form such requests must take. However, if the request is filed as a notice of construction application, that application shall be acted upon using the timelines found in subsections (6) and (7) of this section. The fee schedule found in WAC 173-400-116 shall also apply to requests filed as notice of construction applications.

AMENDATORY SECTION (Amending Order 97-38, filed 2/2/98, effective 3/5/98)

WAC 173-460-060 Control technology requirements.

Except as provided for in WAC 173-460-040, a person shall not establish, operate, or cause to be established or operated any new toxic air pollutant source which is likely to increase TAP emissions without installing and operating T-BACT. Satisfaction of the performance requirements listed below fulfill the T-BACT requirement for those particular sources. Local air pollution authorities may develop and require performance requirements in lieu of T-BACT provided that ecology approves the performance requirements as equivalent to T-BACT.

(1) Perchloroethylene dry cleaners. The requirements for perchloroethylene dry cleaners found in WAC 173-400-075 are considered T-BACT.

(2) Petroleum solvent dry cleaning systems. A petroleum solvent dry cleaning system shall include the following:

(a) All cleaned articles are dried in a solvent recovery dryer or the entire dryer exhaust is vented through a properly functioning control device which will reduce emissions to no more than 3.5 kg of VOC per 100 kg dry weight of cleaned articles; and

(b) All cartridge filtration systems are drained in their sealed housing or other enclosed container before discarding the cartridges; and

(c) All leaking components shall be repaired immediately.

~~((2))~~ (3) Chromic acid plating and anodizing. The facility-wide uncontrolled hexavalent chromium emissions from plating or anodizing tanks shall be reduced by at least ninety-five percent using either of the following control techniques:

(a) An antimist additive or other equally effective control method approved by ecology or authority; or

(b) The tank is equipped with:

(i) A capture system which represents good engineering practice and which shall be in place and in operation at all times electrical current is applied to the tank; and

(ii) An emission control system which limits hexavalent chromium emissions to no more than 0.15 milligrams per ampere-hour of electrical charge applied to the tank or uncontrolled emissions shall be reduced by ninety-five percent.

~~((3))~~ (4) Chromic acid plating and anodizing (greater than 1 kilogram). If the facility-wide hexavalent chromium emissions from chromic acid plating and anodizing are greater than 1 kilogram per year after the application of control techniques required by subsection ~~((2))~~ (3) of this section, the facility-wide hexavalent chromium emissions shall be reduced by at least ninety-nine percent using either of the following control techniques:

(a) An antimist additive or other equally effective control method approved by ecology or authority; or

(b) The tank is equipped with:

(i) A capture system which represents good engineering practice and which shall be in place and in operation at all times electrical current is applied to the tank; and

(ii) An emissions control system which limits hexavalent chromium emissions to no more than 0.03 milligrams per ampere-hour of electrical charge applied to the tank or uncontrolled emissions shall be reduced by ninety-nine percent.

~~((4))~~ (5) Solvent metal cleaners.

(a) Any solvent metal cleaner shall include all of the following equipment:

(i) A cover for the solvent tank which shall be closed at all times except when processing work in the degreaser. However, the cover shall be closed to the maximum extent possible when parts are being degreased;

(ii) A facility for draining cleaned parts such that the drained solvent is returned to the solvent tank;

(iii) For cold solvent cleaners, a freeboard ratio greater than or equal to 0.75;

(iv) Vapor degreasers shall have:

(A) A high vapor cutoff thermostat with manual reset; and

(B) For degreasers with spray devices, a vapor-up thermostat which will allow spray operation only after the vapor zone has risen to the design level; and

(C) Either a freeboard ratio greater than or equal to 1.00 or a refrigerated freeboard chiller; and

(v) Conveyorized vapor degreasers shall have:

(A) A drying tunnel or a rotating basket sufficient to prevent cleaned parts from carrying liquid solvent out of the degreaser; and

(B) A high vapor cutoff thermostat with manual reset; and

(C) A vapor-up thermostat which will allow conveyor movement only after the vapor zone has risen to the design vapor level.

(b) The operation of any solvent metal cleaner shall meet the following requirements:

(i) Solvent shall not leak from any portion of the degreasing equipment;

(ii) Solvent, including waste solvent, shall be stored in closed containers and shall be disposed of in such a manner as to prevent its evaporation into the atmosphere;

(iii) For cold cleaners, cleaned parts shall be drained until dripping ceases; and

(iv) Degreasers shall be constructed to allow liquid solvent from cleaned parts to drain into a trough or equivalent device and return to the solvent tank.

(c) For open-top vapor degreasers, solvent drag-out shall be minimized by the following measures:

(i) Racked parts shall be allowed to drain fully;

(ii) The work load shall be degreased in the vapor zone until condensation ceases;

(iii) Spraying operations shall be done within the vapor layer;

(iv) When using a powered hoist, the vertical speed of parts in and out of the vapor zone shall be less than three meters per minute (ten feet per minute);

(v) When the cover is open, the lip of the degreaser shall not be exposed to steady drafts greater than 15.3 meters per minute (fifty feet per minute); and

(vi) When equipped with a lip exhaust, the fan shall be turned off when the cover is closed.

(d) For conveyorized vapor degreasers, solvent drag-out shall be minimized by the following measures:

(i) Racked parts shall be allowed to drain fully; and

(ii) Vertical conveyor speed shall be maintained at less than three meters per minute (ten feet per minute).

~~((5))~~ (6) Abrasive blasting.

(a) Abrasive blasting shall be performed inside a booth or hangar designed to capture the blast grit or overspray.

(b) Outdoor blasting of structures or items too large to be reasonably handled indoors shall employ control measures such as curtailment during windy periods and enclosure of the area being blasted with tarps.

(c) Outdoor blasting shall be performed with either steel shot or an abrasive containing less than one percent (by mass) which would pass through a No. 200 sieve.

(d) All abrasive blasting with sand shall be performed inside a blasting booth or cabinet.

Purpose: Updates basic health plan definition of income to reflect recent legislative changes.

Statutory Authority for Adoption: RCW 70.47.050.

Statute Being Implemented: Chapter 70.47 RCW.

Summary: SHB 2556 revised RCW 70.47.060(9) to specifically exempt DSHS adoption support payments when calculating a family's gross family income to determine basic health premium. Basic health's definition of income under WAC 182-25-010(17) is revised to reflect that change.

Reasons Supporting Proposal: This change makes basic health plan rules consistent with legislation.

Name of Agency Personnel Responsible for Drafting: Rosanne Reynolds, Lacey, Washington, (360) 923-2948; Implementation and Enforcement: Jerry Barnett, Lacey, Washington, (360) 412-4274.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Basic health's definition of income is changed to exclude funds received through the DSHS adoption support program. This is consistent with the requirements of SHB 2556.

Proposal Changes the Following Existing Rules: Excludes adoption support payments from the definition of income.

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 Rosanne Reynolds, Health Care Authority, Basic Health Plan, P.O. Box 42683, Olympia, WA 98504-2683, AND RECEIVED BY July 3, 1998.

May 4, 1998

Elin Meyer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-07-002, filed 3/5/98, effective 4/5/98)

WAC 182-25-010 Definitions. The following definitions apply throughout these rules.

(1) "Administrator" means the administrator of the Washington state health care authority (HCA) or designee.

(2) "Appeal procedure" means a formal written procedure for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction.

(3) "Basic health plan" (or BHP) means the system of enrollment and payment on a prepaid capitated basis for basic

WSR 98-10-086

EXPEDITED ADOPTION

HEALTH CARE AUTHORITY

(Basic Health Plan)

[Filed May 5, 1998, 11:17 a.m.]

Title of Rule: Washington basic health plan.

health care services administered by the administrator through managed health care systems.

(4) "BHP plus" means the program of expanded benefits available to children through coordination between the department of social and health services (DSHS) and basic health plan. Eligibility for BHP Plus is determined by the department of social and health services, based on Medicaid eligibility criteria. To be eligible for the program children must be under age nineteen, with a family income at or below two hundred percent of federal poverty level, as defined by the United States Department of Health and Human Services. They must be Washington state residents, not eligible for Medicare, and may be required to meet additional DSHS eligibility requirements.

(5) "Co-payment" means a payment indicated in the schedule of benefits which is made by an enrollee to a health care provider or to the MHCS.

(6) "Covered services" means those services and benefits in the BHP schedule of benefits (as outlined in the member handbook issued to the enrollee, or to a subscriber on behalf of the enrollee), which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments.

(7) "Disenrollment" means the termination of covered services in BHP for a subscriber and dependents, if any.

(8) "Effective date of enrollment" means the first date, as established by BHP, on which an enrollee is entitled to receive covered services from the enrollee's respective managed health care system.

(9) "Dependent" means:

(a) The subscriber's lawful spouse, not legally separated, who resides with the subscriber; or

(b) The unmarried child of the subscriber or the subscriber's dependent spouse, whether by birth, adoption, legal guardianship, or placement pending adoption, who is:

(i) Younger than age nineteen, and who has not been relinquished for adoption by the subscriber or the subscriber's dependent spouse; or

(ii) Younger than age twenty-three, and a registered student at an accredited secondary school, college, university, technical college, or school of nursing, attending full time, other than during holidays, summer and scheduled breaks; or

(c) A person of any age who is under legal guardianship of the subscriber or the subscriber's dependent spouse, and who is incapable of self-support due to disability.

(10) "Eligible full-time employee" means an employee who meets all eligibility requirements in WAC 182-25-030 and who is regularly scheduled to work thirty or more hours per week for an employer. The term includes a self-employed individual (including a sole proprietor or a partner of a partnership, and may include an independent contractor) if the individual:

(a) Is regularly scheduled to work thirty hours or more per week; and

(b) Derives at least seventy-five percent of his or her income from a trade or business that is licensed to do business in Washington.

Persons covered under a health benefit plan pursuant to the Consolidated Omnibus Budget Reconciliation Act of

1986 shall not be considered eligible employees for purposes of minimum participation requirements.

(11) "Eligible part-time employee" means an employee who meets all the criteria in subsection (10) of this section, but who is regularly scheduled to work fewer than thirty hours per week for an employer.

(12) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

(13) "Employer" means an enterprise licensed to do business in Washington state, as defined by RCW 50.04.080, with employees in addition to the employer, whose wages or salaries are paid by the employer.

(14) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in BHP, and for whom applicable premium payments have been made.

(15) "Family" means an individual or an individual and spouse, if not legally separated, and dependents. For purposes of eligibility determination and enrollment in the plan, an individual cannot be a member of more than one family.

(16) "Financial sponsor" means a person, organization or other entity, approved by the administrator, that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any dependents.

(17) "Gross family income" means total cash receipts, as defined in (a) of this subsection, before taxes, from all sources, for subscriber and dependents whether or not they are enrolled in BHP, with the exceptions noted in (b) of this subsection.

(a) Income includes:

(i) Money wages, tips and salaries before any deductions;

(ii) Net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses);

(iii) Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);

(iv) Regular payments from Social Security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance, alimony, child support, military family allotments, private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments;

(v) Work study or training stipends;

(vi) Dividends and interest accessible to the enrollee without a penalty;

(vii) Net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.

(b) Income does not include the following types of money received:

(i) Capital gains;

(ii) Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;

(iii) Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation);

(iv) Noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee

fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance;

(v) Income earned by dependent children;

(vi) Income of a family member who resides in another household when such income is not available to the subscriber or dependents seeking enrollment in BHP;

(vii) College or university scholarships, grants, fellowships and assistantships;

(viii) Payments from the department of social and health services adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145;

(ix) Documented child care expenses for the care of a dependent child of a subscriber may be deducted (at a rate set by the administrator and consistent with Internal Revenue Service requirements) when calculating gross family income. To qualify for this deduction, the subscriber must be employed during the time the child care expenses were paid, and payment may not be paid to a parent or step parent of the child or to a dependent child of the subscriber or his/her spouse.

(18) "Home care agency" means a private or public agency or organization that administers or provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence, and is licensed by the department of social and health services (DSHS) as a home care agency. In order to qualify, the agency must be under contract with one of the following DSHS programs: Chore, Medicaid Personal Care, Community Options Program Entry System (COPES) or Respite Care (up to level three).

(19) "Institution" means a federal, state, county, city or other government correctional or detention facility or government-funded facility where health care historically has been provided and funded through the budget of the operating agency, and includes, but is not limited to: Washington state department of corrections institutions; federal, county and municipal government jail and detention institutions; Washington state department of veterans affairs soldiers' and veterans' homes; department of social and health services state hospitals and facilities and juvenile rehabilitation institutions and group homes. An institution does not include: Educational institutions; government-funded acute health care or mental health facilities except as provided above; chemical dependency facilities; and nursing homes.

(20) "Institutionalized" means to be confined, voluntarily or involuntarily, by court order or health status, in an institution, as defined in subsection (19) of this section. This does not include persons on work release or who are residents of higher education institutions, acute health care facilities, alcohol and chemical dependency facilities, or nursing homes.

(21) "Insurance broker" or "agent" means a person who is currently licensed as a disability insurance broker or agent, according to the laws administered by the office of the insurance commissioner under chapter 48.17 RCW.

(22) "Managed health care system" (or "MHCS") means any health care organization (including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof) which has entered into a contract with the HCA to provide basic health care services.

(23) "Maternity benefits through medical assistance," also known as S-Medical, means the coordinated program between BHP and DSHS for eligible pregnant women. This program includes all Medicaid benefits, including maternity coverage. Eligible members must be at or below one hundred eighty-five percent of the federal poverty level. Eligibility for this program is determined by DSHS, based on Medicaid eligibility criteria.

(24) "Medicaid" means the Title XIX Medicaid program administered by the department of social and health services, and includes the medical care programs provided to the "categorically needy" and the "medically needy" as defined in chapter 388-503 WAC.

(25) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(26) "Nonsubsidized enrollee" or "full premium enrollee" means an individual who enrolls in BHP, as the subscriber or dependent, and who pays or on whose behalf is paid the full costs for participation in BHP, without subsidy from the HCA.

(27) "Open enrollment" means a time period designated by the administrator during which enrollees may enroll additional dependents or apply to transfer their enrollment from one managed health care system to another. There shall be at least one annual open enrollment period of at least twenty consecutive days.

(28) "Participating employee" means an employee of a participating employer or home care agency who has met all the eligibility requirements and has been enrolled for coverage under BHP.

(29) "Participating employer" means an employer who has been approved for enrollment in BHP as an employer group.

(30) "Preexisting condition" means any illness, injury or condition for which, in the three months immediately preceding an enrollee's effective date of enrollment in BHP:

(a) Treatment, consultation or a diagnostic test was recommended for or received by the enrollee; or

(b) The enrollee was prescribed or recommended medication; or

(c) Symptoms existed which would ordinarily cause a reasonably prudent individual to seek medical diagnosis, care or treatment.

(31) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which an individual, their employer or a financial sponsor makes to BHP for subsidized or nonsubsidized enrollment in BHP.

(32) "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the state of Washington.

(33) "Rate" means the per capita amount, including administrative charges and any applicable premium and pre-

payment tax imposed under RCW 48.14.020, negotiated by the administrator with and paid to a managed health care system, to provide BHP health care benefits to enrollees.

(34) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments, as described in the member handbook.

(35) "Service area" means the geographic area served by a managed health care system as defined in its contract with HCA.

(36) "Subscriber" is a person who applies to BHP on his/her own behalf and/or on behalf of his/her dependents, if any, who meets all applicable eligibility requirements, is enrolled in BHP, and for whom the monthly premium has been paid. Notices to a subscriber and, if applicable, a financial sponsor or employer shall be considered notice to the subscriber and his/her enrolled dependents.

(37) "Subsidized enrollee" or "reduced premium enrollee" means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA.

(38) "Subsidy" means the difference between the amount of periodic payment the HCA makes to a managed health care system on behalf of a subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

WSR 98-10-091

EXPEDITED ADOPTION

DEPARTMENT OF ECOLOGY

[Order 98-08—Filed May 6, 1998, 9:08 a.m.]

Title of Rule: Underground storage tank fees, WAC 173-360-190.

Purpose: To change the annual fee from \$75.00 per underground storage tank to \$100.00 per underground storage tank.

Other Identifying Information: Annual cost of living increase as needed.

Statutory Authority for Adoption: Chapter 90.76 RCW.

Statute Being Implemented: Underground storage tank fees, RCW 90.76.090.

Summary: See above.

Name of Agency Personnel Responsible for Drafting: Barry Rogowski, Ecology Head Quarters, Lacey, (360) 407-7236; Implementation: Clyde Zahn, Licensing, Olympia, (360) 664-1447; and Enforcement: Ecology regions.

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: Due to a statutory change, the annual tank fee will be

increased from \$75 per tank to \$100 per tank. The purpose is to maintain the underground storage tank program staff at current levels and implement a compliance tagging project.

Proposal Changes the Following Existing Rules: See 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 Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY July 4, 1998.

May 4, 1998

Dan Silver

Deputy Director

AMENDATORY SECTION (Amending WSR 95-04-102, filed 2/1/95, effective 3/4/95)

WAC 173-360-190 Annual tank fees. (~~An annual state tank fee of seventy-five dollars per tank shall be paid by every person who owns an underground storage tank which:~~

~~(1) Is located in this state;~~

~~(2) Was required to be reported to the department under the Federal Underground Storage Tank Program of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901, et seq.);~~

~~(3) Is not permanently closed according to the requirements of this chapter as of the billing date; and~~

~~(4) If required, for which corrective action has not been completed in accordance with this chapter.)~~ (1) An annual tank fee of one hundred dollars per tank is effective from July 1, 1998, to June 30, 1999. Annually, beginning on July 1, 1999, and upon a finding by the department that a fee increase is necessary, the previous tank fee amount may be increased up to the fiscal growth factor for the next year. The fiscal growth factor is calculated by the office of financial management under RCW 43.135.025 for the upcoming biennium. The department shall use the fiscal growth factor to calculate the fee for the next year and shall publish the new fee by March 1st before the year for which the new fee is effective. The new tank fee is effective from July 1st to June 30th of every year. The tank fee shall be paid by every person who:

(a) Owns an underground storage tank located in this state; and

(b) Was required to provide notification to the department under the federal act.

This fee is not required of persons who have

(i) Permanently closed their tanks; and

(ii) If required, have completed corrective action in accordance with the rules adopted under this chapter.

(2) The department may authorize the imposition of additional annual local tank fees in environmentally sensitive areas designated under RCW 90.76.040. Annual local tank fees may not exceed fifty percent of the annual state tank fee.

(3) State and local tank fees collected under this section shall be deposited in the account established under RCW 90.76.100.

(4) Other than the annual local tank fee authorized for environmentally sensitive areas, no local government may levy an annual tank fee on the ownership or operation of an underground storage tank.

WSR 98-10-123

EXPEDITED ADOPTION DEPARTMENT OF REVENUE

[Filed May 6, 1998, 11:46 a.m.]

Title of Rule: WAC 458-20-104 Small business tax relief based on volume of business.

Purpose: To explain the small business B&O tax credit and public utility tax income exemption.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: RCW 82.04.4451 and 82.16.040.

Summary: This rule is being revised to provide a step-ranged tax credit table that taxpayers will use to determine the amount of B&O tax credit that may be available to them under the provisions of RCW 82.04.4451. Separate tax credit tables are provided for monthly, quarterly, and annual basis taxpayers.

Reasons Supporting Proposal: Chapter 238, Laws of 1997, revised RCW 82.04.4451 to authorize the department to adopt these tax credit tables. These tables will eliminate the calculation requirements that have proven confusing for taxpayers. These tables are prepared in a manner that no taxpayer will owe a greater amount of tax by using a table than would be owed by performing the statutory calculation in RCW 82.04.4451.

Name of Agency Personnel Responsible for Drafting: Pat Moses, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 753-1063; Implementation: Claire Hesselholt, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 753-3446; and Enforcement: Russell Brubaker, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 586-0257.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule explains the gross receipts tax relief for small business. The rule explains the B&O tax credit system provided by RCW 82.04.4451, and the public utility tax income exemption provided by RCW 82.16.040. It explains that the B&O tax credit should be computed after claiming any other B&O tax credits available under chapter 82.04 RCW, but prior to any credits provided under other chapters

of Title 82 RCW. The amendments to this rule will help businesses better understand Washington's gross receipts tax relief for small business.

Proposal Changes the Following Existing Rules: This is an amendment to WAC 458-20-104. This rule is being revised to provide a step-ranged tax credit table that taxpayers will use to determine the amount of B&O tax credit that may be available to them under the provisions of RCW 82.04.4451. Separate tax credit tables are provided for monthly, quarterly, and annual basis taxpayers. Some taxpayers that may be eligible to claim a small business B&O tax credit may also be eligible for B&O tax credits available elsewhere in Title 82 RCW. This rule provides a worksheet that taxpayers can use to ensure that these credits are applied in the appropriate order.

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 Alan R. Lynn, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, AND RECEIVED BY July 6, 1998.

May 6, 1998

Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending WSR 97-08-050, filed 3/31/97, effective 5/1/97)

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. (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 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. 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) 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

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.

(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

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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 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).

(f) 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. (1) **Introduction.** This rule explains the small business B&O tax credit (RCW 82.04.4451), and the public utility tax income exemption (RCW 82.16.040). The public utility tax exemption is a fixed amount, or threshold, based on the reporting frequency assigned to the account. The amount of small business B&O tax credit available on a return can increase or decrease, depending on the reporting frequency of the account and the

net B&O tax liability for that return. Readers should refer to WAC 458-20-22801 (Tax reporting frequency—Forms) for an explanation of how the department assigns a particular reporting frequency to each account. Readers may also want to refer to WAC 458-20-101 for an explanation of Washington's tax registration and tax reporting requirements.

(2) **The small business B&O tax credit.** 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. RCW 82.04.4451 authorizes 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. Taxpayers are required to use the tax credit table to determine the appropriate amount of their small business credit. A tax credit table for each of the monthly, quarterly and annual reporting frequencies is provided in this rule (see subsection (5) of this section). As required by statute, the table has been prepared in such a manner that no taxpayer owes a greater amount of tax by using the mandatory table than would have been owed by using the statutory credit formula.

(a) The small business tax credit applies to the entire reporting period, even though the business may not have been operating during the entire period.

(b) Taxpayers who are spouses that operate distinct and separate businesses are each eligible for the small business tax credit.

(c) Taxpayers who are eligible for the small business credit should follow the steps outlined in subsection (4) of this section to find the amount of credit available to them. Taxpayers who have other B&O credits to apply on a return, in addition to the small business credit, may need to refer to the multiple business and occupation tax credit worksheet in subsection (3) of this section before determining the amount of small business credit available to them. Subsection (5) of this section contains the tax credit tables for taxpayers with assigned reporting frequencies of either monthly, quarterly, or annual.

(3) **Multiple business and occupation tax credit worksheet.** The small business tax credit should be computed after claiming any other B&O tax credits available under chapter 82.04 RCW (Business and occupation tax), but prior to any B&O tax credits provided under other chapters of Title 82 RCW (Excise taxes). For example, the multiple activities tax credit, high technology credit and ride share credit should be taken before the small business credit is determined and applied, but the pollution control credit and cogeneration fee credit should be taken only after the small business credit has been applied. Proper application of the small business credit may never result in a B&O tax liability less than zero and cannot create a carryover amount for future periods. The following multiple B&O tax credit worksheet gives taxpayers an example of the process they should follow to ensure that credits are applied in the necessary order.

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MULTIPLE B&O TAX CREDIT WORKSHEET

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:
Multiple Activities Tax Credit
From Schedule C (if applicable) \$ _____

(Add any other B&O tax credits from chapter 82.04 RCW that will be applied to this return period) ± \$ _____

Total (Enter 0 if none of these credits are being taken.) ⇒ \$ _____

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. \$ _____

(a) For example, ABC Manufacturing and Distributing has been assigned a quarterly reporting frequency. During one quarter, ABC owes one hundred ninety dollars in wholesaling B&O tax, plus another seventy dollars in manufacturing B&O tax, for a total B&O tax due of two hundred sixty dollars. ABC qualifies for a multiple activities tax credit (MATC) and completes a Schedule C which identifies a MATC of seventy dollars. The MATC is one of the credits from chapter 82.04 RCW and 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 ABC is the two 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 two hundred sixty dollars of B&O taxes due, which leaves one hundred ninety dollars of B&O taxes potentially available for application of the small business credit (subsections (4) and (5) of this section).

(4) Using the tax credit table to determine your small business credit. The following steps explain how to use the tax credit table:

(a) Determine the total B&O tax amount from the combined excise tax return. This amount 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 (3) of this section and the multiple B&O tax credit worksheet before going to step (b).

(b) Find the small business tax credit table that matches the assigned reporting frequency (i.e., the monthly table shown in subsection (5)(a) of this section, the quarterly table in subsection (5)(b) of this section, or the annual table in subsection (5)(c) of this section).

(c) Find the "If Your Total Business and Occupation Tax is" column of the tax credit table and come down the column until you find the range of amounts 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 claimed on the "Small Business B&O Tax Credit" line in the "Credits" section of the combined excise tax return.

(e) For example, continue with ABC Manufacturing and Distribution which was introduced in subsection (3)(a) of this section. After completing the multiple B&O tax credit worksheet, ABC had one hundred and ninety dollars of B&O tax liability left for potential application of the small business credit. ABC refers to the quarterly small business tax credit table (subsection (5)(b) of this section) and finds the "If Your Total Business and Occupation Tax is" column. Following down that column, ABC finds the tax range of one hundred eighty-six to one hundred ninety-one dollars and comes over to the "Your Small Business Credit is" column which shows that a credit in the amount of twenty-five dollars is available. This credit amount should be entered in the "Credits" section of ABC's combined excise tax return before calculating the total tax due for that return.

(5) Tax credit tables. 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 corresponding tax credit table. Taxpayers must be careful to use the table that matches their assigned reporting frequency.

(a) Small business credit table for MONTHLY reporting frequency:

EXPEDITED ADOPTION

EXPEDITED ADOPTION

If Your Total Business and Occupation Tax is:

Your Small Business Credit is:

At Least

But Less Than

The Amount of Business and Occupation Tax Due

At Least **But Less Than**

\$0

\$421

The Amount of Business and Occupation Tax Due

\$421

\$426

\$420

\$0

\$36

\$35

\$426

\$431

\$415

\$36

\$41

\$30

\$431

\$436

\$410

\$41

\$46

\$25

\$436

\$441

\$405

\$46

\$51

\$20

\$441

\$446

\$400

\$51

\$56

\$15

\$446

\$451

\$395

\$56

\$61

\$10

\$451

\$456

\$390

\$61

\$66

\$5

\$456

\$461

\$385

\$66

\$71

\$0

\$461

\$466

\$380

\$71

or more

\$466

\$471

\$375

\$471

\$476

\$370

\$476

\$481

\$365

\$481

\$486

\$360

\$486

\$491

\$355

\$491

\$496

\$350

\$496

\$501

\$345

\$501

\$506

\$340

\$506

\$511

\$335

(b) Small business credit table for QUARTERLY reporting frequency:

If Your Total Business and Occupation Tax is:

Your Small Business Credit is:

At least **But Less Than**

\$0

\$106

The Amount of Business and Occupation Tax Due

\$105

\$511

\$516

\$330

\$106

\$111

\$100

\$516

\$521

\$325

\$111

\$116

\$95

\$521

\$526

\$320

\$116

\$121

\$90

\$526

\$531

\$315

\$121

\$126

\$85

\$531

\$536

\$310

\$126

\$131

\$80

\$536

\$541

\$305

\$131

\$136

\$75

\$541

\$546

\$300

\$136

\$141

\$70

\$546

\$551

\$295

\$141

\$146

\$65

\$551

\$556

\$290

\$146

\$151

\$60

\$556

\$561

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\$151

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\$566

\$280

\$156

\$161

\$50

\$566

\$571

\$275

\$161

\$166

\$45

\$571

\$576

\$270

\$166

\$171

\$40

\$576

\$581

\$265

\$171

\$176

\$35

\$581

\$586

\$260

\$176

\$181

\$30

\$586

\$591

\$255

\$181

\$186

\$25

\$591

\$596

\$250

\$186

\$191

\$20

\$596

\$601

\$245

\$191

\$196

\$15

\$601

\$606

\$240

\$196

\$201

\$10

\$606

\$611

\$235

\$201

\$206

\$5

\$611

\$616

\$230

\$206

\$211

\$0

\$616

\$621

\$225

\$211

or more

\$621

\$626

\$220

\$626

\$631

\$215

\$631

\$636

\$210

\$636

\$641

\$205

(c) Small business credit table for ANNUAL reporting frequency:

If Your Total Business and Occupation Tax is:

Your Small Business Credit is:

\$641	\$646	\$200
\$646	\$651	\$195
\$651	\$656	\$190
\$656	\$661	\$185
\$661	\$666	\$180
\$666	\$671	\$175
\$671	\$676	\$170
\$676	\$681	\$165
\$681	\$686	\$160
\$686	\$691	\$155
\$691	\$696	\$150
\$696	\$701	\$145
\$701	\$706	\$140
\$706	\$711	\$135
\$711	\$716	\$130
\$716	\$721	\$125
\$721	\$726	\$120
\$726	\$731	\$115
\$731	\$736	\$110
\$736	\$741	\$105
\$741	\$746	\$100
\$746	\$751	\$95
\$751	\$756	\$90
\$756	\$761	\$85
\$761	\$766	\$80
\$766	\$771	\$75
\$771	\$776	\$70
\$776	\$781	\$65
\$781	\$786	\$60
\$786	\$791	\$55
\$791	\$796	\$50
\$796	\$801	\$45
\$801	\$806	\$40
\$806	\$811	\$35
\$811	\$816	\$30
\$816	\$821	\$25
\$821	\$826	\$20
\$826	\$831	\$15
\$831	\$836	\$10
\$836	\$841	\$5
\$841	or more	\$0

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. Effective July 1, 1996, the public utility tax exemption amounts stated in RCW 82.16.040 were increased to:

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.

(b) The public utility tax maximum exemptions apply to the entire reporting period, even though the business may not have operated during the entire period.

(c) The public utility tax exemption or threshold is not affected by the amounts reported in the B&O tax section or any of the other tax sections of the combined excise tax return.

(d) For example, assume that the DEF corporation registers and starts business activities on February 1st. A quarterly reporting frequency is assigned to DEF by the department of revenue. During the two months of the first quarter that DEF is actively in business, DEF's public utility tax gross is seven thousand dollars, but after deductions the total taxable amount is five thousand dollars. In this case, DEF does not owe any public utility tax because the taxable amount of five thousand dollars is less than the six thousand dollar threshold for quarterly taxpayers. The fact that DEF was in business during only two months out of the three months in the quarter has no effect on the threshold amount. However, if DEF had no deductions available, the taxable amount would be seven thousand dollars and public utility tax would be due on the full taxable amount.

(6) Retail sales tax must be reported. Persons making retail sales must collect and pay 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.

(7) The public utility tax income exemption. Persons subject to public utility tax are exempt from payment of this tax for any reporting period in which the gross taxable

EXPEDITED ADOPTION



WSR 98-10-002
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-55—Filed April 22, 1998, 4:12 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To amend WAC 232-28-264 1997-98, 1998-99, and 1999-2000 Official hunting hours and small game seasons.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-264.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-087 on February 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-264 1997-98, 1998-99, and 1999-2000 Official hunting hours and small game seasons, differs from the proposed version filed with the code reviser in the following specifics:

1. The term "juvenile" was changed to "youth" except for upland bird seasons.
2. Change eastern Washington pheasant and quail opening day from Oct. 17, 1998 and Oct. 16, 1999 to Oct. 10, 1998 and Oct. 9, 1999 to provide additional opportunity.
3. Change Harvest Information Program (HIP) requirements for migratory birds to conform to 1998 legislation, which exempted youth hunters from purchasing a Washington Migratory Bird Stamp.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 97-166, filed 8/25/97, effective 9/25/97)

WAC 232-28-264 1997-98, 1998-99, and 1999-2000 Official hunting hours and small game seasons.

**1997-98 OFFICIAL HUNTING HOURS
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS***

September 1, 1997 to January 31, 1998

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time						
Mon. Sept. 1 - Sun. Sept. 7	6:00		7:45	5:50		7:30
Mon. Sept. 8 - Sun. Sept. 14	6:10		7:30	6:00		7:20
Mon. Sept. 15 - Sun. Sept. 21	6:20		7:15	6:10		7:05
Mon. Sept. 22 - Sun. Sept. 28	6:30		7:00	6:15		6:50
Mon. Sept. 29 - Sun. Oct. 5	6:40		6:45	6:30		6:35
Mon. Oct. 6 - Fri. Oct. 10	6:45		6:30	6:35		6:25
Oct. 11((**)) Sat.	6:50((**))		6:30	6:40((**))		6:15
Oct. 12 Sun.	6:50		6:30	6:40		6:15
Mon. Oct. 13 - Sun. Oct. 19	7:00		6:20	6:50		6:10
Mon. Oct. 20 - Sat. Oct. 25	7:10		6:10	7:00		5:55
Pacific Standard Time						
Mon. Oct. 27 - Sun. Oct. 26	6:15		5:00	6:00		4:50
Mon. Oct. 27 - Sun. Nov. 2	6:20		4:55	6:15		4:45
Mon. Nov. 3 - Sun. Nov. 9	6:30		4:45	6:20		4:30
Mon. Nov. 10 - Sun. Nov. 16	6:40		4:35	6:30		4:25
Mon. Nov. 17 - Sun. Nov. 23	6:50		4:30	6:40		4:15
Mon. Nov. 24 - Sun. Nov. 30	7:00		4:20	6:50		4:10

PERMANENT

1997-98 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*

September 1, 1997 to January 31, 1998

Dates (Inclusive)				Western Washington			Eastern Washington		
				A.M.	to	P.M.	A.M.	to	P.M.
Mon. Dec. 1	-	Sun. Dec. 7		7:10		4:20	7:00		4:10
Mon. Dec. 8	-	Sun. Dec. 14		7:15		4:20	7:05		4:05
Mon. Dec. 15	-	Sun. Dec. 21		7:20		4:20	7:10		4:10
Mon. Dec. 22	-	Sun. Dec. 28		7:25		4:25	7:15		4:10
Mon. Dec. 29	-	Sun. Jan. 4		7:25		4:30	7:15		4:15
Mon. Jan. 5	-	Sun. Jan. 11		7:25		4:35	7:15		4:25
Mon. Jan. 12	-	Sun. Jan. 18		7:25		4:45	7:10		4:35
Mon. Jan. 19	-	Sun. Jan. 25		7:20		4:55	7:05		4:45
Mon. Jan. 26	-	Sat. Jan. 31		7:10		5:00	7:00		4:50

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

~~((** Pheasant/quail opening day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant and quail seasons open at noon.))~~

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

1998-99 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*

September 1, 1998 to January 31, 1999

Dates (Inclusive)				Western Washington			Eastern Washington		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Tues. Sept. 1	-	Sun. Sept. 6		6:00		7:45	5:50		7:35
Mon. Sept. 7	-	Sun. Sept. 13		6:10		7:35	6:00		7:20
Mon. Sept. 14	-	Sun. Sept. 20		6:20		7:20	6:05		7:05
Mon. Sept. 21	-	Sun. Sept. 27		6:30		7:05	6:15		6:50
Mon. Sept. 28	-	Sun. Oct. 4		6:40		6:50	6:25		6:35
Mon. Oct. 5	-	Sun. Oct. 11		6:45		6:35	6:25		6:25
Mon. Oct. 12	-	((Fri-)) Sun. Oct. ((16)) 18		6:55		6:20	6:45		6:10
((Opening Weekend**	Oct. 17**	Sat.		8:00		6:20	Noon		6:05
	Oct. 18	Sun.		6:55		6:20	6:45		6:05))
Mon. Oct. 19	-	Sat. Oct. 24		7:05		6:10	6:55		6:00
Pacific Standard Time									

PERMANENT

1998-99 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
September 1, 1998 to January 31, 1999

Dates (Inclusive)				Western Washington			Eastern Washington		
				A.M.	to	P.M.	A.M.	to	P.M.
		Sun.	Oct. 25	6:10		5:00	6:00	4:50	
Mon.	Oct. 26	-	Sun.	Nov. 1	6:20	4:55	6:05	4:45	
Mon.	Nov. 2	-	Sun.	Nov. 8	6:30	4:45	6:15	4:35	
Mon.	Nov. 9	-	Sun.	Nov. 15	6:40	4:35	6:30	4:25	
Mon.	Nov. 16	-	Sun.	Nov. 22	6:50	4:30	6:40	4:15	
Mon.	Nov. 23	-	Sun.	Nov. 29	7:00	4:25	6:50	4:10	
Mon.	Nov. 30	-	Sun.	Dec. 6	7:10	4:20	6:55	4:10	
Mon.	Dec. 7	-	Sun.	Dec. 13	7:15	4:20	7:05	4:05	
Mon.	Dec. 14	-	Sun.	Dec. 20	7:20	4:20	7:10	4:10	
Mon.	Dec. 21	-	Sun.	Dec. 27	7:25	4:20	7:15	4:10	
Mon.	Dec. 28	-	Sun.	Jan. 3	7:25	4:30	7:15	4:15	
Mon.	Jan. 4	-	Sun.	Jan. 10	7:25	4:35	7:15	4:25	
Mon.	Jan. 11	-	Sun.	Jan. 17	7:25	4:45	7:10	4:30	
Mon.	Jan. 18	-	Sun.	Jan. 24	7:20	4:55	7:05	4:40	
Mon.	Jan. 25	-	Sat.	Jan. 31	7:10	5:00	7:00	4:50	

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.
 (** Opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at noon. In Western Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at 8:00 a.m.-))

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

1999-2000 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
September 1, 1999 to January 31, 2000

Dates (Inclusive)				Western Washington			Eastern Washington		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Wed.	Sept. 1	-	Sun.	Sept. 5	6:00	7:45	5:45	7:35	
Mon.	Sept. 6	-	Sun.	Sept. 12	6:05	7:35	5:50	7:20	
Mon.	Sept. 13	-	Sun.	Sept. 19	6:15	7:20	6:05	7:10	
Mon.	Sept. 20	-	Sun.	Sept. 26	6:25	7:10	6:15	6:50	
Mon.	Sept. 27	-	Sun.	Oct. 3	6:35	6:50	6:25	6:40	
Mon.	Oct. 4	-	Sun.	Oct. 10	6:45	6:40	6:35	6:25	

**1999-2000 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS***
September 1, 1999 to January 31, 2000

				Western Washington		Eastern Washington	
				from		from	
Dates (Inclusive)				A.M.	to P.M.	A.M.	to P.M.
Mon.	Oct. 11	-	((Fri.)) Oct. ((15)) 17	6:50	6:25	6:45	6:15
			<u>Sun.</u>				
((Opening	Oct. 16**		Sat.	8:00	6:25	Noon	6:15
Weekend**	Oct. 17		Sun.	6:50	6:25	6:45	6:15))
Mon.	Oct. 18	-	Sun.	Oct. 24	7:05	6:15	6:55
Mon.	Oct. 25	-	Sat.	Oct. 30	7:15	6:00	7:05
Pacific Standard Time							
Sun.	Oct. 31	-	Sun.	Nov. 7	6:25	4:45	6:15
Mon.	Nov. 8	-	Sun.	Nov. 14	6:35	4:40	6:25
Mon.	Nov. 15	-	Sun.	Nov. 21	6:50	4:30	6:35
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00	4:25	6:45
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05	4:20	6:50
Mon.	Dec. 6	-	Sun.	Dec. 12	7:10	4:20	7:00
Mon.	Dec. 13	-	Sun.	Dec. 19	7:20	4:20	7:05
Mon.	Dec. 20	-	Sun.	Dec. 26	7:25	4:25	7:10
Mon.	Dec. 27	-	Sun.	Jan. 2	7:30	4:25	7:15
Mon.	Jan. 3	-	Sun.	Jan. 9	7:30	4:35	7:15
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25	4:40	7:10
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20	4:50	7:05
Mon.	Jan. 24	-	Mon.	Jan. 31	7:15	5:00	7:00

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.
 (** Opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at noon. In Western Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at 8:00 a.m.))

Exceptions:

- | | |
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| <p>1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.</p> <p>2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.</p> <p>3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or</p> | <p>4) elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.</p> <p>Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.</p> |
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**1997-1998 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)***
September 1, 1997 to January 31, 1998

				Western Washington		Eastern Washington	
				from		from	
Dates (Inclusive)				A.M.	to P.M.	A.M.	to P.M.
Daylight Savings Time							
Mon.	Sept. 1	-	Sun.	Sept. 7	6:00	8:15	5:50
							8:00

PERMANENT

**1997-1998 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)*
September 1, 1997 to January 31, 1998**

Dates (Inclusive)				Western Washington			Eastern Washington		
				from	to	P.M.	from	to	P.M.
Mon.	Sept. 8	-	Sun.	Sept. 14	6:10	8:00	6:00	7:50	
Mon.	Sept. 15	-	Sun.	Sept. 21	6:20	7:45	6:10	7:35	
Mon.	Sept. 22	-	Sun.	Sept. 28	6:30	7:30	6:15	7:20	
Mon.	Sept. 29	-	Sun.	Oct. 5	6:40	7:15	6:30	7:05	
Mon.	Oct. 6	-	Fri.	Oct. 10	6:45	7:00	6:35	6:55	
	Oct. 11((**))		Sat.		6:50((**))	7:00	6:40((**))	6:45	
	Oct. 12		Sun.		6:50	7:00	6:40	6:45	
Mon.	Oct. 13	-	Sun.	Oct. 19	7:00	6:50	6:50	6:40	
Mon.	Oct. 20	-	Sat.	Oct. 25	7:10	6:40	7:00	6:25	
Pacific Standard Time									
			Sun.	Oct. 26	6:15	5:30	6:00	5:20	
Mon.	Oct. 27	-	Sun.	Nov. 2	6:20	5:25	6:15	5:15	
Mon.	Nov. 3	-	Sun.	Nov. 9	6:30	5:15	6:20	5:00	
Mon.	Nov. 10	-	Sun.	Nov. 16	6:40	5:05	6:30	4:55	
Mon.	Nov. 17	-	Sun.	Nov. 23	6:50	5:00	6:40	4:45	
Mon.	Nov. 24	-	Sun.	Nov. 30	7:00	4:50	6:50	4:40	
Mon.	Dec. 1	-	Sun.	Dec. 7	7:10	4:50	7:00	4:40	
Mon.	Dec. 8	-	Sun.	Dec. 14	7:15	4:50	7:05	4:35	
Mon.	Dec. 15	-	Sun.	Dec. 21	7:20	4:50	7:10	4:40	
Mon.	Dec. 22	-	Sun.	Dec. 28	7:25	4:55	7:15	4:40	
Mon.	Dec. 29	-	Sun.	Jan. 4	7:25	5:00	7:15	4:45	
Mon.	Jan. 5	-	Sun.	Jan. 11	7:25	5:05	7:15	4:55	
Mon.	Jan. 12	-	Sun.	Jan. 18	7:25	5:15	7:10	5:05	
Mon.	Jan. 19	-	Sun.	Jan. 25	7:20	5:25	7:05	5:15	
Mon.	Jan. 26	-	Sat.	Jan. 31	7:10	5:30	7:00	5:20	

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for all game animals and migratory game birds (except duck, goose, coot, snipe, mourning dove, and band-tailed pigeon pheasant, quail, partridge, and turkey) during established seasons.

(** Pheasant/quail opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant and quail seasons open at noon.)

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

1998-1999 OFFICIAL HUNTING HOURS
 FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)*
 September 1, 1998 to January 31, 1999

Dates (Inclusive)				Western Washington from			Eastern Washington from		
				A.M.	to P.M.	A.M.	to P.M.		
Daylight Savings Time									
Tues.	Sept. 1	-	Sun. Sept. 6	6:00	8:15	5:50	8:05		
Mon.	Sept. 7	-	Sun. Sept. 13	6:10	8:05	6:00	7:50		
Mon.	Sept. 14	-	Sun. Sept. 20	6:20	7:50	6:05	7:35		
Mon.	Sept. 21	-	Sun. Sept. 27	6:30	7:35	6:15	7:20		
Mon.	Sept. 28	-	Sun. Oct. 4	6:40	7:20	6:25	7:05		
Mon.	Oct. 5	-	Sun. Oct. 11	6:45	7:05	6:25	6:55		
Mon.	Oct. 12	-	((Fri-)) Sun. Oct. ((+6)) 18	6:55	6:50	6:45	6:40		
((Opening Weekend**	Oct. 17**		Sat.	6:55**	6:50	6:45**	6:35		
	Oct. 18		Sun.	6:55	6:50	6:45	6:35))		
Mon.	Oct. 19	-	Sat. Oct. 24	7:05	6:40	6:55	6:30		
Pacific Standard Time									
			Sun. Oct. 25	6:10	5:30	6:00	5:20		
Mon.	Oct. 26	-	Sun. Nov. 1	6:20	5:25	6:05	5:15		
Mon.	Nov. 2	-	Sun. Nov. 8	6:30	5:15	6:15	5:05		
Mon.	Nov. 9	-	Sun. Nov. 15	6:40	5:05	6:30	4:55		
Mon.	Nov. 16	-	Sun. Nov. 22	6:50	5:00	6:40	4:45		
Mon.	Nov. 23	-	Sun. Nov. 29	7:00	4:55	6:50	4:40		
Mon.	Nov. 30	-	Sun. Dec. 6	7:10	4:50	6:55	4:40		
Mon.	Dec. 7	-	Sun. Dec. 13	7:15	4:50	7:05	4:35		
Mon.	Dec. 14	-	Sun. Dec. 20	7:20	4:50	7:10	4:40		
Mon.	Dec. 21	-	Sun. Dec. 27	7:25	4:50	7:15	4:40		
Mon.	Dec. 28	-	Sun. Jan. 3	7:25	5:00	7:15	4:45		
Mon.	Jan. 4	-	Sun. Jan. 10	7:25	5:05	7:15	4:55		
Mon.	Jan. 11	-	Sun. Jan. 17	7:25	5:15	7:10	5:00		
Mon.	Jan. 18	-	Sun. Jan. 24	7:20	5:25	7:05	5:10		
Mon.	Jan. 25	-	Sat. Jan. 31	7:10	5:30	7:00	5:20		

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for all game animals and game birds (except duck, goose, coot, snipe, mourning dove, band-tailed pigeon, pheasant, quail, partridge and turkey) during established seasons.

((** Opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) — In Eastern Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at noon. In Western Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at 8:00 a.m.))

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PERMANENT

1999-2000 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)*
September 1, 1999 to January 31, 2000

Dates (Inclusive)					Western Washington		Eastern Washington	
					from	to	from	to
				A.M.	P.M.	A.M.	P.M.	
Daylight Savings Time								
Wed.	Sept. 1	-	Sun.	Sept. 5	6:00	8:15	5:45	8:05
Mon.	Sept. 6	-	Sun.	Sept. 12	6:05	8:05	5:50	7:50
Mon.	Sept. 13	-	Sun.	Sept. 19	6:15	7:50	6:05	7:40
Mon.	Sept. 20	-	Sun.	Sept. 26	6:25	7:40	6:15	7:20
Mon.	Sept. 27	-	Sun.	Oct. 3	6:35	7:20	6:25	7:10
Mon.	Oct. 4	-	Sun.	Oct. 10	6:45	7:10	6:35	6:55
Mon.	Oct. 11	-	((Fri.))	Oct. ((15)) 17	6:50	6:55	6:45	6:45
Sun.								
((Opening	Oct. 16**	-	Sat.		6:50**	6:55	6:45**	6:45
Weekend**	Oct. 17	-	Sun.		6:50	6:55	6:45	6:45))
Mon.	Oct. 18	-	Sun.	Oct. 24	7:05	6:45	6:55	6:30
Mon.	Oct. 25	-	Sat.	Oct. 30	7:15	6:30	7:05	6:15
Pacific Standard Time								
Sun.	Oct. 31	-	Sun.	Nov. 7	6:25	5:15	6:15	5:05
Mon.	Nov. 8	-	Sun.	Nov. 14	6:35	5:10	6:25	4:55
Mon.	Nov. 15	-	Sun.	Nov. 21	6:50	5:00	6:35	4:50
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00	4:55	6:45	4:40
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05	4:50	6:50	4:40
Mon.	Dec. 6	-	Sun.	Dec. 12	7:10	4:50	7:00	4:35
Mon.	Dec. 13	-	Sun.	Dec. 19	7:20	4:50	7:05	4:35
Mon.	Dec. 20	-	Sun.	Dec. 26	7:25	4:55	7:10	4:40
Mon.	Dec. 27	-	Sun.	Jan. 2	7:30	4:55	7:15	4:45
Mon.	Jan. 3	-	Sun.	Jan. 9	7:30	5:05	7:15	4:50
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25	5:10	7:10	5:00
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20	5:20	7:05	5:15
Mon.	Jan. 24	-	Mon.	Jan. 31	7:15	5:30	7:00	5:20

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for all game animals and game birds (except duck, goose, coot, snipe, mourning dove, band-tailed pigeon, pheasant, quail, partridge and turkey) during established seasons.
((** Opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at noon. In Western Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at 8:00 a.m.))

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar, and bobcat is prohibited year around.

PERMANENT

BOBCAT

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED in GMU 522.

Sept. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999;
Sept. 7, 1999-Mar. 15, 2000.

RACCOON

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge and in GMU 522.

Sept. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999;
Sept. 7, 1999-Mar. 15, 2000.

FOX

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407, 410, and 522.

Sept. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999;
Sept. 7, 1999-Mar. 15, 2000.

COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except CLOSED in GMU 522 and CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 304, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1-Dec. 31 during 1997, 1998, and 1999; except CLOSED in GMU 522.

PTARMIGAN

Season closed statewide.

Upland Birds

Eastern Washington

Ring-necked Pheasant

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

((Juvenile)) Youth Season: Sept. 27 & 28, 1997; ((Oct. 3 & 4, 1998; Oct. 2 & 3, 1999)) (Commission will adopt in August); open only to ((juvenile)) youth hunters age 15 and

under. ((Juvenile)) Youth hunters must be accompanied by an adult of at least 18 years old who is not hunting.

Regular Season: ((Noon)) Oct. 11-Dec. 31, 1997; ((Noon)) Oct. 10 ((17))-Dec. 31, 1998; ((Noon)) Oct. 9 ((16))-Dec. 31, 1999.

Chukar Partridge

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Regular Season: Oct. 1, 1997-Jan. 11, 1998; Oct. 1, 1998-Jan. 10, 1999; Oct. 1, 1999-Jan. 9, 2000.

Gray (Hungarian) Partridge

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Regular Season: Oct. 1, 1997-Jan. 11, 1998; Oct. 1, 1998-Jan. 10, 1999; Oct. 1, 1999-Jan. 9, 2000.

Mountain Quail

Season closed throughout eastern Washington

Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

((Juvenile)) Youth Season: Sept. 27 & 28, 1997; ((Oct. 3 & 4, 1998; Oct. 2 & 3, 1999)) (Commission will adopt in August); open only to ((juvenile)) youth hunters age 15 and under. ((Juvenile)) Youth hunters must be accompanied by an adult of at least 18 years old who is not hunting.

Regular Season: ((Noon)) Oct. 11, 1997-Jan. 11, 1998; ((Noon)) Oct. 10 ((17)), 1998-Jan. 10, 1999; ((Noon)) Oct. 9 ((16)), 1999-Jan. 9, 2000.

Yakima Indian Reservation: The 1997-98, 1998-99, 1999-2000 Upland Bird Seasons within the Yakima Indian Reservation shall be the same as the season established by the Yakima Indian Nation.

Western WashingtonRing-necked Pheasant

Bag and Possession Limits: Two (2) pheasants of either sex per day ((on designated release sites, EXCEPT two (2) cock pheasants per day on other than designated release sites)), with a total of fifteen (15) pheasants in possession at any time.

Early season: Sept. 20-26, 1997; Sept. 26-Oct. 2, 1998; and Sept. 25-Oct. 1, 1999 for juvenile hunters 14 and under ((15)) and senior hunters 65 years of age or older. Juvenile hunters must be accompanied by an adult.

Sept. 27-Nov. 30, 1997; Oct. 3-Nov. 30, 1998; and Oct. 2-Nov. 30, 1999; 8 a.m. to 4 p.m.; except Dungeness Recreation site (Clallam County) starting Oct. 11, 1997; Oct. 17, 1998; Oct. 16, 1999; except CLOSED in GMU 522.

A Western Washington Upland Bird Permit is required to hunt pheasant, quail, and partridge in western Washington, in addition to a current hunting license. Pheasant kills only must

be recorded. Upon taking a pheasant, the holder of a Western Washington Upland Bird Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available for the 1997, 1998, 1999 hunting season:

- (1) Full Season Option: Allows the harvest of ten (10) pheasants.
- (2) Juvenile (under 15): Allows the harvest of six (6) pheasants.
- (3) 2-Day Option: Allows the harvest of four (4) pheasants during two consecutive days.

Every person possessing a Western Washington Upland Bird Permit must by December 31, return the permit to the Department of Fish and Wildlife. The number of permits purchased per year is not limited. (~~Hunters may only possess one valid permit at a time.~~)

A hunter shall select one valid option at the time they purchase their Western Washington Upland Bird Permit.

Special Restriction: Non-toxic shot must be used in a shotgun to hunt pheasant on the Skagit Wildlife Area. Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, and must indicate their choice on the western Washington upland bird permit by choosing "odd" or "even." It is unlawful to purchase an additional permit until the ten pheasant allowed on the current permit are taken. (Hunting is restricted on weekend mornings at Lake Terrell (all units including ARCO and INTELCO), Tennant Lake, Snoqualmie (including Stillwater, Cherry Valley, and Two Rivers segments) and Skagit (including headquarters and Smith Farm segments) Skookumchuck and Scatter Creek wildlife areas. Only hunters with Western Washington Upland Bird Permits marked "odd" may hunt these sites from 8:00 a.m. until 10:00 a.m. on odd-numbered weekend days. Only hunters with Western Washington Upland Bird Permits marked "even" may hunt these sites from 8:00 a.m. until 10:00 a.m. on even-numbered weekend days.) Hunters that select the two day option, senior hunters 65 years of age or older, and juvenile hunters 14 years of age or younger may hunt during either weekend day morning. Juvenile hunters must be accompanied by an adult with an appropriately marked upland bird permit.

Mountain Quail

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Oct. 11-Nov. 30, 1997; Oct. 10 ((17))-Nov. 30, 1998; Oct. 9 ((16))-Nov. 30, 1999;((:)) except CLOSED in GMU 522.

Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) valley or bobwhite quail per day, with a total of thirty (30) valley or bobwhite quail in possession at any time; straight or mixed bag.

Oct. 11-Nov. 30, 1997; Oct. 10 ((17))-Nov. 30, 1998; Oct. 9 ((16))-Nov. 30, 1999; except CLOSED in GMU 522.

TURKEY

Spring Season

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15-May 15, 1997; April 15-May 15, 1998; and April 15-May 15, 1999.

Fall Season

Either Sex

Klickitat and Skamania counties: Nov. 27-Dec. 1, 1997; Nov. 26-30, 1998; Nov. 25-29, 1999.

Asotin, Columbia, Garfield, and Walla Walla counties: Nov. 27-Dec. 1, 1997; Nov. 26-30, 1998; Nov. 25-29, 1999. Only hunters that successfully complete the Department of Fish and Wildlife's Advanced Hunter Education (AHE) program will be eligible to hunt turkeys during this season. A certification card will be issued to all AHE graduates and must be in possession in addition to a valid hunting license and turkey tag while hunting in this area.

OFFICIAL HUNTING HOURS/BAG LIMITS:

Bag and Possession Limit: One turkey per day, with a total of three (3) per year; only one turkey from each subspecies may be killed per year in 1997, 1998 and 1999; Subspecies are defined by county of kill.

Eastern Wild Turkey: All of western Washington excluding Skamania and Klickitat counties.

Rio Grande Wild Turkey: All of eastern Washington excluding Klickitat, Ferry, Pend Oreille, and Stevens counties.

Merriam's Wild Turkey: Skamania, Klickitat, Pend Oreille, Ferry and Stevens counties.

Tag Sale Cutoff: All multiple tags must be purchased by April 14 each year; a single statewide tag may be purchased at any time.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. Each successful hunter must complete and return a game harvest report card to the Department of Fish and Wildlife within ten days after taking a turkey.
4. It is unlawful to use dogs to hunt turkeys.

SAGE AND SHARP-TAILED GROUSE

Season Closed Statewide.

BIRD DOG TRAINING SEASON

Aug. 1, 1997-Mar. 15, 1998; Aug. 1, 1998-Mar. 15, 1999; and Aug. 1, 1999-Mar. 15, 2000, except from Sept. 27-Nov. 30, 1997, Oct. 3-Nov. 30, 1998, and Oct. 2-Nov. 30, 1999, dog training is prohibited except from 8:00 a.m. to 4:00 p.m. on designated western Washington pheasant release sites.

Dog training may be conducted year around on posted portions of: Region One - Espanola (T 24 N, R 40 E, E 1/2 of Sec. 16); Region Two - Wahluke Wildlife Area north of Highway 24; Region Three - South L.T. Murray Wildlife Area; Region Four - Fort Lewis Military Base, Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Six - Scatter Creek Wildlife Area.

All adult hunters (age 16 and over) of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey form at a license dealer, and possess a Washington Migratory Bird Stamp as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters (age 15 and under) are required to complete a HIP survey form available through WDFW offices, and possess a free Washington Youth Migratory Bird Stamp as evidence of compliance with this requirement when hunting migratory game birds.

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Statewide: September 8-14, 1998; September 7-13, 1999.

BAND-TAILED PIGEON

Closed Season Statewide.

MOURNING DOVE

Bag and possession limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 1997; Sept. 1-15, 1998; and Sept. 1-15, 1999; except CLOSED in GMU 522.

RABBIT AND HARE

Cottontail, Snowshoe Hare (or Washington Hare), and Jack-rabbit.

Bag and Possession Limits: Five (5) rabbits or hares per day, with a total of fifteen (15) in possession at any time; straight or mixed bag.

Statewide: Sept. 1, 1997-Mar. 15, 1998; Sept. 1, 1998-Mar. 15, 1999; Sept. 1, 1999-Mar. 15, 2000; except CLOSED in GMU 522.

CROWS

Bag and possession limits: No limits

Statewide: Oct. 1, 1997-Jan. 31, 1998; Oct. 1, 1998-Jan. 31, 1999; Oct. 1, 1999-Jan. 31, 2000.

FALCONRY SEASONS

Upland Game Bird - Falconry

Daily bag: Two (2) pheasants (either sex), six (6) partridge, five (5) quail, and three (3) forest grouse (blue, ruffed, spruce) per day.

Statewide: Sept. 1, 1997-Mar. 15, 1998; Sept. 1, 1998-Mar. 15, 1999; Sept. 1, 1999-Mar. 15, 2000.

Mourning Dove - Falconry

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Statewide: Sept. 1-15 and Oct. 1-Dec. 31, 1997; Sept. 1-15 and Oct. 1-Dec. 31, 1998; and Sept. 1-15 and Oct. 1-Dec. 31, 1999.

Cottontail and Hare - Falconry

Daily bag: Five (5) rabbits or hares per day; straight or mixed bag.

Statewide: Aug. 1, 1997-Mar. 15, 1998; Aug. 1, 1998-Mar. 15, 1999; Aug. 1, 1999-Mar. 15, 2000, for cottontail, snowshoe hare (or Washington hare), white-tailed and black-tailed jackrabbits.

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 98-10-003
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-61—Filed April 22, 1998, 4:17 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To adopt WAC 232-28-281 1998-99 and 1999-2000 Elk general seasons and 1998-99 special permits.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-242, 232-28-265, and 232-28-268 [repealed in WSR 98-10-019].

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-088 on February 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-281 1998-99 and 1999-2000 Elk general seasons and 1998-99 special permits, differs from the proposed version filed with the code reviser in the following specifics:

The following adjustments are those proposed since the code reviser (CR-102) filing:

1. Bag limit definition changed from "annual (July 1-March 31) hunting season" to "1998 hunting season."
2. Tag Required changed to Elk Tag Areas.
3. The sentence "Spike bull only or 3 point minimum restrictions apply in most game management units" dropped from Any Bull Elk Seasons heading.
4. Spike Bull Restriction GMUs changed to Spike Bull Restrictions.
5. 3 point Restriction GMUs title changed to 3 point Restriction. The first sentence amended as follows: **Legal ((B)) bull elk taken ((in these GMUs)) must have at least 3 antler points on one side only.**
6. GMU 485 dropped from 3 point GMUs.
7. GMUs Closed to Elk Hunting was amended as follows: 418 (Nooksack) and 437 (Sauk) except for Elk Area 041, 485 (Green River), 522 (Loo-wit) and 636 (Skokomish).

8. The first sentence in Special Permits amended as follows: Only hunters with elk tag(~~(s)~~) prefix identified in the Special Elk Permits tables may apply for special bull or antlerless permits.

9. Blue Mtn. Elk Tag Area amended as follows: GMUs 145-186, ~~((with GMU 157 limited))~~ Elk hunting by permit ~~((to all hunters))~~ only in GMU 157.

10. Northeastern Elk Tag area amended as follows: GMUs 101-142(~~(;)~~), Modern Firearm by permit only in GMUs 127 and 130,((are permit)).

11. Colockum Elk tag area amended as follows: GMUs 300, 302, 304, 306, 308, 314, 316, 328, 329, 330 (Elk hunting by permit only in GMU 330), ...

12. In the Yakima Elk Tag area GMU 302 is deleted.

13. In the Western Washington Elk Tag area description GMU 485 was added to the closed units and the underline in 636 was dropped. The last sentence was amended as follows: Elk hunting by permit ((Permit)) only in GMUs ((485,)) 524, 556, 602, 621, and PLWMA 600 (Pysht).

14. The "Permit Only Units" section is deleted because the verbiage is described previously.

15. In the Northeast Modern Firearm Elk units, "GMUs 101 through 142" were amended to "GMUs 101 through 124, 133 through 142."

16. In the Yakima general season, GMU 302 is deleted. The legal elk for the October 31-November 8 modern firearm elk season in GMU 372 was changed from antlerless only to any elk.

17a. In the Western Washington General Season for any elk, GMU 578 was added.

17b. In the Western Washington General Season, for 3 pt. min. or antlerless, GMU 568 was deleted. (This unit is already open for any elk above.)

17c. In the Western Washington General Season for 3 pt. min., GMUs 504, 505, 506, 510, 513, 516, 520 replaced by 504 through 520; GMUs 603, 618, 638 through 681, 684 replaced with 603 through 618, 624 through 633, 638 through 658.

18. Also in the Western Washington General Season, GMUs 674, 578, 582, 588 replaced by 574 through 588. GMU 485 was deleted from permit only units.

19. In the Early Archery Elk Season, Blue Mountains tag area, GMUs 175, 178, 181, 186 replaced by GMUs 175 through 186.

20. GMU 372 added to early archery Yakima any elk and deleted from spike bull or antlerless.

21. In early archery Western Washington seasons, GMU 472 deleted from 3 pt. minimum or antlerless and added to 3 pt. minimum. Also, GMUs 504, 505, 510, 513, 516 replaced by 501 through 520; GMUs 672, 673, 681 replaced by 667 through 684. In the 3 pt. minimum hunts, GMUs 615, 618, 624, 627 replaced by 612 through 633, and 642, 648, 651 replaced by 638 through 658.

22. In late archery elk seasons for Northeast, GMUs 121, 124, 127 replaced by 117 through 130.

22a. In late archery elk seasons for Yakima, GMU 335 was added to the November 25-December 8, 1998 and November 24-December 8, 1999 spike bull or antlerless seasons.

23. In late archery elk seasons for Western Washington, the two 3 pt. minimum or antlerless hunt listings were merged into one. Also, GMU 454 was dropped from 3 pt. minimum or antlerless and added to the any elk season.

24. In early muzzleloader elk seasons for the Colockum tag area, GMU 316 south of Hwy 2 was deleted from the any bull hunt. The spike bull only hunt was amended to add the phrase "south of Hwy 2" to the 316 unit.

25. In the early muzzleloader elk seasons for Western Washington, GMU 454 was deleted from 3 pt. minimum and added to any elk hunts. GMU 437 was deleted. GMU 484 was dropped from the any elk hunts and added to the 3 pt. minimum hunts.

26. In late muzzleloader elk seasons for Northeast, GMUs 130, 133, 136 replaced by GMUs 127 through 139.

26a. In the elk hunts open to specified tag holders for GMU 564, revolver type handguns were added to legal weapons.

27. In the Elk Hunts Open to Specified Tag Holders, for Central Washington, the area open was amended as follows: Grant, Adams, Douglas and Okanogan counties, and Chelan County north of Hwy 2 except closed within 1/2 mile of Columbia River in Douglas and Grant counties.

28. Modern firearm permits for Blue Creek A was changed from 4 to 3.

29. Modern firearm permits for Dayton A was changed from 4 to 5.

30. Modern firearm permits for Bethel A was changed from 20 to 30.

30a. The modern firearm permit hunt for Alkali was deleted.

31. Modern firearm 3 pt. minimum permit hunts for Winston, Coweeman, and Lewis River were deleted.

32a. Modern firearm permits for Margaret A was changed from 21 to 14.

32b. Modern firearm permits for Dickey A was changed from 7 to 46.

33a. Modern firearm permits for Olympic A was changed from 16 to 14.

33b. The elk tag prefix for Wenatchee Mountains was changed from CG, CM, YP, or YM to CG, CM, YG, or YM.

34. Modern firearm permits for Winston B were retained at 30.

34a. Modern firearm permits for Margaret B were reduced from 30 to 20.

35. Modern firearm permits for Toutle B was changed from 50 to 45.

35a. Muzzleloader permits for Cowiche C were changed from 50 to 3.

36. Muzzleloader 3 pt. minimum permit hunts for Winston, Coweeman, and Lewis River were deleted.

37. Muzzleloader permits for Margaret C was changed from 5 to 3.

38. Muzzleloader permits for Toutle C was changed from 22 to 20.

38a. Muzzleloader permits for Dickey B were changed from 1 to 8.

39. Muzzleloader permits for Olympic B was changed from 3 to 2.

- 40. Archery permits for Blue Creek D was changed from 1 to 2.
- 41. Archery permits for Mountain View C was changed from 4 to 5.
- 42. Archery permits for Peola D was changed from 1 to 2.
- 43. Archery permits for Peaches Ridge C was changed from 50 to 53.
- 44. Archery permits for Goose Prairie C was changed from 26 to 29.
- 45. Archery 3 pt. minimum permit hunts for Winston, Coweeman, and Lewis River were deleted.

Observatory	Oct. 25-Nov. 8	Any Elk	YG or YM	GMU 340, 342	15 permits
Little Naches C	Oct. 1-10	Any Elk	YG, YM, or YA	GMU 346	15 permits

49a. A new hunt for Persons of Disability was added for Lone Butte. The season is Sept. 1-14, Any Elk, Any Archery Tag in GMU 560.

50. An asterisk was placed after all three Elk Area 062 hunts with a footnote: *Firearm Restriction Area - Hunters may use only muzzleloader equipment.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

NEW SECTION

WAC 232-28-281 1998-99 and 1999-2000 Elk general seasons and 1998-99 special permits Bag Limit: One (1) elk per hunter during the 1998 hunting season.

Hunting Method: Elk hunters must select only one of the hunting methods (modern firearm, archery, or muzzleloader).

Elk Tag Areas: Elk hunters must choose one of the five elk hunting areas (Blue Mountains, Northeastern Washington, Yakima, Colockum, or Western Washington) to hunt in and buy the appropriate tag for that area.

Any Bull Elk Seasons: Open only to the taking of male elk with visible antlers (bull calves are illegal).

Spike Bull Restrictions: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not

- 46. Archery permits for Margaret D was changed from 9 to 6.
- 46a. Archery permits for Dickey C were changed from 23 to 39.
- 47. Archery permits for Olympic C was changed from 68 to 6.
- 48. AHE permits for Margaret E was changed from 15 to 10.
- 49. Persons of Disability permit hunt for Quilomene E, Manastash B, and Little Naches C were deleted and replaced by:

branch above ears). An animal with branched antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

Spike Only GMUs: 145-154, 162-186, 302, 314-329, and 335-371

3 Point Restriction: Legal bull elk taken must have at least 3 antler points on one side only. Antler points may include eye guards, but antler points on the lower half of the main beam must be at least four (4) inches long measured from antler tip to nearest edge of beam; all other antler points must be at least one (1) inch long. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: All of western Washington except for GMUs 564, 568, 574, 578, 582, 588 and permit only GMUs 157, 524, 556, 602, and 621.

GMUs Closed to Elk Hunting: 418 (Nooksack), and 437 (Sauk) except for Elk Area 041, 485 (Green River), 522 (Loo-wit) and 636 (Skokomish).

Special Permits: Only hunters with elk tag prefix identified in the Special Elk Permits tables may apply for special bull or antlerless permits. Please see permit table for tag eligibility. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

Harvest Report Card: Successful hunters must fill out and return a Game Harvest Report Card within 10 days after taking an elk.

Elk Tag Areas

Blue Mountains: GMUs 145-186. Elk hunting by permit only in GMU 157.

- BA - Blue Mountains Archery Tag
- BG - Blue Mountains Modern General Bull Tag
- BM - Blue Mountains Muzzleloader Tag

Northeastern: GMUs 101-142. Modern firearm by permit only in GMUs 127 and 130.

- NA - Northeastern Archery Tag
- NG - Northeastern Modern General Bull Tag
- NM - Northeastern Muzzleloader Tag

Colockum: GMUs 300, 302, 304, 306, 308, 314, 316, 328, 329, 330 (Elk hunting by permit only in GMU 330), and the

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portion of GMU 334 north of I-90 (modern firearm restrictions in GMU 334).

- CA - Colockum Archery Tag
- CG - Colockum Modern General Bull Tag
- CM - Colockum Muzzleloader Tag

Yakima: The portion of GMU 334 south of I-90 (Modern Firearm restrictions in GMU 334), and GMUs 335, 336, 340, 342, 346, 352, 356, 360, 364, 368, 371, and 372.

- YA - Yakima Archery Tag
- YG - Yakima Modern General Bull Tag
- YM - Yakima Muzzleloader Tag

Western Washington: All 400, 500 and 600 GMUs except closed in GMU 418, 437, 485, 522, 636 and modern firearm restrictions in portions of GMU 660. GMUs 418 (Nooksack), 437 (Sauk) except for Elk Area 041, and 636 (Skoko-

mish) are closed to all elk hunting as Conservation Closures. GMU 554 is open only for early archery and muzzleloader permit seasons. Elk Area 064 in GMU 638 (Quinault) is open to AHE hunters only. Elk hunting by permit only in GMUs 524, 556, 602, 621, and PLWMA 600 (Pysht).

- WA - Western Washington Archery Tag
- WG - Western Washington Modern General Bull Tag
- WM - Western Washington Muzzleloader Tag

Modern Firearm Elk Seasons

License Required: Hunting license.

Tag Required: Valid modern firearm elk tag as listed below on his/her person for the area hunted.

Hunting Method: May use rifle, bow and arrow, or muzzleloader, but only during modern firearm seasons.

Hunt Area	Elk Tag	Game Management Units (GMUs)	1998 Season Dates	1999 Season Dates	Legal Elk
Northeast	General (NG)	101 through 124, 133 through 142	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Any bull
		127, 130			Permit only
Blue Mountains	General (BG)	145 through 154, 162 through 186	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Spike bull only
		157			Permit Only
Colockum	General (CG)	300, 304, 306, 308	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Any bull
		302, 314, 316 south of Hwy 2, 328, 329	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Spike bull only
		330			Permit Only
Yakima	General (YG)	335 through 371	Oct. 31-Nov. 8	Oct. 30-Nov. 7	Spike bull only
		372	Oct. 5-13	Oct. 5-13	Antlerless Only
	Any Yakima Tag		Oct. 31-Nov. 8	Oct. 31-Nov. 8	Any Elk
			Dec. 9-13	Dec. 9-13	Antlerless Only
Western Washington	General (WG)	407, 448, 460, 466, 472, 478, 484, 490, 504 through 520, 530, 550, 558, 560, 572, 601, 603 through 618, 624 through 633, 638 through 684 Except AHE hunters only in Elk Area 064 in GMU 638	Nov. 7-15	Nov. 6-14	3 pt. min.
		501	Nov. 7-15	Nov. 6-14	3 pt. min. or antlerless
		564, 568, 574 through 588	Nov. 7-15	Nov. 6-14	Any elk

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Western Washington	General (WG)	454, Elk Area 041	Nov. 7-15	Nov. 8-14	Any bull
		524, 556, 602, 621 & PLWMA 600			Permit Only

Archery Elk Seasons

License Required: Hunting license.

Tag Required: Valid archery elk tag as listed below on his/her person for the area hunted.

Hunting Method: Bow and arrow only.

Special Notes: Archery tag holders can hunt only during archery seasons. Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	1998 Season Dates	1999 Season Dates	Legal Elk
Early Archery Elk Seasons					
Northeast	NA	101 through 142	Sept. 1-14	Sept. 1-14	Any elk
Blue Mountains	BA	145 through 154, 162 through 169, 175 through 186	Sept. 1-14	Sept. 1-14	Spike bull only
Colockum	CA	300, 306, 308, 334 (N of I-90)	Sept. 1-14	Sept. 1-14	Any elk
		328, 329, 330	Sept. 1-14	Sept. 1-14	Spike bull or antlerless
Yakima	YA	334 (south of I-90), 372	Sept. 1-14	Sept. 1-14	Any elk
		335, 336, 340, 352, 356, 364, 371	Sept. 1-14	Sept. 1-14	Spike bull or antlerless
Western Washington	WA	454, 564, 568, 574, 578, 582, 588	Sept. 1-14	Sept. 1-14	Any elk
		407, 448, 460, 466, 490, 501 through 520, 530, 550, 554, 558, 560, 572, 660, 663, 667 through 684 and Long Island	Sept. 1-14	Sept. 1-14	3 pt. min. or antlerless
		472, 478, 484, 601, 603, 612 through 618, 624 through 633, 638 through 658. AHE hunters only in Elk Area 064 in GMU 638. Permit Only in PLWMA 600 in GMU 603.	Sept. 1-14	Sept. 1-14	3 pt. min.
		Elk Area 041	Sept. 1-14	Sept. 1-14	Antlerless only
Late Archery Elk Seasons					
Northeast	NA	101, 105, 117 through 130	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Any elk
Blue Mountains	BA	Private lands within GMU 162 east of the North Touchet Road. GMU 178	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless only
Colockum	CA	328	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Spike bull or antlerless
Yakima	YA	335, 336, 346, 352, 360 North of Carmack Canyon & Bethel Ridge Road, 368	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Spike bull or antlerless

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Hunt Area	Elk Tag	Game Management Units (GMUs)	1998 Season Dates	1999 Season Dates	Legal Elk
Western Washington	WA	407, 505, 506, 520, 530, 672, 681 and Long Island. In GMU 681 closed between US Highway 101 and the Columbia River from Astoria-Megler toll bridge to the Wallicut River.	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3 pt. min. or antlerless
		454, 564, 588	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Any elk
		484, 603, 612, 615, 638, 648 except closed in PLWMA 600 in GMU 603. AHE hunters only in Elk Area 064 in GMU 638.	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3 pt. min.
		Elk Area 041	Nov. 25-Dec. 31	Nov. 24-Dec. 31	Antlerless only

Muzzleloader Elk Seasons

License Required: Hunting license.

Tag Required: Valid muzzleloader elk tag as listed below on his/her person for the area hunted.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	1998 Season Dates	1999 Season Dates	Legal Elk
Early Muzzleloader Elk Seasons					
Northeast	NM	109	Oct. 10-16	Oct. 9-15	Any bull
Blue Mountains	BM	172, 178, 181	Oct. 10-16	Oct. 9-15	Spike bull only
Colockum	CM	308	Oct. 10-16	Oct. 9-15	Any bull
		314*, 316, S of Hwy 2 *The portion of GMU 314 bordered by the Colockum Pass Road (Road 10) Naneum Ridge Road (Road 9) and Ingersol Road (Road 1) is closed. See Naneum Green Dot Map.	Oct. 10-16	Oct. 9-15	Spike bull only
Yakima	YM	342, 356, 368	Oct. 10-16	Oct. 9-15	Spike bull only
		ML 910	Aug. 15-Sept. 14	Aug. 15-Sept. 14	Any elk
Western Washington	WM	454, 564, 684	Oct. 10-16	Oct. 9-15	Any elk
		460, 478, 484, 513, 530, 603, 607, 660	Oct. 10-16	Oct. 9-15	3 pt. min.
		501	Oct. 10-16	Oct. 9-15	3 pt. min. or antlerless
		Elk Area 041	Oct. 10-16	Oct. 10-16	Antlerless only
Late Muzzleloader Elk Seasons					

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Northeast	NM	127 tough 139 (All units are primarily private lands and access is a problem.)	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Any elk
Yakima	YM	346	Nov. 14-18	Nov. 14-18	Spike bull or antlerless
		Muzzleloader Area 944	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Spike bull or antlerless
Western Washington	WM	501, 505	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3 pt. min. or antlerless
		454, 564, 568, 684	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Any elk
		574, 578	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Any elk
		484, 504, 550, 601	Nov. 25-Dec. 15	Nov. 24-Dec. 15	3 pt. min.
		Elk Area 041	Nov. 25-Jan. 31, 1999	Nov. 24-Jan. 31, 2000	Any elk

Special Elk Hunts Open to Specified Tag Holders

License Required: Hunting License

Tag Required: Proper elk tags are listed with each GMU below. **Hunting Method:** Hunters must use method listed on their tag, except in Firearm Restriction Areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below.

Hunt Area	Elk Tag	Game Management Units	Legal Elk	Season Dates	
				1998	1999
Western Washington	WG	568, 574, 578, 588	Any Elk	Nov. 7-15	Nov. 6-14
	WA, WG, WM	564, Archery, muzzleloader and revolver type handguns meeting elk hunting equipment restrictions. Modern Firearm elk tag holders may hunt, but must use archery, muzzleloader or revolver type handgun equipment.	Any Elk	Nov. 7-15	Nov. 6-14
Northeast	NG	101, 105, 121, 124 west of SR 395, 133, 136, 139	Any Elk	Oct. 31-Nov. 8	Oct. 30-Nov. 7
	NA, NM	127, 130 Advanced Hunter Education Hunters Only	Any Elk	Oct. 20-Dec. 31	Oct. 20-Dec. 31
Central Washington	Any Elk Tag	Grant, Adams, Douglas and Okanogan cos. and Chelan County N of Hwy 2 except closed within 1/2 mile of Columbia River in Douglas & Grant cos.	Any Elk	Nov. 1-15	Nov. 1-15

Special Elk Permit Hunting Seasons

(Open to Permit Holders Only)

Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper tag for these hunts (see Elk Tag Prefix required to apply for each hunt).

Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	1998 Permits
Modern Firearm Bull Permit Hunts					
Blue Creek A	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 154	3
Watershed A*	Oct. 31-Nov. 8	3 Pt. Min. or Antlerless	BA, BG, BM	GMU 157	50
Dayton A	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 162	5

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Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	1998 Permits
Tucannon A	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 166	3
Wenaha A	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 169	6
Mountain View A	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 172	5
Peola A	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 178	2
Couse	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 181	1
Grande Ronde A	Oct. 25-Nov. 8	3 Pt. Min.	BG	GMU 186	1
Naneum A	Oct. 25-Nov. 8	3 Pt. Min.	CG	GMU 328	19
Quilomene A	Oct. 25-Nov. 8	3 Pt. Min.	CG	GMU 329	10
Peaches Ridge A	Oct. 25-Nov. 8	3 Pt. Min.	YG	GMUs 336, 346	88
Observatory A	Oct. 25-Nov. 8	3 Pt. Min.	YG	GMUs 340, 342	52
Goose Prairie A	Oct. 25-Nov. 8	3 Pt. Min.	YG	GMUs 352, 356	41
Bethel A	Oct. 25-Nov. 8	3 Pt. Min.	YG	GMU 360	30
Rimrock A	Oct. 25-Nov. 8	3 Pt. Min.	YG	GMU 364	63
Cowiche A	Oct. 25-Nov. 8	3 Pt. Min.	YG	GMU 368	11
Margaret A	Nov. 2-15	3 Pt. Min.	WG	GMU 524	14
Toutle A	Nov. 2-15	3 Pt. Min.	WG	GMU 556	117
Dickey A	Nov. 2-15	3 Pt. Min.	WG	GMU 602	46
Olympic A	Nov. 2-15	3 Pt. Min.	WG	GMU 621	14

*Permit season is open for archery and muzzleloader but hunt is the same as modern firearm and all hunters must wear hunter orange.

Modern Firearm Elk Permit Hunts (Only modern firearm and muzzleloader elk tag holders may apply.)

Northeast	Nov. 2-8	Antlerless Only	NG or NM	GMUs 109, 113, 117, 124 (E. of SR 395)	80
Mica, Cheney	Oct. 17-Nov. 8	Antlerless Only	NG or NM	GMUs 127, 130	250
Wenaha B	Oct. 1-10	3-Pt. Min.	BG or BM	GMU 169	3
Peola B	Nov. 4-8	Antlerless	BG or BM	GMU 178	25
Wenatchee Mtns.	Oct. 1-10	3-Pt. Min.	CG, CM, YG, or YM	GMU 302, 335	18
Shushuskin	Dec. 1-31	Antlerless	YG or YM	Elk Area 031	50
Malaga A	Sept. 1-Oct. 3	Any Elk	CG or CM	Elk Area 032	75
Malaga B	Oct. 11-31	Any Elk	CG or CM	Elk Area 032	75
Malaga C	Nov. 10-Dec. 31	Any Elk	CG or CM	Elk Area 033	75
Peshastin A	Sept. 1-Oct. 3	Antlerless	CG or CM	Elk Area 033	25
Peshastin B	Nov. 10-Dec. 31	Any Elk	CG or CM	Elk Area 033	25
Taneum	Nov. 4-8	Antlerless	YG or YM	GMU 336	150
Manastash A	Nov. 4-8	Antlerless	YG or YM	GMU 340	300
Umtanum	Nov. 4-8	Antlerless	YG or YM	GMU 342	350
Little Naches A	Nov. 4-8	Antlerless	YG or YM	GMU 346	250
Little Naches B	Oct. 1-10	3-Pt. Min.	YG or YM	GMU 346	19
Nile	Nov. 4-8	Antlerless	YG or YM	GMU 352	75
Bumping	Nov. 4-8	Antlerless	YG or YM	GMU 356	300
Bethel B	Nov. 4-8	Antlerless	YG or YM	GMU 360	100
Rimrock B	Nov. 4-8	Antlerless	YG or YM	GMU 364	350
Cowiche B	Nov. 4-8	Antlerless	YG or YM	GMU 368	200
Willapa Hills	Nov. 11-15	Antlerless	WG or WM	GMU 506	100

Packwood	Nov. 11-15	Antlerless	WG or WM	GMU 516	25
Winston B	Nov. 11-15	Antlerless	WG or WM	GMU 520	30
Margaret B	Nov. 11-15	Antlerless	WG or WM	GMU 524	20
Ryderwood	Nov. 11-15	Antlerless	WG or WM	GMU 530	75
Coweeman B	Nov. 11-15	Antlerless	WG or WM	GMU 550	50
Toutle B	Nov. 11-15	Antlerless	WG or WM	GMU 556	45
Marble	Nov. 11-15	Antlerless	WG or WM	GMU 558	60
Carlton	Oct 1-10	3-Pt. Min.	WG or WM	Elk Area 057	5
West Goat Rocks	Oct. 1-10	3-Pt. Min.	WG or WM	Elk Area 058	5
Mt. Adams	Oct. 1-10	3-Pt. Min.	WG or WM	Elk Area 059	5
Lewis River B	Nov. 11-15	Antlerless	WG or WM	GMU 560	75
Siouxon	Nov. 11-15	Antlerless	WG or WM	GMU 572	50
Minot Peak	Nov. 11-15	Antlerless	WG or WM	GMU 660	10
Williams Creek	Nov. 11-15	Antlerless	WG or WM	GMU 673	50
Curtis	Dec. 20-31	Antlerless	WG or WM	Elk Area 050	50
Boisfort A	Jan. 1-15, 1999	Antlerless Only	WG or WM	Elk Area 054	50
East Valley	Jan. 1-15, 1999	Antlerless Only	WG or WM	Elk Area 055	25

Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)

Blue Creek B	Oct. 1-10	3 Pt. Min.	BM	GMU 154	1
Dayton B	Oct. 1-10	3 Pt. Min.	BM	GMU 162	1
Tucannon B	Oct. 1-10	3 Pt. Min.	BM	GMU 166	1
Wenaha C	Oct. 1-10	3 Pt. Min.	BM	GMU 169	2
Mountain View B	Oct. 1-10	3 Pt. Min.	BM	GMU 172	1
Peola C	Oct. 1-10	3 Pt. Min.	BM	GMU 178	1
Couse B	Oct. 1-10	3 Pt. Min.	BM	GMU 181	1
Grande Ronde B	Oct. 1-10	3 Pt. Min.	BM	GMU 186	1
Naneum C	Oct. 1-10	3 Pt. Min.	CM	GMU 328	2
Quilomene C	Oct. 1-10	3 Pt. Min.	CM	GMU 329, 330	4
Peaches Ridge B	Oct. 1-10	3 Pt. Min.	YM	GMUs 336, 346	20
Observatory B	Oct. 1-10	3 Pt. Min.	YM	GMUs 340, 342	19
Goose Prairie B	Oct. 1-10	3 Pt. Min.	YM	GMUs 352, 356	5
Bethel C	Oct. 1-10	3 Pt. Min.	YM	GMU 360	3
Rimrock C	Oct. 1-10	3 Pt. Min.	YM	GMU 364	15
Cowiche C	Oct. 1-10	3 Pt. Min.	YM	GMU 368	3
Margaret C	Oct. 1-10	3 Pt. Min.	WM	GMU 524	3
Toutle C	Oct. 1-10	3 Pt. Min.	WM	GMU 556	20
Dickey B	Oct. 1-10	3 Pt. Min.	WM	GMU 602	8
Olympic B	Oct. 1-10	3 Pt. Min.	WM	GMU 621	2

Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)

Blue Creek C	12/1/98-1/31/99	Antlerless Only	BM	GMU 154	50
Peola D	Oct. 10-16	Spike or Antlerless	BM	GMU 178	50
Couse C	Oct. 10-16	Spike or Antlerless	BM	GMU 181	50
Couse D	Dec. 1-31	Antlerless Only	BM	GMU 181	50
Couse E	Jan. 1-31, 1999	Antlerless Only	BM	GMU 181	50
Stella	Nov. 26-Dec. 15	3 Pt. Min. or Antlerless	WM	GMU 504	100
Boisfort B	Jan. 16-31, 1999	Antlerless Only	WM	Elk Area 054	50
Yale	Nov. 26-Dec. 15	Any Elk	WM	GMU 554	75

Toledo	Jan. 2-16, 1999	Antlerless Only	WM	Elk Area 029	75
North River	Nov. 26-Dec. 15	Antlerless Only	WM	GMU 658	20

Archery Bull Permit Hunts (Only archery elk tag holders may apply.)

Blue Creek D	Sept. 1-14	3 Pt. Min.	BA	GMU 154	2
Dayton C	Sept. 1-14	3 Pt. Min.	BA	GMU 162	3
Tucannon C	Sept. 1-14	3 Pt. Min.	BA	GMU 166	1
Wenaha D	Sept. 1-14	3 Pt. Min.	BA	GMU 169	8
Mountain View C	Sept. 1-14	3 Pt. Min.	BA	GMU 172	5
Peola E	Sept. 1-14	3 Pt. Min.	BA	GMU 178	2
Couse F	Sept. 1-14	3 Pt. Min.	BA	GMU 181	1
Grande Ronde C	Sept. 1-14	3 Pt. Min.	BA	GMU 186	1
Naneum D	Sept. 1-14	3 Pt. Min.	CA	GMU 328	77
Quilomene D	Sept. 1-14	3 Pt. Min.	CA	GMU 329, 330	23
Peaches Ridge C	Sept. 1-14	3 Pt. Min.	YA	GMUs 336, 346	53
Observatory C	Sept. 1-14	3 Pt. Min.	YA	GMUs 340, 342	26
Goose Prairie C	Sept. 1-14	3 Pt. Min.	YA	GMUs 352, 356	29
Bethel D	Sept. 1-14	3 Pt. Min.	YA	GMU 360	48
Rimrock D	Sept. 1-14	3 Pt. Min.	YA	GMU 364	82
Cowiche D	Sept. 1-14	3 Pt. Min.	YA	GMU 368	5
Margaret D	Sept. 1-14	3 Pt. Min.	WA	GMU 524	6
Toutle D	Sept. 1-14	3 Pt. Min.	WA	GMU 556	89
Dickey C	Sept. 1-14	3 Pt. Min.	WA	GMU 602	39
Olympic C	Sept. 1-14	3 Pt. Min.	WA	GMU 621	6

Advanced Hunter Education (AHE) Graduate Special Elk Permit Hunts (Only AHE graduates may apply.)

Margaret E	Oct. 1-10	3-Pt. Min or Antlerless	Any Elk Tag	GMU 524	10
Quinault Ridge	Oct. 1-10	3-Pt. Min or Antlerless	Any Elk Tag	GMU 638	5
South Bank A	Jan. 1-15, 1999	Antlerless Only	Any Elk Tag	Elk Area 062*	5
South Bank B	Jan. 16-31, 1999	Antlerless Only	Any Elk Tag	Elk Area 062*	5
Skookumchuck	Oct. 1-10	3-Pt. Min. or Antlerless	Any Elk Tag	GMU 667	2
Cle Elum	Nov. 25-Dec. 8	Antlerless Only	YM, CM	ML 910	50

Persons of Disability Only - Special Elk Permit Hunts

Observatory	Oct. 25-Nov. 8	Any Elk	YG or YM	GMU 340, 342	15
Little Naches C	Oct. 1-10	Any Elk	YG, YM, YA	GMU 346	15
Trout Creek Hill	Nov. 9-15	3 Pt. Min. or Antlerless	WG or WM	GMU 572	1
Eleven Mile Ridge	Nov. 9-15	3 Pt. Min. or Antlerless	WG or WM	GMU 572	1
Red Mountain	Nov. 9-15	3 Pt. Min. or Antlerless	WG or WM	GMU 572	1
Paradise Ridge	Nov. 9-15	3 Pt. Min. or Antlerless	WG or WM	GMU 572	1
Proverbial Creek	Nov. 9-15	3 Pt. Min. or Antlerless	WG or WM	GMU 572	1
Lone Butte	Sept. 1-14	Any Elk	Any Archery Elk Tag	GMU 560	1
Lone Butte	Nov. 9-15	Any Elk	Any Elk Tag	GMU 560	1
Centralia Mine A	Oct. 31-Nov. 1	Antlerless Only	Any Elk Tag	Portion of GMU 667	4
Centralia Mine B	Nov. 7-8	Antlerless Only	Any Elk Tag	Portion of GMU 667	4
South Bank C	Dec. 10-20	Antlerless Only	Any Elk Tag	Elk Area 062*	3

* Firearm Restriction Area - Hunters may use only muzzle-loader equipment.

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

Reviser's note: The spelling 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 98-10-004
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-59—Filed April 22, 1998, 4:18 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To adopt WAC 232-28-274 1999 Big game auction permits and raffles.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-092 on February 18, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

NEW SECTION

WAC 232-28-274 1999 Big game auction permits and raffles.

BIG GAME AUCTION PERMITS

The Director will select a conservation organization(s) to conduct the 1999 auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington Department of Fish and Wildlife. The organization shall notify the Department of the name of and address of the successful bidder within ten days of the auction.

AUCTION PERMIT HUNT(S)

SPECIES - ONE ELK PERMIT

Hunting Season Dates: September 15-30, 1999

Hunt Area: Statewide in any open area EXCEPT all Private Lands Wildlife Management Areas and GMUs 157 and 485 are closed.

Bag Limit: One bull elk

AUCTION HUNT PERMITTEE RULES

- (1) Permittee shall contact the appropriate regional office of the Department of Fish and Wildlife when entering the designated hunt area.
- (2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.
- (3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.
- (4) If requested by the Department, the permittee is required to direct Department officials to the site of the kill.

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting Season Dates: September 1 - October 31, 1999

Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), or Sheep Unit 13 (Quilomene).

Bag Limit: One bighorn ram

AUCTION HUNT PERMITTEE RULES

- (1) Permittee shall contact the appropriate regional office of the Department of Fish and Wildlife when entering the designated hunt area.
- (2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a firearm and harvest an animal.
- (3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.
- (4) If requested by the Department, the permittee is required to direct Department officials to the site of the kill.
- (5) The permittee will present the head and carcass of the bighorn sheep killed to any Department office within 72 hours of date of kill.

SPECIES - ONE MOOSE PERMIT

Hunting Season Dates: October 1-November 30, 1999

Hunt Area: Any open moose unit

Bag Limit: One moose of either sex

AUCTION HUNT PERMITTEE RULES

- (1) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.
- (2) If requested by the Department, the permittee is required to direct Department officials to the site of the kill.

BIG GAME RAFFLE PERMITS

The following raffle permits will be issued to individuals selected through a drawing:

DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer.

PERMANENT

Open area: Statewide in any open area, except all Private Lands Wildlife Management Areas (PLWMAs), and GMUs 157 and 485 are closed.

Open season: The deer raffle permit holder may hunt in any 1999 general or permit archery, muzzleloader, or modern firearm season.

Weapon: The raffle hunter may use only archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons and any legal weapon during modern firearm seasons.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50 cent vendor fee.

ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk.

Open area: Statewide in any open area, except all Private Lands Wildlife Management Areas (PLWMAs) and GMUs 157 and 485 are closed.

Open season: The elk raffle permit holder may hunt in any 1999 general or permit archery, muzzleloader, or modern firearm season.

Weapon: The raffle permit hunter may use only archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons and any legal weapon during modern firearm seasons.

Number of permits: 1

Raffle tickets cost: \$5.00 including a 50 cent vendor fee.

BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram

Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), or Sheep Unit 13 (Quilomene).

Open season: September 1-October 31, 1999.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle tickets cost: \$10.00 including a 50 cent vendor fee.

- (1) Permittee shall contact the appropriate regional office of the Department of Fish and Wildlife when entering the designated hunt area.
- (2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a firearm and harvest an animal.
- (3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.
- (4) If requested by the department, the permittee is required to accompany Department officials to the site of the kill.
- (5) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.

MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex

Open area: Hunter may hunt in any open moose unit.

Open season: October 1-November 30, 1999.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket: cost \$5.00 including a 50 cent vendor fee.

- (1) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area.

- (2) If requested by the department, the permittee is required to accompany department officials to the site of the kill.

WSR 98-10-005

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 98-58—Filed April 22, 1998, 4:20 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To adopt WAC 232-28-273 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-252, 232-28-253, 232-28-254, 232-28-02250, 232-28-02260, 232-28-02270, and 232-28-249 [repealed in WSR 98-10-019].

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-089 on February 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-273 Moose, bighorn sheep, and mountain goat seasons and permit quotas, differs from the proposed version filed with the code reviser in the following specifics:

1. Page 1, under "1998 Moose Permit Hunts," an asterisk is added after the Mt. Spokane Youth Only hunt. The asterisk is then defined at the end of the moose permit hunt section so that the reader is clear of the definition of a youth hunter.

2. Page 2, the description of Sheep Unit 5 Umtanum is rewritten for clarity.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

NEW SECTION

WAC 232-28-273 1998 Moose, bighorn sheep, and mountain goat seasons and permit quotas

1998 Moose Permit Hunts

Who May Apply: Anyone with a valid 1998 Washington hunting license; EXCEPT those who drew a moose permit previously in Washington State. Only one moose permit will be issued during an individual's lifetime (waived for Mt. Spokane youth hunt).

Bag Limit: One moose of either sex, EXCEPT antlerless only for Mt. Spokane Youth Hunt.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	1998 Permits
Selkirk Mtns.	Oct. 1-Nov. 30	GMU 113	Any Legal Weapon	12
Mt. Spokane	Oct. 1-Nov. 30	GMU 124	Any Legal Weapon	10
Mt. Spokane Youth Only*	Oct. 1-Nov. 30	GMU 124	Any Legal Weapon	4
49 Degrees North	Oct. 1-Nov. 30	GMU 117	Any Legal Weapon	13
Three Forks	Oct. 1-Nov. 30	GMU 109	Any Legal Weapon	3
Hangman	Oct. 1-Nov. 30	GMU 127, 130	Any Legal Weapon	1

* Applicants must be 15 years old or younger by opening date of the permit season and must be accompanied by an adult during the hunt.

1998 Mountain Sheep (Bighorn) Permit Hunts

Who May Apply: Anyone with a valid 1998 Washington hunting license; EXCEPT those who drew a bighorn permit previously in Washington State. Only one bighorn sheep permit will be issued during an individual's lifetime.

Bag Limit: One bighorn ram.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	1998 Permits
Vulcan Mountain	Sept. 15-Oct. 10	Sheep Unit 2	Any Legal Weapon	1
Tucannon River	Sept. 15-Oct. 10	Sheep Unit 3	Any Legal Weapon	1
Selah Butte	Sept. 15-Oct. 10	Sheep Unit 4	Any Legal Weapon	2
Umtanum	Sept. 15-Oct. 10	Sheep Unit 5	Any Legal Weapon	2
Cleman Mountain	Sept. 15-Oct. 10	Sheep Unit 7	Any Legal Weapon	2
Mt. Hull	Sept. 15-Oct. 10	Sheep Unit 10	Any Legal Weapon	1
Lincoln Cliffs	Sept. 15-Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene	Sept. 15-Oct. 10	Sheep Unit 13	Any Legal Weapon	1

Mountain (Bighorn) Sheep Units:

Sheep Unit 2 Vulcan Mountain: Permit Area: Ferry County north of the Kettle River.

Sheep Unit 3 Tucannon River: Permit Area: The Tucannon River drainage in Columbia and Garfield counties.

Sheep Unit 4 Selah Butte: Permit Area: That part of Yakima and Kittitas counties between Ellensburg and Yakima east of the Yakima River and north of Selah Creek, west of Interstate 82 and south of Interstate 90.

Sheep Unit 5 Umtanum: Permit Area: Those portions of Yakima and Kittitas counties west of the Yakima River, north of Wenas Creek, and east of USFS Road 1701 to Manastash Lake and its drainage; south and east along the South Fork Manastash Creek to Manastash Creek and the Yakima River.

Sheep Unit 7 Cleman Mountain: Permit Area: That part of Yakima County south of Wenas Creek and east of USFS Road 1701, north of Highway 410 and Highway 12 and west of the Yakima River.

Sheep Unit 10 Mt. Hull: Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake

Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

Sheep Unit 12 Lincoln Cliffs: Permit Area: That part of Lincoln County north of Highway 2.

Sheep Unit 13 Quilomene: Permit Area: GMUs 329 and 330.

1998 Mountain Goat Permit Hunts

Who May Apply: Anyone with a valid 1998 Washington hunting license.

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. WDFW urges hunters to refrain from shooting nannies with kids. Permit hunters may start hunting Sept. 1 with archery equipment.

PERMANENT

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	1998 Permits
Mount Chopaka	Sept. 13-Oct. 31	Goat Unit 2-1	Any Legal Weapon	1
Methow	Sept. 13-Oct. 31	Goat Unit 2-2	Any Legal Weapon	5
Naches Pass	Sept. 13-Oct. 31	Goat Unit 3-6	Any Legal Weapon	3
Bumping River	Sept. 13-Oct. 31	Goat Unit 3-7	Any Legal Weapon	2
Tieton River	Sept. 13-Oct. 31	Goat Unit 3-9	Any Legal Weapon	3
Blazed Ridge	Sept. 13-Oct. 31	Goat Unit 3-10	Any Legal Weapon	6
Kachess Ridge	Sept. 13-Oct. 31	Goat Unit 3-11	Any Legal Weapon	1
East Ross Lake	Sept. 13-Oct. 31	Goat Unit 4-8	Any Legal Weapon	5
Jack Mountain	Sept. 13-Oct. 31	Goat Unit 4-9	Any Legal Weapon	2
Foss River	Sept. 13-Oct. 31	Goat Unit 4-32	Any Legal Weapon	5
Pratt River	Sept. 13-Oct. 31	Goat Unit 4-34	Any Legal Weapon	5
Corral Pass	Sept. 13-Oct. 31	Goat Unit 4-38	Any Legal Weapon	4
Tatoosh	Sept. 13-Oct. 31	Goat Unit 5-2	Any Legal Weapon	5
Smith Creek	Sept. 13-Oct. 31	Goat Unit 5-3	Any Legal Weapon	3
Goat Rocks	Sept. 13-Oct. 31	Goat Unit 5-4	Any Legal Weapon	7

Mountain Goat Units:

Goat Unit 2-1 Mount Chopaka: Permit Area: Okanogan County within the following described boundary: Beginning where the Similkameen River crosses the Canadian boundary near Mt. Chopaka; then south down the Similkameen River and up Palmer Lake and Sinlahekin Creek to Toats Coulee Creek; then west up Toats Coulee Creek and north up the North Fork Toats Coulee Creek; then up Snowshoe Creek to Snowshoe Mountain; then north to the Canadian boundary; then east along the Canadian boundary to the Similkameen River and point of beginning; **EXCEPT CLOSED** in T39N, R25EWM, which includes Grandview Mountain.

Goat Unit 2-2 Methow Area: Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road 4440) to Roads End; west up the Twisp Pass Trail 432 to Twisp Pass and the Okanogan County line; northerly along the Okanogan County line through Washington Pass to Harts Pass; southeast down Harts Pass (Road 5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southwest to State Highway 20; then southeasterly along State Highway 20 to Twisp and the point of beginning.

Goat Unit 3-6 Naches Pass: Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

Goat Unit 3-7 Bumping River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail 980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; **EXCEPT** Timberwolf Mountain, which is closed.

Goat Unit 3-9 Tieton River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakima Indian Reservation Boundary; then east to USFS Jeep Trail 1137; then west to USFS Road 1070-578 Spur; then west to Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

Goat Unit 3-10 Blazed Ridge: Permit Area: Kittitas and Yakima counties within the following described boundary: Beginning at the mouth of Cabin Creek on the Yakima River; then west along Cabin Creek to the headwaters near Snowshoe Butte; then south along the Cascade Crest separating the Green and Yakima river drainage to Pyramid Peak; then southeast along the North Fork, Little Naches, and Naches River to the Yakima River; then north along the Yakima River to the mouth of Cabin Creek and point of beginning.

Goat Unit 3-11 Kachess Ridge: Permit Area: Kittitas County within the following described boundary: Beginning at the mouth of the Kachess River on the Yakima River; then north along the Kachess River and Kachess Lake to USFS Road 4600; then east on USFS Road 4600 to the Cle Elum River; then south along the Cle Elum River and Lake Cle Elum to the Yakima River; then northwest along the Yakima River to the mouth of the Kachess River and point of beginning.

Goat Unit 4-8 East Ross Lake: Permit Area: Whatcom County within the following described boundary: Beginning at the point the U.S.-Canada boundary meets the east boundary of North Cascades National Park; then south along the park boundary to Stetattle Creek; then south down Stetattle Creek to Gorge Lake; then southwest along Gorge Lake to State Highway 20; then east and north along State Highway 20 to Ross Dam; then north along the east shoreline of Ross Lake (Note: Exclude Ruby Arm) to Devil's Creek; then east up Devil's Creek to a tributary extending south to ridge line

PERMANENT

between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue south over this ridge line into the Crater Creek Basin and Crater Creek; then down Crater Creek to its confluence with Ruby Creek; then east up Ruby Creek to Granite Creek; then continue east up Granite to the Cascades Summit; then north along the Cascades Summit to the U.S.-Canada boundary; then west along the Canadian line to the east boundary of North Cascades National Park and the point of beginning. (Notice: Jack Mountain not included in Goat Unit 4-8, East Ross Lake. See description for Goat Unit 4-9, Jack Mountain.)

Goat Unit 4-9 Jack Mountain: Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

Goat Unit 4-32 Foss River: Permit Area: King and Snohomish counties within the following described boundary: Beginning at intersection of U.S. Highway 2 and the King County line at Stevens Pass; then south along the King County line to the headwaters of the Middle Fork Snoqualmie River near Dutch Miller Gap; then west and south down said river to the confluence with the Dingford Creek; then north and east up said creek to its headwaters intersection with USFS Trail 1005; then north up said trail to Little Myrtle Lake; then west and north to Marlene Lake (approximately 4 miles); then north down the stream outlet from Marlene Lake to the junction with USFS Trail 1002 near Dorothy Lake; then north along said trail to the junction with the East Fork Miller River headwaters; then north down said river to the confluence with the South Fork Skykomish River; then east up said river to the junction with U.S. Highway 2; then east along said highway to the point of beginning.

Goat Unit 4-34 Pratt River: Permit Area: King County within the following described boundary: Beginning at the point where the Weyerhaeuser Mainline Truck Road intersects the Middle Fork Snoqualmie River (near the confluence of the North Fork and Snoqualmie Rivers); then northeast up the Middle Fork Snoqualmie to its headwaters near Dutch Miller Gap at the King County line; then south along the King County line to Snoqualmie Pass and the intersection with Interstate 90; then west along Interstate 90 to the point nearest the Middle Fork Snoqualmie River (approximately one mile east of North Bend); then north and east up the Middle Fork Snoqualmie River and to the point of beginning. Except closed: Snoqualmie Mountain and the watersheds of Denny Creek and South Fork of the Snoqualmie above Denny Creek.

Goat Unit 4-38 Corral Pass: Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail 1188; then northwest along said trail to USFS Trail 1176; then north along said trail to Corral Pass; then

west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh: Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park Boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park Boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-3 Smith Creek: Permit area: Lewis County within the following described boundary: Beginning at the Town of Randle; then east along U.S. Highway 12 to USFS Road 21; then southeast along USFS Road 21 to USFS Road 22; then northeast and northwest along USFS Road 22 to USFS Road 23; then east and northwest on USFS Road 23 to USFS Road 25; then north along USFS Road 25 to Randle and point of beginning.

Goat Unit 5-4 Goat Rocks: Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

WSR 98-10-006

PERMANENT RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 98-53—Filed April 22, 1998, 4:21 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To amend WAC 232-12-047 Unlawful firearms for hunting.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-047.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-094 on February 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-12-047 Unlawful firearms for hunting, differs from the proposed version filed with the code reviser in the following specifics:

1. Item 6 language changed to end "... may be used to hunt deer, bear, and cougar."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

AMENDATORY SECTION [(Amending Order 449, filed 7/5/90, effective 8/5/90)]

WAC 232-12-047 Unlawful firearms for hunting. It is unlawful to hunt any big game with:

- (1) A fully automatic firearm.
- (2) A handgun that does not meet the following criteria:
 - (a) For deer, bear, or cougar
 - (i) Be a minimum of .24 caliber;
 - (ii) Have a minimum barrel length of 4 inches, per manufacturer's specification; and
 - (iii) Fire a centerfire cartridge which uses a mushrooming or expanding type bullet that develops a minimum of 500 foot-pounds of energy at 100 yards.
 - (b) For all other big game species:
 - (i) Be a minimum of .24 caliber;
 - (ii) Have a minimum barrel length of 4 inches, per manufacturer's specification; and
 - (iii) Fire a centerfire cartridge which uses a mushrooming or expanding type bullet that develops a minimum of 750 foot-pounds of energy at 100 yards.
- (3) A rifle with a bore diameter less than .240 of an inch (6mm), or barrel length less than 16 inches, except that cougar may be hunted with a .22 caliber centerfire rifle.
- (4) A rifle cartridge with a bullet weighing less than 85 grains, or that develops less than 900 foot pounds of energy at 100 yds, except that cougar may be hunted with a rifle cartridge with a mushrooming or expanding type bullet weighing greater than 50 grains.
- (5) A rifle cartridge containing a bullet other than a mushrooming or expanding type designed for big game hunting.
- (6) A shotgun, provided that a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer, ~~((and))~~ bear, and cougar.
- (7) A muzzle-loader that does not meet the definition as provided in WAC 232-12-051.

It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.

It is unlawful to hunt game birds or game animals, except bullfrogs, in a manner other than with a firearm, a bow and arrow, or by falconry.

It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.

It is unlawful to hunt game birds with a rifle or pistol, with the exception of blue grouse, spruce grouse and ruffed grouse.

It is unlawful to hunt wildlife with a crossbow.

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

WSR 98-10-007
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-52—Filed April 22, 1998, 4:24 p.m.]

Date of Adoption: April 4, 1998.

Purpose: To adopt WAC 232-12-24402 Colville Indian Reservation—Prohibiting the taking or hunting of big game and grouse and trapping of furbearers.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-12-24401 [repealed in WSR 98-10-019].

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-080 on February 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-12-24402 Colville Indian Reservation—Prohibiting trapping of furbearers and the taking of big game and grouse, differs from the proposed version filed with the Code Reviser in the following specifics:

1. The proposed version stated that the Colville Reservation would be closed to the taking of big game and grouse. The change proposed that the Colville Reservation would be closed to the trapping of furbearers and hunting for or taking big game and grouse.

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: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

NEW SECTION

WAC 232-12-24402 Colville Indian Reservation - Prohibiting the taking or hunting of big game and grouse and trapping of furbearers The taking or hunting of big game or grouse within the Colville Indian Reservation boundaries is prohibited. The trapping of furbearers within the Colville Indian Reservation boundaries is prohibited.

Reviser's note: The unnecessary underscoring 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 98-10-008
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-57—Filed April 22, 1998, 4:27 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To adopt WAC 232-28-272 1998-99, 1999-2000 Black bear and cougar hunting seasons and regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-240 [repealed in WSR 98-10-019].

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-095 on February 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-272 1998-99 and 1999-2000 Black bear and cougar hunting seasons and regulations, differs from the proposed version filed with the code reviser in the following specifics:

1. Add to item (2) the following underlined text:

(2) **General Season in Western Washington:** August 1-November 15, 1998 and August 1-November 14, 1999, except July 15-November 15, 1998 and July 15-November 14, 1999 on PLWMA's 401 and 600 and on Long Island where the seasons are September 1-November 15, 1998 and September 1-November 14, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

NEW SECTION

WAC 232-28-272 1998-99 and 1999-2000 Black bear and cougar hunting seasons and regulations

Black Bear Seasons:

(1) **General Season in Eastern Washington:** August 1-November 8, 1998 and August 1-November 7, 1999, except September 8-November 8, 1998 and September 7-November 7, 1999 in that part of GMU 113 north of the line beginning at the mouth of Mill Creek on the Pend Oreille River; E along Mill Creek to Le Clerc Creek Rd.; N on Le Clerc Creek Rd. to USFS Rd. 1200;

E on USFS Rd. 1200 to Pyramid Pass (Colville NFID Panhandle NF boundary); E on USFS Rd. 312 to USFS Rd. 658; N on USFS Rd. 658 to USFS Rd. 219; E on USFS Rd. 219 to the state line.

(2) **General Season in Western Washington:** August 1-November 15, 1998 and August 1-November 14, 1999, except July 15-November 15, 1998 and July 15-November 14, 1999 on PLWMA's 401 and 600 and on Long Island where the seasons are September 1-November 15, 1998 and September 1-November 14, 1999.

License and Tag(s) Required: A valid hunting license and valid species tag(s) are required to hunt black bear.

Bag Limit: Two (2) black bear per annual hunting season.

Tag Information: To take one (1) bear a hunter must purchase either a damage bear tag or a general bear tag. To take two (2) bears a hunter must purchase both a damage bear tag and a general bear tag. A damage bear tag is valid only in western Washington, and in GMUs 304, 306, 308, and 316 in eastern Washington. A general bear tag is valid statewide.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

GMUs Closed to Bear Hunting: 157 (Mill Creek Watershed), 485 (Green River), and 522 (Loo-wit).

Harvest Report Cards: All hunters that purchase black bear transport tag(s) are required to fill out and return their black bear harvest report card(s). Successful hunters must complete the report card(s) and return within 10 days after taking an animal. Unsuccessful hunters are required to complete and return their report card(s) within 10 days after the close of the bear season.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

Cougar Season:

General Statewide Season: August 1, 1998-March 15, 1999 and August 1, 1999-March 15, 2000.

License and Tag(s) Required: A valid hunting license and valid species tag are required to hunt cougar.

Bag Limit: One (1) cougar may be taken during the annual hunting season. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. Cougar may also be hunted with a .22 caliber centerfire rifle with a mushrooming or expanding type bullet weighing greater than 50 grains. The use of hounds to hunt cougar is prohibited statewide.

GMUs Closed to Cougar Hunting: 157 (Mill Creek Watershed), 485 (Green River), and 522 (Loo-wit).

Harvest Report Cards: All hunters that purchase a cougar transport tag are required to fill out and return their cougar

harvest report card. Successful hunters must complete the report card and return within 10 days after taking an animal. Unsuccessful hunters are required to complete and return their report card within 10 days after the close of the cougar season.

Cougar Pelt Sealing: Any person who takes a cougar must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

WSR 98-10-009
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-56—Filed April 22, 1998, 4:28 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To amend WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-271.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-083 on February 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions, differs from the proposed version filed with the code reviser in the following specifics:

Descriptive year and terms were added and youth hunt definition amended to the Private Lands Wildlife Management Areas for clarification.

AMENDATORY SECTION [(Amending Order 97-248, filed 12/23/97, effective 1/23/98)]

WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions

DEER GENERAL SEASONS ON PRIVATE LANDS
WILDLIFE MANAGEMENT AREAS

Champion (PLWMA 401) Kapowsin Tree Farm			
Hunting Method	1998 Dates	1999 Dates	Special Restrictions
Archery	August 28- Sept. 10	August 27-Sept. 9	Any Deer
	October 1-9	October 1-9	Any Deer
Modern Firearm	October 10-25	October 9-24	2 Pt. Min.
Muzzleloader	November 23-Dec. 7	November 23-Dec. 7	Antlerless Only

1. On page one, the archery deer season on Merrill and Ring's Pysht Tree Farm, September 15-30 was deleted for antlerless only in the north unit, but retained as either sex in the south unit.
2. Wilson Creek Deer - 1998 Mule Deer
3. Youth hunt 15 years or younger, not 16 years or younger.
4. Champion Deer - 1998 Blacktail Deer
5. Wilson Creek access quota changed from buck deer to any deer and permits clarified as 1998 Mule Deer.
6. Champion Raffle Permits titled 1998 Blacktail Deer.
7. Merrill and Ring deer seasons titled 1998 Blacktail Deer.
8. Champion Raffle elk quotas and seasons titled 1998 Elk.
9. Merrill and Ring raffle elk quotas and seasons titled 1998 Elk.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

PERMANENT

Merrill and Ring (PLWMA 600) Pysht Tree Farm			
Hunting Method	1998 Dates	1999 Dates	Special Restrictions
Archery	September 15-30	September 15-30	((Antlerless Only North Unit;)) Either Sex South Unit
	Nov. 25-Dec. 31	Nov. 24-Dec. 31	Antlerless Only North Unit; Either Sex South Unit
Modern Firearm	Oct. 17-31	Oct. 16-31	Buck Only South Unit
	Nov. 19-22	Nov. 18-21	Buck Only South Unit
Muzzleloader	Oct. 1-9	Oct. 1-9	Antlerless Only North Unit; Buck Only South Unit

**ELK GENERAL SEASONS ON PRIVATE LANDS
WILDLIFE MANAGEMENT AREAS**

Champion (PLWMA 401) Kapowsin Tree Farm				
Hunting Method	Elk Tag	1998 Dates	1999 Dates	Special Restrictions
Archery	WA	Aug. 28-Sept.10	Aug. 27-Sept. 9	Antlerless Only - Harvest Quota of 3
Modern Firearm	WG, WP	Closed	Closed	
Muzzleloader	WM	Nov. 23-Dec. 7	Nov. 23-Dec. 7	Antlerless Only - Harvest Quota of 3

**1998 DEER PERMIT SEASONS ON
PRIVATE LANDS WILDLIFE MANAGEMENT AREAS**

1998 - Mule Deer				
Wilson Permit Draw Permits. Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process. Only hunters possessing a modern firearm deer tag are eligible for Wilson draw hunts.				
Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Wilson A	1	Oct. 1-Dec. 31	Buck Only, Youth Hunters Only*	PLWMA 201
Wilson B	29	Oct. 1-Dec 31	Antlerless Only, Youth Hunters Only*	PLWMA 201
Wilson C	29	Oct. 1-Dec 31	Antlerless Only, Persons of Disability Only	PLWMA 201
Wilson D	29	Oct. 1-Dec 31	Antlerless Only, AHE Hunters Only	PLWMA 201
Wilson E	1	Oct. 1-Dec 31	Buck Only, Persons of Disability Only	PLWMA 201
Wilson F	1	Oct. 1-Dec 31	Buck Only, AHE Only	PLWMA 201
*Applicants must be ((16)) 15 years old or younger by opening date of the permit season and must be accompanied by an adult during the hunt.				
Access for these hunts are for one day, scheduled by the manager. There are no access fees for these hunts. All hunters shall have a valid hunting license, deer tag, and written authorization from the manager to participate in these hunts. All other hunting regulations apply.				

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1998 - Blacktail Deer				
Champion's Kapowsin Tree Farm -				
Champion Permit Draw Deer Permits - Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process.				
Hunt Name	Permit Number ((Quota))	Permit ((Ref-fee)) Season	Special Restrictions	Boundary Description
Kapowsin North	50	Dec. 11-15	Antlerless Only, Senior Hunters (Age 65+)	PLWMA 401 <u>A</u> North
Kapowsin Central	100	Dec. 11-15	Antlerless Only	PLWMA 401 <u>B</u> Central
Kapowsin South	100	Dec. 12, 13 19, 20	Antlerless Only, Youth or Persons of Disability Only	PLWMA 401 <u>C</u> South

**ACCESS QUOTAS AND RAFFLE SEASONS
ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS**

1998 - Mule Deer				
Wilson Creek Area - Access Quotas and Seasons ((Buck-Deer))				
Only hunters possessing appropriate deer tags (modern firearm or archery) are eligible for access authorizations on PLWMA 201. You may contact the manager, Dave Stevens, at (509) 345-0121 for information on these hunts.				
Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Wilson	((30)) <u>50</u>	Oct. 1-Dec. 31	((Buck-Only)) <u>Any Deer</u> (Access Fee) Modern Firearm Deer Tag	PLWMA 201
Wilson	2	Sept.1-30	Buck Only (Access Fee) Archery Deer Tag	PLWMA 201

1998 - Blacktail Deer				
Champion's Kapowsin Tree Farm -- Raffle Quotas and Seasons				
Hunter must contact Champion for auction/raffle permit opportunity.				
Only hunters possessing a valid deer tag (any 1998 deer tag) are eligible for Champion buck permits. Persons interested in these deer permits should contact Champion Pacific Timberlands, Inc., 31716 Camp 1 Road, Orting, WA 98360. For more information, please call Champion at (360) 782-1493.				
Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Kapowsin North/Buck	8	Nov. 7-22	Buck Only (Auction/Raffle)	PLWMA 401 <u>A</u> North
Kapowsin Central/Buck	29	Nov. 7-22	Buck Only (Auction/Raffle)	PLWMA 401 <u>B</u> Central
Kapowsin South/Buck	14	Nov. 7-22	Buck Only (Auction/Raffle)	PLWMA 401 <u>C</u> South

1998 - Blacktail Deer

Merrill and Ring's Pysht Tree Farm - Raffle Quotas and Seasons

An access fee will be charged by the landowner for hunting on the Pysht Tree Farm. Pysht North A is archery only, all other hunts are open to any legal weapon hunters. The following hunts are raffle hunts offered by Merrill and Ring. Only hunters possessing a valid deer tag (any 1998 deer tag) are eligible for Merrill and Ring hunts. Persons interested in these hunts should contact Merrill and Ring, 11 Pysht River Rd., Clallam Bay, WA 98326. For more information, please call Merrill and Ring at (360) 963-2378.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Pysht North A	15	Sept. 15-30	Raffle, Archery, Antlerless Only	PLWMA 600 <u>A</u> North
Pysht North B	40	Oct. 19-31	Raffle, Antlerless Only	PLWMA 600 <u>A</u> North
Pysht North C	30	Nov. 10-24	Raffle, 3 Pt. Min. or Antlerless	PLWMA 600 <u>A</u> North
Pysht South A	40	Oct. 19-31	Raffle, Antlerless Only	PLWMA 600 <u>B</u> South

ELK RAFFLE SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

1998 - Elk

Champion (PLWMA 401) Kapowsin Tree Farm - Raffle Quotas and Seasons

Only hunters possessing a valid elk tag (any 1998 elk tag) and meeting the special restrictions noted for each hunt are eligible for Champion access permits on PLWMA 401. Hunter must contact Champion for auction/raffle permit opportunity. Champion Pacific Timberland Inc., 31716 Camp 1 Road, Orting, Washington 98360. For more information, please call Champion at (360) 782-1493.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Kapowsin Bull North	2	Sept. 15-30	Auction/Raffle Any Bull, Any Tag	PLWMA 401 <u>A</u> North
Kapowsin Bull Central	2	Sept. 15-30	Auction/Raffle Any Bull, Any Tag	PLWMA 401 <u>B</u> Central
Kapowsin Bull South	2	Sept. 15-30	Auction/Raffle Any Bull, Any Tag	PLWMA 401 <u>C</u> South

1998 - Elk

Merrill and Ring PLWMA 600 Pysht Tree Farm - Raffle Quota and Season

Hunter must contact Merrill and Ring for raffle hunt opportunity. For more information please call Merrill and Ring at (360) 963-2378 or write to them at Merrill and Ring Tree Farm, 11 Pysht River Rd., Clallam Bay, WA 98326.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Pysht	2	Sept. 1-14	Raffle Any Bull, Any Tag	PLWMA 600

AREA DESCRIPTIONS - PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

PLWMA 201 - Wilson Creek (Grant County): This area surrounds Billy Clapp Lake directly north of the town of Stratford and northwest of the town of Wilson Creek. The legal description is T22N, R29E; north 1/2 of Section 3, Section 4 except southeast 1/4 of southeast 1/4 and north 1/2 of

northwest 1/4; Section 5; Section 6 north of State Highway 28; Sections 8 and 9. T23N, R29E, Sections 5, 6, 7, and 8; Sections 13, 14, 17, and 18; Section 19 except for northwest 1/4 of the southwest 1/4; Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; southeast 1/4 of Section 30; Section 31; Section 32 south 1/2 of northwest 1/4 and north 1/2 of southwest 1/4; Sections 33, 34, and 35. T23N, R28E, Sections 1 and 2, Section 3 except west 1/4; Section 4 except southwest 1/4 and

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east 1/2 of southeast 1/4; Section 5; Section 6 except west 1/4; Sections 7 and 8; Section 9 except south 1/2; north 1/2 of Section 10 except west 1/4; Section 11 except south 1/4; north 1/2 of Section 12; Section 15 except that part within Stratford Game Reserve; Section 16 except northeast 1/4; Sections 17, 18, 19, 20, 21, 22, and 23; Sections 26, 27, 28, 29, 30, and 33; north 1/2 and north 1/2 of south 1/2 of Section 34; Section 35 except that part in game reserve. T23N, R27E, Section 11, south 1/2 of southwest 1/4 and west 1/4 of southeast 1/4 of Section 12; Sections 13 and 14; Section 22 except west 1/2 of southwest 1/4; Sections 23, 24, 25, 26, and 27. T24N, R28E, Section 35. T24N, R29E, Section 31; west 1/2 of Section 32. Public lands with the external boundaries are not part of the PLWMA.

PLWMA 401 - Champion (Pierce County): Beginning at the intersection of Champion haul road (Champion 1 Rd.) and the Camp One Road near the town of Kapowsin; then southwest along Champion 1 Rd. to east side of Lake Kapowsin; then along east side of Lake Kapowsin to Ohop Creek; then up Ohop Creek to Champion ownership line; then along ownership line to N.W. corner Section 31, T17N, R5E; then south along section line to 1/4 corner Section 6, T16N, R5E; then easterly along Weyerhaeuser/Champion ownership line to intersection with Busy Wild Creek; then up Busy Wild Creek to intersection with Champion ownership on the section line between Sections 10 & 15, T15N, R6E; then west and south along DNR/Champion ownership line and Plum Creek Timber Co./Champion ownership line to most southerly point of Champion ownership (northwest of Ashford, WA); then easterly along Champion ownership line to DNR/Champion ownership line; then north and east to USFS/Champion ownership line; then north along USFS/Champion ownership line to S.W. corner Section 31, T16N, R7E; then east along USFS/Champion ownership line to S.E. corner Section 31, T16N, R7E; then north along USFS/Champion ownership line to N.W. corner Section 32, T16N, R7E; then east along Plum Creek Timber Co./USFS ownership line to N.E. corner Section 32, T16N, R7E; then south along USFS/Champion ownership line to S.E. corner Section 32, T16N, R7E; then east along USFS/Champion ownership line to Mount Rainier National Park Boundary; then north along Mount Rainier National Park Boundary to N.E. corner Section 33 T17N, R7E; then following north and west along USFS/Champion ownership line to intersection with SR 165 near the N.E. corner Section 24, T17N, R7E; then northwest along SR 165 to intersection with Carbon River; then down Carbon River to the BPA Transmission Line; then south and west along the powerline to the Fisk Road; then south along the Fisk Road to the King Creek Gate; then north and west along the Brooks Road BPA Transmission line; then southwest along BPA Transmission line to the Puyallup River (excluding all small, private ownership); then up Puyallup River to intersection with Champion haul road bridge; then south along Champion haul road to point of beginning. Another portion of PLWMA 401 Champion is the Buckley block (Kapowsin North described as follows: Beginning at the intersection of the BPA Transmission line and South Prairie Creek; then up South Prairie Creek to East Fork South Prairie Creek; then up East Fork South Prairie

Creek to Plum Creek Timber Co./Champion ownership line (on south line of Section 33, T19N, R7E); then along Champion ownership line to center line of Section 34, T19N, R7E; then north and east along DNR/Champion ownership line to S.W. corner Section 27, T19N, R7E; then north along Weyerhaeuser/Champion ownership line to White River; then down White River to where it crosses west line Section 6, T19N, R7E; then south and west along Champion ownership line to intersection with South Prairie Creek; then up South Prairie Creek to point of beginning.

PLWMA 401A - Kapowsin North (Buckley): That portion of PLWMA 401 description which includes the Buckley block.

PLWMA 401B - Kapowsin Central (King Creek): That portion of PLWMA 401 description which lies to the north of the Puyallup River, excluding the Buckley block.

PLWMA 401C - Kapowsin South (Kapowsin): That portion of PLWMA 401 description which lies to the south of the Puyallup River.

PLWMA 600 - Merrill and Ring (Clallam County): Beginning at Clallam Bay, east along the Strait of Juan de Fuca to the mouth of Deep Creek, then south along Deep Creek to the township line between Townships 30 and 31, then west along said township line to Highway 113 (Burnt Mt. Road) and north along Burnt Mt. Road (Highway 112 and 113) to Clallam Bay and point of beginning, except the following described lands: T31N R10W: E 1/2 W 1/2, E 1/2 West of Deep Creek Section 19, Except SW 1/4 NW 1/4, SW 1/4, W 1/2 E 1/2 West of Deep Creek Section 30, Except North & West of Deep Creek Section 31: T31N R11W; Except the SW 1/4 SE 1/4 Section 7, Except that portion of NW 1/4 SE 1/4 which is County Park Section 10, Except the NE 1/4 NE 1/4 Section 14, Except W 1/2, W 1/2 E 1/2, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 16, Except SW 1/4 NE 1/4 Section 17, Except NW 1/4 NW 1/4, SE 1/4 NW 1/4, SE 1/4, NE 1/4, NW 1/4 SE 1/4 Section 18, Except W 1/2 SW 1/4, SW 1/4 NE 1/4 Section 19, Except W 1/2 SW 1/4 Section 27, Except S 1/2 S 1/2, N 1/2 SW 1/4 Section 28, Except E 1/2 SE 1/4, SW 1/4 SE 1/4, NE 1/4, SW 1/4 Section 29, Except SW 1/4 SE 1/4 Section 30, Except NE 1/4 Section 31, Except All Section 32, Except All Section 33, except SW 1/4 NE 1/4, S 1/2 Section 34, T31N R12W; Except SE 1/4 SE 1/4, W 1/2 SE 1/4 East of Highway 112 Section 4, Except All East of Highway 112 Section 9, Except E 1/2 NE 1/4, SW 1/4 NE 1/4, W 1/2, SW 1/4, NW 1/4 SE 1/4 Section 13, Except S 1/2 SE 1/4 Section 14, Except E 1/2 NW 1/4 East of Highway 112 Section 23, Except N 1/2 SW 1/4, SE 1/4 NW 1/4 Section 24, Except SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 26, Except N 1/2 N 1/2, NE 1/4 SW 1/4 Section 35, Except All Section 36: T32N R12W; Except W 1/2 SE 1/4 Section 21, Except All Section 22, Except NW 1/4 Section 27, Except NE 1/4, N 1/2 SE 1/4, E 1/2 W 1/2 East of Highway 112 Section 28, Except E 1/2 W 1/2 East of Highway 112 Section 33, Except S 1/2 Section 36.

PLWMA 600A North - Merrill and Ring North: That portion of PLWMA 600 north of Highway 112.

PLWMA 600B South - Merrill and Ring South: That portion of PLWMA 600 south of Highway 112.

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.

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 98-10-010
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-60—Filed April 22, 1998, 4:40 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To adopt WAC 232-28-280 1998-99 and 1999-2000 Deer general seasons and special permits.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-240, 232-28-265, and 232-28-267 [repealed in WSR 98-10-019].

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-085 on February 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-280 1998-99 and 1999-2000 Deer general seasons and special permits, differs from the proposed version filed with the code reviser in the following specifics:

1. WAC title changed from "1998-99 and 1999-2000 Deer general seasons and special permits" to "1998 and 1999 Deer general seasons and 1998 special permits."

2. Bag limit definition changed from "an annual (July 1-March 31) hunting season" to "the 1998 hunting season."

3. The title Branched Antler Restriction GMUs amended by dropping "GMU."

4. The Blacktail deer definition was changed by replacing "in western Washington" with "west of the Pacific Crest Trail and in Klickitat County west of Highway 97."

5. The Mule deer definition was changed by replacing "in eastern Washington" with "east of the Pacific Crest Trail and in Klickitat County east of Highway 97."

6. In the High Buck hunts the word Peninsula was added following Olympic.

7. In western Washington Blacktail Deer General Seasons, GMU 472 was added; the words "through 578, 588" were deleted; and the description for 601 through 673 was changed to 601 through 633, 638 through 673.

8. GMU 582 was deleted from 2 pt. min. units.

9. The Eastern Washington Whitetail Deer General Season descriptions was changed but actual seasons not changed. GMUs 127 through 142 was listed as Oct. 17-30 instead of Oct. 26-30 and GMUs 127 through 154 changed to 145 through 154 Oct. 17-25. The Pasayten Wilderness GMU number 203 was used instead of name Pasayten Wilderness.

10. Mule Deer general seasons game management unit descriptions were amended as All ((øf)) eastern Washington GMUs except ... for clarification.

11. The western Washington late blacktail deer modern firearm seasons were amended by deleting 574, 578, 582, and 588 and "either sex" changed to "any deer" in the Legal Deer in GMUs 410 and 564.

12a. The eastern Washington late whitetail deer modern firearm seasons were amended by including GMU 124 in the any whitetail buck season.

12b. Late buck hunts for Disabled, Senior, or Youth Hunts were titled "Eastern Washington Whitetail Deer."

13. Early Archery deer seasons amended by adding GMU 472 and changing "601 through 673" to "601 through 633, 638 through 673."

14. GMU 582 was deleted from the early archery 2 pt. min. or antlerless season in western Washington.

15. The word "Peninsula" was added after Olympic in Western Washington early archery seasons.

16. Eastern Washington early archery mule deer season game management units changed from 130 through 149, 163, 178, to 130 through 154, 162 through 178 ... was changed for both Sept. 1-5 and Sept. 6-15 seasons. Also, GMU 582 was added to both the Sept. 1-5 and Sept. 6-15 seasons.

17. Eastern Washington early archery whitetail deer seasons were amended by dropping Pasayten Wilderness.

18. Late archery blacktail deer seasons amended by adding GMU 472 and changing "601 through 673" to "601 through 633, 638 through 673."

19. Late archery blacktail deer seasons with a Dec. 15 cutoff amended by changing 510, 513, 516, 520 to 510 through 520, and changing 607, 612, 615, 618 to 607 through 618.

20. Late archery blacktail deer seasons with a Dec. 31 cutoff amended by changing 660, 663, 666, 667, 672 to 660 through 672.

21. The muzzleloader High Buck Hunt amended by adding the word "Peninsula" following Olympic.

22. GMU 624 added to early muzzleloader western Washington blacktail deer seasons.

23a. In the late muzzleloader deer western Washington deer seasons, GMU 588 was added and GMU 582 was deleted.

23. In the late muzzleloader deer seasons for eastern Washington whitetail, 3 pt. min. or antlerless were changed from GMUs 130, 136, 172-181 to 130, 136, 172, 181.

24. The year 1998 was added to the title "Permit Season."

25. The permit level for Alta for modern firearm was changed from 46 to 47 and the letter A added to Alta.

26. The permit level for Quilomene A for modern firearm was changed from 55 to 56.

26a. The letter A was added to the Alkali permit hunt.

27. The Fall Creek and Williams Creek any deer permit hunts were out of sequence so they were placed in correct unit sequence.

28. The permit level for Skookumchuck A on page 7 was changed from 100 to 90.

28a. The permit level for Alta B was changed from 50 to 8.

29. The permit level for Desert B for muzzleloaders was changed from 2 to 1.

30. Muzzleloader permits for Quilomene B was changed from 21 to 4.

31. Muzzleloader permits for Umtanum B was changed from 21 to 5.

31a. The letter B was added after Alkali muzzleloader hunt and permit level changed from 39 to 10.

32. In Advanced Hunter Education deer permits for the Mt. Adams area, the description area is Elk Area 059 not Elk Area 059, GMU 560, and 10 permits are recommended.

33. The Persons of Disability Gobbler's Knob hunt was out of sequence so it was repositioned in the WAC.

34. The boundary description for the Walla Walla senior special deer permit hunts was changed from GMUs 149-163 to 149, 163.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

NEW SECTION

WAC 232-28-280 1998 and 1999 Deer general seasons and 1998 special permits

Bag Limit: One (1) deer per hunter during the 1998 hunting season. The Fish and Wildlife Commission may authorize two doe permits for damage areas. Any multiple doe permits will be identified by special permit.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Any Buck Deer Seasons: Open only to the taking of male deer with visible antlers (buck fawns illegal).

Branched Antler Restrictions: APPLIES TO ALL HUNTERS DURING ANY OPEN SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point GMUs: 437, 478, 558, 574, 636, 681, and GMU 485 (by permit only).

3 Point GMUs: All Mule Deer in eastern Washington (see definition of eastern Washington); Whitetail Deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, 186, 203, and 231.

Permit Only Units: The following GMUs are closed during general seasons: 242 (Alta), 290 (Desert), 329 (Quilomene), 330 (West Bar), 342 (Umtanum), 371 (Alkali), and 485 (Green River).

GMUs Closed to Deer Hunting: 157 (Mill Creek Watershed) and 522 (Loo-wit).

Blacktail Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found west of the Pacific Crest Trail and in Klickitat County west of Highway 97.

Mule Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found east of the Pacific Crest Trail and in Klickitat County east of Highway 97.

Harvest Report Card: Successful hunters must fill out and return a Game Harvest Report Card within 10 days after taking a deer.

Modern Firearm Deer Seasons

License Required: Hunting license.

Tag Required: Valid modern firearm deer tag on his/her person for the area hunted.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

Hunt Season	1998 Season Dates	1999 Season Dates	Game Management Units (GMUs)	Legal Deer
HIGH BUCK HUNTS				
	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness Areas and Lake Chelan Recreation Area	3 pt. min.
GENERAL SEASON HUNTS				

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Hunt Season	1998 Season Dates	1999 Season Dates	Game Management Units (GMUs)	Legal Deer
Western Washington Blacktail Deer	Oct. 17-31	Oct. 16-31	407, 418, 426, 448 through 472, 484, 490, 501 through 520, 524 through 556, 560, 568, 572, 601 through 633, 638 through 673, 684	Any buck
			410, 564	Any deer
			437, 478, 558, 574, 578, 588, 636, 681	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 17-30	Oct. 16-29	101 through 124	Any whitetail buck
	Oct. 17-25	Oct. 16-24	145 through 154, 162 through 186, 203, 231	Whitetail, 3 pt. min.
	Oct. 17-30	Oct. 16-29	127 through 142	Whitetail, 3 pt. min.
	Oct. 17-25	Oct. 16-24	204 through 224, 233, 239, 300	Any whitetail buck
Mule Deer	Oct. 17-25	Oct. 16-24	All eastern Washington GMUs except closed in GMUs 157, 242, 290, 329, 330, 342, 371, and PLWMA 201	3 pt. min.
LATE BUCK HUNTS				
Western Washington Blacktail Deer	Nov. 19-22	Nov. 18-21	All 400, 500, and 600 GMUs except closed in GMUs 418, 426, 437, 448, 460, 485, 522, 574, 578, 582, and 588	Any buck except 2 pt. min. in GMUs 478, 558, 636, 681 and any deer in GMUs 410 and 564
Eastern Washington Whitetail Deer	Nov. 9-22	Nov. 8-21	105 through 124	Any whitetail buck
			127 through 142	Whitetail-3 pt. min.
DISABLED, SENIOR, OR YOUTH HUNTS				
Eastern Washington Whitetail Deer	Oct. 17-30	Oct. 16-29	101 through 124	Any whitetail deer
			127 through 142	Whitetail-3 pt. min. or antlerless

Archery Deer Seasons

License Required: Hunting license.

Tag Required: Valid archery deer tag on his/her person for the area hunted.

Special Notes: Archery tag holders can only hunt with archery equipment during archery seasons

Hunt Area	1998 Season Dates	1999 Season Dates	Game Management Units (GMUs)	Legal Deer
Early Archery Deer Seasons				
Western Washington Blacktail Deer	Sept. 1-30	Sept. 1-30	407 through 426, 448 through 472, 484, 490 through 520, 524 through 556, 560 through 572, 601 through 633, 638 through 673, 684 and Long Island.	Any Deer

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Western Washington Blacktail Deer	Sept. 1-30	Sept. 1-30	Bangor Submarine Base within GMU 627 is open for archers with disabilities by permit from the Navy. For information on this hunt call Tom Jones at (360) 396-5097. Special Restrictions: Must be a U.S. Citizen and hunting is open on weekends only.	Any Deer
			437, 478, 558, 574, 578, 588, 636, 681	2 pt. min. or antlerless
			Alpine Lakes, Glacier Peak, and Olympic Peninsula Wilderness Areas	3 pt. min. or antlerless
Eastern Washington Mule Deer	Sept. 1-15	Sept. 1-15	101 through 127, 181 through 239, 260, 262, 278, 281, 300, 301, 302, 304, 306, 308, 314, 316, 328, 334 through 340, 346 through 368, 372	3 pt. min.
	Sept. 1-5	Sept. 1-5	130 through 154, 162 through 178, 248, 254, 266, 269, 272, 284, 582	3 pt. min.
	Sept. 6-15	Sept. 6-15	130 through 154, 162 through 178, 248, 254, 266, 269, 272, 284, 582	3 pt. min. or antlerless
Eastern Washington White-tail Deer	Sept. 1-5	Sept. 1-5	101 through 124, 204 through 224, 233, 239, 300	Any whitetail buck
			127 through 154, 162 through 186, 203, 231	Whitetail 3 pt. min.
	Sept. 6-30	Sept. 6-30	101 through 124, 204 through 224, 233, 239, 300	Any whitetail deer
			127 through 154, 162 through 186, 231	Whitetail 3 pt. min. or antlerless
Late Archery Deer Seasons				
Western Washington Blacktail Deer	Nov. 25-Dec. 8	Nov. 24-Dec. 8	588	2 pt. min. or antlerless
	Nov. 25-Dec. 15	Nov. 24-Dec. 15	558, 636, 681	2 pt. min. or antlerless
			460, 466, 510 through 520, 524, 530, 556, 560, 572, 601, 607 through 618, 638, 648, 673 and Long Island	Any deer
	Nov. 25-Dec. 31	Nov. 24-Dec. 31	407, 410, 454, 484, 505, 506, 564, 568, 603, 624, 627, 642, 660 through 672	Any deer
			437	2 pt. min. or antlerless

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Eastern Wash- ington Mule Deer	Nov. 25-Dec. 15	Nov. 24-Dec. 15	127, 130, 133, 145, 178	3 pt. min. or antler- less
	Nov. 25-Dec. 8	Nov. 24-Dec. 8	209, 215, 233, 300, 316, 346, 352, 360 north of Carmack Canyon & Bethel Ridge Rd, 364, 368	3 pt. min.
			272	3 pt. min. or antler- less
Eastern Wash- ington White- tail Deer	Nov. 10-Dec. 15	Nov. 10-Dec. 15	101	Any Whitetail
	Nov. 25-Dec. 15	Nov. 24-Dec. 15	105, 117, 121, 124	Any Whitetail
			127, 130, 133, 145, 178	3 pt. min. or antler- less
	Nov. 25-Dec. 8	Nov. 24-Dec. 8	209, 215, 233	Any Whitetail

Muzzleloader Deer Seasons

License Required: Hunting license.

Tag Required: Valid muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment. Muzzleloader deer tag holders may apply for all either sex, antlerless only, and branched antler deer special hunting permits except on Private Lands Wildlife Management Area 201.

Hunt Area	1998 Season Dates	1999 Season Dates	Game Management Units	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness Areas and Lake Chelan Recreation Area	3 pt. min.
Early Muzzleloader Deer Seasons				
Western Washington Blacktail Deer	Oct. 10-16	Oct. 9-15	407, 410, 520, 530, 568, 603, 612, 624, 672	Any buck
			454, 484, 564, 666	Any deer
Eastern Washington Whitetail Deer	Oct. 10-16	Oct. 9-15	109, 117, 209, 300	Whitetail, any buck
Eastern Washington Mule Deer	Oct. 10-16	Oct. 9-15	109, 117, 209, 300, 304, 316, 336, 352, 360	Mule deer, 3 pt. min.
Late Muzzleloader Deer Seasons				
Hunt Area	1998 Season Dates	1999 Season Dates	Game Management Units (GMUs)	Legal Deer
Western Washington Blacktail Deer	Nov. 25-Dec. 15	Nov. 24-Dec. 15	410, 501, 504, 564, 666, 684, and Muzzleloader Area 926	Any deer
			478	2 pt. min.
			550, 602, 633, 651	Any buck
	Nov. 25-Dec. 8	Nov. 24-Dec. 8	578, 588	2 pt. min.
Eastern Washington Whitetail Deer	Nov. 25-Dec. 15	Nov. 24-Dec. 15	113	Whitetail, any buck
			139	Whitetail, 3 pt. min.
			130, 136, 172, 181	Whitetail, 3 pt. min. or antlerless

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Eastern Washington Mule Deer	Nov. 25-Dec. 15	Nov. 24-Dec. 15	130, 136	Mule deer, 3 pt. min. or antlerless
	Dec. 1-31	Dec. 1-31	Muzzleloader Area 925	Mule deer, antlerless only

Firearm Restricted Deer Hunts Open To All Deer Hunters

License Required: Hunting license.

Tag Required: Valid modern firearm, archery or muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs.

Firearm Restricted Hunts Open To All Deer Hunters				
Hunting license and deer tag required. Must use hunting method in compliance with tag. Check firearm restrictions. Hunter Orange required. Archery, Shotgun, Muzzleloader or revolver type handgun only.				
Hunt Area	1998 Season Dates	1999 Season Dates	Game Management Units (GMUs)	Legal Deer
Western Washington Blacktail Deer	Oct. 17-31	Oct. 16-31	410	Any deer
	Oct. 17-31	Oct. 16-31	Vashon and Maury Islands	Any deer
	Nov. 25-Dec. 31	Nov. 24-Dec. 31	564	Any deer
	Sept. 1-Dec. 31	Sept. 1-Dec. 31	Indian Island. Restricted Access*	Any deer
*Archery only except for one day persons of disability hunt. Archers must qualify during the June to August period to hunt. For information call Bill Kalina at (360) 396-5353.				

Special Deer Permit Hunting Seasons

(Open to Permit Holders Only)

Hunters must purchase a hunting license and deer tag prior to purchase of a permit application.

Hunt Name	1998 Permit Season	Special Restrictions	Boundary Description	1998 Permits
Modern Firearm Deer Permit Hunts (Only modern firearm and muzzleloader deer tag holders may apply)				
Sherman	Oct. 17-30	Whitetail, Antlerless Only	GMU 101	50
Kelly Hill	Oct. 17-30	Whitetail, Antlerless Only	GMU 105	100
Threeforks	Oct. 17-30	Whitetail, Antlerless Only	GMU 109	250
Selkirk	Oct. 17-30	Whitetail, Antlerless Only	GMU 113	30
49 Degrees North	Oct. 17-30	Whitetail, Antlerless Only	GMU 117	150
Huckleberry	Oct. 17-30	Whitetail, Antlerless Only	GMU 121	300
Mt. Spokane	Oct. 17-30	Whitetail, Antlerless Only	GMU 124	600
Mica Peak	Oct. 17-30	Whitetail, Antlerless Only	GMU 127	160
Cheney	Oct. 17-30	Antlerless Only	GMU 130	150
Roosevelt	Oct. 17-30	Antlerless Only	GMU 133	375
Harrington	Oct. 17-30	Antlerless Only	GMU 136	125
Steptoe	Oct. 17-30	Antlerless Only	GMU 139	200
Almota	Oct. 17-30	Antlerless Only	GMU 142	225
Mayview	Oct. 17-30	Antlerless Only	GMU 145	250
Prescott A	Nov. 9-17	Antlerless Only	GMU 149	250
Blue Creek	Nov. 9-17	Whitetail, Antlerless Only	GMU 154	150
Dayton	Nov. 9-17	Whitetail, Antlerless Only	GMU 162	100
Marengo A	Nov. 9-17	Whitetail, Antlerless Only	GMU 163	125
Marengo B	Nov. 9-17	Antlerless Only	GMU 163	150
Peola	Nov. 9-17	Antlerless Only	GMU 178	50
Blue Mtns.Foothills A	Nov. 9-23	Whitetail, 3 Pt. Min. or Antlerless	GMUs 149, 154, 162-166	100

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Blue Mtns.Foothills B	Nov. 9-23	Whitetail, 3 Pt. Min. or Antlerless	GMUs 145, 172-181	75
East Okanogan	Nov. 1-15	Any Whitetail	GMU 204	150
West Okanogan	Nov. 1-15	Any Whitetail	GMUs 209, 218-239	200
Sinlahekin	Nov. 1-15	Any Whitetail	GMU 215	50
Alta A	Nov. 7-22	3 Pt. Min.	GMU 242	47
Desert A	Nov. 7-22	3 Pt. Min.	GMU 290	9
Quilomene A	Nov. 7-22	3 Pt. Min.	GMU 329, 330	56
Umtanum A	Nov. 7-22	3 Pt. Min.	GMU 342	59
Alkali A	Nov. 7-22	3-Pt. Min.	GMU 371	59
Green River A	Oct. 10-16	Any Buck	GMU 485	15
Green River B	Oct. 10-16	Antlerless Only	GMU 485	15
Lincoln	Oct. 17-30	Any Deer	GMU 501	175
Stella	Oct. 17-30	Any Deer	GMU 504*	75
Mossyrock	Oct. 17-30	Any Deer	GMU 505	150
Willapa Hills	Oct. 17-30	Any Deer	GMU 506	85
Stormking	Oct. 17-30	Any Deer	GMU 510	75
South Rainier	Oct. 17-30	Any Deer	GMU 513	75
Packwood	Oct. 17-30	Any Deer	GMU 516	100
Winston	Oct. 17-30	Any Deer	GMU 520	100
Ryderwood	Oct. 17-30	Any Deer	GMU 530	85
Coweeman	Oct. 17-30	Any Deer	GMU 550	175
Yale	Oct. 17-30	Any Deer	GMU 554*	50
Marble	Oct. 17-30	2 Pt. Min. or Antlerless	GMU 558	75
Lewis River	Oct. 17-30	Any Deer	GMU 560	100
Washougal	Oct. 17-30	Any Deer	GMU 568	35
Siouxon	Oct. 17-30	Any Deer	GMU 572	100
West Klickitat	Oct. 17-30	2 Pt. Min. or Antlerless	GMU 578	25
East Klickitat	Oct. 17-30	2 Pt. Min. or Antlerless	GMU 582	25
Grayback	Oct. 17-30	2 Pt. Min. or Antlerless	GMU 588	25
Pysht	Oct. 17-30	Any Deer	GMU 603	30
Olympic	Oct. 17-30	Any Deer	GMU 621	40
Coyle	Oct. 17-30	Any Deer	GMU 624	40
Kitsap	Oct. 17-30	Any Deer	GMU 627	20
Mason Lake	Oct. 17-30	Any Deer	GMU 633	60
Skokomish	Oct. 17-30	2 Pt. Min. or Antlerless	GMU 636	80
Wynoochee	Oct. 17-30	Any Deer	GMU 648	75
Satsop	Oct. 17-30	Any Deer	GMU 651	150
North River	Oct. 17-30	Any Deer	GMU 658	40
Minot Peak	Oct. 17-30	Any Deer	GMU 660	100
Capitol Peak	Oct. 17-30	Any Deer	GMU 663	100
Deschutes	Oct. 17-30	Any Deer	GMU 666	80
Skookumchuck A	Oct. 17-30	Any Deer	GMU 667	90
Fall River	Oct. 17-30	Any Deer	GMU 672	90
Williams Creek	Oct. 17-30	Any Deer	GMU 673	50

*Firearm Restriction Areas - Muzzleloader or archery equipment only.

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Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.)

Colville	Oct. 10-16	Antlerless Only	GMUs 109, 117	50
Alta B	Oct. 10-16	3 Pt. Min.	GMU 242	8
Moses Coulee	Dec. 1-31	Antlerless Only	GMU 269	25
Desert B	Oct. 10-16	3 Pt. Min.	GMU 290	1
Quilomene B	Oct. 1-10	3 Pt. Min.	GMUs 329, 330	4
Umtanum B	Oct. 1-10	3 Pt. Min.	GMU 342	5
Alkali B	Oct. 1-10	3-Pt. Min.	GMU 371	10
Satsop	Oct. 1-10	Any Deer	GMU 651	50

Archery Only Buck Permit Hunts (Only archery deer tag holders may apply.)

Alta C	Sept. 1-30	3 Pt. Min.	GMU 242	32
Desert C	Sept. 1-15	3 Pt. Min.	GMU 290	13
Quilomene C	Sept. 1-15	3 Pt. Min.	GMUs 329, 330	86
Umtanum C	Sept. 1-15	3 Pt. Min.	GMU 342	86
Alkali C	Sept. 1-15	3-Pt. Min.	GMU 371	155

Advanced Hunter Education (AHE) Graduate Special Deer Permit Hunts (Only AHE graduates may apply.)

Cheney/Roosevelt	Dec. 1-7	Antlerless Only	GMUs 130, 133	75
Mt. Adams	Oct. 1-10	2-Pt. Min. or Antlerless	Elk Area 059	10
Skookumchuck	Oct. 17-30	Any Deer	GMU 667	10

Persons of Disability Special Deer Permit Hunts (Only Persons of Disability may apply.)

Blue Mtns. Foothills C	Nov. 9-24	Whitetail, 3-Pt. Min. or Antlerless	GMUs 149, 154, 162-166	10
Green River C	Oct. 11-17	Antlerless Only	GMU 485	5
Margaret	Oct. 17-Nov. 1	Antlerless Only	GMU 524	25
Trout Creek Hill	Oct. 17-31	Any Deer	GMU 572	3
Eleven Mile Ridge	Oct. 17-31	Any Deer	GMU 572	2
Red Mountain	Oct. 17-31	Any Deer	GMU 572	2
Paradise Ridge	Oct. 17-31	Any Deer	GMU 572	2
Proverbial Creek	Oct. 17-31	Any Deer	GMU 572	2
Gobbler's Knob	Oct. 17-31	2-Pt. Min. or Antlerless	GMU 574	2
Lone Butte	Oct. 17-31	Any Deer	GMU 560	3
Skookumchuck B	Oct. 17-Nov. 1	Any Deer	GMU 667	15
Bear River	Oct. 17-Nov. 1	2-Pt. Min. or Antlerless	GMU 681	20

Senior Special Deer Permit Hunts (Must be 65 or older on opening day of the permit season to apply.)

Walla Walla	Oct. 17-25	3-Pt. Min or Antlerless	GMUs 149, 163	75
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Youth Special Deer Permit Hunts (Must be 16 or younger on opening day of permit season & accompanied by adult during the hunt.)

Blue Mtns. Foothills D	Oct. 17-25	3-Pt. Min. or Antlerless	GMUs 149, 154, 162-166	100
Blue Mtns. Foothills E	Oct. 17-25	3-Pt. Min. or Antlerless	GMUs 145, 172-181	75
Big Bend C	Oct. 17-25	3-Pt. Min. or Antlerless	GMU 248	25
Toutle	Oct. 17-Nov. 1	Any Deer	GMU 556	100
Wind River	Oct. 17-Nov. 1	2-Pt. Min. or Antlerless	GMU 574	75

Satsop	Oct. 11-Nov. 1	Any Deer	GMU 651	10
Skookumchuck C	Oct. 11-Nov. 1	Any Deer	GMU 667	60

**WSR 98-10-011
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-69—Filed April 22, 1998, 4:45 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To amend WAC 232-28-02206 Game management units (GMUs)—Special game areas—Boundary descriptions—Region six.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-02206.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-096 on February 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-02206 Game management units (GMUs)—Special game areas—Boundary descriptions—Region six, differs from the proposed version filed with the code reviser in the following specifics:

1. In GMU 667 (Skookumchuck) the line previously recommended to be deleted should be retained as follows: ... west on State Highway 508 to the Centralia-Alpha Road; then

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair
Fish and Wildlife Commission

Fuca to the mouth of the Hoko River; then south along the Hoko River to State Highway 112; then southeast on State Highway 112 to the Hoko-Ozette Road; then southwest on the Hoko-Ozette Road to the Olympic National Park Boundary near Ozette; then north on the Olympic National Park Boundary to the Makah Indian Reservation Boundary; then east and north on the Makah Indian Reservation Boundary to the Strait of Juan de Fuca and the point of beginning.

GMU 602-DICKEY (Clallam County): Beginning at the mouth of the Hoko River and the Strait of Juan de Fuca; then southeast along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River; then south along the Clallam River to State Highway 112; then south on State Highway 112 to the Burnt Mountain Road; then south on the Burnt Mountain Road to Sappho and U.S. Highway 101; then southwest on U.S. Highway 101 to the LaPush Road; then southwest on the LaPush Road to the Olympic National Park Boundary; then north on the Olympic National Park Boundary to the Hoko-Ozette Road; then northeast on the Hoko-Ozette Road to the Strait of Juan de Fuca and the point of beginning.

GMU 603-PYSHT (Clallam County): Beginning at the mouth of the Clallam River and the Strait of Juan de Fuca; then east along the shore of the Strait of Juan de Fuca to the mouth of the Elwha River; then south along the Elwha River to the Olympic National Park Boundary; then west on the Olympic National Park Boundary to one mile west of Lake Crescent; then south on the Olympic National Park Boundary to U.S. Highway 101; then west on U.S. Highway 101 to the Burnt Mountain Road; then north on the Burnt Mountain Road to State Highway 112; then north on State Highway 112 to the Clallam River; then north along the Clallam River to its mouth and the point of beginning, EXCEPT that part of the lower Elwha Indian Reservation within this boundary and EXCEPT Private Lands Wildlife Management Area 600, Merrill and Ring.

GMU 607-SOLDUC (Clallam County): Beginning at Sappho and U.S. Highway 101; then east on U.S. Highway 101 to the Olympic National Park Boundary; then south and west on the Olympic National Park Boundary to the Bogachiel River; then west along the Bogachiel River to U.S. Highway 101; then north on U.S. Highway 101 through Forks to Sappho and the point of beginning.

GMU 612-GOODMAN (Jefferson and Clallam counties): Beginning two miles east of LaPush on the Olympic National Park Boundary and the LaPush Road; then northeast on the LaPush Road to U.S. Highway 101 at Forks; then south on U.S. Highway 101 across the Hoh River and west to Olympic National Park Boundary; then north on the Olympic National Park Boundary to the LaPush Road and the point of beginning.

AMENDATORY SECTION (Amending Order 97-39, filed 2/27/97, effective 3/30/97)

WAC 232-28-02206 Game management units (GMUs)—Special game areas—Boundary descriptions—Region six.

GMU 601-HOKO (Clallam County): Beginning on the Makah Indian Reservation Boundary and the Strait of Juan de Fuca; then southeast along the shore of the Strait of Juan de

PERMANENT

GMU 615-CLEARWATER (Jefferson County): Beginning on U.S. Highway 101 and the Bogachiel River; then east along the Bogachiel River to the Olympic National Park Boundary; then southeast and west on the Olympic National Park Boundary to the Quinault Indian Reservation Boundary; then west on the Quinault Indian Reservation Boundary to the Olympic National Park Boundary; then north along the Olympic National Park Boundary to U.S. Highway 101; then east, north, and west on U.S. Highway 101 to the Bogachiel River and the point of beginning.

GMU 618-MATHENY (Jefferson and Grays Harbor counties): Beginning at the boundary junction of Olympic National Park and the Quinault Indian Reservation near the Queets River Road; then north, east, south, and west along the Olympic National Park Boundary to the Park and Reservation boundary junction just west of Lake Quinault; then northwest along the Quinault Indian Reservation boundary to its junction with the boundary of Olympic National Park near the Queets River Road, and the point of beginning.

GMU 621-OLYMPIC (Jefferson, Clallam and Mason counties): Beginning at the Olympic National Park Boundary and the Elwha River; then north along the Elwha River to U.S. Highway 101; then east on U.S. Highway 101 through Port Angeles, and Sequim to Quilcene and the Chimacum Center Road; then north on the Chimacum Center Road to the East Quilcene Road; then east on the East Quilcene Road to Quilcene Bay; then south along the shore of Quilcene Bay to Dabob Bay; then south along the shore of Dabob Bay to Hood Canal; then southwest along the shore of Hood Canal to U.S. Highway 101 at Hoodspport; then west across U.S. Highway 101 to the Lake Cushman Road; then northwest on the Power Dam Road; then west on Power Dam Road to Upper Cushman Dam and the shore of Lake Cushman; then northwest on the west shore of Lake Cushman to the North Fork Skokomish River; then north along the North Fork Skokomish River to the Olympic National Park Boundary; then north and west on the Olympic National Park Boundary to the Elwha River and the point of beginning.

GMU 624-COYLE (Clallam and Jefferson counties): Beginning at the mouth of the Elwha River and the Strait of Juan de Fuca; then east along the shore including islands and spits to Admiralty Inlet and Puget Sound; then south along the shore of Admiralty Inlet and Puget Sound to Hood Canal; (including Marrowstone Island and Indian Island) then southwest along the shore of Hood Canal to Dabob Bay; then north along the shore of Dabob Bay and Quilcene Bay to East Quilcene Road; then west on the East Quilcene Road to the Chimacum Center Road; then south on the Chimacum Center Road to U.S. Highway 101; then north and west on U.S. Highway 101 through Sequim and Port Angeles to the Elwha River; then north along the Elwha River to its mouth and the Strait of Juan de Fuca and the point of beginning.

GMU 627-KITSAP (Kitsap, Mason, and Pierce counties): Beginning at the Hood Canal Bridge; then north along the shore of Hood Canal to Admiralty Inlet, and Puget Sound; then south along the shore of Puget Sound, including Bainbridge Island, Blake Island, through Clovis Passage to The Narrows; then south along the shore of Carr Inlet; including

Fox Island; through Pitt Passage and Drayton Passage to Nisqually Reach (Pierce-Thurston County line); then northwest along the Nisqually Reach and the Pierce County line to North Bay; then along the east shore of North Bay to the town of Allyn and State Highway 3; then north on State Highway 3 to Belfair; then north on the Old Belfair Highway to the Bear Creek-Dewatto Road; then west on the Bear Creek-Dewatto Road to the Dewatto Road West; then north along the Dewatto Road to its intersection with the Albert Pfundt Road; then north on the Albert Pfundt Road to the easternmost point of Anderson Cove; then north from Anderson Cove along the east shore of Hood Canal to the Hood Canal Bridge and the point of beginning.

GMU 633-MASON (Mason and Kitsap counties): Beginning at the easternmost point of Anderson Cove and south on the Albert Pfundt Road to the West Dewatto Road; then south on the West Dewatto Road to the Bear Creek-Dewatto Road; then east along the Bear Creek-Dewatto Road to the Old Belfair Highway; then south on the Old Belfair Highway to Belfair; then south on State Highway 3 to Allyn and North Bay; then south along the west shore of North Bay including Reach and Stretch Islands, to Case Inlet (includes Hartstene Island) and the Mason-Pierce-Thurston County line intersection; then west through Dana Passage to Squaxin Passage; then northwest through Squaxin Passage including Hope and Squaxin Islands following the Mason County line; then southwest through Totten Inlet to Oyster Bay and U.S. Highway 101; then north on U.S. Highway 101 to Hoodspport; then east across Hood Canal to Cougar Spit; then north along the east shore of Hood Canal to the point of beginning.

GMU 636-SKOKOMISH (Grays Harbor and Mason counties): Beginning on the Olympic Park Boundary and the North Fork Skokomish River; then south along the North Fork Skokomish River to Lake Cushman; then southeast along the west shore of Lake Cushman to Cushman Upper Dam and the Power Dam Road; then east on the Power Dam Road to Lake Cushman Road; then southeast on Lake Cushman Road to U.S. Highway 101 at Hoodspport; then south on U.S. Highway 101 to Shelton and the Shelton-Matlock Road (County Road 9010); then west on to the Shelton-Matlock Road to Matlock and the Deckerville Road; then west on the Deckerville Road to the Middle Satsop Road; then west and south on the Middle Satsop Road to the Kelly Road; then north on the Kelly Road to USFS Road 2153 (old 600 line); then west on USFS Road 2153 to Wynoochee Road (USFS 22 Road); then northwest ((and southwest)) on USFS 22 Road to USFS Road 2294 near Big Creek; then northwest on USFS Road 2294 to junction with USFS Road 2281; then west on USFS Road 2281 to the watershed divide between the Humptulips River Watershed and the Wynoochee River Watershed; then north on the hydrologic boundary between the Humptulips and Wynoochee River drainages to ((up Big Creek and the east fork of Big Creek to the range line separating R8W and R7W; then north on that range line to Olympic National Park Boundary; then east on the)) Olympic National Park Boundary to the point of beginning.

GMU 638-QUINALT RIDGE (Grays Harbor and Jefferson counties): Beginning on the Olympic National Park

Boundary at the northwest corner of Lake Quinault; then northeast on the Olympic National Park Boundary along the Quinault River; then south and northeast on the Olympic National Park Boundary to the hydrologic boundary between the Wynoochee and Humptulips Watershed drainages; then south along the watershed divide between the Humptulips River Watershed and the Wynoochee River Watershed to its intersection with USFS Road 2281; then east along USFS Road 2281 to USFS Road 2294; then southeast on USFS Road 2294 ((range line separating R7W and R8W near Spur Road 2204-200 and USFS 2204 Road (DeLorme Road 2302); then south on this range line on the East Fork of Big Creek; then down Big Creek)) to USFS 22 Road (Donkey Creek Road); then west on the Donkey Creek Road to U.S. Highway 101; then north on U.S. Highway 101 to the Quinault Indian Reservation Boundary; then northeast on the reservation boundary to Lake Quinault; then northeast along the south shore of Lake Quinault to the Olympic National Park Boundary and the point of beginning.

GMU 642-COPALIS (Grays Harbor County): Beginning at the Quinault Indian Reservation and U.S. Highway 101; then south on U.S. Highway 101 to the Hoquiam River; then south along the Hoquiam River to the City of Hoquiam and Grays Harbor; then west along the north shore of Grays Harbor to the Pacific Ocean; then north along the shore of the Pacific Ocean to the Quinault Indian Reservation Boundary; then east and northeast along the Quinault Indian Reservation to U.S. Highway 101 and the point of beginning.

GMU 648-WYNOOCHEE (Grays Harbor County): Beginning at the junction of U.S. Highway 101 and the Donkey Creek Road; then northeast along the Donkey Creek Road (USFS Road 22) to its junction with the Donkey Creek-Grisdale Road; continuing east on this road (USFS Road 22) to Camp Grisdale (south of Wynoochee Lake); then south along the Grisdale-Montesano Road (USFS Road 22) to USFS Road 2153 (old 600 line); then east on USFS 2153 to Kelly Road; then south on Kelly Road to Middle Satsop Road; then south on Middle Satsop Road to Cougar Smith Road; then west on Cougar Smith Road to the West Fork of the Satsop River; then south down the West Fork and the main stream of the Satsop River to U.S. Highway 12; then west along U.S. Highway 12 to its junction with U.S. Highway 101 in Aberdeen; then west and north along U.S. Highway 101 to its junction with the Donkey Creek Road (USFS Road 22) and the point of beginning.

GMU 651-SATSOP (Grays Harbor, Mason and Thurston counties): Beginning at the U.S. Highway 12 bridge on the Satsop River; then upstream on the Satsop River to its junction with the West Fork of the Satsop River; then up the West Fork of the Satsop River to the Cougar Smith Road; then east on the Cougar Smith Road to the Middle Satsop Road; then north and east on the Middle Satsop and Matlock-Deckerville Roads to the Town of Matlock; then east on the Shelton-Matlock Road (County Road 9010) to its junction with U.S. Highway 101; then south on U.S. Highway 101 to its junction with State Route 8; then west on State Route 8 to its junction with U.S. Highway 12; then west along U.S. Highway 12 to the Satsop River and the point of beginning.

GMU 658-NORTH RIVER (Grays Harbor and Pacific counties): Beginning at the Pacific Ocean and the south shore of Grays Harbor; then east along the south shore of Grays Harbor to Aberdeen and the mouth of the Chehalis River including Rennie Island; then east along the Chehalis River to the U.S. Highway 101 bridge and U.S. Highway 101; then south on U.S. Highway 101 to Raymond and the Willapa River; then west along the Willapa River to Willapa Bay; then west along Willapa Bay to the Pacific Ocean; then north along the Pacific Ocean to the south shore of Grays Harbor and the point of beginning.

GMU 660-MINOT PEAK (Grays Harbor and Pacific counties): Beginning at Aberdeen on U.S. Highway 12; then east and south on U.S. Highway 12 to Oakville and the Chehalis Indian Reservation Road; then south on the Reservation Road to the South Bank Road; then southeast on the South Bank Road to the Garrard Creek Road; then southwest on the Garrard Creek Road to the Oakville Brook Road; then west on the Oakville Brook Road to the North River Valley Road; then west on the North River Valley Road to the Smith Creek Road; then west on the Smith Creek Road to U.S. Highway 101; then north on U.S. Highway 101 to Aberdeen and U.S. Highway 12 and the point of beginning.

GMU 663-CAPITOL PEAK (Grays Harbor and Thurston counties): Beginning at Elma on State Highway 8; then east on State Highway 8 to U.S. Highway 101; then east on U.S. Highway 101 to the Delphi Road S.W.; then south on the Delphi Road S.W. to 110th Avenue; then east on 110th Avenue to Littlerock Road; then south on Littlerock Road to U.S. Highway 12; then northwest on U.S. Highway 12 to Elma and State Highway 8 and the point of beginning.

GMU 666-DESCHUTES (Thurston County): Beginning on U.S. Highway 101 at the Mason-Thurston County line near Oyster Bay; then following the Thurston County line through Totten Inlet and Puget Sound to the mouth of the Nisqually River; then southeast on the Nisqually River to Highway 507; then ~~((west and south)) southwest~~ on Highway 507 to ~~((Cherry Street; then west on Cherry, Alder, and Mellen streets to Interstate 5; then north on Interstate 5 to))~~ Tenino; southwest on Old Highway 99 to Interstate 5; then west on Highway 12 to Littlerock Road; then north on the Littlerock Road to 110th Avenue; then ((east)) west on 110th Avenue to Delphi Road; then north on Delphi Road to U.S. Highway 101; then northwest on U.S. Highway 101 to the Mason-Thurston County line at Oyster Bay and the point of beginning.

GMU 667-SKOOKUMCHUCK (Thurston and Lewis counties): Beginning at the Highway 507 Bridge on the Nisqually River; then southeast along the Nisqually River to Alder Lake; then southeast along the north shore of Alder Lake to Elbe and State Highway 7; then south on State Highway 7 to Morton and State Highway 508; then west on State Highway 508 to the Centralia-Alpha Road; then ~~((west on the Centralia-Alpha Road to Pearl Street; then north on Pearl Street to State Highway 507; then east on State Highway 507 to the Nisqually River Bridge and the point of beginning))~~ west and north on the Centralia-Alpha Road to Salzer Valley Road; west on Salzer Valley Road to Summa Street and

Kresky Road; north on Kresky Road to Tower Street to State Highway 507; then west on State Highway 507, Cherry, Alder and Mellen Streets to Interstate 5; north on I-5 to Old Highway 99 (Pacific Highway Southwest); northeast on Old Highway 99 to Highway 507; northeast on Highway 507; to the Nisqually River Bridge and the point of beginning.

~~((GMU 673-WILLIAMS CREEK (Pacific County): Beginning at Willapa Bay and the mouth of the Willapa River; then southeast along the Willapa River to Raymond and State Highway 6; then southeast on State Highway 6 to the Bonneville Powerline Road; then southwest and south on the Powerline Road to the Salmon Creek Road; then southwest on the Salmon Creek Road to State Highway 4; then west on State Highway 4 to U.S. Highway 101 at Johnson's Landing; then west on U.S. Highway 101 to the Naselle River Bridge and the Naselle River; then west along the Naselle River to Willapa Bay; then north along the east shore of Willapa Bay to the mouth of the Willapa River and the point of beginning.))~~

GMU 672-FALL RIVER (Pacific, Lewis and Grays Harbor counties): Beginning at Raymond and U.S. Highway 101; then north on U.S. Highway 101 to Smith Creek Road; then northeast on the Smith Creek Road to the North River Valley Road; then east on the North River Valley Road to the Oakville-Brook Road; then east on the Oakville-Brook Road to the Garrard Creek Road; then south on the Garrard Creek Road to the 720 Road; then southwest on the 720 Road to the 7800 Road; then west on the 7800 Road to the 7000 Road; then south on the 7000 Road to the Elk Creek Road; then east on the Elk Creek Road to the Stevens Road (Doty Road); then east on the Stevens Road to State Highway 6; then south, west and northwest on State Highway 6 to Raymond, U.S. Highway 101 and the point of beginning.

GMU 673-WILLIAMS CREEK (Pacific County): Beginning at Willapa Bay and the mouth of the Willapa River; then southeast along the Willapa River to Raymond and State Highway 6; then southeast on State Highway 6 to the Bonneville Powerline Road; then southwest and south on the Powerline Road to the Salmon Creek Road; then southwest on the Salmon Creek Road to State Highway 4; then west on State Highway 4 to U.S. Highway 101 at Johnson's Landing; then west on U.S. Highway 101 to the Naselle River Bridge and the Naselle River; then west along the Naselle River to Willapa Bay; then north along the east shore of Willapa Bay to the mouth of the Willapa River and the point of beginning.

GMU 681-BEAR RIVER (Pacific and Wahkiakum counties): Beginning at Willapa Bay and the mouth of the Naselle River; then southeast along the Naselle River to U.S. Highway 101 Bridge; then east on U.S. Highway 101 to State Highway 4; then southeast on State Highway 4 to Deep River Bridge; then south along the Deep River to the Columbia River; then west along the shore of the Columbia River to the mouth of the Wallacut River; then north along the Wallacut River to U.S. Highway 101; then northwest on U.S. Highway 101 to alternative U.S. Highway 101; then north and west on alternative U.S. Highway 101 to Bear River; then west along Bear River to Willapa Bay; then north along the shore of Wil-

lapa Bay to the mouth of the Naselle River and the point of beginning.

GMU 684-LONG BEACH (Pacific County): All of the Long Beach Peninsula west of the mouth of Bear River; then south along Bear River to U.S. Highway 101; then southwest on U.S. Highway 101 to Alternate U.S. Highway 101; then south and west on U.S. Highway 101 to the Wallacut River; then south along the Wallacut River to the Columbia River.

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 spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 98-10-012
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-68—Filed April 22, 1998, 4:47 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To amend WAC 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-02205.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-097 on February 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five, differs from the proposed version filed with the code reviser in the following specifics:

1. In GMU 522 the boundary along the North Fork Toutle River was amended to include Deer Creek.

2. In GMU 556 the northern boundary was adjusted to include Road 3001 to Deer Creek and downstream from Deer Creek to the North Fork Toutle River.

3. In GMU 522 (Loo-wit) the last sentence "The Loo-wit unit is closed to hunting and trapping" was deleted.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 97-38, filed 2/27/97, effective 3/30/97)

WAC 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five.

GMU 501-LINCOLN (Lewis, Thurston, Pacific and Grays Harbor counties): Beginning at the intersection of Interstate 5 and State Highway 6; then west on State Highway 6 to the Stevens Road; then northwest on Stevens Road to Elk Creek Road (Doty); then west on Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road; then northeast on the Garrard Creek Road to Oakville and U.S. Highway 12; then east on U.S. Highway 12 to Interstate 5; then south on Interstate 5 to State Highway 6 and point of beginning.

GMU 504-STELLA (Cowlitz County): Beginning at the mouth of the Cowlitz River at the Columbia River; then west down the Columbia to the mouth of Germany Creek; then north up Germany Creek to State Highway 4; then east on Highway 4 to Germany Creek Road; then north on Germany Creek Road to International Paper 1000 Road; then north on International Paper 1000 to the International Paper 1050 Road; then east on International Paper 1050 Road to the 2200 Road; then east and south to the 2000 Road; then south on the 2000 Road to the Delameter Road (Woodside Road); then east on Delameter Road to State Highway 411; then north on Highway 411 to PH 10 Road (Four Corners); then east to Cowlitz River; then south down the Cowlitz River to the Columbia River and point of beginning.

GMU 505-MOSSYROCK (Lewis County): Beginning on Interstate 5 and the Cowlitz River; then northeast up the Cowlitz River to Mayfield Lake and the U.S. Highway 12 bridge; then east on U.S. Highway 12 to Winston Creek Road; then south and east to Longbell Road and Perkins Road; then northeast on Perkins Road to Swofford Road; then north on Swofford Road to Ajlune Road; then east on Ajlune Road to Riffe Lake; then east along the south shore to the Cowlitz River and up the Cowlitz River to the USFS 23 Road (Cispus Road) Bridge; then south and east to the C Line Road; then east to the Bennet Road; then east to U.S. Highway 12; then west on Highway 12 to State Highway 7 (Morton); then north on State Highway 7 to State Highway 508; then west on Highway 508 to Centralia/Alpha Road; then west and north on Centralia/Alpha Road to Salzer Valley Road; then west to Summa Street and Kresky Road; then north on Kresky Road to Tower Street; then on Tower Street to State Highway 507; then west on Highway 507 Cherry, Alder and Mellen Streets to Interstate 5; then south on Interstate 5 to the Cowlitz River and point of beginning.

GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties): Beginning at Pe Ell and the Muller Road;

then south on the Muller Road to the 1000 Road; then south on the 1000 Road to the 1800 Road; then south on the 1800 Road to the 500 Road; then southeast on the 500 Road to State Highway 407 (Elochoman Valley Road); then south on the Elochoman Valley Road (old SR 407) to the Elochoman River; then downstream along the Elochoman River to the Foster Road; then north on Foster Road to Risk Road; then west and north along Risk Road to SR 4; then west on SR 4 to Skamokawa Creek; then downstream along Skamokawa Creek to the confluence with the Columbia River; then west along Columbia River to the mouth of the Deep River; then north along the Deep River to State Highway 4; then northwest on State Highway 4 to the Salmon Creek Road; then north on the Salmon Creek Road to the Bonneville Powerline Road; then north on the Bonneville Powerline Road to State Highway 6; then east on State Highway 6 to the Town of Pe Ell and the point of beginning.

GMU 510-STORMKING (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek Bridge; then north up Silver Creek to Silverbrook Road; then east to USFS 47 Road; then north on USFS 47 Road to USFS 85 Road; then west on USFS 85 Road to Silver Creek; then southwest on Silver Creek to Lynx Creek; then north on Lynx Creek and its northernmost tributary to USFS 85 Road; then northwest on the USFS 85 Road to Catt Creek; then north on Catt Creek to the Nisqually River; then west down the Nisqually River to State Highway 7; then south on Highway 7 to U.S. Highway 12 (Morton); then east on U.S. Highway 12 to Silver Creek and point of beginning.

GMU 513-SOUTH RAINIER (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek bridge; then north up Silver Creek to Silverbrook Road; then east to USFS 47 Road; then north on USFS 47 Road to USFS 85 Road; then west on USFS 85 Road to Silver Creek; then southwest on Silver Creek to Lynx Creek; then north on Lynx Creek and its northernmost tributary to USFS 85 Road; then north on USFS 85 Road to Catt Creek; then northwest down Catt Creek to the Nisqually River; then east up the Nisqually River to the southern boundary of Mt. Rainier National Park; then east along the south park boundary to the Pacific Crest Trail; then south along the Pacific Crest Trail to U.S. Highway 12; then west on U.S. Highway 12 to the Silver Creek bridge and point of beginning.

GMU 516-PACKWOOD (Lewis and Skamania counties): Beginning at the mouth of Cispus River; then east up the Cispus River to the USFS 56 Road (Midway G.S. Road); then east on the USFS 56 Road to the USFS 5603 Road; then east on the USFS 5603 Road to the Yakima Indian Reservation Boundary and the Cascade Crest; then north along the reservation boundary to Cispus Pass and the Pacific Crest Trail; then north along the Pacific Crest Trail to the U.S. Highway 12 (White Pass); then northwest and southwest on U.S. Highway 12 to USFS 1270 Road (Section 31, T14N, R10E); then north on USFS 1270 Road to the Cowlitz River; then southwest down the Cowlitz River to the mouth of Smith Creek; then south up Smith Creek to U.S. Highway 12; then southwest down U.S. Highway 12 to Bennet Road; then west on the Bennet Road to the C Line Road; then west to the USFS

23 Road (Cispus Road); then west and north to the Cowlitz River; then west down the Cowlitz River to the mouth of the Cispus River and point of beginning.

GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties): Beginning at the intersection of Interstate 5 and the Cowlitz River; then south down the Cowlitz River to the Toutle River; then east up the Toutle River to the North Fork Toutle River; then up the North Fork Toutle River to the Green River; then east up the Green River to USFS 2612 Road; then east on USFS 2612 Road to USFS 26 Road (Ryan Lake Road); then north on USFS 26 Road to the Cispus River; then west down the Cispus to the Cowlitz River; then west down the Cowlitz River to Riffe Lake; then west along the south shore to Ajlune Road; then west to Swofford Road; then south on Swofford Road to Perkins Road; then southwest and northwest on Perkins Road and Longbell Road to Winston Creek Road; then northwest on Winston Creek Road to U.S. Highway 12; then west on U.S. Highway 12 to the Mayfield Lake bridge; then southwest down Mayfield Lake and the Cowlitz River to Interstate 5 and point of beginning.

GMU 522-LOO-WIT (Cowlitz and Skamania counties): Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; then southeast up the North Fork Toutle River to Deer Creek, up Deer Creek to the Weyerhaeuser 3001 Road; then southeast along the 3001, 3000, and 3090 Roads to the headwaters of the South Fork Castle Creek; then due south to the South Fork Toutle River; then east along South Fork Toutle to its headwaters and Mount St. Helens crater edge; then east along the crater edge to the headwaters of Ape Canyon; then down Ape Canyon Creek to the USFS Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Road; then north along USFS 99 Road to USFS 26 Road; then north to Strawberry Lake Creek; then west down Strawberry Lake Creek to the Green River; then across the Green River to Grizzly Creek; then up Grizzly Creek to Grizzly Lake; then west up the western inlet to its headwaters; then west to the headwaters of Coldwater Creek; then west down Coldwater Creek to Coldwater Lake; then southwest along the northwest shore to the old Weyerhaeuser 3500 Road; then west along the 3500, 3530, 3540, 3130, and 3120 Roads to the intersection with Hoffstadt Creek; then down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties): Beginning on the North Fork Toutle River at the mouth of the Green River; then southeast up the North Fork Toutle River to the mouth of Hoffstadt Creek; then up Hoffstadt Creek to the 3120 Road; then east along the 3120, 3130, 3540, 3530 and 3500 Roads to Coldwater Lake; then northeast along the northwest shoreline to Coldwater Creek; then up Coldwater Creek to its headwaters and east to the headwaters of Grizzly Lake; then east down the west inlet creek to Grizzly Lake; then down Grizzly Creek to the Green River and the mouth of Strawberry Lake Creek; then up Strawberry Lake Creek to the USFS 26 Road (Ryan Lake Road); then north on the USFS 26 Road to the USFS 2612 Road; then west on USFS 2612 Road to the Green River; then down the Green River to its mouth and point of beginning.

GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties): Beginning south of the Town of Doty on State Highway 6; then east on State Highway 6 to Chehalis and Interstate 5; then south on Interstate 5 to the Cowlitz River; then south along the Cowlitz River to Castle Rock and the PH 10 Road (Four Corners); then west on the PH 10 Road to State Highway 411; then south on State Highway 411 to Delameter Road (Woodside Drive); then southwest on Delameter Road to the 2000 Road; then west on the 2000 Road to the 2200 Road; then north and west on the 2200 Road to the International Paper 1050 Road; then west on the International Paper 1050 Road to the International Paper 1000 Road; then south on the International Paper 1000 Road to the Germany Creek Road; then south on the Germany Creek Road to State Highway 4; then west on State Highway 4 to Germany Creek; then south along Germany Creek to its mouth at the Columbia River; then west along the Columbia River and the Cathlamet Channel to the Puget Island Bridge on State Highway 409; then north on State Highway 409 to State Highway 4; then west on State Highway 4 to State Highway 407 (Elochoman Valley Road); then northwest on State Highway 407 (Elochoman Valley Road) to the 500 Road; then west on the 500 Road to the 1800 Road; then north on the 1800 Road to the International Paper 1000 Road; then north on the International Paper 1000 Road to the Muller Road; then north on Muller Road to Pe Ell and State Highway 6; then north on State Highway 6 to south of Doty and the point of beginning.

GMU 550-COWEEMAN (Cowlitz County): Beginning at the mouth of the Cowlitz River; then north to the Toutle River; then east along the Toutle River to the South Fork Toutle River; then up the South Fork Toutle to the 4950 Road; then south and east on the 4950 Road to the 235 Road; then south on the 235, 200, 245, 134, 133, 130 and 1680 Roads to the 1600 Road; then southeast along the 1600 and 1400 Roads to the Kalama/Coweeman Summit; then south along the 1420 Road to the ~~((1425))~~ 1426 Road; then southwest along the ~~((1425))~~ 1426 Road to the 1428 Road; southwest along 1428 Road to 1429 Road; southwest along 1429 Road to 6400 Road; then southwest down the 6400 Road to the 6000 Road; then east to the 6450 Road; then southeast approximately one mile on the 6450 Road to the 6452 ~~((Arnold Creek))~~ Road; then southeast on 6452 ~~((Arnold Creek))~~ Road to Dubois Road; then to State Highway 503; then west on State Highway 503 to Cape Horn Creek; then down Cape Horn Creek to Merwin Reservoir and the Lewis River; then down the Lewis River to the Columbia River; then down the Columbia River to the mouth of the Cowlitz River and point of beginning.

GMU 554-YALE (Cowlitz County): Beginning on State Highway 503 at its crossing of Cape Horn Creek; then east on State Highway 503 to 6690 Road (Rock Creek Road); then northeast on the 6690 and 6696 Roads to West Fork Speelyai Creek; then down Speelyai Creek to State Highway 503; then northeast on State Highway 503 to Dog Creek; then down Dog Creek to Yale Reservoir; then south and west down Yale Reservoir, Lewis River, and Merwin Reservoir to Cape Horn Creek; then up Cape Horn Creek to State Highway 503 and point of beginning.

GMU 556-TOUTLE (Cowlitz County): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Road (Merril Lake Road) intersection; then north on USFS 81 Road to Weyerhaeuser 7200 Road; then northeast on the 7200 Road to the 7400 Road; then northwest on the 7400 Road to the 5500 Road; then east and north on the 5500 and 5670 Roads to the South Fork Toutle River; then east up the South Fork Toutle River to a point due south of the headwaters of the South Fork Castle Creek (Section 1, T8N, R4E); then north along Loo-wit Boundary to end of the ~~((to the headwaters of South Fork Castle Creek; then down South Fork Castle Creek to))~~ Weyerhaeuser 3092 Road; then west on the 3092 Road to 3090 Road; then northwest on the 3090, 3000 and 3001 Roads west on the 3001 Road to Deer Creek, downstream on Deer Creek to the North Fork Toutle River; then down the North Fork Toutle River to the South Fork Toutle River; then southeast up the South Fork Toutle River to the 4950 Road; then south on the 4950, 235, 200, 245, 243A, 134, 133, 130, and 1680 Roads to the 1600 Road; then southeast on the 1600 and 1400 Roads to the Kalama/Coweeman Summit; then south on the 1420 Road to the ~~((1425))~~ 1426 Road; then southwest along the ~~((1425))~~ 1426 Road to the 1428 Road; southwest along 1428 Road to 1429 Road to 6400 Road; then southwest on the 6400 Road to the 6000 Road; then east up the 6000 Road to the 6450 Road; then southwest on the 6450 Road approximately one mile to the ~~((Arnold Creek))~~ 6452 Road; then southeast on 6452 Road to ~~((Arnold Creek and))~~ Dubois Road(s) to State Highway 503; then east on State Highway 503 to the 6690 Road (Rock Creek Road); then northeast on the 6690 and 6696 Roads to the West Fork Speelyai Creek; then down Speelyai Creek to State Highway 503; then northeast on State Highway 503 to USFS 81 Road and point of beginning.

GMU 558-MARBLE (Cowlitz and Skamania counties): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Road intersection; then north on USFS 81 Road to Weyerhaeuser 7200 Road; then northeast on the 7200 Road to the 7400 Road; then northwest on the 7400 Road to the 5500 Road; then east and north on the 5500 and 5670 Roads to the South Fork Toutle River; then east up the South Fork Toutle River to Mount St. Helens crater and along crater to headwaters of Ape Canyon; then east down Ape Canyon Creek to USFS Smith Creek Trail then north up USFS Smith Creek Trail to USFS 99 Road; then northeast on USFS 99 Road to USFS 25 Road; then south on USFS 25 Road to the Muddy River; then south down the Muddy River to the North Fork Lewis River; then west down the North Fork Lewis River, Swift Reservoir to Yale Reservoir and Dog Creek; then north up Dog Creek to State Highway 503; then southwest to USFS 81 Road and point of beginning.

GMU 560-LEWIS RIVER (Skamania, Klickitat, Yakima and Lewis counties): Beginning at Trout Lake, north to the USFS 80 Road; then north to USFS 17 Road (Mt. Adams Recreational Road); then northeast to USFS 82 Road; then northeast on the USFS 82 Road to the Yakima Indian Reservation Boundary (Section 16, T7N, R11E); then north along reservation boundary (Cascade Crest) to USFS 5603 Road; then west to the USFS 56 Road; then west to the Cispus

River; then northwest down the Cispus River to the USFS 26 Road (Ryan Lake Road); then west and south on the USFS 26 Road to USFS 99 Road; then northeast to the USFS 25 Road; then south to Muddy River; then south down the Muddy River to the North Fork Lewis River; then west to the USFS 90 Road bridge (Eagle Cliff); then east on USFS 90 Road to USFS 51 Road; then southeast to USFS 30 Road; then northeast on the USFS 30 Road to USFS 24 Road; then southeast to the State Highway 141; then northeast on State Highway 141 to Trout Lake and point of beginning.

GMU 564-BATTLE GROUND (Clark and Skamania counties): Beginning on the Interstate 5 at the Lewis River Bridge and the Lewis River; then northeast along the Lewis River (Cowlitz-Clark County line) to the Merwin Dam; then on a southeast line to the transmission line; then south on the transmission line to N.E. Grinnel Road; N.E. Grinnel Road to N.E. Pup Creek Road; N.E. Pup Creek Road to N.E. Cedar Creek Road to Amboy; then south on N.E. 221st Avenue to N.E. Amboy Road; then south on N.E. Amboy Road to N.E. Yacolt Road; then east on Yacolt Road to Railroad Avenue; southeast to Sunset Falls Road; east to Dole Valley Road; then south on the Dole Valley Road to Rock Creek Road; then southeast and south on the DNR 1000 Road to DNR 1500 Road; then east on DNR 1500 Road to N.E. 412th Avenue; then south on N.E. 412th Avenue to Skye Road; then east and south on the Skye Road to Washougal River Road; then south on Washougal River Road to State Highway 140; then southeast on State Highway 140 to Cape Horn Road; then south on Cape Horn Road to the Columbia River; then west down the Columbia River (including islands in Washington) to the Lewis River; then north along the Lewis River to the Interstate 5 Bridge and the point of beginning.

GMU 568-WASHOUGAL (Clark and Skamania counties): Beginning at Merwin Dam on the Lewis River and Lake Merwin; then northeast along Lake Merwin (Cowlitz-Clark County line) to Canyon Creek; then southeast along Canyon Creek to N.E. Healy Road; then east on N.E. Healy Road to USFS Road 54; then east on USFS Road 54 to USFS Road 37; then northwest on USFS Road 37 to USFS Road 53; then south on USFS Road 53 to USFS Road 4205 (Gumboat Road); then south on USFS Road 4205 to USFS Road 42 (Green Fork Road); then southwest on USFS Road 42 to USFS Road 41 (Sunset Hemlock Road) at Sunset Falls; then east on USFS Road 41 to USFS Road 406 at Lookout Mountain; then southeast on USFS Road 406 to the boundary of the Gifford Pinchot National Forest; then due east on the National Forest Boundary to Rock Creek; then southeast along Rock Creek to Stevenson and the Columbia River; then west down the Columbia River (including the islands in Washington) to the Cape Horn Road; then north on the Cape Horn Road to State Highway 140; then west on State Highway 140 to the Washougal River Road; then northwest on the Washougal River Road to the Skye Road; then northwest on the Skye Road to N.E. 412th Avenue; then northwest on DNR 1500 Road to DNR 1000 Road; then north and west on DNR 1000 Road to Dole Valley Road; then north on the Dole Valley Road to Sunset Falls Road; then northwest to Railroad Avenue through Yacolt; then northwest on N.E. Cedar Creek Road through Amboy to N.E. Pup Creek Road; Pup Creek

Road to N.E. Grinnel Road to the transmission lines; then north on the transmission lines to Merwin Dam on the Lewis River and the point of beginning.

GMU 572-SIOUXON (Skamania and Clark counties): Beginning at the Yale Dam and Yale Lake; then north along Yale Lake (Cowlitz-Clark County line) to the North Fork Lewis River and Lewis River (old river bed); then northeast along the Lewis River to the Swift Creek Reservoir; then east along the Swift Creek Reservoir to Eagle Cliff Bridge and USFS Road 90; then east on USFS Road 90 to USFS 51 Road (Curly Creek Road); then southeast on USFS Road 51 to USFS Road 30; then north on USFS Road 30 to USFS Road 24 (Twin Butte Road); then south on USFS Road 24 to USFS Road 60 (Carson Guler Road); then southwest on USFS Road 60 to USFS Road 65 (Panther Creek Road); then southwest on USFS Road 65 to the Wind River Highway; then northwest on the Wind River Highway to Stabler; then west on Hemlock Road to USFS Road 41 (Sunset-Hemlock Road); then west on the USFS Road 41 to Sunset Falls and USFS Road 42 (Green Fork Road); then northeast on USFS Road 42 to USFS Road 4205 (Gunboat Road); then north on USFS Road 4205 to USFS Road 53; then northwest on USFS Road 53 to USFS Road 54 (N.E. Healy Road); then west on USFS Road 54 to Canyon Creek; then north along Canyon Creek to the Lewis River; then northeast along the Lewis River to the Yale Dam and the point of beginning.

GMU 574-WIND RIVER (Skamania County): Beginning at Little Lookout Mountain on USFS Road 41 (Sunset-Mowich Butte); then east on USFS Road 41 to Stabler; then east on the Hemlock Road to the Wind River Road; then southeast on the Wind River Road to Old State Road; then east on Old State Road to USFS Road 65 (Panther Creek Road); then north on USFS Road 65 to USFS Road 60; then northeast on USFS Road 60 to State Highway 141; continue east on State Highway 141 to USFS Road 86; then south on USFS Road 86 to USFS Road 1840; then south on USFS Road 1840 to USFS Road 18 (Oklahoma Road); then south on USFS Road 18 to Willard and the Little White Salmon River; then south on the Little White Salmon River to the Columbia River; then west along the Columbia River to the mouth of Rock Creek; then northwest along Rock Creek through Stevenson to the south boundary of Gifford Pinchot National Forest; then on the south boundary of Gifford Pinchot National Forest due west to USFS Road 4100-406; then northwest on USFS Road 4100-406 to USFS Road 41 and the point of beginning.

GMU 578-WEST KLICKITAT (Klickitat, Yakima, and Skamania counties): Beginning on the Columbia River at the mouth of the Little White Salmon River; then up the Little White Salmon River to Willard; then north on USFS 18 Road (Oklahoma Road) to USFS 1840 Road; then north on USFS 1840 Road; to USFS Road 86; north on USFS Road 86 to State Highway 141; then northeast on State Highway 141 to Trout Lake and Mt. Adams Recreational Area Road; then north on Mt. Adams Recreational Area Road to USFS 82 Road; then northeast on USFS 82 Road to the Yakama Indian Reservation Boundary (Section 16, T7N, R11E); then south along the reservation boundary to King Mountain and the southwest corner of the reservation (Section 27, T7N, R11E);

then east along reservation boundary (approximately one mile) to the end of King Mountain Road; then north along the reservation boundary to Section 2 T7N, R11E; then east along the reservation boundary to the northeastern corner of Section 4, T7N, R12E; then southeast along the reservation boundary to Summit Creek Boundary Road; then south to the Glenwood/Goldendale Road; then northwest on the Glenwood/Goldendale Road to the Gravel Pit Road; then south on the Gravel Pit Road to Fisher Hill Road (P-2000); then south on Fisher Hill Road to the Fisher Hill Bridge; then south down the Klickitat River to the Columbia River; then west down the Columbia River to the mouth of the Little White Salmon River and point of beginning.

GMU 582-EAST KLICKITAT (Klickitat County): Beginning at the U.S. Highway 97 bridge on the Columbia River (Maryhill); then north on U.S. Highway 97 to Satus Pass and the Yakama Indian Reservation; then east along south reservation boundary to the Yakima County line; then east on the Yakima/Klickitat County line to Alderdale Road; then southeast and south on Alderdale Road to Alderdale and the Columbia River; then west down the Columbia River to U.S. Highway 97 Bridge and the point of beginning.

GMU 588-GRAYBACK (Klickitat County): Beginning at U.S. Highway 97 bridge across Columbia River (Maryhill); then west down the Columbia River to Lyle and the mouth of the Klickitat River; then up the Klickitat River to the Fisher Hill Bridge; then north along the Fisher Hill Road (P-2000) to the Lakeside Road; then north on the Lakeside Road to the Gravel Pit Road; then northwest to the Glenwood/Goldendale Road; then east and southeast on the Glenwood/Goldendale Road to the Summit Creek Primary Road; then northeast to the Yakama Indian Reservation Boundary; then east along the southern boundary of the reservation to U.S. Highway 97 (Satus Pass Highway); then south on U.S. Highway 97 to Maryhill and point of beginning.

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 98-10-013
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-67—Filed April 22, 1998, 4:50 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To amend WAC 232-28-02204 Game management units (GMUs)—Special game areas—Boundary descriptions—Region four.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-02204.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-098 on February 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-02204 Game management units (GMUs)—Special game areas—Bound-

ary descriptions—Region four, differs from the proposed version filed with the code reviser in the following specifics:

1. In GMU 407 line 16 was amended to clarify a boundary description.

2. In GMU 472 lines 5 and 6 were amended to clarify a boundary description.

3. In GMU 478 the boundary of Nisqually River was retained but the reference to Pierce-Lewis and Pierce-Thurston county was deleted. The river has made a channel change and the river is the best boundary.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 97-37, filed 2/27/97, effective 3/30/97)

WAC 232-28-02204 Game management units (GMUs)—Special game areas—Boundary descriptions—Region four.

GMU 407-NORTH SOUND (Whatcom, Skagit, Snohomish and King counties): Beginning at the northwest corner of Whatcom County and the Canadian border; then east on the Canadian border to the Silver Lake Road; then south on the Silver Lake Road to the Mount Baker Highway 542; then southwest on the Mount Baker Highway 542 to the Mosquito Lake Road; then south on the Mosquito Lake Road to Valley Highway 9; then south on Valley Highway 9 through Sedro Woolley to the town of Arlington; then northeast on State Highway 530 to the Trafton School at Trafton; then southeast along the Jim Creek-Trafton Road (242nd St. N.E.) to the City of Seattle power transmission line; then southwest on the transmission line to the Jordan Road in Section 20, T31N, R6E; then southeast along the Jordan Road to Granite Falls and the Menzel Lake Road; then south on the Menzel Lake Road past Lake Roesiger to the Woods Creek Road; then south on the Woods Creek Road to Monroe and Highway 203; then south on Highway 203 to the Snoqualmie River at Duvall; then north along the Snoqualmie River to the Snohomish River; then west along the Snohomish River to Puget Sound; then north along the Island/Snohomish county line in Possession Sound and Port Susan (~~shore of Puget Sound~~) to

Juniper Beach and through West Pass; then west and north through Skagit Bay, Deception Pass, Rosario Strait and Bellingham Channel to Samish Bay near Edison; then north along the shoreline to the Whatcom County line; then north on the county line to the Canadian border and the point of beginning.

GMU 410-ISLANDS (San Juan and Island counties): Beginning at the north corner of San Juan-Whatcom County line; then southeast on the county line to the Skagit-Whatcom County line; then east on the county line to the shore of Samish Bay; then south on the shoreline near Edison; then west through Samish Bay and south through Bellingham Channel to the Skagit-San Juan County line; then south through Rosario Strait on the San Juan-Skagit County line to the Island County line; then east on the Skagit-Island County line through Deception Pass and south through Skagit Bay; then southeast on the Island—Snohomish County line through Juniper Beach, Port Susan, Possession Sound to the Island-Kitsap County line; then northwest on the Island-Kitsap-Jefferson County line through Puget Sound, Admiralty Inlet, and the Strait of Juan De Fuca; then west on the San Juan-Jefferson-Clallam County lines to the Canadian border; then north on the Canadian border through Middle Bank, Haro Strait, and Boundary Pass to the north corner of San Juan-Whatcom County line and the point of beginning.

GMU 418-NOOKSACK (Whatcom and Skagit counties): Beginning at the Silver Lake Road and the Canadian border; then east on the Canadian border to the North Cascades National Park Boundary; then south on the North Cascades National Park Boundary to the range line between Range 9 and 10 East; then south on this range line to Jackman Creek; then south along Jackman Creek to Highway 20 (at Concrete); then west along Highway 20 to Highway 9 (at Sedro Woolley); then north along Highway 9 to Mosquito Lake Road; then north on the Mosquito Lake Road to Mount Baker Highway 542; then north on Mount Baker Highway 542 to the Silver Lake Road; then north on the Silver Lake Road to the Canadian border to the point of beginning.

GMU 426-DIABLO (Skagit and Whatcom counties): Beginning at the Canadian border and the west boundary of the Ross Lake National Recreation Area; then south, on the Ross Lake National Recreation Boundary across the Skagit River and the North Cascades Highway; then north on the Ross Lake National Recreation Boundary to two miles east of Panther Creek; then south on the North Cascades National Park Boundary to Fisher ((Point)) Peak; then east on the Skagit-Chelan County line across State Highway 20 to the Pacific Crest Trail; then north on the Pacific Crest Trail to Jims Pass, Oregon Basin and the Mt. Baker-Snoqualmie National Forest; then west on the Mt. Baker-Snoqualmie National Forest Boundary to the Ross Lake National Recreation Boundary; then north on the east boundary of the Ross Lake National Recreation Area to the Canadian border; then west on the Canadian border to the west boundary of the Ross Lake National Recreation Area and the point of beginning.

GMU 437-SAUK (Skagit and Snohomish counties): Beginning at the intersection of State Highway 9 and Highway 20; then east along Highway 20 to Jackman Creek east

of Concrete; then northeast along Jackman Creek to the range line between Range 9 and 10 East; then north on the range line to the boundary of the North Cascades National Park; then north and east on the North Cascades National Park Boundary to the Ross Lake National Recreation Area Boundary; then south on the Ross Lake National Recreation Area Boundary across the North Cascade Highway 20 and the Skagit River and east along the Ross Lake National Recreation Area to the North Cascades National Park Boundary near Big Devil Peak; then southeast on the North Cascades National Park Boundary to the north boundary of Glacier Peak Wilderness Area; then west and south on Glacier Peak Wilderness Area Boundary to the Suiattle River; then west along the Suiattle River to State Highway 530 (Sauk Valley Road); then south on State Highway 530 to Darrington; then west on State Highway 530 to Highway 9 at Arlington; then north on State Highway 9 to Highway 20 and the point of beginning.

GMU 448-STILLAGUAMISH (Snohomish and Skagit counties): Beginning at Trafton on the Highway 530 (Arlington-Darrington Highway); then northeast on Highway 530 to Darrington; then north on Highway 530 (Sauk Valley Road - Bennets Store Road) to the Suiattle River; then east along the Suiattle River to the Glacier Peak Wilderness Area Boundary; then south on the Glacier Peak Wilderness Area Boundary to June Mountain and USFS Trail 650; then west on the USFS Trail 650 on the crest between Sloan Creek and the North Fork Skykomish River Drainages to Curry Gap and the Quartz Creek Trail 1050; then south on the Quartz Creek Trail 1050 and 1054 to West Cady Creek; then south along West Cady Creek through Section 36, T28N, R12E to Meadow Creek; then south along Meadow Creek to Rapid River; then east along Rapid River to Lake Janus and the Pacific Crest Trail; then south on the Pacific Crest Trail to Stevens Pass and Highway 2; then west on Highway 2 to Monroe and the Woods Creek Road; then north on the Woods Creek Road past Lake Roesiger to the Menzel Lake Road; then north on the Menzel Lake Road to Granite Falls and the Jordan Road; then northwest on the Jordan Road through Jordan to the City of Seattle power transmission lines; then northeast on the transmission lines to the Jim Creek-Trafton Road (242nd St. N.E.); then west on the Jim Creek-Trafton Road to Trafton and the point of beginning.

GMU 450-CASCADE (Skagit and Snohomish counties): Beginning on the Glacier Peak Wilderness Boundary one mile north of Jordan Lakes on the township line between T34 & 35N; then east on the Wilderness Boundary to USFS Road 1590 (USFS Road 1590); then north on USFS Road 1590 to the Cascade River Road; then north on Cascade River Road to the North Cascades National Park Boundary; then east on the North Cascades National Park Boundary to the Pacific Crest Trail Boundary; then south on the Pacific Crest Trail to Lake Janus and the Rapid River; then northwest along the Rapid River to Meadow Creek; then north along Meadow Creek to West Cady Creek; then northwest along West Cady Creek near Excelsior Mountain and USFS Trail 1054; then north on USFS Trail 1054 and the Quartz Creek Trail (USFS 1050) to Curry Gap and USFS Trail 650; then east on USFS Trail 650 to June Mountain and the Glacier Peak Wilderness

Boundary; then north on the Glacier Peak Wilderness Boundary across the Suiattle River to Jordan Lakes on township line between T34 & 35N and the point of beginning.

GMU 454-ISSAQUAH (King and Snohomish counties): Beginning at the mouth of the Snohomish River near Everett; then southeast along the Snohomish River to the Snoqualmie River; then southeast along the Snoqualmie River to Duvall and State Highway 203; then south on State Highway 203 to Fall City; then southwest on Preston-Fall City Road to Preston and Interstate Highway 90; then east on Interstate Highway 90 to State Highway 18; then south on State Highway 18 to the Raging River; then southeast along the Raging River to the City of Seattle Cedar River Watershed; then west, south and east on the Cedar River Watershed to the City of Tacoma Green River Watershed; then south on the Green River Watershed to USFS Road 7110 near Lynn Lake; then southwest on USFS Road 7110 to U.S. Highway 410; then west on U.S. Highway 410 to Enumclaw and State Highway 164; then west on State Highway 164 to Auburn and State Highway 18; then west on State Highway 18 to U.S. Highway 99; then north on U.S. Highway 99 to Buenna and Redondo Beach; then due west to Puget Sound; then west along East Passage and north along Colvos Passage (including Vashon and Maury Islands) to Puget Sound; then north to the mouth of the Snohomish River and the point of beginning.

GMU 460-SNOQUALMIE (King and Snohomish counties): Beginning at Monroe on State Highway 203 and U.S. Highway 2; then east on U.S. Highway 2 to Stevens Pass and the Pacific Crest Trail; then south on the Pacific Crest Trail to the City of Seattle Cedar River Watershed; then west on the Cedar River Watershed to the Raging River; then west and north along the Raging River to State Highway 18; then north on State Highway 18 to Interstate Highway 90; then west on Interstate Highway 90 to the Preston-Fall City Road; then north on the Preston-Fall City Road to State Highway 203; then north on State Highway 203 to Monroe and the point of beginning.

GMU 466-STAMPEDE (King County): Beginning on the Pacific Crest Trail (USFS Trail 2000) and the east boundary of the City of Seattle Cedar River Watershed; then south on the Pacific Crest Trail past Blowout Mountain to USFS Road 7038 at its closest point to the Pacific Crest Trail near Windy Gap north of Pyramid Peak, ((at Windy Gap;)) then northwest on USFS Roads 7038, 7036, 7030, and 7032 ((7036 and 7030)) to USFS Trail 1172; then ((northwest)) west on USFS Trail 1172 to about 1/4 mile past Williams Hole to the posted boundary of the ((the Champion Creek Road (USFS Road 7012); north on Champion Creek Road to the)) City of Tacoma Green River Watershed Boundary; then north on the Green River Watershed Boundary to the City of Seattle Cedar River Watershed Boundary and along this boundary to Pacific Crest Trail and the point of beginning.

GMU 472-WHITE RIVER (King and Pierce counties): Beginning at the lookout at Grass Mountain mainline (USFS Road 7110) and the City of Tacoma Green River Watershed Boundary; then east on the Green River Watershed Boundary and USFS Trail 1172 to USFS Road 7032; then east along USFS Road 7032 to USFS Road 7030; then southeast along

USFS Road 7030 and USFS Road 7036 and USFS 7038: then onto the Pacific Crest Trail (USFS 2000) at its closest point to Road 7038 near Windy Gap north of Pyramid Peak; then south on the Pacific Crest Trail to the Mount Rainier National Park Boundary at Chinook Pass; then north and west on the park boundary to the Carbon River; then northwest along the Carbon River to Bonneville Power Transmission Line; then northeast along the transmission line to South Prairie Creek; then north along South Prairie Creek to intersection with Champion ownership line (Section 14, T19N, R6E); then east and north along Champion ownership line to the White River (along west line of Section 6, T19N, R7E); then southeast along the White River to the Bonneville Power Line on the north side of the river near Mud Mountain Dam Road; then northeast on the transmission lines to State Highway 410; then east on State Highway 410 to USFS Road 7110; then north on USFS Road 7110 to the City of Tacoma Green River Watershed and the point of beginning, except Private Lands Wildlife Management Area 401 (Champion).

GMU 478-MASHEL (Pierce County): Beginning at the Bonneville Power Transmission Line at the Puyallup River bridge on the Orville Road East; then northeast on the Bonneville Power Transmission Line to the Carbon River; then southeast along the Carbon River to the west boundary of Mt. Rainier National Park; then south on the park boundary to the Nisqually River; then west on the Nisqually River (~~((Pierce-Lewis and Pierce-Thurston county lines)))~~) to the mouth of the Mashel River; then up the Mashel River to the Highway 161 Bridge (Eatonville-LaGrande Road); then north on Highway 161 through Eatonville to Orville Road East (Kapowsin-Eatonville Road); then north on the Orville Road East to the Puyallup River bridge and the point of beginning, except Private Lands Wildlife Management Area 401 (Champion).

GMU 484-PUYALLUP (Pierce and King counties): Beginning at Redondo Junction on the shore of Puget Sound and Redondo Way South; then southeast on Redondo Way South to Pacific Highway South (Old Highway 99); then south on the Pacific Highway South to Auburn and State Highway 18; then east on State Highway 18 to State Highway 164; then southeast on State Highway 164 to Enumclaw and State Highway 410 (Chinook Pass Highway); then east on State Highway 410 to the second set of Bonneville Power Transmission Lines near the Mud Mountain Dam Road; then southwest on the transmission lines to the White River; then northwest along the White River to the Champion ownership line (along west line of Section 6, T19N, R7E); then west and south along the Champion ownership line to South Prairie Creek (Section 14, T19N, R6E); then south along South Prairie Creek to the intersection with the Bonneville Power Line; then southwest on this transmission line to Puyallup River and the Orville Road East; then south on the Orville Road East to State Highway 161; then down the Mashel River to the Nisqually River (Pierce-Thurston County line); then northwest along the Nisqually River to Puget Sound; then north along Nisqually Reach, Drayton Passage, Pitt Passage, including Anderson Island, McNeil Island and Ketrion Island to Redondo and the point of beginning, except Private Lands Wildlife Management Area 401 (Champion).

GMU 485-GREEN RIVER (King County): Beginning at the northwest corner of the Green River Watershed; then east on the boundary between the Green River Watershed and the Cedar River Watershed to the USFS Road 5060; then south on the USFS Road 5060 to the posted boundary of the Green River Watershed; then along the southern boundary of the Green River Watershed over Huckleberry Mountain and Grass Mountain and across the Green River to the northwest corner of the Green River Watershed and the point of beginning.

GMU 490-CEDAR RIVER (King County): (~~(Beginning at the Cedar River and the west boundary of the City of Seattle Cedar River Watershed; then north and east on the watershed boundary to the Pacific Crest Trail; then south on the Pacific Crest Trail past Yakima Pass to the boundary of the Cedar River Watershed; then west and north on the Cedar River Watershed boundary to the Pacific Crest Trail Cedar River and the point of beginning.)~~) The area within the posted boundary of the city of Seattle Cedar River Watershed.

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.

WSR 98-10-014
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-65—Filed April 22, 1998, 4:55 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To amend WAC 232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-02202.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-081 on February 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two, differs from the proposed version filed with the code reviser in the following specifics:

1. In GMU 242 (Alta), the boundary description was amended at the beginning and end of the description as follows: "Beginning at the junction of the Twisp Pass and Trail 432; then east ..." and the last line ..." intersection of Trail 432 and the point of beginning."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 97-35, filed 2/27/97, effective 3/30/97)

WAC 232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two.

GMU 203-PASAYTEN (Okanogan and Whatcom counties): ~~The Pasayten Wilderness Area. ((Beginning at the western boundary of the Pasayten Wilderness and the Washington-Canadian border near Princess Creek; then east along the Canadian border to the eastern boundary of the Pasayten Wilderness near Goodenough Peak; then south on the Pasayten Wilderness Boundary to Trail 341; then west and south on Trail 341 to its junction with Trail 533 and Trail 343; then west on Trail 343 to Trail 342; then southwest on Trail 342 to the Pasayten Wilderness Boundary; then west on the wilderness boundary to the Hidden Lakes Trail 477; then west on Hidden Lakes Trail to Drake Creek; then southwest along Drake Creek to the Lost River Gorge; then southwest along the Lost River Gorge to the Pasayten Wilderness Boundary; then west on the Pasayten Wilderness Boundary to the Robinson Creek Trail 478; then north on the Robinson Creek Trail to the Ferguson Lake Trail; then west to Silver Lake and west to the West Fork of the Pasayten River; then west to Oregon Basin and the western boundary of the Pasayten Wilderness; then north on the wilderness boundary to the Washington-Canadian border near Princess Creek and the point of beginning.))~~

GMU 204-OKANOGAN EAST (Okanogan and Ferry counties): Beginning on the eastern shore of Osoyoos Lake and the Washington-Canadian border; then east on the border to the Kettle River near Ferry customs office; then south along the Kettle River to the mouth of Toroda Creek at Toroda; then west along Toroda Creek to the Toroda Creek Road (County Roads 502 and 9495); then west and south on the Toroda Creek Road to State Highway 20 at Wauconda; then east on State Highway 20 to Republic; then south on State Route 21 to the north boundary of the Colville Indian Reservation; then west on the reservation boundary to the Okanogan River; then north along the Okanogan River and the eastern shore of Osoyoos Lake to the point of beginning.

GMU 209-WANNACUT (Okanogan County): Beginning at the Canadian border station near Nighthawk on the Washington-Canadian border; then east on the border to the west

shore of Lake Osoyoos; then south along the west shore of Lake Osoyoos and the Okanogan River to the bridge at Tonasket and County Road 7 (9400); then south on County Road 7 to the North Pine Creek-Aeneas Lake Road (9437) then southwest on the Pine Creek-Aeneas Lake Road to the Horse Springs Coulee Road (4371); then north on the Horse Springs Coulee Road to the Loomis-Oroville Highway (9425) near Spectacle Lake; then west on the Loomis-Oroville Highway to Loomis; then north on the Loomis-Oroville Highway past Palmer Lake to Nighthawk and the Allemandi Road; then north on the Allemandi Road to the Similkameen Road; then north on the Similkameen Road to the border station on the Washington-Canadian border and the point of beginning.

GMU 215-SINLAHEKIN (Okanogan County): Beginning at the eastern boundary of the Pasayten Wilderness and the Washington-Canadian border; then east on the border to the border station near Nighthawk and the Similkameen Road; then southeast on the Similkameen Road to the Allemandi Road; then south on the Allemandi Road to Nighthawk and the Loomis-Oroville Road (USFS Road 9425); then south on the Loomis-Oroville Road through Loomis to the Horse Springs Coulee Road (USFS Road 4371) near Spectacle Lake; then south on the Horse Springs Coulee Road to the Aeneas Lake-Pine Creek Road (USFS Road 9400); then northeast on the Aeneas Lake-Pine Creek Road to the Okanogan River; then south along the Okanogan River to the town of Riverside and U.S. Highway 97; then north on U.S. Highway 97 to the South Pine Creek-Fish Lake Road (USFS Road 9410); then west on the South Pine Creek-Fish Lake Road along the south shore of Fish Lake to the Conconully-Sinlahekin Road (USFS Road 4015); then southwest on the Conconully-Sinlahekin Road along the north shore of Conconully Lake to Conconully and the Salmon Creek North Fork Road (USFS Roads 2361, 38, and 2820); then north on the Salmon Creek North Fork Road over Lone Frank Pass to USFS Road 39; then north on USFS Road 39 to Long Swamp and the Middle Fork Toats Coulee Road; then east on the Middle Fork Toats Coulee Road (USFS Road 39) to Iron Gate Road (USFS Road 500); then northwest on Iron Gate Road to its end; then north and east on Trails 533 and 341 to the eastern boundary of the Pasayten Wilderness; then north on the wilderness boundary to the Washington-Canadian border and the point of beginning.

GMU 218-CHEWUCH (Okanogan County): Beginning at Oregon Basin and Jim Pass on the Pacific Crest Trail; then east ~~((to Silver Lake; then east to the Ferguson Lake Trail and the Middle Fork Trail 478; then south on the Trail 478 to))~~ on the Pasayten Wilderness Boundary ~~((; then east on the wilderness boundary to Lost River; then northeast along Lost River and Drake Creek to Hidden Lake Trail 477; then east on the Hidden Lake Trail 477 to the Pasayten Wilderness Boundary at Eightmile Pass; then northeast on the wilderness boundary to Trail 342 near Hicky Hump; then north on Trail 342 to Trail 343 at Two Bear camp; then east on Trail 343))~~ to ~~((the))~~ Iron Gate Road (USFS Road 500); then south on the Iron Gate Road to the Middle Fork Toats Coulee Creek (USFS Road 39); then west and south on the Middle Fork Toats Coulee Creek Road past Long Swamp to the Boulder

Creek Road (USFS Road 37); then southwest on Boulder Creek Road to the East Chewuch River Road (USFS Road 9137); then south on the East Chewuch River Road to Winthrop and State Highway 20; then northwest on State Highway 20 to the Pacific Crest Trail crossing on Highway 20; then north on the Pacific Crest Trail to Jim Pass and the point of beginning.

GMU 224-PEARRYGIN (Okanogan County): Beginning at the North Fork Boulder Creek Road (USFS Road 39) and USFS Road 3820; then south on Road 3820 through Lone Frank Pass to the North Fork Salmon Creek Road (USFS Road 38); then southeast on the North Fork Salmon Creek Road to the County Road 2361; then southeast on County Road 2361 to County Road 2017 at Conconully; then southwest on County Road 2017 to the North Summit Road (USFS Road 42); then southwest on the North Summit Road to State Highway 20 at Loup Loup Summit; then west on State Highway 20 through Twisp to the East Chewuch River Road at Winthrop; then north on the East Chewuch River Road to the Boulder Creek Road (USFS Road 37); then northeast on the Boulder Creek Road to the Middle Fork Boulder Creek Road (USFS Road 39); then northeast on the Middle Fork Boulder Creek Road to USFS Road 3820 and the point of beginning.

GMU 231-GARDNER (Okanogan County): Beginning where the Pacific Crest Trail crosses State Highway 20; then south and east on State Highway 20; south through the Methow Valley, south through Winthrop to the Twisp River Road at Twisp; then west on the Twisp River Road to North Fork Twisp River Trail 432; then north on Trail 432 to Trail 426; then north and west on Trail 426 to the Pacific Crest Trail; then north on the Pacific Crest Trail to State Highway 20 and the point of beginning.

GMU 233-POGUE (Okanogan County): Beginning at the town of Conconully; then north on the Sinlahekin Road (USFS Road 4015) to the Fish Lake Road; then east on the Fish Lake Road along the south end of Fish Lake to the South Pine Creek Road (USFS Road 9410); then east on the South Pine Creek Road to U.S. Highway 97; then south on U.S. Highway 97 to the town of Riverside and the Okanogan River; then south along the Okanogan River through Omak to the town of Okanogan and State Highway 20; then west on State Highway 20 near Loup Loup Summit and the North Summit Road (USFS Road 42); then north on the North Summit Road to County Road 2017; then north on County Road 2017 to Conconully and the point of beginning.

GMU 239-CHILIWIST (Okanogan County): Beginning at the intersection of State Highway 153 and State Highway 20 south of the town of Twisp; then east on State Highway 20 past Loup Loup Summit to the town of Okanogan and the Okanogan River; then south along the Okanogan River to the Columbia River and the Okanogan County south boundary; then west along the Columbia River to Pateros and State Highway 153; then north on State Highway 153 to State Highway 20 and the point of beginning.

GMU 242-ALTA (Okanogan County): Beginning at the junction of the (~~Pacific Crest Trail~~) Twisp Pass and (~~Trail 426, then east and south along Trail 426 to~~) Trail 432; then

east on Trail 432 to Roads End Campground and the Twisp River Road (County Road 9114 and USFS Road 4440); then east on the Twisp River Road to Twisp and State Highway 153; then south on State Highway 153 to Pateros and the Columbia River; then south along Lake Pateros to Wells Dam and U.S. Highway 97; then south on U.S. Highway 97 to Apple Acres Road (USFS Road 8140); then west on Apple Acres Road to Antoine Creek Road (USFS Road 8140); then northwest on the Antoine Creek Road to USFS Road 8020; then north on the USFS Road 8020 to its junction with the South Navarre Road and the South Fork Gold Creek Road (USFS Road 8200 and 4330); then north on the South Fork Gold Creek Road to the Okanogan-Chelan County line; then northwest on the Okanogan-Chelan County line to the intersection of Trail (~~426~~) 432 and the point of beginning.

GMU 248-BIG BEND (Douglas and Grant counties): Beginning on State Highway 17 at the Chalk Hills Road (Road K N.E.); then north on the Chalk Hills Road (K & L N.E.) for 4 miles to the east line of Range 26 East; then north on the east line of Range 26 to the Columbia River; then east along the Columbia River to Grand Coulee Dam and the Feeder Canal; then southwest along the Feeder Canal to Banks Lake; then south along the west shore of Banks Lake to a point due east from Mold Road (Road 9 N.E.); then west from that point on Mold Road through Mold to State Highway 17; then north along State Highway 17 to Sim's Corner and State Highway 172; then west on State Highway 172 through Mansfield to Mathieson Road (Road B N.E.); then north on the Mathieson Road and the West Foster Creek Road (Bridgeport Hill Road) to State Highway 17; then east on State Highway 17 to the Chalk Hills Road (Road K N.E.) and the point of beginning.

GMU 254-SAINT ANDREWS (Douglas and Grant counties): Beginning at Mansfield on State Highway 172; then east on State Highway 172 to Sim's Corner and State Highway 17; then south on State Highway 17 to Buckeye Road (Road 9 N.E.); then east on the Buckeye Road to Mold and the Mold Road; then east on the Mold Road and continuing due east to the west shore of Banks Lake; then south along the west shore of Banks Lake to U.S. Highway 2; then west on U.S. Highway 2 to Farmer and State Highway 172; then north and east on State Highway 172 to Mansfield and the point of beginning.

GMU 260-FOSTER CREEK (Douglas County): Beginning at Brewster and the Douglas-Okanogan County line; then east on the county line (Columbia River) past Bridgeport to the east line of Range 26 East; then south on the east line of Range 26 East to Road L N.E.; then south on Road L N.E. to the Chalk Hills Road (K & L N.E.); then southwest on the Chalk Hills Road to State Highway 17; then west on State Highway 17 to the Bridgeport Hill Road; then south on the Bridgeport Hill Road to the Dyer Hill Road; then north on the Dyer Hill Road to Dyer and the Bonita Flat Road; then west on the Bonita Flat Road to the Columbia River (opposite the Okanogan-Chelan County line); then north along the river to Brewster and the point of beginning.

GMU 262-WITHROW (Douglas County): Beginning at Dyer and the Dyer Hill Road; then south on the Dyer Hill

Road to the Bridgeport Hill Road; then south 3/4 mile on the Bridgeport Hill Road to Road 18 N.E.; then east on Road 18 N.E. to the Mathieson Road (B N.E.); then south on the Mathieson Road to State Highway 172; then west and south on State Highway 172 to Farmer and U.S. Highway 2; then west on U.S. Highway 2 through Waterville to Orondo and the Douglas-Chelan County line; then north on the county line (Columbia River) past the Wells Dam to the Bonita Flat Road (opposite the Okanogan-Chelan County line); then east on the Bonita Flat Road to Dyer and the point of beginning.

GMU 266-BADGER (Douglas County): Beginning at Orondo and U.S. Highway 2; then east on U.S. Highway 2 through Waterville and Douglas to the Westerman Road (K S.W.); then south on the Westerman Road to Alston and the Alston Road; then west on the Alston Road to the Titchenal Canyon Road; then southwest on the Titchenal Canyon Road to the Sheehan Road; then south on the Sheehan Road to the Rock Island Grade Road; then southwest on the Rock Island Grade Road to the Rock Island Dam and the Douglas-Chelan County line (Columbia River); then north on the county line through Wenatchee to Orondo and the point of beginning, (includes Turtle Rock Island).

GMU 269-MOSES COULEE (Douglas and Grant counties): Beginning on U.S. Highway 2 and the Westerman Road (K S.W.); then east on U.S. Highway 2 to the Moses Coulee Road; then south on the Moses Coulee Road to the Grant-Douglas County line and the Sagebrush Flat Road; then south on the Sagebrush Flat Road to J N.W. Road; then south on J N.W. to 20 N.W. Road; then west on 20 N.W. Road to the Overen Road; then southwest on the Overen Road to the Baird Springs Road; then southwest on the Baird Springs Road across State Highway 28 to the Crescent Bar Road; then south along the Crescent Bar Road to the Douglas-Kittitas County line (Columbia River); then north on the county line to the Rock Island Dam and the Rock Island Grade Road; then north on Rock Island Grade Road to the Sheehan Road; then north on the Sheehan Road to the Titchenal Canyon Road; then north on the Titchenal Road Canyon Road to the Alston Road; then east on the Alston Road through Alston to the Westerman Road (K S.W.); then north on the Westerman Road to U.S. Highway 2 and the point of beginning.

GMU 272-BEEZLEY (Grant and Douglas counties): Beginning at the junction of Grant, Lincoln and Okanogan County lines near the town of Grand Coulee; then south on the Grant County line to Interstate 90; then west on Interstate 90 to the Grant-Kittitas County line (Columbia River); then north on the county line to the Crescent Bar Road; then northeast on the Crescent Bar Road to the Baird Springs Road near Trinidad; then northeast on the Baird Springs Road across State Highway 28 to the Overen Road; then northeast on the Overen Road to the 20 N.W. Road; then east on the 20 N.W. Road to the J N.W. Road; then north on the J N.W. Road to the Sagebrush Flats Road; then north on the Sagebrush Flats Road to the Grant-Douglas County line and the Moses Coulee Road; then north on the Moses Coulee Road to U.S. Highway 2; then east on U.S. Highway 2 to the west shore of Banks Lake; then north along the west shore of Banks Lake

to the feeder canal and to Grand Coulee Dam; then up river to the Grant-Lincoln County line and the point of beginning, EXCEPT Private Lands Wildlife Management Area 201, Wil-son Creek.

GMU 278-WAHLUKE (Grant and Adams counties): Beginning at the Vantage Bridge on Interstate 90 and the Grant-Kittitas County line (Columbia River); then northeast and east on Interstate 90 to Road R SW (Beverly-Burke Road) then south along Road R SW to Road 7 SW (Frenchman Hills Road); then east along Road 7 SW to State Highway 262 (O'Sullivan Dam Road); then east along State Highway 262 to State Highway 17; then north on State Highway 17 to Interstate 90; then east on Interstate 90 to the Grant-Adams County line; then south and east on Grant-Adams County line to State Highway 17; then south on State Highway 17 to State Highway 26; then west on State Highway 26 to State Highway 24; then south and west on State Highway 24 to the Vernita Bridge and the Columbia River (Grant County line); then west and north along the Columbia River to the Vantage Bridge on Interstate 90 and the point of beginning.

GMU 281-RINGOLD (Franklin, Adams and Grant counties): Beginning at the Vernita Bridge on the west shore of the Columbia River and State Highway 24; then north and east on State Highway 24 to State Highway 26 at Othello; then east on State Highway 26 to State Highway 17; then south on State Highway 17 to U.S. Highway 395; then south on U.S. Highway 395 through Pasco and the west shore of the Columbia River (Franklin-Benton County line); then north along the Columbia River (including all islands) to the Vernita Bridge and the point of beginning. The Hanford Nuclear Site and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry.

GMU 284-KAHLLOTUS (Adams and Franklin counties): Beginning on State Highway 17 and the Adams-Grant County line (12 S.E. Road); then east on the county line (12 S.E. Road) and north (X S.E. Road); then east on the Adams-Lincoln County line (Davis Road) to the Whitman County line; then south on the Adams-Whitman County line (Palouse River); then south on the Franklin-Whitman County line (Palouse River) to the Franklin-Columbia-Walla Walla County line (Snake River); then west on the Franklin-Walla Walla County line (Snake River) to the Walla Walla-Benton County line (Columbia River); then northwest on the county line to the U.S. Highway 395 bridge between Pasco and Kennewick; then north on U.S. Highway 395 to State Highway 17; then north on State Highway 17 to the Adams-Grant County line (12 S.E. Road) and the point of beginning.

GMU 290-Desert (Grant County): Beginning at the town of George on Interstate 90; then east along Interstate 90 to State Highway 17; then south along State Highway 17 to State Highway 262 (O'Sullivan Dam Road); then west along State Highway 262 to Road 7 SW (Frenchman Hills Road); then west along Road 7 SW to Road R SW (Beverly-Burke Road); then north along Road R SW to Interstate 90; then east along Interstate 90 to the point of beginning.

WSR 98-10-015
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-64—Filed April 22, 1998, 4:56 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To amend WAC 232-28-02201 Game management units (GMUs)—Special game areas—Boundary descriptions—Region one.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-02201.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-082 on February 18, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair
 Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 97-34, filed 2/27/97, effective 3/30/97)

WAC 232-28-02201 Game management units (GMUs)—Special game areas—Boundary descriptions—Region one.

GMU 101-SHERMAN (Ferry and Okanogan counties): Beginning at the Kettle River, Kipuna Road and the Canadian border near the Customs Office; then east on the border to the Kettle River near Laurier; then south along the Kettle River and the Ferry County line to the mouth of the Kettle River and Lake Roosevelt; then south on the Ferry County line in Lake Roosevelt to the northern boundary of the Colville Indian Reservation; then west on the reservation boundary to State Highway 21; then north on Highway 21 to Republic and Highway 20; then (~~northeast~~) **northwest** on Highway 20 to Wauconda and the Toroda Creek Road; then northeast on the Toroda Creek Road to Toroda and the mouth of Toroda Creek on the Kettle River; then north on the Kettle River to the Canadian border and point of beginning.

GMU 105-KELLYHILL (Stevens County): Beginning at the Kettle River and the Canadian border near Laurier; then east on the border to Lake Roosevelt (Columbia River); then

south along Lake Roosevelt to the mouth of the Kettle River; then north along the Kettle River and the Ferry County line to the Canadian border near Laurier and the point of beginning.

GMU 109-THREEFORKS (Stevens and Pend Oreille counties): Beginning at Colville, then northwest on Highway 395 and State Highway 20 to the bridge over Lake Roosevelt; then north up Lake Roosevelt and the Columbia River to the Canadian border; then east along the Canadian border to the Pend Oreille River; then south along the Pend Oreille River near Tiger; then west and south on State Highway 20 to Colville and the point of beginning.

GMU 113-SELKIRK (Pend Oreille County): Beginning on the Pend Oreille River at the Canadian border; east on the border to the Idaho State line; then south on the Idaho-Washington State line to the Pend Oreille River near Newport; then northwest along the Pend Oreille River to the Canadian border and the point of beginning.

GMU 117-49 Degrees North (Stevens and Pend Oreille counties): Beginning at Colville and State Highway 20; then east on State Highway 20 to the Pend Oreille River near Tiger; then south along the Pend Oreille River to the Idaho State line; then south along the state line to U.S. Highway 2 in Newport; then southwest on U.S. Highway 2 to the Deer Park-Milan Road; then west on the Deer Park-Milan Road to Deer Park and U.S. Highway 395; then northwest on U.S. Highway 395 to Loon Lake and State Highway 292; then west on State Highway 292 to Springdale and State Highway 231; then north on State Highway 231 through Valley to U.S. Highway 395; then north on U.S. Highway 395 to Colville and the point of beginning.

GMU 121-HUCKLEBERRY (Stevens County): Beginning at the bridge over Lake Roosevelt near Kettle Falls on U.S. Highway 395; then south on U.S. Highway 395 through Colville and Chewelah to State Highway 231; then south on State Highway 231 to the northeast corner of the Spokane Indian Reservation; then west on the north boundary of the reservation to Lake Roosevelt and the Stevens County line; then north along Lake Roosevelt (on the Stevens County line) to the bridge over Lake Roosevelt near Kettle Falls and the point of beginning.

GMU 124-MOUNT SPOKANE (Spokane, Stevens and Pend Oreille counties): Beginning at Springdale on State Highway 292; then east on State Highway 292 to Loon Lake and U.S. Highway 395; then south on U.S. Highway 395 to Deer Park; then east on the Deer Park-Milan Road to U.S. Highway 2; then north on U.S. Highway 2 to Newport and the Idaho-Washington State line; then south on the state line to the Spokane River; then west along the Spokane River to the Spokane Indian Reservation; then north on the east boundary of the Indian reservation (Chamokane Creek) to State Highway 231; then north on State Highway 231 to Springdale and the point of beginning.

GMU 127-MICA PEAK (Spokane County): Beginning at Spokane and following the Spokane River east to the Idaho-Washington border; then south on the border to the Spokane-Whitman County line (Whitman Road); then west on the

county line to U.S. Highway 195; then north on U.S. Highway 195 to Spokane and the point of beginning.

GMU 130-CHENEY (Spokane and Lincoln counties): Beginning on the Spokane—Lincoln County line at the Spokane River and State Highway 231; then east along the Spokane River to Spokane and U.S. Highway 195; then south on U.S. Highway 195 to the Spokane-Whitman County line; then west on the north boundary of Whitman and Adams counties to U.S. Highway 395; then northeast along U.S. Highway 395 to Sprague and State Highway 231; then north on State Highway 231 to U.S. Highway 2; then east on U.S. Highway 2 to Reardan and State Highway 231; then north along State Highway 231 to the Spokane River and the point of beginning.

GMU 133-ROOSEVELT (Lincoln County): Beginning at Coulee Dam; then east along Lake Roosevelt and the Lincoln County line to State Highway 231; then south on State Highway 231 to Reardan and U.S. Highway 2; then west on U.S. Highway 2 to Wilbur and State Highway 174; then northwest on State Highway 174 to Coulee Dam and the point of beginning.

GMU 136-HARRINGTON (Lincoln County): Beginning at the town of Grand Coulee; then southeast on State Highway 174 to U.S. Highway 2 at Wilbur; then east on U.S. Highway 2 to U.S. Highway 231; then south on Highway 231 to U.S. Highway 395 at Sprague; then southwest on U.S. Highway 395 to the Adams County line at Sprague Lake; then west on the Lincoln-Adams County line (Davis Road) to the Grant County line; then north on the Lincoln-Grant County line (X NE, W.7 NE Roads) to the town of Grand Coulee and the point of beginning.

GMU 139-STEPTOE (Whitman County): Beginning at the northwest corner of Whitman County near Fourth of July Lake; then east on the north Whitman County line to the Washington-Idaho border; then south on the Washington-Idaho border to State Highway 270 near Moscow, Idaho; then west on State Highway 270 through Pullman to U.S. Highway 195; then northwest on U.S. Highway 195 to Colfax; then southwest on State Highway 26 to the Palouse River and the west Whitman County line; then north on the Whitman-Adams County line to the north Whitman County line and the point of beginning.

GMU 142-ALMOTA (Whitman County): Beginning at Colfax and U.S. Highway 195; then southeast on U.S. Highway 195 to State Highway 270; then east on State Highway 270 through Pullman to the Washington-Idaho State border near Moscow Idaho; then south along the state line to the Snake River (Whitman County line) near Clarkston; then west along the Snake River (Whitman County line) to the mouth of the Palouse River (Whitman County line); then north on the Whitman County line to State Highway 26 (Washtucna-LaCrosse Highway); then east on State Highway 26 to Colfax and the point of beginning.

GMU 145-MAYVIEW (Garfield and Asotin counties): Beginning at the mouth of Deadman Creek on the Snake River (Garfield County line) at Central Ferry; then east along the Snake River to the mouth of Alpowa Creek and U.S.

Highway 12; then west on U.S. Highway 12 to State Highway 127; then north on State Highway 127 (Central Ferry Highway) to the Snake River and the point of beginning.

GMU 149-PRESCOTT (Walla Walla, Columbia, and Garfield counties): Beginning on the Columbia River at the mouth of the Snake River (Walla Walla County line); then northeast and east along the Snake River to Central Ferry; then south on State Highway 127 (Central Ferry Highway) to Dodge Junction; then southwest on U.S. Highway 12 through Dayton and Waitsburg; then southwest on Highway 12 to Walla Walla and State Highway 125; then south on State Highway 125 to the Washington-Oregon State line; then west on the state line to the Columbia River (Walla Walla County line); then north along the Columbia River to the mouth of the Snake River and the point of beginning.

GMU 154-BLUE CREEK (Walla Walla and Columbia counties): Beginning at Waitsburg on U.S. Highway 12; then northeast on U.S. Highway 12 to the Payne Hollow Road at Long Station; then south on the Payne Hollow Road-Jasper Mountain-Mt. Pleasant Road to the Lewis Peak Road; then south on the Lewis Peak Road to its termination at the Mill Creek Watershed Intake Trail (3211); then southwest on the trail to the Washington-Oregon State line; then west on the state line to State Highway 125; then north on State Highway 125 to Walla Walla; then northeast on Highway 12 to Waitsburg and the point of beginning.

GMU 157-MILL CREEK WATERSHED (Walla Walla and Columbia counties): Beginning at the Mill Creek Watershed Intake Trail (3211) on the Washington-Oregon State line; then northeast on the Intake Trail (3211) to the Skyline Drive Road (USFS Road 64); then south on the Skyline Drive Road to the Washington-Oregon State line; then west on the state line to the Mill Creek Watershed Intake Trail (3211) and the point of beginning.

GMU 162-DAYTON (Walla Walla and Columbia counties): Beginning at Dayton and the Patit Creek Road; then east on the Patit Creek Road to the Hartsock-Maloney Mountain Road; then south and west on the Maloney Mountain Road (USFS Road 4625) to the Skyline Drive Road (USFS Road 46); then south on the Skyline Drive Road to the Mill Creek Watershed Intake Trail (3211); then west on the Intake Trail to the Lewis Peak Trail; then north on the Lewis Peak Trail to the Mt. Pleasant Road; then north on the Mt. Pleasant Road to the Jasper Mountain Road; then north on the Jasper Mountain-Payne Hollow Road to U.S. Highway 12 at Long Station; then northeast on U.S. Highway 12 to Dayton and the point of beginning.

GMU 163-MARENGO (Columbia and Garfield counties): Beginning at Dayton and U.S. Highway 12; then north on U.S. Highway 12 to the Linville Gulch Road at Zumwalt; then south on the Linville Gulch Road to the Blind Grade Road; then southwest on the Blind Grade Road to the Tucannon Road; then north on the Tucannon Road to the Hartsock Grade Road; then south on the Hartsock Grade Road to the Patit Road; then west on the main Patit Road to Dayton and the point of beginning.

GMU 166-TUCANNON (Columbia and Garfield counties): Beginning at the intersection of the Hartsock Grade Road and the Tucannon River Road; then southeast on the Tucannon River Road to the elk drift fence; then southeast along the elk drift fence and the U.S. Forest Boundary to the Mountain Road (USFS Road 40); then south on the Mountain Road to the Diamond Peak Road (USFS Road 4030); then west on the Diamond Peak Road past Diamond Peak to the Diamond Peak-Oregon Butte-Bullfrog Springs-Teepee Trail; then west along the trail to Teepee Camp and the Teepee Road (USFS Road 4608); then west on the Teepee Road to the Skyline Drive Road (USFS Road 46); then north on the Skyline Drive Road to the Maloney Mountain Road (USFS Road 4625); then north on the Maloney Mountain Road to the Hartsock Grade Road; then north on the Hartsock Grade Road to the point of beginning at the Tucannon River Road.

GMU 169-WENAHA (Columbia, Garfield and Asotin counties): Beginning on the Washington-Oregon State line at the Skyline Drive Road; then north on the Skyline Drive Road to Godman Springs and the Teepee Road (USFS Road 4608); then east on the Teepee Road to Teepee Camp; then east on the Teepee-Oregon Butte-Bullfrog Springs-Diamond Peak Trail to Diamond Peak; then east on the Diamond Peak Road (USFS Road 4030) to the Mountain Road (USFS Road 40); then south along the Mountain Road to the South Boundary Road (USFS Road 4039); then west along the South Boundary Road to the Three Forks Trail (USFS Road 3133); then northwest on the trail to Crooked Creek; then south along Crooked Creek to the Washington-Oregon State line; then due west on the state line to the Skyline Road and the point of beginning.

GMU 172-MOUNTAIN VIEW (Garfield and Asotin counties): Beginning on the Washington-Oregon State line at Crooked Creek; then north along Crooked Creek to Three Forks Trail (3133); then southeast on the trail to the South Boundary Road (USFS Road 4039) then northeast on the South Boundary Road to the Mountain Road (USFS Road 40); then north on the Mountain Road to Misery Springs and the Mt. Misery-Big Butte Road (USFS Roads 44, 43, 4304); then east on the Mt. Misery-Big Butte Road to the West Mountain Road (1290); then northeast on the West Mountain Road to the Bennett Ridge Road-Mill Road; then north and east on the Bennett Ridge Road-Mill Road to Anatone and State Highway 129; then southwest on State Highway 129 to the Washington-Oregon State line; then due west on the state line to Crooked Creek and the point of beginning.

GMU 175-LICK CREEK (Garfield and Asotin counties): Beginning at the intersection of the Mountain Road (USFS 40) and the elk drift fence; then east along the elk drift fence to its end at the east section line of Section 2, T9N, R43E; then due south along said section line to Charley Creek, and east along Charley Creek to Asotin Creek; then south along Asotin Creek to the South Fork Asotin Creek Road; then south along South Fork of Asotin Creek Road to Campbell Grade Road; then east on the Campbell Grade Road to the Cloverland Road; then south on Cloverland Road to its junction with the U.S. Forest Boundary fence; then east and south on the U.S. Forest Boundary fence past Big Butte to the Big

Butte-Mt. Misery Road (USFS 4304, 43, 44) then west on the Big Butte-Mt. Misery Road to the Mountain Road (USFS 40); then northwest on the Mountain Road to the National Forest Boundary, and the point of beginning.

GMU 178-PEOLA (Garfield and Asotin counties): Beginning at Zumwalt on U.S. Highway 12; then east on U.S. Highway 12 to the mouth of Alpowa Creek on the Snake River; then east and south along the Snake River to the mouth of Asotin Creek; then west along Asotin Creek to Charley Creek; then west along Charley Creek to the unit boundary marker at the east section line of Section 2, T9N, R43E; then north on said section line to the end of the elk drift fence; then west along the elk drift fence to the Tucannon River Road; then north on the Tucannon River Road to Blind Grade; then up Blind Grade to the Linville Gulch Road; then north on the Linville Gulch Road to Highway 12 at Zumwalt and the point of beginning.

GMU 181-COUSE (Asotin County): Beginning at Asotin and the mouth of Asotin Creek on the Snake River; then south along the Snake River (Washington-Idaho State line) to the Grande Ronde River; then west along the Grande Ronde River to State Highway 129; then northwest on State Highway 129 to Anatone; then west and south on the Mill Road-Bennett Ridge Road-West Mountain Road (1290) to the National Forest Boundary at Big Butte; then north along the U.S. Forest Boundary fence to the Cloverland Road; then northeast on the Cloverland Road to the Campbell Grade Road; then west on the Campbell Grade Road to the South Fork Asotin Creek Road; then northeast on the South Fork Asotin Creek Road to Asotin Creek; then northeast along Asotin Creek to the Snake River at Asotin and the point of beginning.

GMU 186-GRANDE RONDE (Asotin County): Beginning on the Washington-Oregon State line and State Highway 129; then north on State Highway 129 to the Grande Ronde River; then east along the Grande Ronde River to the Snake River (Washington-Idaho state line) then south along the Snake River to the Washington-Oregon state line; then west on the state line to Highway 129 and the point of beginning.

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 98-10-016

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 98-66—Filed April 22, 1998, 4:57 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To amend WAC 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-02203.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-099 on February 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three, differs from the proposed version filed with the code reviser in the following specifics:

1. The boundary description for GMU 301 (Clark) was edited to follow the correct Glacier Peak Wilderness boundary. Line two should read "... the south shore of Lake Chelan to ~~((the south boundary of the Chelan National Recreation Area Boundary (south of Riddle Creek); then southwest on the Recreation Area Boundary to the Glacier Peak Wilderness Boundary;))~~ the Glacier Peak Wilderness boundary at Bearcat Ridge; then southwest, and ..."

2. The boundary description for GMU 306 (Slide Ridge) was edited on line two to read: "on the south shore of Lake Chelan ~~((near Riddle Creek))~~ at Bearcat Ridge; then southeast ...".

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 97-36, filed 2/27/97, effective 3/30/97)

WAC 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three.

GMU 300-MANSON (Chelan County): Beginning at the town of Chelan to Lake Chelan; then northwest along the north shore of Lake Chelan to the Stehekin River; then northwest along the Stehekin River to the ridge between Rainbow Creek and Boulder Creek; then north on the ridge to McAlister Mountain on the Lake Chelan Wilderness Boundary; then southeast on the Wilderness Boundary along the Sawtooth Ridge separating the Chelan and Methow-Twisp River drainages to Fox Peak and USFS Road 8020; then southeast on USFS Road 8020 to the Anatoine Creek Road (USFS Road 8140); then southeast on the Anatoine Creek Road to Apple Acres Road; then northeast on Apple Acres Road to U.S. Highway 97; then northeast on U.S. Highway 97 to

Wells Dam and the Columbia River; then southwest along the Columbia River (Chelan-Douglas County line) to the Chelan River; then northwest along the Chelan River to the town of Chelan and the point of beginning.

GMU 301-CLARK (Chelan County): Beginning where the Stehekin River flows into Lake Chelan; then southeast along the south shore of Lake Chelan to ~~((the south boundary of the Chelan National Recreation Area Boundary (south of Riddle Creek); then southwest on the Recreation Area Boundary to the Glacier Peak Wilderness Boundary;))~~ the Glacier Peak Wilderness boundary at Bearcat Ridge; then south, west, and north on the wilderness boundary to the Pacific Crest Trail at Kodak Peak; then north on the Pacific Crest Trail to North Cascades National Park; then north and east on the North Cascades National Park boundary to Hock Mountain; then south along the Lake Chelan Wilderness Boundary to McAlister Mountain; then southwest on the ridge between Rainbow Creek and Boulder Creek to the Stehekin River and the point of beginning.

GMU 302-ALPINE (Kittitas and Chelan counties): Beginning on the Pacific Crest Trail and the Alpine Lakes Wilderness Boundary near Josephine Lake (south of Stevens Pass); then east, south and west on the wilderness boundary to the Pacific Crest Trail near Kendall Peak; then north on the Pacific Crest Trail to the Alpine Lakes Wilderness Boundary and the point of beginning.

GMU 304-CHIWAHA (Chelan County): Beginning on the Pacific Crest Trail and the Glacier Peak Wilderness Boundary at Kodak Peak; then southeast and north on the wilderness boundary to the Entiat River; then southeast along the Entiat River to Ardenvoir and the Mad River Road (USFS Road 5700); then northwest on the Mad River Road to the USFS Road 5800; then southwest on USFS Road 5800 at French Corral and Eagle Creek Road (USFS Road 7520); then southwest on the Eagle Creek Road to State Highway 209 north of Leavenworth; then north on State Highway 209 to State Highway 207 near Lake Wenatchee; then south on State Highway 207 to U.S. Highway 2 at Coles Corner; then west on U.S. Highway 2 to the Pacific Crest Trail at Stevens Pass; then north on the Pacific Crest Trail to Kodak Peak and the point of beginning.

GMU 306-SLIDE RIDGE (Chelan County): Beginning at the Lake Chelan National Recreation Boundary on the south shore of Lake Chelan at Bearcat Ridge ~~((near Riddle Creek));~~ then southeast along the south shore of Lake Chelan to Twenty-five Mile Creek; then southwest along Twenty-five Mile Creek to the Slide Ridge Road (USFS Road 8410); then south on the Slide Ridge Road to Stormy Mountain and Trail 1448; then northwest on Trail 1448 to Fourmile Ridge Trail 1445; then west on the Fourmile Ridge Trail to Fox Creek; then southwest along Fox Creek to the Entiat River; then northwest along the Entiat River to the Glacier Peak Wilderness Boundary; then north on the wilderness boundary to Lake Chelan, the Lake Chelan National Recreation Boundary and the point of beginning.

GMU 308-ENTIAT (Chelan County): Beginning at Twenty-five Mile Creek on the south shore of Lake Chelan;

then southeast along Lake Chelan and the Chelan River to the Columbia River; then southwest along the Columbia River to the mouth of the Entiat River; then northwest along the Entiat River to Fox Creek; then northeast along Fox Creek to the Fourmile Ridge Trail 1445; then east on the Fourmile Ridge Trail to Trail 1448; then southeast on Trail 1448 to Stormy Mountain and the Slide Ridge Road (USFS Road 8410); then north on the Slide Ridge Road to Twenty-five Mile Creek; then north along Twenty-five Mile Creek to Lake Chelan and the point of beginning.

GMU 314-MISSION (Kittitas and Chelan counties): Beginning at the Black Pine Creek Horse Camp near the Alpine Lakes Wilderness Boundary and Icicle Creek; then east along Icicle Creek to the Wenatchee River; then south and east along the Wenatchee and Columbia Rivers to the mouth of Colockum Creek; then west along Colockum Creek and the Colockum Pass Road (WDFW Road 10) to the Naneum Ridge Road (WDFW Road 9); then northwest on the Naneum Ridge Road to Wenatchee Mountain; then northwest along the ridge past Mission Peak to the Liberty-Beehive Road (USFS Road 9712); then northwest on the Liberty-Beehive Road to USFS Road 9716; then north on USFS Road 9716 to U.S. Highway 97 at Swank Pass; then northwest on the Kittitas-Chelan County line and Trail 1226 to the Alpine Lakes Wilderness Boundary at Navaho Peak; then north on the Alpine Lakes Wilderness Boundary to Icicle Creek and the point of beginning.

GMU 316-SWAKANE (Chelan County): Beginning at Stevens Pass on U.S. Highway 2; then east on U.S. Highway 2 to Coles Corner and State Highway 207; then north on State Highway 207 to State Highway 209 near Lake Wenatchee; then southeast on State Highway 209 to the Eagle Creek Road (USFS Road 7520); then northeast on Eagle Creek Road to French Corral and USFS Road 5800; then northeast on USFS Road 5800 to the Mad River Road (USFS Road 5700); then southeast on the Mad River Road to Ardenvoir and the Entiat River; then southeast along the Entiat River to the Columbia River; south along the Columbia River to the Wenatchee River; then northwest along the Wenatchee River to Leavenworth and Icicle Creek; then south and northwest along Icicle Creek to the Alpine Lakes Wilderness Boundary; then north on the Alpine Lakes Wilderness Boundary to the Pacific Crest Trail near Josephine Lake; then north on the Pacific Crest Trail to Stevens Pass and the point of beginning.

GMU 328-NANEUM (Kittitas and Chelan counties): Beginning at Swauk Pass on U.S. Highway 97 and USFS Road 9716; then east on USFS Road 9716 to the Liberty-Beehive Road (USFS 9712); then east on the Liberty-Beehive Road to the west boundary of Section 22 (T21N, R19E); then southeast along the ridge past Mission Peak to Wenatchee Mountain and Naneum Ridge Road (WDFW Road 9); then southeast on the Naneum Ridge Road to the Colockum Pass Road (WDFW Road 10); then south on the Colockum Pass Road to the East Highline Canal; then northwest along the East Highline Canal to the Lower Green Canyon Road; then south on the Lower Green Canyon Road to U.S. Highway 97; then north on U.S. Highway 97 to Swauk Pass and the point of beginning.

GMU 329-QUILOMENE (Kittitas and Chelan counties): Beginning on the Columbia River at the mouth of Colockum Creek; then south along the Columbia River to Davies Canyon; then west along Davies Canyon to Road 14; then south and west on Road 14 to the boundary sign in the northwest quarter of Section 17 (T20N, R22E); then south to the boundary sign on Road 14 along the section lines between Sections 17, 18, 19 and 20; then east on Road 14 to Road 14.14; then east on Road 14.14 and north along the stock fence to the northern point of Cape Horn; then south along the top of the cliff and southeast to Road 14.14; then south on Roads 14.14, 14.17 and 14 to Tekison Creek; then south along Tekison Creek to the Columbia River; then south along the Columbia River to Vantage and Interstate Highway 90; then west on Interstate Highway 90 to the East Highline Canal; then north on the East Highline Canal to the Colockum Pass Road (Road 10); then north on the Colockum Pass Road to Colockum Creek; then northeast along Colockum Creek to the Columbia River and the point of beginning.

GMU 330-WEST BAR (Kittitas County): Beginning on the Columbia River and Davies Canyon; then southeast along the Columbia River to the mouth of the Tekison Creek; then northwest along Tekison Creek to Road 14; then north on Road 14, 14.17, and 14.14 to the top of the Cape Horn Cliffs; then north along the top of the cliff to the north end of Cape Horn; then southwest along the stock fence to Road 14.14; then west on Road 14.14 to Road 14 to the boundary sign between Sections 19 and 20 (T20N, R22S); then north on a line between Sections 19, 20 and 17, 18 to the boundary sign on Road 14 in the northwest quarter of Section 17; then east and north along Road 14 to Davies Canyon; then east along Davies Canyon to the Columbia River and the point of beginning.

GMU 334-ELLENSBURG (Kittitas County): Beginning on U.S. Highway 97 and the Lower Green Canyon Road; then north on the Lower Green Canyon Road to the East Highline Canal; then east and south along the canal past Interstate 90 to the pump station; then south and west along the north branch of the canal to State Highway 821 and the Yakima River; then north along the Yakima River to the Damon Road; then south on Damon Road and Shushuskin Canyon to the South Branch Extension Canal; then west along the canal to the Bradshaw Road; then west along Bradshaw Road to the elk fence; then west and north along the elk fence to Taneum Creek; then east along Taneum Creek to the Yakima River; then (~~northeast~~) southeast along the Yakima River to the Thorp Highway; then east on the Thorp Highway and State Highway 10 to U.S. Highway 97; then north along U.S. Highway 97 to the Lower Green Canyon Road and the point of beginning.

GMU 335-TEANAWAY (Kittitas County): Beginning at Snoqualmie Pass on the Pacific Crest Trail; then north on the Pacific Crest Trail to the Alpine Lakes Wilderness Boundary; then east on the Alpine Wilderness Boundary to the Chelan-Kittitas County line; then southeast on the county line and Trail 1226 to Swauk Pass and U.S. Highway 97; then south on U.S. Highway 97 to State Highway 10; then northwest on State Highways 10, 970, 903 to Cle Elum and Interstate 90;

then west on Interstate 90 to Snoqualmie Pass and the Pacific Crest Trail and the point of beginning.

GMU 336-TANEUM (Kittitas County): Beginning at the Pacific Crest Trail and Interstate 90 at Snoqualmie Pass; then east on Interstate 90 to Cle Elum and State Highway 903; then east on State Highways 903, 970 and 10 to the Thorp Highway; then southeast on the Thorp Highway to the Thorp Highway Bridge and the Yakima River; then southwest along the Yakima River (upstream) to Taneum Creek; then west along Taneum Creek to the South Fork Taneum Creek; then west along the South Fork Taneum Creek to Trail 1367; then west on Trail 1367 to Trail 1363; then south on Trail 1363 and south along Peaches Ridge to Trail 1388; then west on Trail 1388 to Blowout Mountain on the Pacific Crest Trail; then north on the Pacific Crest Trail to Snoqualmie Pass and the point of beginning.

GMU 340-MANASTASH (Kittitas County): Beginning at Quartz Mountain and Peaches Ridge (Trail 1363); then north and east on Trail 1363 to Trail 1367; then southeast on Trail 1367 to the South Fork Taneum Creek; then east along the South Fork Taneum Creek to Taneum Creek; then east along Taneum Creek to the elk fence; then southeast along the elk fence to Bradshaw Road; then east on Bradshaw Road to the South Branch Highline Canal; then southeast along the South Branch Highline Canal to the Wenas-Ellensburg Road (at Shushuskin Canyon); then north on the Wenas-Ellensburg Road to the Damon Road; then north on the Damon Road to the Yakima River; then south along the Yakima River to Umtanum Creek; then west along Umtanum Creek to the Wenas-Ellensburg Road; then west on the Wenas-Ellensburg Road to Ellensburg Pass and the Observatory Road (Section 6, T16N, R17E); then north on the Observatory Road to Manastash Ridge (Section 20, T17N, R17E, W.M.); then northwest along the Manastash Ridge to USFS Trail 694 (T17N, R15E, NW 1/4 of Section 12) near the USFS fence; then northwest on ORV Trail 694 to ORV Trail 688 near Rocky Saddle; then northwest on ORV Trail 688 to USFS Trail 1388; then northwest on Trail 1388 to Quartz Mountain and Peaches Ridge Trail and the point of beginning.

GMU 342-UMTANUM (Kittitas and Yakima counties): Beginning at Manastash Ridge at the junction of Forest Road 1701; then east along the Manastash Ridge to the Observatory Road in Section 20, T17N, R17E, W.M.; then south on the Observatory Road to the Wenas-Ellensburg Road near Ellensburg Pass (Section 6, T16N, R17E, W.M.); then east on the Wenas-Ellensburg Road to Umtanum Creek; then east along the Umtanum Creek to the Yakima River; then south along the Yakima River to Yakima and U.S. Highway 12; then northwest on U.S. Highway 12 to State Highway 410; then northwest on State Highway 410 to USFS Road 1701; then north on USFS Road 1701 to the point of beginning.

GMU 346-LITTLE NACHES (Yakima and Kittitas counties): Beginning at Blowout Mountain and the USFS Road 1388; then east on USFS Road 1388 to USFS ORV Trail 688 to Rocky Saddle; then east on USFS ORV Trail 694 to USFS Road 1701 near the USFS fence (T17N, R15E, NW 1/4 of Section 12); then south on USFS Road 1701 to State Highway 410; then northwest and southwest on State Highway

410 to the Pacific Crest Trail near Chinook Pass; then north on the Pacific Crest Trail to Blowout Mountain and the point of beginning.

GMU 352-NILE (Yakima County): Beginning on the Bumping Lake Road and State Highway 410; then east and south on State Highway 410 to Nile and USFS Road 1500; then west on USFS Road 1500 to the McDaniel Lake Road (USFS Road 1502); then west on the McDaniel Lake Road to the North Fork and the South Fork of Rattlesnake Creek; then along the North Fork Rattlesnake Creek to the USFS Richmond Mine Trail 973; then north on the Richmond Mine Trail 973 to the Bumping Lake Road; then north on the Bumping Lake Road to State Highway 410 and the point of beginning.

GMU 356-BUMPING (Yakima County): Beginning on the Pacific Crest Trail and State Highway 410 at Chinook Pass; then northeast on State Highway 410 to the Bumping Lake Road; then southwest on the Bumping Lake Road to the USFS Richmond Mine Trail 973; then southeast on the Richmond Mine Trail 973 to the North Fork Rattlesnake Creek; then southeast along the North Fork Rattlesnake Creek to the McDaniel Lake Road (USFS Road 1502); then southeast on the McDaniel Lake Road to USFS Road 1500; then south on USFS Road 1500 to State Highway 12; then west on Highway 12 to the Pacific Crest Trail at White Pass; then north on the Pacific Crest Trail to Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

GMU 360-BETHEL (Yakima County): Beginning on USFS Road 1500 and Highway 410 at Nile; then southeast on Highway 410 to Highway 12; then southwest on Highway 12 to USFS Road 1500; then north and east on USFS Road 1500 to Nile and the point of beginning.

GMU 364-RIMROCK (Yakima County): Beginning on the Pacific Crest Trail and Highway 12 at White Pass; then east on Highway 12 to Windy Point and the Jump Off Road (USFS 1302); then southwest on Jump Off Road to Jump Off Lookout; then south on Divide Ridge Crest to Darland Mountain and to the Darland Mountain Road and the north boundary of the Yakima Indian Reservation; then west on the Yakima Indian Reservation boundary to the Pacific Crest Trail; then north on the Pacific Crest Trail to Highway 12 at White Pass and the point of beginning.

GMU 366-RIMROCK-COWICHE (Yakima County): GMUs 364 (Rimrock) and 368 (Cowiche).

GMU 368-COWICHE (Yakima County): Beginning on Highway 12 and Jump Off Road near Windy Point; then northeast and southeast on Highway 12 to the Yakima River; then south along the Yakima River to the Yakima Indian Reservation boundary south of Union Gap; then west on the reservation boundary to Darland Mountain; then north on the crest of Divide Ridge to the Jump Off Lookout and the Jump Off Road (USFS Road 1302); then northeast on the Jump Off Road to Highway 12 and the point of beginning.

GMU 371 ALKALI (Kittitas and Yakima counties): Beginning one mile south of Thrall and Highway 821 at the

Yakima River and the East High Canal; then east and north along the East High Canal to Interstate Highway 90; then east on Interstate Highway 90 to Vantage and the Columbia River; then south along the Columbia River to Priest Rapids Dam and the Yakima Training Center (YTC) boundary; then south and west along the YTC boundary to the main gate at Firing Center Road; then west along Firing Center Road and Harrison Road to the Yakima River; then north along the Yakima River to the East High Canal and the point of beginning.

GMU 372 KIONA (Benton and Yakima counties): Beginning at Priest Rapids Dam and the Columbia River; then east and south along the Columbia River (Yakima, Grant, Benton, and Walla Walla County line) to the Alderdale Road; then north on the Alderdale Road to the Klickitat-Yakima County line; then west on the county line to the Yakima Indian Reservation boundary; then northeast on the reservation boundary to the Mabton-Sunnyside Road; then north on the Mabton-Sunnyside Road to the Yakima River; then northwest along the Yakima River to Harrison Road; then east along Harrison Road and Firing Center Road to the main gate of the Yakima Training Center (YTC); then south and east along the YTC boundary to Priest Rapids Dam and the Columbia River and the point of beginning. The Hanford Nuclear Reservation is closed to all unauthorized public entry.

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 98-10-017
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-62—Filed April 22, 1998, 4:57 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To amend WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-02220.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-091 on February 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions, differs from the proposed version filed with the code reviser in the following specifics:

1. Elk Area 041 description was amended to correct typographical errors.

2. In Elk Area 054 Highway 603 should be Highway 505 in the last line.

3. Elk Area 063 South Elma deleted because this area is described as the South Elma Firearm Restriction Area.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 97-41, filed 2/27/97, effective 3/30/97)

WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions.

~~(Elk Area No. 001 Trinidad (Grant, Douglas, Okanogan, Adams and Franklin counties): All of Douglas, Grant, Okanogan, Adams, and Franklin counties except closed in the corridor described as follows: Beginning at East Wenatchee and Highway 28 and proceeding along Highway 28 to Road "U" N.W. in Grant County; then south on Road "U" N.W. to Road "9" N.W.; then west on Road "9" N.W. to Ancient Lake Road; then south on the Ancient Lake Road to the northwest corner of Section 8, T19N, R23E W.M. (yellow cattle guard); then west to midstream of the Columbia River; then north up midstream of the Columbia River to East Wenatchee and the point of beginning.~~

~~Elk Area No. 002 Caribou (Kittitas County): Beginning at the Highline Canal; then north along the Reeceer Creek Road and USFS 35 Road to the junction at the USFS 3517 Road; then east and south along USFS 3517 Road and Lillard Hill Road to the Bonneville Powerlines; then east along the Bonneville Powerlines to the Colocokum Pass Brushy Road (cattle guard); then east along the Brushy Road to the Crossover Road; then south along the Crossover Road to the Perkins/Caribou junction; then east along the Perkins Road to the Beacon Ridge Road; then south along the Beacon Ridge Road to the Old Vantage Highway; then south along a county service road to Interstate 90; then west along Interstate 90 to the Highline Canal near the Stevens Road; then northwest along the Highline Canal to the point of beginning.~~

~~Elk Area No. 003 Kingsbury (Chelan and Kittitas counties): That portion of GMU 314 which lies east of the Stemilt Creek, Stemilt Creek Road, Stemilt Hill Road, Stemilt Loop Road and Jump Off Ridge Road.~~

~~Elk Area No. 004 Wenatchee (Chelan, Kittitas and Okanogan counties): GMUs 300, 304, 306, 308, 316, that portion~~

of 302 which lies in Chelan County; and that portion of 314 which lies west of the following boundaries: Beginning at the mouth of the Stemilt Creek at the Columbia River, south up Stemilt Creek to the Stemilt Creek Road to the Stemilt Hill Road; then east and south along the Stemilt Hill Road to the Stemilt Loop Road; then east along the Jump Off Road to the Jump Off Ridge Road (Donneville Powerlines); then south along the Jump Off Ridge Road to the Nancum Ridge Road.

Elk Area No. 010 South Spokane (Spokane County) the following portion of game management units 127 and 130: Beginning at Tyler near the junction of Tyler Road (State Highway 904) and I-90; then northeast along I-90 to the Idaho state line; then south along the Washington-Idaho line to Elder Road; then west along Elder Road to Hangman Creek; then north along Hangman Creek to State Highway 195 at Hatch Road; then south along State Highway 195 to the Cheney Spangle Road; then west along the Cheney Spangle Road to Cheney; then west along Tyler Road (State Highway 904) to the point of beginning.

Elk Area No. 025 Backbone (Lewis County): Beginning at State Highway No. 12 at the Pacific Crest Trail; then north-west and southwest along State Highway No. 12 to Coal Creek in Section 1, T13N, R9 E.W.M.; then north along the range line between Ranges 9 and 10 E.W.M.; across the Cowlitz River to the Gifford Pinchot National Forest Boundary in the N.E. corner of Section 1, T13N, R9 E.W.M.; then southwest along the National Forest Boundary to the Skate Creek Road (first contact) in Section 9, T13N, R9 E.W.M.; then northwest along the Skate Creek Road to the mouth of Horse Creek and the south boundary of Mt. Rainier National Park; then east along the south park boundary to the Pacific Crest Trail; then south along the Pacific Crest Trail to State Highway 12 and the point of beginning.)

Elk Area No. 029 Toledo (Lewis and Cowlitz counties): Beginning at the Cowlitz River ((Interstate-5)) and State Highway 505 junction; then east along State Highway 505 to Eden Road, then east along Eden Road ((through the City of Toledo to the Layton Road; then north along the Layton Road)) to the Evans Road; then east along the Evans Road to the Weyerhaeuser 1800 ((line)) Road; then south along Weyerhaeuser 1800 Road to the Weyerhaeuser 1900 Rd. then south along the Weyerhaeuser 1900 Road to the North Fork Toutle River to Alder Creek to the Weyerhaeuser 2400 Road; then west along the Weyerhaeuser 2400 Road to the Weyerhaeuser 4400 Road to Johnson Creek and the South Fork Toutle River to State Highway 504; then east on Highway 504 to State Highway 505; then north along Highway 505 to the Weyerhaeuser 1500 Road to Salmon Creek; then west along Salmon Creek to the Cowlitz River; then north along the Cowlitz River to the junction of State Highway 505 ((1890 line to State Highway 504; then west along State Highway 504 to the Tower Road; then west on Tower Road to the junction of Tower Road and State Highway 504; then west on State Highway 504 to Interstate 5; then north on Interstate 5 to the junction with State Highway 505)) and point of beginning.

((Elk Area No. 030 Reece Creek (Kittitas County): Beginning at the Highline Canal; then north along the Reece

Creek Road and USFS 35 Road to the junction of the USFS 3517 Road; then east and south along the USFS 3517 Road and Lillard Hill Road to the Wilson Creek Road to the Highline Canal; then west along the Highline Canal to the point of beginning.))

Elk Area No. 031 Shushuskin (Kittitas County): Beginning at Umtanum Road and the Yakima River; then west along Umtanum Road to Manastash Road; then west on Manastash Road to Cove Road; then south and west on Cove Road to Hanson Road and Umtanum Creek; then east (downstream) along Umtanum Creek to the Yakima River; then north (upstream) along the Yakima River to the point of beginning.

Elk Area No. 032 Malaga (Kittitas and Chelan counties): Beginning at the power line on the Columbia River (approximately 3/4 mile downstream from Colockum Creek); then west and south along the Powerline Road to the intersection with the North Fork Tarpiscan Creek Road (Section 9, T20N, R21E); then north and west along North Fork of Tarpiscan Creek Road to Colockum Pass Road (Section 9, T20N, R21E); then south and west on Colockum Pass Road to section line between Sections 8 and 9 as well as Sections 4 and 5 (T20N, R21E) and Sections 32 and 33 (T21N, R21E); to Mose Carr Road; then west and north on Mose Carr Road to Jump Off Road; then south and west on Jump Off Road to Shaller Road; then north and west on Shaller Road to Upper Basin Loop Road; then north and west on Upper Basin Loop Road to Wheeler Ridge Road; then north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); then north on the Basin Loop Road to Wenatchee Heights Road; then west on Wenatchee Heights Road to Squilchuck Road; then south on Squilchuck Road to Beehive Road (USFS Road 9712); then northwest on Beehive Road to USFS Road 7100 near Beehive Reservoir; then north and west on USFS Road 7100 to Peavine Canyon Road (USFS Road 7101); then north and east on Peavine Canyon Road to Number Two Canyon Road; then north on Number Two Canyon Road to Crawford Street in Wenatchee; then east on Crawford Street to the Columbia River; then south and east along the Columbia River to the powerline south of Colockum Creek and point of beginning.

Elk Area No. 033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; then west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); then west on USFS 7101 Road to Mission Creek Road; then north on Mission Creek Road to USFS 7104 Road (Sand Creek); then west on USFS 7104 Road (Sand Creek) to Camas Creek; then west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; then north along USFS 7200 Road to U.S. Highway 97; then north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); then north on the USFS 7300 Road to the Wenatchee River at Leavenworth; then down the Wenatchee River and Columbia River to the point of beginning.

((Elk Area No. 034 Parke Creek (Kittitas County): Beginning at the Highline Canal on Parke Creek Road; then north to the BPA Powerlines; then west along BPA Powerlines

(through Sections 22, 16, 8, 5, and 6) to the Cook Canyon Road; then north on Cook Canyon Road to Bonneville Powerlines (Section 19); then west along Bonneville Powerlines to Wilson Creek Road; then south on the Wilson Creek Road to the Highline Canal; then southeast along the Highline Canal to point of beginning.))

((~~Elk Area No. 035 Brushy (Kittitas County)~~: Beginning at the mouth of Brushy Creek on the Columbia River; west up Brushy Creek to Road 14 to the top of the hill in Section 13, T19N, R21E; west on the old Brushy Road (Rd. 13.25) to the junction of the Crossover Road (Rd. 13); northeast on the Crossover Road to the Brewton Road (Rd. 11); east on the Brewton Road to Road 14; east on Road 14 to Road 14.14; east on Road 14.14 to the stock fence; northeast along the stock fence to the Cape Horn Cliffs; southeast along the cliffs to Road 14.14; to Road 14.17; to Road 14; to Tekison Creek down Tekison Creek to the Columbia River and down the Columbia River to the point of beginning.))

((~~Elk Area No. 039 Backbone (Lewis County)~~: Legal description same as Elk Area No. 025 (Backbone).))

Elk Area No. 041 Skagit (Skagit Co.): Begin at the intersection of CP 190 Road and CP 132 Road (Section 28, T36N, R5E); then east along the CP 132 Road to the CP 130 Road; east and south along CP 130 Road to CP 110 Road; west, south and east along CP 110 Road to Childs Creek; south down Childs Creek to State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Hwy; west on South Skagit Hwy to State Route 9; north on State Route 9 to State Route 20; east on State Route 20 to Helmick Road; north on Helmick Road to CP 190 Road to CP 132 Road and the point of beginning. (WA Atlas & Gazetteer & Mr. Baker-Snoqualmie National Forest Map)

Elk Area No. 050 Curtis (Lewis County): Beginning at the Boistfort Road, State Highway 6 intersection; then west to the Mauerman Road; then west and southwest on the Mauerman Road to the Pe Ell/McDonald Road; then south and east on the Pe Ell/McDonald Road to the Lost Valley Road; then south and southeast on the Lost Valley Road to the Boistfort Road; then east and north along the Boistfort Road to State Highway 6 and point of beginning.

((~~Elk Area No. 051 Doty (Lewis and Pacific counties)~~: Beginning on State Highway 6 at the Town of Adna; then west on Highway 6 to Stevens Road; then northwest on Stevens Road to Elk Creek Road (Doty); then west on Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road; east on Garrard Creek Road to Manners Road; then south on Manners Road to Lincoln Creek Road; then east along Lincoln Creek Road to Ingalls Road; then south and east on Ingalls and Bunker Creek Roads to the Town of Adna and point of beginning.))

((~~Elk Area No. 052 Mayfield (Lewis County)~~: Beginning at the junction of Highway 12 and the Winston Creek Road; then southeast and north along the Winston Creek Road; Longbell, Perkins, Green Mountain roads to Riffe Lake; then

west and northwest along the shoreline of Riffe Lake to the Cowlitz River; then west along the Cowlitz River to Highway 12; then west along Highway 12 to the Winston Creek Road and the point of beginning.

~~Elk Area No. 053 Randle (Lewis County)~~: Beginning at State Highway 12 and the Cispus Road in the Town of Randle; then east along Highway 12 to the Bennett Road approximately one mile east of Cora Bridge; then west on Bennett and Cline Roads to the Cispus Road; then north on said road to the Town of Randle and the point of beginning.))

Elk Area No. 054 Boistfort (Lewis County): Beginning at the Town of Vader; then west along State Highway 506 to the Wildwood Road; then north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); then northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; then northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); then west along the Pe Ell/McDonald Road to the Lost Valley Road; then northeast along the Lost Valley Road to the Boistfort Road; then north along the Boistfort Road to the King Road; then east along the King Road to the town of Winlock and State Highway 603; then south along Highway 505 ((603)) to the Winlock/Vader Road; then south along said road to the Town of Vader and the point of beginning.

Elk Area No. 055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; then west on East Valley Road to the junction with Middle Valley Road (4.5 miles); then north along Middle Valley Road to the junction of Oat Field Road (2.5 miles).

Elk Area No. 057 Carlton (Lewis County): That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

Elk Area No. 058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Pacific Crest Trail.

Elk Area No. 059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness.

((~~Elk Area No. 061 Mt. Tebo (Mason County)~~: Beginning at the junction of the North Fork and South Fork of the Skokomish River; then northwest along the South Fork to the boundary of Olympic National Park; then east along the National Park boundary to the North Fork of the Skokomish River; then southeast down the North Fork of the Skokomish River through Lake Cushman; then south down the North Fork of the Skokomish River to the South Fork of the Skokomish River and the point of beginning.

Elk Area No. 063 South Elma (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on the South Bank Road to the Delezene Road; then south on the Delezene Road to the K Line Road to the A Line Road; then south on the A Line Road to the T Line Road; then south on the T Line Road to the Oakville Brooklyn Road; then east on the

Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning-))

Elk Area No. 062 South Bank (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on the South Bank Road to Delezene Road; then south on the Delezene Road to a point one mile from the South Bank Road; then southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

Elk Area No. 064 Quinault Valley (Grays Harbor and Jefferson counties): That portion of GMU 638 (Quinault) beginning at the junction of Wright Canyon Road and South Shore Road; then north to the shoreline of Lake Quinault; then north along Lake Quinault to the Olympic National Park (ONP) boundary; then east along ONP boundary to its intersection with the South Shore Road and U.S. Forest Service boundary; then west along the U.S. Forest Service boundary to the Wright Canyon Road Junction with the South Shore Road and point of beginning.

~~((Elk Area No. 065 Willapa Valley (Pacific County): That part of Pacific County within two miles of State Highway 6 between Menlo and the easternmost junction of Elk Prairie Road and State Highway 6-))~~

~~((Elk Area No. 066 Twin Valley (Grays Harbor County): Beginning in the City of Hoquiam at the junction of U.S. Highway 101 and the East Hoquiam Road; then north on the East Hoquiam Road to its junction with the East Hoquiam-Wishkah Cutoff Road in Section 21, T19N, R9 W.W.M.; then east on the East Hoquiam-Wishkah Cutoff Road to its junction with the Wishkah Road; then south on the Wishkah Road to its junction with the Wishkah-Wynoochee Crossover Road in Section 35, T19N, R9 W.W.M.; then east on the Wishkah-Wynoochee Crossover Road to its junction with the Donovan Corkery A line; then north on the A line to its junction with the A 2200; then east on the A 2200 Road to its junction with the A 2210; then south on the A 2210 Road to a point crossed by the township line between T20N and R19N; then east on the township line to its junction with the Wynoochee River Road; then south along the Wynoochee River Road to U.S. Highway No. 12; then west along U.S. Highway 12 to its junction with U.S. Highway No. 101 in the City of Aberdeen; then west on U.S. Highway 101 to the City of Hoquiam and junction with the East Hoquiam Road and the point of beginning-))~~

~~**Elk Area No. 067 South Willapa (Pacific County):** Beginning in the City of South Bend at the junction of U.S. Highway 101 and the Skidmore Slough C-line; then south on the Skidmore Slough C-line to its junction with the B-line in Sec. 11, T13N, R9 W.W.M.; then southeast on the B-line to its junction with the A-line in Sec. 18, T13N, R8 W.W.M.; then east and north on the A-line to its junction with the South~~

~~Fork Willapa Road; then east along the South Fork Willapa Road to State Highway No. 6, Sec. 10, T13N, R8 W.W.M.; then northwest on State Highway No. 6 to its junction with U.S. Highway 101; then southwest on U.S. Highway 101 to its junction with the Skidmore Slough C-line and the point of beginning-))~~

~~**Elk Area No. 069 Chinook (Pacific County):** Beginning at the junction of U.S. Highway 101 and Lingenfelter Road west of the town of Chinook; then northwest on Prest Road to its junction with Chinook Valley Road; then west on Chinook Valley Road to its intersection with the east branch of the Wallacut River; then north along the Wallacut River to its intersection with Highway 101; then west on Highway 101 to the junction of Highway 101 alternate; then south on Highway 101 alternate to Highway 101; then east on Highway 101 to Prest Road and the point of beginning-))~~

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 98-10-018

PERMANENT RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 98-54—Filed April 22, 1998, 4:58 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To amend WAC 232-28-248 Special closures and firearm restrictions areas.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-248.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-093 on February 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 232-28-248 Special closures and firearm restriction areas, differs from the proposed version filed with the code reviser in the following specifics:

1. The title was changed to WAC 232-28-248 1998-1999 Special closures and firearm restriction areas.

2. In Firearm Restriction Areas on page 3, the sentence "Hunters may hunt only during the season allowed by their tag" was deleted because it repeats the same information above.

3. The South Elma Firearm Restriction in Grays Harbor County was amended by deleting "South Bank" in the title.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 97-32, filed 2/27/97, effective 3/30/97)

WAC 232-28-248 ((1997-1998)) 1998-1999 Special closures and firearm restriction areas.

((SPECIAL CLOSURES)) RESTRICTED AND PROHIBITED HUNTING AREAS.

These areas are closed by Fish and Wildlife Commission action. Other areas may be closed to hunting by local, state or federal regulations.

((HUNTING PROHIBITED AREAS))

IT IS ((UNLAWFUL)) ILLEGAL TO HUNT ((WILD ANIMALS (INCLUDING WILD BIRDS))) EXCEPT WHERE PROVIDED IN THE FOLLOWING AREAS:

1. Little Pend Oreille National Wildlife Refuge: The southern part of the Little Pend Oreille National Wildlife Refuge in Stevens County is closed to hunting and discharge of firearms except during the period of Oct. 1-Dec. 31. This closure is south of a boundary beginning at the west project boundary in Section 3, Township 34 N, R 40 EWM, then easterly along Road 1.0 (Bear Creek Road) to the intersection with Road 2.0 (Blacktail Mountain Road) in Section 2, then easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.

The Little Pend Oreille National Wildlife Refuge north of the preceding boundary is open to all legally established hunting seasons during September through December.

2. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds EXCEPT during the period Aug. 1-Sept. 30. Both the Little Pend Oreille (1) and Parker Lake (2) closures were established to provide a protected area for the Air Force Military Survival Training Program.

3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a

"CLOSED AREA" to the hunting of wild animals and wild birds.

4. Green River (GMU 485): Except for special permit hunts, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.

5. McNeil Island: McNeil Island (part of GMU 484) is closed to the hunting of all wild animals (including wild birds) year around.

~~((6. As posted on Bailey Youth Ranch, Franklin County, hunting is closed on Mondays, Tuesdays, Thursdays, and Fridays.~~

~~7. As posted, hunting is closed on Department owned land on the Sunnyside Wildlife Area in Yakima County.~~

~~8. Oak Creek Wildlife Area: That portion of GMU 360 beginning at U.S. Highway 12 and Forest Road 1400 (Oak Creek Road), then east along U.S. Highway 12 to the Naches River, then south and west up river to the mouth of Cougar Canyon, then west and south along the posted boundary to Highway 12 and Forest Road 1400. This area is designated a "CLOSED AREA" to the hunting of wild birds and animals and unofficial entry during modern firearm elk seasons.)~~

6. Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit).

BIG GAME CLOSURES

1. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.

2. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This area is closed to all deer and elk hunting, except by permit, to protect the Columbian Whitetail Deer.

3. Willapa National Wildlife Refuge: Except for Bow Area No. 802 (Long Island), Willapa National Wildlife Refuge is closed to all big game hunting.

4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a

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"CLOSED AREA" to the hunting of all wild animals (including wild birds) except for holders of special elk permits during the established open season. This area is closed to motorized vehicles. Entry is allowed only by Forest Service permit for the duration of the hunt. Any entry into the Mill Creek Watershed at other times is prohibited.

~~((5. Colockum elk hunting restrictions: No entry in GMU 330 (West Bar) except permit holders, October 20-November 2:))~~

~~((6.))~~
~~5. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.~~

~~((7.))~~
~~6. Baleville: Closed to hunting of all big game animals on those lands between State Highway 105 and the Wilapa River west of Raymond.~~

~~((UPLAND BIRD CLOSURES~~

~~It is unlawful to hunt game birds on the Columbia River or from any island in the Columbia River in the following areas:~~

- ~~1. From the mouth of Glade Creek (River Marker 57) to the old townsite of Paterson (River Marker 67) in Benton County, except the hunting of game birds is permitted from the main shoreline of the Columbia River in this area. (Check with Umatilla National Wildlife Refuge for other federal regulations for this area.)~~
- ~~2. Between the public boat launch at Sunland Estates in Grant County (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.~~
- ~~3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds:))~~

~~((HORSE RESTRICTIONS~~

~~Colockum horse restrictions: GMU 330 (West Bar) It is unlawful to ride horses, mules, or other livestock during any open elk season in GMU 330 PROVIDED, however, that livestock may be used for transporting camp gear and elk carcasses. GMU 329 (Quilomene) It is unlawful to allow a horse to enter the Brushy and Cape Horn agricultural fields prior to 9 a.m. from October 20-November 2:))~~

~~((HUNTING)) FIREARM RESTRICTION AREAS~~

~~The firearm restriction areas listed below have been established by the Fish and Wildlife Commission. Centerfire and rimfire rifles are not legal for hunting in these areas.~~

~~In firearm restriction areas, hunters may hunt only during the season allowed by their tag ((handguns, centerfire and rimfire~~

~~rifles are not legal for hunting except as provided below. Hunters may hunt only during the season allowed by their tag:))~~ Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in the GMU 484 restriction area outlined for King County. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or revolver-type handguns meeting the equipment restrictions or shotguns firing slugs or legal buckshot. Shotguns are not legal for hunting elk.

COUNTY	AREA
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground)
Cowlitz	GMU 554 (Yale) GMU 504 (Stella)
Franklin, Grant, Adams	Those portions of GMU 281 (Ringold) and GMU 278 (Wahluke) known as the Wahluke Slope Wildlife Area.
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning.

The South Elma restriction applies only during elk seasons:

~~((South Bank--))~~ That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on South

PERMANENT

COUNTY	AREA	COUNTY	AREA
	Bank Road to the Delezene Road; then south on the Delezene Road to the K Line Road to the A Line Road; then south on the A Line Road to the T Line Road; then south on the T Line Road to the Oakville-Brooklyn Road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.	Pacific	GMU 684 (Long Beach) west of Sand Ridge Road.
Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands.	Pierce	GMU 484 (Anderson and Ketron islands) limited to archery, shotgun, and muzzleloader shotgun. McNeil Island closed to hunting. See GMU 484 restriction area outlined for King County. GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.
Jefferson	Indian and Marrowstone islands.	Snohomish	West of Highway 9.
King	The area west of Highway 203 (Monroe-Fall City, Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands. The following portion of GMU 484 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning. (This restriction includes high power rifles and muzzleloaders.)	Skagit	Guemes Island and March Point north of State Highway 20.
		Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.
		Whatcom	Area west of I-5 and north of Bellingham city limits including Point Roberts.
		((Wahkiakum))	((That portion of GMU 506 (Willapa Hills) in the Cathlamet Big Game Closure. This restriction applies only during elk seasons.))
Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.		
Kittitas	GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.		
Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.		

**WSR 98-10-019
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-70—Filed April 22, 1998, 4:59 p.m.]

Date of Adoption: April 7, 1998.

Purpose: To repeal WAC 232-28-240, 232-28-242, 232-28-249, 232-28-252, 232-28-253, 232-28-254, 232-28-265, 232-28-267, 232-28-268, 232-28-02210, 232-28-02230, 232-28-02250, 232-28-02260, 232-28-02270, and 232-12-24401.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-240, 232-28-242, 232-28-249, 232-28-252, 232-28-253, 232-28-254, 232-28-265, 232-28-267, 232-28-268, 232-28-02210, 232-28-02230, 232-28-02250, 232-28-02260, 232-28-02270, and 232-12-24401.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-086 on February 18, 1998.

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

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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 15.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

WAC 232-28-02270

Game management units (GMUs)—Special game areas—Boundary descriptions—Bighorn sheep units Closure of all lands within the Colville Indian Reservation to the trapping and hunting of all wild animals, blue grouse, ruffed grouse, Franklin grouse, sharp-tailed grouse, sage hen grouse, and mourning doves.

WAC 232-12-24401

**WSR 98-10-020
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-63—Filed April 22, 1998, 5:03 p.m.]

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- WAC 232-28-240 1997-98, 1998-99, 1999-2000 Deer and bear hunting seasons and regulations.
- WAC 232-28-242 1997-98, 1998-99, 1999-2000 Elk hunting seasons and regulations.
- WAC 232-28-249 1997-98 Special species hunting seasons and regulations.
- WAC 232-28-252 1997 Moose permit quotas
- WAC 232-28-253 1997 Mountain sheep (bighorn) permit quotas
- WAC 232-28-254 1997 Mountain goat permit quotas
- WAC 232-28-265 1997-98 Deer and elk permit hunting seasons
- WAC 232-28-267 1997 Deer permit quotas
- WAC 232-28-268 1997-1998 Elk permit quotas
- WAC 232-28-02210 Game management units (GMUs)—Special game areas—Boundary descriptions—Deer area descriptions.
- WAC 232-28-02230 Game management units (GMUs)—Special game areas—Boundary descriptions—Bow and arrow area descriptions.
- WAC 232-28-02250 Game management units (GMUs)—Special game areas—Boundary descriptions—Goat units
- WAC 232-28-02260 Game management units (GMUs)—Special game areas—Boundary descriptions—Moose units.

Date of Adoption: April 7, 1998.

Purpose: To amend WAC 232-28-02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-02240.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-090 on February 18, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 97-43, filed 2/27/97, effective 3/30/97)

WAC 232-28-02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions.

~~(Muzzleloader Area No. 908 Acme (Whatecom County); Same as Bow Area No. 808.)~~

PERMANENT

Muzzleloader Area No. 910 Cle Elum (Kittitas County): Beginning at Easton; then southeast along the main BPA Powerlines to Big Creek; then west and south on the Big Creek Trail to its junction with USFS Road 4517; then east on USFS Road 4517 to its junction with Spur Road 117 (at the powerlines); then to Granite Creek Trail 1326; then south on Granite Creek Trail 1326 to the top of South Cle Elum Ridge; then east along the ridge on Granite Creek Trail 1326 to Spur Road 111; then east on Road 111 to the Peoh Point Road (3350); then southeast on Road 3350 to the junction with Road 3352; then east on Road 3352 to the Cedar Creek Road; then south on the Cedar Creek Road to the Morrison Canyon Road; then southeast on the Morrison Canyon Road to Interstate Highway 90; then east on I-90 to Exit 106 and junction with U.S. Highway 97; then north on U.S. Highway 97 to Hungary Junction Road and east on Hungary Junction Road to Look Road; then south on Look Road to Brick Mill Road; then east on Brick Mill Road to Venture Road to Lyons Road; then east on Lyons Road to Fox Road; then south on Fox Road to Christensen Road; then east on Christensen Road to Parke Creek Road; then east and north on Parke Creek Road to the BPA powerlines (Section 22, T18N, R20E) north of Parke Creek Group Home; then northwest along BPA Powerlines to Colockum Pass Road; then north on the Colockum Pass Road to upper powerlines (Section 16, T19N, R20E); then west along BPA powerlines to the Wilson Creek Road; then north on Wilson Creek Road to the Lillard Hill Road; northwest on Lillard Hill Road to USFS Road 3517; then northwest on USFS Road 3517 to the Reecer Creek Road, USFS Road 35; then south on USFS Road 35 to USFS Road 3507 and then northwest on USFS Road 3507 to Spur Road 120 (Snowshoe Ridge Road); then west on Spur Road 120 (Snowshoe Ridge Road) to Spur Road 114; then north and south on Spur Road 114 to Spur Road 116; then north on Spur Road 116 to USFS Road 9718 (Cougar Gulch Road); then southwest on USFS Road 9718 through the town of Liberty to U.S. Highway 97; then north on U.S. Highway 97 to USFS Road 9738, Blue Creek; then west on USFS Road 9738 to USFS Road 9702 Dickey Creek; then west on USFS Road 9702 to the North Teanaway Road; then south to the junction with Middle Fork Teanaway Road; then west on Middle Fork Road 1/4 mile to Teanaway Campground; then south up #17 Canyon Road to Cle Elum Ridge Road; then west along Cle Elum Ridge Road and south to the bottom of #5 Canyon Road; then south to Highway 903 and Bullfrog Road (Sportland Mini-Mart); then south on Bullfrog Road to Interstate Highway 90; then west on Interstate Highway 90 to Easton and point of beginning.

~~((Muzzleloader Area No. 921 Baleville (Pacific County): Beginning at the junction of the Hammond Road and U.S. Highway 105; then north on the Hammond Road to the radio towers; continue north on the D 2100 line to its junction with the D line; then northwest along the D line (also known as the Rayonier 2720) to its junction with the Rayonier 2700 line; then southwest on the Rayonier 2700 line to its junction with Highway 105; then east on Highway 105 to the Hammond Road and point of beginning.))~~

Muzzleloader Area No. 925 Ritzville (Adams County): Beginning at the junction of Interstate 90 and S.R. 261 near

the Town of Ritzville; then south along S.R. 261 to S.R. 26; then east on S.R. 26 to the Whitman County line; then north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line; then north along the Adams, Lincoln County line to Interstate 90; then west along Interstate 90 to point of beginning.

Muzzleloader Area No. 926 Guemes (Skagit County): That part of GMU 407 (North Sound) on Guemes Island.

~~((Muzzleloader Area No. 940 Coal Creek (Skagit County): Beginning at the point where State Highway 20 crosses Childs Creek approximately one mile west of Lyman; then north up said creek to Crown Pacific 110 Road; then west along said road to Crown Pacific 130 Road; then west along said road to Crown Pacific 132 Road; then continue west along said road to where it crosses Hanson Creek; then south down Hanson Creek to State Highway 20 to Childs Creek and point of beginning.))~~

Muzzleloader Area No. 944 Clemen (Yakima County): That portion of GMU 342 beginning at the junction of Highway 410 and USFS Road 1701 (Big Bald Mountain Road); then north to USFS Road 1712; then east on USFS Road 1712 (Clemen Ridge Road) to the east edge of Meyster Canyon; then along the east side of Meyster Canyon to the elk fence; then west along the elk fence to Waterworks Canyon and Highway 410 and to point of beginning.

~~((Muzzleloader Area No. 950 Toutle Mountain (Cowlitz County): Beginning at the confluence of the South Fork Toutle River and the North Fork Toutle River; then up the South Fork Toutle River to Johnson Creek; then up Johnson Creek to the Weyerhaeuser Company 4400 Road; then northeast on the 440 Road to the 2421 Road; then north to the 2400 Road; then east on the 2400 Road to Alder Creek; then north down Alder Creek to the North Fork Toutle River; then west down the North Fork Toutle River to the confluence with the South Fork Toutle River and point of beginning.))~~

~~**Muzzleloader Area No. 961 Hoko River (Clallam County):** Within one mile of the Hoko County Road between Highway 112 and the Olympic National Park Boundary near Lake Ozette.~~

~~**Muzzleloader Area No. 962 Elwha (Clallam County):** Beginning at the U.S. Highway 101 Bridge on the Elwha River; then south on the Elwha River to the Olympic National Park Boundary; then along Olympic National Park Boundary to the section line between Sections 32 and 33 of T30N, R7 W.W.M.; then north on the section lines to U.S. Highway 101; then east on U.S. Highway 101 to Elwha River and point of beginning.))~~

WSR 98-10-021
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-71—Filed April 22, 1998, 5:10 p.m.]

Date of Adoption: April 4, 1998.

Purpose: To amend WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-011.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 98-05-084 on February 18, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 20, 1998

Lisa Pelly, Chair

Fish and Wildlife Commission

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

Common Name	Scientific Name
Gray whale	<i>Eschrichtius gibbosus</i>
Larch Mountain salamander	<i>Plethodon larselli</i>

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	<i>Ochotona princeps</i>
least chipmunk	<i>Tamias minimus</i>
yellow-pine chipmunk	<i>Tamias amoenus</i>
Townsend's chipmunk	<i>Tamias townsendii</i>
red-tailed chipmunk	<i>Tamias ruficaudus</i>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>
Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden-mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
fisher	<i>Martes pennanti</i>
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata</i> ;

AMENDATORY SECTION (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished. Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	<i>Sciurus griseus</i>
Steller (northern) sea lion	<i>Eumetopias jubatus</i>
North American lynx	<i>Lynx canadensis</i>
Aleutian Canada goose	<i>Branta Canadensis leucopareia</i>
bald eagle	<i>Haliaeetus leucocephalus</i>
ferruginous hawk	<i>Buteo regalis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
green sea turtle	<i>Chelonia mydas</i>
loggerhead sea turtle	<i>Caretta caretta</i>
sage grouse	<i>Centrocercus urophasianus</i>
sharp-tailed grouse	<i>Phasianus columbianus</i>

All birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; mammals of the order *Cetacea*, including whales, porpoises, and mammals of the order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

PERMANENT

WSR 98-10-025
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed April 23, 1998, 2:22 p.m.]

Date of Adoption: April 23, 1998.

Purpose: To implement a change in the federal thrifty food plan for the food stamp program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-550, 388-49-560, 388-49-570, and 388-49-580.

Statutory Authority for Adoption: RCW 74.04.510, 74.08.090.

Adopted under notice filed as WSR 98-04-039 on January 29, 1998.

Changes Other than Editing from Proposed to Adopted Version: The department's original intent was to repeal the narrative versions of WAC 388-49-560, 388-49-570, and 388-49-580 and amend a single rule, WAC 388-49-550, to incorporate by reference the underlying CFR provisions for each of the repealed rules. This approach generated strong negative comment. After reviewing the regulatory improvement principles of Executive Order 97-02, and consulting with the program simplification oversight committee chaired by Deputy Secretary Charles Reed, the Economic Services Administration decided to make changes to the proposed rules based on the comments we had received. Instead of repealing the narrative rules and simply incorporating a CFR reference, we amended the existing rules with clear, simple statements of program policy. This is a valid and genuine compromise growing out of our open public participation process. We believe it illustrates the spirit of the Administrative Procedure Act and regulatory improvement as expressed in the Governor's Executive Order.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 4, 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 4, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, 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 4, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 23, 1998

Edith M. Rice, Chief
Office of Legal Affairs

AMENDATORY SECTION (Amending WSR 96-23-024, filed 11/12/96, effective 1/1/97)

WAC 388-49-550 (~~Monthly allotments~~) Computing food stamp benefits. (1) The ~~((department shall determine the value of the allotment a household receives.~~

~~((2) The monthly allotment shall equal the)) federal thrifty food plan ((TFP)) is a low cost diet amount for ((the) various household ((size reduced by thirty percent of the household's) sizes. The amounts are issued to households with zero net income. ((The department shall use the monthly allotment standards as established by the food and nutrition service)) Households with net income receive smaller amounts (7 CFR 273.10(e)).~~

<u>Household Size</u>	<u>Thrifty Food Plan</u>
1	\$(120) <u>122</u>
2	((220)) <u>224</u>
3	((315)) <u>321</u>
4	((400)) <u>408</u>
5	((475)) <u>485</u>
6	((570)) <u>582</u>
7	((630)) <u>643</u>
8	((720)) <u>735</u>
9	((810)) <u>827</u>
10	((900)) <u>919</u>
Each additional member	+ ((90)) <u>92</u>

~~((3) The department shall issue to households, except for households as specified in subsection (4) of this section, a prorated coupon allotment for the number of days remaining from the date of application to the end of the initial month of eligibility.~~

~~(a) The department shall base the allotment on a thirty-day month.~~

~~(b) The department shall not issue an allotment for less than ten dollars.~~

~~(4) The department shall issue a full month allotment to)~~

(2) Eligible migrant ((and)) or seasonal farmworker households, applying within one calendar month after a prior certification ends, will receive a full-month allotment (1977 Food Stamp Act, section 8(c)(2)).

~~((5) The department shall determine the value of the monthly allotment a household receives by:~~

~~(a) Multiplying the household's net monthly income by thirty percent;~~

~~(b) Rounding the product up to the next whole dollar if it ends with one through ninety-nine cents; and~~

~~(c) Subtracting the result from the thrifty food plan for the appropriate household size.~~

(6)) (3) All households, except in subsection (2) above, will receive prorated benefits for the days remaining from the application date to the end of the first month of eligibility (7 CFR 273.10(a)).

(a) The benefit is based on a thirty-day month.

(b) A one- or two-person household will not receive a prorated benefit for less than ten dollars (7 CFR 10(e)(2)).

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(4) Eligible one- and two-person households ((shall)) receive a ten dollar minimum ((monthly allotment of ten dollars except in the initial)) benefit ((month when the department shall not issue an allotment for less than ten dollars.

(7) The department shall issue an identification card to each certified household) after the first month of eligibility (7 CFR 273.10(e)(2)).

AMENDATORY SECTION (Amending WSR 93-22-027, filed 10/27/93, effective 11/27/93)

WAC 388-49-560 ((Issuance)) Issuing food stamp benefits. (1) ((The department shall issue food coupons)) An eligible household will receive benefits through a((:

(a)) food coupon authorization (FCA) card system ((staggered through the tenth of the month; or (b)) direct ((coupon)) mail ((out)) system ((staggered through the tenth of the month)) or electronic benefit issuance system (7 CFR 274.2(a)).

(2) ((For FCAs issued on or after the twentieth of the month, the department shall issue a valid FCA:

(a) Until the end of the month and issue a valid replacement FCA if the household is unable to transact the FCA before the expiration date; or

(b) For the current month's benefits valid in the following month.

(3) The department shall issue the prorated allotment for the initial month and the allotment for the first full month at the same time for eligible households applying on the sixteenth of the month or after, except for households ineligible for the initial month or the second month.

(4) The department shall not transact or restore an FCA with an expired validity date, except as specified under WAC 388-49-560(2).

(5) The department shall maintain issuance records for a period of three years from the month of origin)) Benefits will be issued no later than the tenth of a month.

(3) A household must redeem an FCA during the period it is valid.

AMENDATORY SECTION (Amending WSR 89-18-059, filed 9/1/89, effective 10/2/89)

WAC 388-49-570 ((Replacement)) Replacing lost, stolen, or destroyed food stamp allotments (7 CFR 274.6).

(1) A household may ((request)) receive a replacement ((not to exceed a one-month allotment)) for:

(a) A food coupon authorization (FCA) card or coupons received, but ((subsequently)) afterward destroyed in a household disaster;

(b) An FCA or coupons lost in or stolen from the mail;

(c) An FCA stolen after receipt; ((or))

(d) Food purchased with coupons and destroyed in a disaster; or

(e) Benefits not greater than a one-month allotment.

(2) ((To request a replacement, the household shall:

(a) Report the destruction or theft within ten days of the incident; or

(b) Report the nonreceipt within the period of intended use; and

(c) Sign an affidavit attesting to the destruction, theft, or nonreceipt within ten days of the report.

(3) The department shall not issue both a household disaster allotment to a household and a replacement allotment in a food and nutrition service (FNS) declared disaster.

(4) When a request for replacement is received, the department shall:

(a) Verify the disaster or theft;

(b) Determine if the coupons or FCA were validly issued, actually mailed, and if sufficient time has elapsed for delivery;

(c) Issue a replacement within ten days of the request if the household is eligible for replacement.

(5) The department shall deny a request for replacement when) A household will not receive a replacement for:

(a) Certified mail coupons ((were mailed by certified mail and a) signed ((receipt of delivery is obtained by the post office from)) for by any person residing or visiting at the ((household)) address provided ((address)) by the household;

(b) Coupons or an FCA ((are)) lost or misplaced after receipt;

(c) Coupons ((are)) stolen after receipt;

(d) ((The)) Benefits issued after a household was issued two countable replacements within ((the previous)) five pre-vious months for;

(i) FCAs or coupons lost in or stolen from the mail ((or for));

(ii) FCAs stolen after receipt; or

((e) The household was issued two countable replacements within the previous five months for))

(iii) FCAs or coupons destroyed in a household disaster. ((This limit is in addition to the limit under subsection (5)(d) of this section.

(6) The department shall not consider a replacement countable under subsection (5)(d) and (e) of this section if)

(e) Benefits based upon a fraudulent request;

(f) Benefits for more than a one-month allotment;

(g) Benefits replacing an allotment for a household disaster and a food and nutrition service declared disaster at once.

(4) A replacement will not count against a household when:

(a) ((The original or replacement)) An issuance is returned to the department;

(b) ((The original or replacement)) An FCA is not transacted; ((or))

(c) ((The replacement is issued due to)) Department error caused the replacement;

(d) A partial coupon delivery results due to damage or issuance discrepancy; or

(e) Coupons delivered are improperly manufactured or mutilated. More than three-fifths of the mutilated benefits must remain and the mutilated coupons surrendered.

((7) The department shall deny or delay replacing an FCA when documentation substantiates the replacement request is fraudulent. The department shall:

(a) Inform the household of its right to a fair hearing; and

(b) Continue the denial or delay pending the hearing decision.

~~(8) The department shall use other delivery methods after two requests are received within a six-month period for replacement of:~~

- ~~(a) An original or replacement FCA; or
(b) Coupons lost in the mail.~~

~~(9) If delivery of a partial allotment is reported, the department shall:~~

~~(a) Verify the coupon loss was due to damage in the mail before delivery or a discrepancy in the issuance unit's inventory; and~~

~~(b) Issue the remainder of the allotment if the partial allotment is an issuance unit error regardless of the number of times the household receives replacements within a six-month period.~~

~~(10) The department shall provide replacement for coupons received and found to be mutilated or improperly manufactured.~~

~~(a) The replacement shall equal the value of the improperly manufactured or mutilated coupons.~~

~~(b) Coupons shall not be replaced if less than three-fifths of the mutilated coupons remain.~~

~~(c) The household shall surrender the mutilated or improperly manufactured coupons to the department))~~

~~(5) In order to get a replacement, a household has to:~~

~~(a) Report the incident to the department within ten days of the incident or during the period of intended benefit use; and~~

~~(b) Complete a department affidavit of the destruction, theft or nonreceipt within ten days of the report.~~

AMENDATORY SECTION (Amending WSR 92-08-035, filed 3/24/92, effective 4/24/92)

WAC 388-49-580 ((Restoration of lost)) Restoring food stamp benefits. (((1) The department shall)) A household may receive restored benefits for no more than twelve months when:

~~(((a) A loss was caused by))~~

~~(1) Department error causes the loss;~~

~~(((b) An administrative disqualification for))~~

~~(2) A finding of intentional program violation was reversed;~~

~~(((e))) (3) Required by a rule ((or)), instruction ((specifies restoration of lost benefits;)), or~~

~~(((d) A)) court ((action finding benefits were wrongfully withheld.~~

~~(2) The department shall restore benefits, even if the household is currently ineligible, for not more than twelve months before whichever of the following occurred first:~~

~~(a) The month the department receives a restoration request;~~

~~(b) The month the department is notified or discovers a loss has occurred;~~

~~(c) The date the household initiated a fair hearing request when a request for restoration was not received; or~~

~~(d) The date court action was initiated when the household has taken no other action to obtain a restoration.~~

~~(3) The department shall notify the household of:~~

~~(a) Its entitlement;~~

~~(b) The amount of benefits to be restored;~~

~~(e) The method of restoration;~~

~~(d) The right to request a fair hearing within ninety days of the date the household is notified; and~~

~~(e) Any offsetting to be done.~~

~~(4) If the household disagrees with the amount of benefits being restored, the department shall issue the amount determined by the department. If a fair hearing decision overturns the department, the department shall restore any lost benefits.~~

~~(5) If household composition has changed, the department shall restore the lost benefits to:~~

~~(a) First, the household containing a majority of the persons who were household members at the time of the loss; or~~

~~(b) Second, the household containing the head of the household at the time of the loss)) order.~~

WSR 98-10-029

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed April 24, 1998, 11:30 a.m., effective July 24, 1998]

Date of Adoption: April 24, 1998.

Purpose: Air contaminants, chapter 296-62 WAC, General occupational health standards, the department began review of WAC 296-62-07515 Control of Chemical Agents Table 1: Limits for Air Contaminant Permissible Exposure Limits (PEL) after OSHA published correcting amendments August 4, 1997, in the Federal Register (Volume 61, Number 149, page 42018). Based on that review, permanent amendments are made to WAC 296-62-07515 Control of chemical agents and WAC 296-62-07477 Appendix C for the methylene chloride standard as described below.

Amended WAC 296-62-07515 Control of chemical agents, a federal-initiated amendment adds the abbreviation "(DBCP)" to Dibromo-d-chloropropane. No new compliance requirements are added. No other federal-initiated amendments are made.

State-initiated amendments are being made to Table 1: Limits for Air Contaminants Permissible Exposure Limits (PEL). The following amendments establish new compliance requirements.

- Chromic acid and chromates (as CrO₃) PEL is changed from 0.1 mg/m³ TWA (time-weighted average) to 0.1 mg/m³ ceiling limit making this PEL identical to OSHA's rule (Code of Federal Regulations 1910.1000 Table Z-1 and Z-2) and WISHA at least as effective as OSHA. This reverses a recent change made in error, which took effect November 5, 1997.
- Mercury (aryl and inorganic) (as Hg) PEL is changed from 0.1 mg/m³ TWA to 0.1 mg/m³ ceiling limit which makes this PEL identical to OSHA's rule (Code of Federal Regulations 1910.1000 Table Z-1 and Z-2) and provides appropriate protection of the health of workers where these chemicals are used.

The following state-initiated amendments do not establish additional compliance requirements.

- A skin designation is added to carbon tetrachloride to make it consistent with the health data. This will not establish additional compliance requirements because of the current personal protective equipment requirements for use of carbon tetrachloride.
- A new note is added for all respirable fraction PELs to reflect the current ACGIH definition of respirable fraction.
- A new entry for arsenic, inorganic compounds (as As) PEL is added to include the 10 ug/m³ PEL found in WAC 296-62-07347 Inorganic arsenic standard for all uses covered by WAC 296-62-07347. This does not replace the existing PEL for arsenic, inorganic compounds which applies to all uses not covered by WAC 296-62-07347.
- Note *g/* is deleted to eliminate confusion.
- Other minor amendments are made to correct typographical errors, correct errors in references, delete duplicate lines, correct lettering in notes and improve the clarity of information presented.

WAC 296-62-07477 Appendix C—Questions and answers (appendix to methylene chloride standard located in Part G of chapter 296-62 WAC, General occupational health standards), state-initiated amendments remove the word "Solution" from Figure 2. This is a minor correction that does not establish additional compliance requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 296-62-07477 Appendix C and WAC 296-62-07515 Control of chemical agents.

Statutory Authority for Adoption: RCW 49.17.040, [49.17].050, [49.17].060.

Adopted under notice filed as WSR 98-05-061 on February 16, 1998.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-62-07515 Control of chemical agents, the following minor changes were made to the final rule to make the permissible exposure limit (PEL) table easier to use. None of these changes represents a substantive change to either the existing standard or the standard as proposed in the proposed standard as published in the Washington State Register.

1. A second listing is added to the table to "Arsenic, inorganic compounds" reflecting the existing 10 µg/m³ PEL requirement from WAC 296-62-07347 Inorganic arsenic. The existing PEL in the table would remain in place and would continue to apply to the exceptions to WAC 296-62-07347.

2. Duplicate PEL information is deleted for:
- Silica, amorphous, diatomaceous earth;
 - Dinitolmide.

3. Note "*g/*" is deleted. Note "*g/*" provided the total dust equations for Quartz Silica from the table.

4. Formatting changes are made throughout the table to make the format consistent and correcting typographical errors.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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: July 24, 1998.

April 24, 1998

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 97-18-062, filed 9/2/97, effective 12/1/97)

WAC 296-62-07477 Appendix C.

Questions and Answers

Methylene Chloride Control in Furniture Stripping
(Adapted from NIOSH publication No. 93-133)

Introduction

This appendix answers commonly asked questions about the hazards from exposure to methylene chloride. It also describes approaches to controlling methylene chloride exposure during the most common furniture stripping processes. Although these approaches were developed and field tested by the National Institute of Occupational Safety and Health, each setting requires custom installation because of the different air flow interferences at each site.

1. What is the Stripping Solution Base?

The most common active ingredient in paint removers is a chemical called methylene chloride. Methylene chloride is present in the paint remover to penetrate, blister, and finally lift the old finish. Other chemicals in paint removers work to accelerate the stripping process, to retard evaporation, and to act as thickening agents. These other ingredients may include: methanol, toluene, acetone, or paraffin.¹

2. Is Methylene Chloride Bad for Me?

Exposure to methylene chloride may cause short-term health effects or long-term health effects.

Short-Term (Acute) Health Effects

Exposure to high levels of paint removers over short periods of time can cause irritation to the skin, eyes, mucous membranes, and respiratory tracts. Other symptoms of high exposure are dizziness, headache, and lack of coordination. The occurrence of any of these symptoms indicates that you are being exposed to high levels of methylene chloride. At the onset of any of these symptoms, you should leave the work area, get some fresh air, and determine why the levels were high.

A portion of inhaled methylene chloride is converted by the body to carbon monoxide, which can lower the blood's ability to carry oxygen. When the solvent is used properly, however, the levels of carbon monoxide should not be hazardous. Indi-

viduals with cardiovascular or pulmonary health problems should check with their physician before using the paint stripper. Individuals experiencing severe symptoms such as shortness of breath or chest pains should obtain proper medical care immediately.¹

Long-Term (Chronic) Health Effects

Methylene chloride has been shown to cause cancer in certain laboratory animal tests. The available human studies do not provide the necessary information to determine whether methylene chloride causes cancer in humans. However, as a result of the animal studies, methylene chloride is considered a potential occupational carcinogen. There is also considerable indirect evidence to suggest that workers exposed to methylene chloride may be at an increased risk of developing ischemic heart disease. Therefore, it is prudent to minimize exposure to solvent vapors.³

3. What does the Methylene Chloride Standard Require?

On January 10, 1997, the Occupational Safety and Health Administration published a new regulation for methylene chloride. The standard establishes an eight-hour time-weighted average exposure limit of 25 parts per million (ppm), as well as a short-term exposure limit of 125 ppm determined from a 15 minute sampling period. That is a reduction from the current WISHA limit of 100 ppm. The standard also sets a 12.5 ppm action level (a level that would trigger periodic exposure monitoring and medical surveillance provisions).² WISHA adopted an identical standard on [date].

The National Institute for Occupational Safety and Health recommends that methylene chloride be regarded as a "potential occupational carcinogen." NIOSH further recommends that occupational exposure to methylene chloride be controlled to the lowest feasible limit. This recommendation was based on the observation of cancers and tumors in both rats and mice exposed to methylene chloride in air.⁵

4. How Can I Be Exposed to Methylene Chloride while Stripping Furniture?

Methylene chloride can be inhaled when vapors are in the air. Inhalation of the methylene chloride vapors is generally the most important source of exposure. Methylene chloride evaporates quicker than most chemicals. The odor threshold of methylene chloride is 300 ppm.⁶ Therefore, once you smell methylene chloride, you are being over-exposed. Pouring, moving, or stirring the chemical will increase the rate of evaporation.

Methylene chloride can be absorbed through the skin either by directly touching the chemical or through your gloves. Methylene chloride can be swallowed if it gets on your hands, clothes, or beard, or if food or drinks become contaminated.

5. How Can Breathing Exposures be Reduced?

Install a Local Exhaust Ventilation System

Local exhaust ventilation can be used to control exposures. Local exhaust ventilation systems capture contaminated air from the source before it spreads into the workers' breathing zone.⁷ If engineering controls are not effective, only a self-contained breathing apparatus equipped with a full face piece

and operated in a positive-pressure mode or a supplied-air respirator affords the level of protection. Air-purifying respirators such as gas masks with organic vapor canisters can only be used for escape situations.⁸ These gas masks are not suitable for normal work situations because methylene chloride is poorly absorbed by the canister filtering material.

A local exhaust system consists of the following: a hood, a fan, ductwork, and a replacement air system.^{9,10,11} Two processes are commonly used in furniture stripping: flow-over and dip tanks. For flow-over systems there are two common local exhaust controls for methylene chloride - a slot hood and a down draft hood. A slot hood of different design is most often used for dip tanks. (See Figures 1, 2, and 3.)

The hood is made of sheet metal and connected to the tank. All designs require a centrifugal fan to exhaust the fumes, ductwork connecting the hood and the fan, and a replacement air system to bring conditioned air into the building to replace the air exhausted.

In constructing or designing a slot or down draft hood, use the following data:

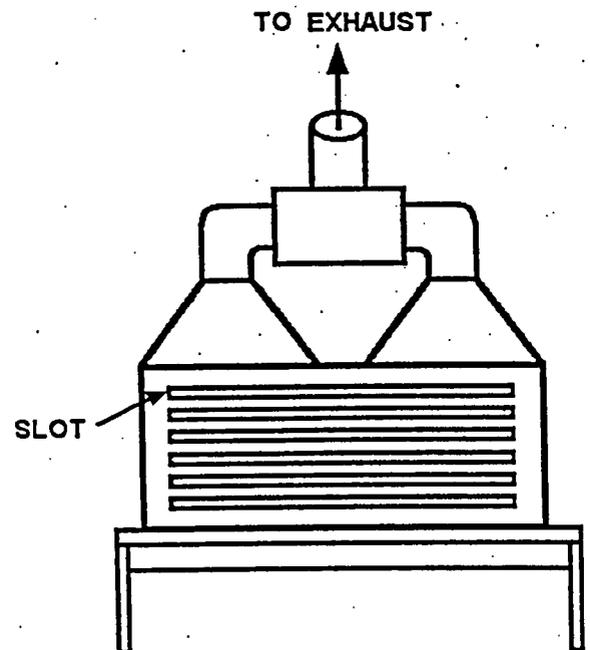


FIGURE 1 -- SLOT HOOD

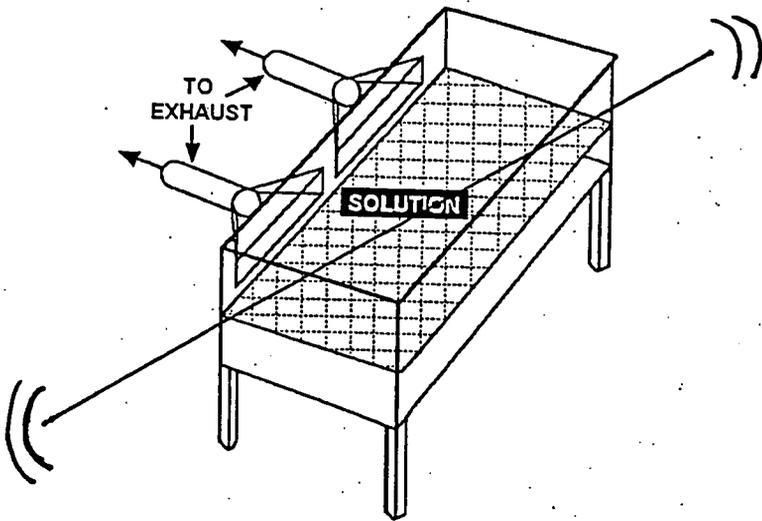


FIGURE 2 -- DOWNDRAFT HOOD

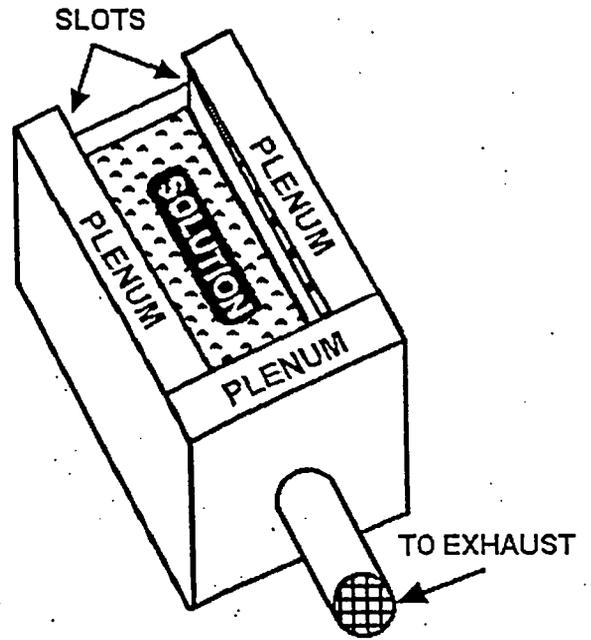


FIGURE 3 -- SLOT HOOD FOR DIP TANK

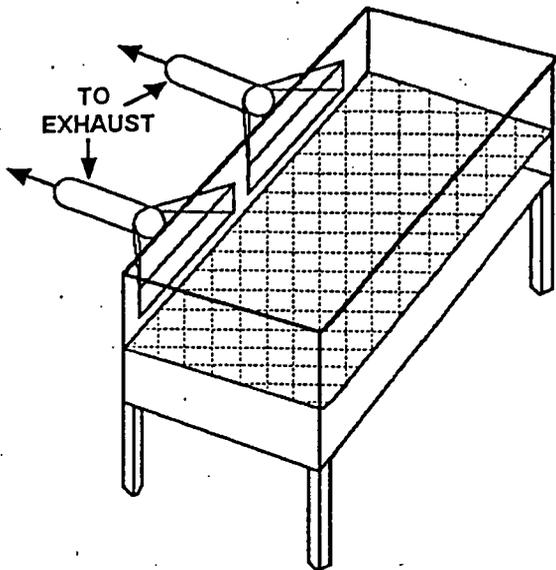


FIGURE 2 -- DOWNDRAFT HOOD

Safe Work Practices

Workers can lower exposures by decreasing their access to the methylene chloride.¹²

- 1) Turn on dip tank control system several minutes before entering the stripping area.
- 2) Avoid unnecessary transferring or moving of the stripping solution.
- 3) Keep face out of the air stream between the solution-covered furniture and the exhaust system.
- 4) Keep face out of vapor zone above the stripping solution and the dip tank.
- 5) Retrieve dropped items with a long handled tool.
- 6) Keep the solution-recycling system off when not in use. Cover reservoir for recycling system.
- 7) Cover dip tank when not in use.
- 8) Provide adequate ventilation for rinse area.

How Can Skin Exposures Be Reduced?

Skin exposures can be reduced by wearing gloves whenever you are in contact with the stripping solution.¹³

- 1) Two gloves should be worn. The inner glove should be made from polyethylene/ethylene vinyl alcohol (e.g., Silver Shield®, or 4H®). This material, however, does not provide good physical resistance against tears, so an outer glove made from nitrile or neoprene should be worn.
- 2) Shoulder-length gloves will be more protective.
- 3) Change gloves before the break-through time occurs. Rotate several pairs of gloves throughout the day. Let the

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gloves dry in a warm well ventilated area at least over night before reuse.

4) Keep gloves clean by rinsing often. Keep gloves in good condition. Inspect the gloves before use for pin-holes, cracks, thin spots, and stiffer than normal or sticky surfaces.

5) Wear a face shield or goggles to protect face and eyes.

6. What Other Problems Can Occur?

Stripping Solution Temperature

Most manufacturers of stripping solution recommend controlling the solution to a temperature of 70°F. This temperature is required for the wax in the solution to form a vapor barrier on top of the solution to keep the solution from evaporating too quickly. If the temperature is too high, the wax will not form the vapor barrier. If it is too cold, the wax will solidify and separate from the solvent causing increased evaporation. Use a belt heater to heat the solution to the correct temperature. Call your solution manufacturer for the correct temperature for your solution.¹⁴

Make-Up Air

Air will enter a building in an amount to equal the amount of air exhausted whether or not provision is made for this replacement. If a local exhaust system is added a make-up or replacement air system must be added to replace the air removed. Without a replacement air system, air will enter the building through cracks causing uncontrollable eddy currents. If the building perimeter is tightly sealed, it will prevent the air from entering and severely decrease the amount exhausted from the ventilation system. This will cause the building to be under negative pressure and decrease the performance of the exhaust system.¹⁵

Dilution Ventilation

With general or dilution ventilation, uncontaminated air is moved through the workroom by means of fans or open windows, which dilutes the pollutants in the air. Dilution ventilation does not provide effective protection to other workers and does not confine the methylene chloride vapors to one area.¹⁶

Phosgene Poisoning from Use of Kerosene Heaters

Do not use kerosene heaters or other open flame heaters while stripping furniture. Use of kerosene heaters in connection with methylene chloride can create lethal or dangerous concentrations of phosgene. Methylene chloride vapor is mixed with the air used for the combustion of kerosene in kerosene stoves. The vapor thus passes through the flames, coming into close contact with carbon monoxide at high temperatures. Any chlorine formed by decomposition may, under these conditions, react with carbon monoxide and form phosgene.¹⁷

REFERENCES

¹Halogenated Solvents Industry Alliance and Consumer Product Safety Commission [1990]. Stripping Paint from Wood (Pamphlet for consumers on how to strip furniture and precautions to take). Washington DC: Consumer Product Safety Commission.

²*Ibid.*

³NIOSH [1992]. NIOSH Testimony on Occupational Safety and Health Administration's proposed rule on occupational

exposure to methylene chloride, September 21, 1992, OSHA Docket No. H-71. NIOSH policy statements. Cincinnati, OH: U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health.

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⁸NIOSH [1992].

⁹Fairfield, C.L. and A.A. Beasley [1991]. In-depth Survey Report at the Association for Retarded Citizens, Meadowlands, PA. The Control of Methylene Chloride During Furniture Stripping. Cincinnati, OH: U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health.

¹⁰Fairfield, C.L. [1991]. In-depth Survey Report at the J.M. Murray Center, Cortland, NY. The Control of Methylene Chloride During Furniture Stripping. Cincinnati, OH: U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health.

¹¹Hall, R.M., K.F. Martinez, and P.A. Jensen [1992]. In-depth Survey Report at Tri-County Furniture Stripping and Refinishing, Cincinnati, OH. The Control of Methylene Chloride During Furniture Stripping. Cincinnati, OH: U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health.

¹²Fairfield, C.L. and A.A. Beasley [1991]. In-depth Survey Report at the Association for Retarded Citizens, Meadowlands, PA. The Control of Methylene Chloride During Furniture Stripping. Cincinnati, OH: U.S. Department of Health and Human Service, Centers for Disease Control, National Institute for Occupational Safety and Health.

¹³Roder, M. [1991]. Memorandum of March 11, 1991 from Michael Roder of the Division of Safety Research to Cheryl L. Fairfield of the Division of Physical Sciences and Engineering, National Institute for Occupational Safety and Health, Centers for Disease Control, Public Health Service, U.S. Department of Health and Human Services.

¹⁴Kwick Kleen Industrial Solvents, Inc., [1981]. Operations Manual, Kwick Kleen Industrial Solvents, Inc., Vincennes, IN.

¹⁵ACGIH [1988].

¹⁶*Ibid.*

¹⁷Gerritsen, W.B. and C.H. Buschmann [1960]. Phosgene Poisoning Caused by the Use of Chemical Paint Removers containing Methylene Chloride in Ill-Ventilated Rooms Heated by Kerosene Stoves. British Journal of Industrial Medicine 17:187.

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 WSR 97-19-014, filed 9/5/97, effective 11/5/97)

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)						
		TWA		STEL ^(e) §		CEILING		Skin
CAS ^(d) h								Designation
Substance	Number	ppm ^{a(f)}	mg/m ^{3b(f)}	ppm ^{a(f)}	mg/m ^{3b(f)}	ppm ^{a(f)}	mg/m ^{3b(f)}	
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)) 296-62-07336(3))	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 _k	---	---	---	---	---
Aluminum, metal and oxide (as Al)	7429-90-5	((---	---	---	---	---	---	---
Total dust		---	10	---	---	---	---	---
Respirable fraction		---	5.0 _k	---	---	---	---	---
pyro powders		---	5.0	---	---	---	---	---
welding fumes ((f)) ^f		---	5.0	---	---	---	---	---
soluble salts		---	2.0	---	---	---	---	---
alkyls (NOC)		---	2.0	---	---	---	---	---
Alundum (see Aluminum oxide)		---	---	---	---	---	---	---
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	---	---	---	---	---

PERMANENT

PERMANENT

Substance	CAS ^(#) ^b	TWA		STEL ^(c) ^c		CEILING		Skin Designation
		ppm ^{a(f)}	_mg/m ^{3b(f)}	ppm ^{a(f)}	_mg/m ^{3b(f)}	ppm ^{a(f)}	_mg/m ^{3b(f)}	
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 ^k	—	—	—	—	—
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	—	—	—	—	—
<u>Arsenic, Inorganic compounds (as As) (when use is covered by WAC 296-62-07347)</u>	<u>7440-38-2</u>	<u>—</u>	<u>0.01</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
Arsenic, Inorganic compounds(;) (as As) (((see)) when use is not covered by 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 ^k	—	—	—	—	—
Benomyl	17804-35-2	((—	—	—	—	—	—	—))
Total dust	—	0.8	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Benzene(;) (see WAC 296-62-07523)((d)) ^d	71-43-2	1.0	—	5.0	—	—	—	—
Benidine(;) (see WAC 296-62-073) ((p-Benzoquinone;)) p-Benzo- quinone (see Quinone)	92-87-5	—	—	—	—	—	—	—
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	—

Substance	CAS((^f)) ^h Number	TWA		STEL((^f)) ^e		CEILING		Skin Designation
		ppm ^{a((f))}	_mg/m ^{3b((f))}	ppm ^{a((f))}	_mg/m ^{3b((f))}	ppm ^{a((f))}	_mg/m ^{3b((f))}	
Biphenyl (see Diphenyl)	—	—	—	—	—	—	—	—
Bismuth telluride, Undoped	1304-82-1	((—	—	—	—	—	—	—))
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Bismuth telluride, Se-doped	—	—	5.0	—	—	—	—	—
Borates, tetra, sodium salts((+)	—	—	—	—	—	—	—	—))
Anhydrous	1330-43-4	—	1.0	—	—	—	—	—
Decahydrate	1303-96-4	—	5.0	—	—	—	—	—
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 Chlorobromomethane)	—	—	—	—	—	—	—	—
Bromoform	15-25-2	0.5	5.0	—	—	—	—	X
Butadiene (1,3-butadiene)	106-99-0	1	2.2	5	—	—	—	—
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 ^k	—	—	—	—	—
Calcium cyanamide	156-62-7	—	0.5	—	—	—	—	—

PERMANENT

PERMANENT

Substance	CAS ^(a) ^h	TWA		STEL ^(c) ^e		CEILING		Skin Designation
		ppm ^{a(f)}	_mg/m3 ^{b(f)}	ppm ^{a(f)}	_mg/m3 ^{b(f)}	ppm ^{a(f)}	_mg/m3 ^{b(f)}	
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 ^k	—	—	—	—	—
Calcium sulfate	7778-18-9	((—))	—	—	—	—	—	((—))
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Camphor (synthetic)	76-22-2	—	2.0	—	—	—	—	—
Caprolactam ⁽ⁱ⁾	105-60-2	((—))	—	—	—	—	—	((—))
Dust	—	—	1.0	—	3.0	—	—	—
Vapor	—	5.0	20	10	40	—	—	—
Captafol (Difolatan)	2425-06-1	—	0.1	—	—	—	—	X
Captan	133-06-2	—	5.0	—	—	—	—	—
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	30,000	54,000	—	—	—
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	—	—	—	—	((—))X
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 ^k	—	—	—	—	—
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

Substance	CAS ^(*) ^h	TWA		STEL ^(**) ^g		CEILING		Skin Designation
		ppm ^{a(f)}	_mg/m3 ^{b(f)}	ppm ^{a(f)}	_mg/m3 ^{b(f)}	ppm ^{a(f)}	_mg/m3 ^{b(f)}	
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 ^k	—	—	—	—	—
Chlorpyrifos	2921-88-2	—	0.2	—	—	—	—	X
Chromic acid and chromates (as CrO3)	Varies ^(**f) with Com- pounds	—	((0.1))	—	—	—	((—)) 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 ^k	—	—	—	—	—
Coal dust (less than 5% SiO2) Respirable fraction	—	—	2.0 ^g	—	—	—	—	—
Coal dust (greater than or equal to 5% SiO2) Respirable fraction	—	—	0.1 ^g	—	—	—	—	—
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	—	—	—	—	—

PERMANENT

Substance	CAS((^h)) ^h Number	TWA		STEL((^e)) ^e		CEILING		Skin Designation
		ppm ^a ((_f))	_mg/m3 ^b ((_f))	ppm ^a ((_f))	_mg/m3 ^b ((_f))	ppm ^a ((_f))	_mg/m3 ^b ((_f))	
Dusts and mists (as Cu)	—	—	1.0	—	—	—	—	—
Cotton dust (raw)((-e)) ^e	—	—	1.0	—	—	—	—	—
Corundum((:)) (see Aluminum oxide)	—	—	—	—	—	—	—	—
Crag herbicide (Sesone)	136-78-7	((—	—	—	—	—	—	—))
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Cresol (all isomers)	1319-77-3	5.0	22	—	—	—	—	X
Crotonaldehyde	123-73-9; 4170-30-3	2.0	6.0	—	—	—	—	—
Crufomate	299-86-5	—	5.0	—	—	—	—	—
Cumene	98-82-8	50	245	—	—	—	—	X
Cyanamide	420-04-2	—	2.0	—	—	—	—	—
Cyanide (as CN)	Varies with Compound	—	5.0	—	—	—	—	X
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 (DBCP) (see WAC ((296-62-07345)) 296-62-07342)	96-12-8	—	—	—	—	—	—	—
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	—	—	—	—	—	—	—

PERMANENT

Substance	CAS ^(a) ^b	TWA		STEL ^(c) ^c		CEILING		Skin Designation
		ppm ^{a(f)}	_mg/m3 ^{b(f)}	ppm ^{a(f)}	_mg/m3 ^{b(f)}	ppm ^{a(f)}	_mg/m3 ^{b(f)}	
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 Total dust	102-54-5	((—	—	—	—	—	—	—))
Respirable fraction	—	—	10	—	—	—	—	—
	—	—	5.0 ^k	—	—	—	—	—
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

PERMANENT

Substance	CAS(^(f)) ^h Number	TWA		STEL(^(e)) ^g		CEILING		Skin Designation
		ppm ^{a(f)}	mg/m ^{3b(f)}	ppm ^{a(f)}	mg/m ^{3b(f)}	ppm ^{a(f)}	mg/m ^{3b(f)}	
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 iso- cyanate (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	—	—	—
Disulfiram	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 ^k	—	—	—	—	—
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
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	—	—	—	—	—

PERMANENT

Substance	CAS((^h)) ^h Number	TWA		STEL((^e)) ^e		CEILING		Skin Designation
		ppm ^a ((^f))	_mg/m3 ^b ((^f))	ppm ^a ((^f))	_mg/m3 ^b ((^f))	ppm ^a ((^f))	_mg/m3 ^b ((^f))	
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 ace- tate)	—	5.0	24	—	—	—	—	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	—	—	—	—	—	—	X
Ethylene oxide (see WAC ((296-62-07353)) 296-62-07359)	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	—	—	—	—	—
Ferrovandium dust	12604-58-9	—	1.0	—	3.0	—	—	—
Fluorides (as F)	Varies ((^w)) with compound	—	2.5	—	—	—	—	—
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	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	—

PERMANENT

Substance	CAS((^f)) ^h Number	TWA		STEL((^e)) ^c		CEILING		Skin Designation
		ppm ^a ((^f))	_mg/m ³ ^b ((^f))	ppm ^a ((^f))	_mg/m ³ ^b ((^f))	ppm ^a ((^f))	_mg/m ³ ^b ((^f))	
Glycerin mist	56-81-5	((—))	—	—	—	—	—	(—))
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
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 ^k	—	—	—	—	—
Graphite, Synthetic	((—))	—	—	—	—	—	—	(—))
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Guthion (see Azinphosmethyl)	—	—	—	—	—	—	—	—
Gypsum	13397-24-5	((—))	—	—	—	—	—	(—))
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
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((^r)) (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 ((^{wf})) with 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	—	—	—	—	—

PERMANENT

Substance	CAS((^f)) ^b Number	TWA		STEL((^f)) ^c		CEILING		Skin Designation
		ppm ^a ((^f))	_mg/m3 ^b ((^f))	ppm ^a ((^f))	_mg/m3 ^b ((^f))	ppm ^a ((^f))	_mg/m3 ^b ((^f))	
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	—	—	—
Iron salts, soluble (as Fe)	Varies ((wf)) with compound	—	1.0	—	—	—	—	—
Isoamyl acetate	123-92-2	100	525	—	—	—	—	—
Isoamyl alcohol (primary and secondary)	123-51-3	100	360	125	450	—	—	—
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 ^k	—	—	—	—	—
Ketene	463-51-4	0.5	0.9	1.5	3.0	—	—	—
Lead inorganic (as Pb) (see WAC 296-62-07521)	7439-92-1	—	0.05	—	—	—	—	—
Lead arsenate (see WAC 296-62-07347)	3687-31-8	—	0.05	—	—	—	—	—
Lead chromate	7758-97-6	—	0.05	—	—	—	—	—
Limestone	1317-65-3							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Lindane	58-89-9	—	0.5	—	—	—	—	X
Lithium hydride	7580-67-8	—	0.025	—	—	—	—	—
L.P.G. (liquified petroleum gas)	68476-85-7	1,000	1,800	—	—	—	—	—
Magnesite	546-93-0							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
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	—

PERMANENT

Substance	CAS((#)) ^h Number	TWA		STEL((#)) ^c		CEILING		Skin Designation
		ppm ^{a((f))}	mg/m ^{3b((f))}	ppm ^{a((f))}	mg/m ^{3b((f))}	ppm ^{a((f))}	mg/m ^{3b((f))}	
Manganese tetroxide and fume (as Mn)	7439-96-5	—	1.0	—	3.0	—	—	—
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 ^k	—	—	—	—	—
Mercury (aryl and inorganic) (as Hg)	7439-97-6	—	((0+))	—	—	—	((—))	X
Mercury (organo-alkyl compounds) (as Hg)	7439-97-6	—	0.01	—	0.03	—	—	X
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)	—	—	—	—	—	—	—	—
Methomyl (lannate)	16752-77-5	—	2.5	—	—	—	—	—
Methoxychlor	72-43-5							
Total dust	—	—	10	—	—	—	—	—
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5.0	16	—	—	—	—	X
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 (2-Heptanone)	110-43-0	50	235	—	—	—	—	—
N-Methyl aniline (see Monomethyl aniline)	—	—	—	—	—	—	—	—
Methyl bromide	74-83-9	5.0	20	—	—	—	—	X
Methyl butyl ketone (see 2-Hexanone)	—	—	—	—	—	—	—	—
Methyl cellosolve (see 2-Methoxyethanol)	109-86-4	5.0	16	—	—	—	—	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5.0	24	—	—	—	—	X
Methyl chloride	74-87-3	50	105	100	210	—	—	—
Methyl chloroform (1, 1, 1-trichlorethane)	71-55-6	350	1,900	450	2,450	—	—	—
Methyl chloromethyl ether (see WAC 296-62-073)	107-30-2	—	—	—	—	—	—	—
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	—	—	—	—	—

PERMANENT

Substance	CAS ^(f) ^h	TWA		STEL ^(e,f) ^c		CEILING		Skin Designation
		ppm ^{a(f)}	mg/m ^{3b(f)}	ppm ^{a(f)}	mg/m ^{3b(f)}	ppm ^{a(f)}	mg/m ^{3b(f)}	
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)) (see WAC 296-62-073)	101-14-4	0.02	0.22	—	—	—	—	X
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) (see 2-Butanone)	78-93-3	—	—	—	—	—	—	—
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 (see Monomethyl hydrazine)	60-34-4	—	—	—	—	0.2	0.35	X
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	—	—	—
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	—	—	—	—	—	—	—

Substance	CAS(^(f)) ^h Number	TWA		STEL(^(e)) ^c		CEILING		Skin Designation
		ppm ^a (^(f))	_mg/m3 ^b (^(f))	ppm ^a (^(f))	_mg/m3 ^b (^(f))	ppm ^a (^(f))	_mg/m3 ^b (^(f))	
		Simple	Asphyxiant	—	—	—	—	
Neon	7440-01-9	Simple	Asphyxiant	—	—	—	—	—
Nickel carbonyl (as Ni)	13463-39-3	0.001	0.007	—	—	—	—	—
(Nickel) Nickel (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 ^k	—	—	—	—	—
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	—	—	—	—	—	—	—
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
Nitrotirchloromethane (see Chloropicrin)	—	—	—	—	—	—	—	—
Nitrous Oxide (Nitrogen oxide)	10024-97-2	50	90	—	—	—	—	—
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 ^k	—	—	—	—	X
	1910-42-5	—	—	—	—	—	—	—
	2074-50-2	—	—	—	—	—	—	—
Parathion	56-38-2	—	0.1	—	—	—	—	X

PERMANENT

Substance	CAS([†]) ^h Number	TWA		STEL([†]) ^c		CEILING		Skin Designation
		ppm ^a (^f)	_mg/m3 ^b (^f)	ppm ^a (^f)	_mg/m3 ^b (^f)	ppm ^a (^f)	_mg/m3 ^b (^f)	
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 ^k	—	—	—	—	—
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 ^k	—	—	—	—	—
Pentane	109-66-0	600	1,800	750	2,250	—	—	—
2-Pentanone (methyl propyl ketone)	107-87-9	200	700	250	875	—	—	—
Perchloroethylene (tetrachloroethylene)	127-18-4	25	170	—	—	—	—	—
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 ^k	—	—	—	—	—
Petroleum distillates (Naptha) (Rubber Solvent)	—	100	400	—	—	—	—	—
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	—	—	—	—	—
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 ^k	—	—	—	—	—
Picric acid	88-89-1	—	0.1	—	—	—	—	X

PERMANENT

Substance	CAS((^h)) ^h	TWA		STEL((^g)) ^g		CEILING		Skin Designation
		ppm ^a ((^f))	_mg/m3 ^b ((^f))	ppm ^a ((^f))	_mg/m3 ^b ((^f))	ppm ^a ((^f))	_mg/m3 ^b ((^f))	
Pindone ((see Pival)) (2-Pivalyl-1, 3-indandione)	83-26-1	—	0.1	—	—	—	—	—
Piperazine dihydrochloride	142-64-3	—	5.0	—	—	—	—	—
Pival (see Pindone)	—	—	—	—	—	—	—	—
Plaster of Paris	26499-65-0	((—))	—	—	—	—	—	((—))
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
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 ^k	—	—	—	—	—
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 ^k	—	—	—	—	—
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	—	—	—	—	—

PERMANENT

Substance	CAS((^h)) ^h Number	TWA		STEL((^e)) ^e		CEILING		Skin Designation
		ppm ^a ((^f))	_mg/m3 ^b ((^f))	ppm ^a ((^f))	_mg/m3 ^b ((^f))	ppm ^a ((^f))	_mg/m3 ^b ((^f))	
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 ^k	—	—	—	—	—
Silica, crystalline cristobalite, respirable dust	14464-46-1	—	0.05 ^k	—	—	—	—	—
Silica, crystalline quartz, respirable dust	14808-60-7	—	0.1 ((g/h)) ^k	—	—	—	—	—
Silica, crystalline tripoli (as quartz), respirable dust	1317-95-9	—	0.1 ^k	—	—	—	—	—
Silica, crystalline tridymite, respirable dust	15468-32-3	—	0.05 ^k	—	—	—	—	—
Silica, fused, respirable dust	60676-86-0	—	0.1 ^k	—	—	—	—	—
Silicates (less than 1% crystalline silica((ⁱ)) ⁱ)								
Mica (Respirable dust)	12001-26-2	—	3.0 ^k	—	—	—	—	—
Soapstone, Total dust	—	—	6.0	—	—	—	—	—
Soapstone, Respirable dust	—	—	3.0 ^k	—	—	—	—	—
Talc (containing asbestos): use asbestos limit (see WAC ((296-62-07517)) 296-62-07705)	—	—	—	—	—	—	—	—
Talc (containing no asbestos), Respirable dust	14807-96-6	—	2.0 ^k	—	—	—	—	—
Tremolite (see WAC ((296-62-07517)) 296-62-07705)	—	—	—	—	—	—	—	—
Silicon	7440-21-3							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Silicon Carbide	409-21-2							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
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 (as HN3)	26628-22-8	((—	—	—	—	0.1	0.3	X
(as NaN3)	—	—	—	—	—	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	—	—	—	—	—

PERMANENT

Substance	CAS ^(a) ^b Number	TWA		STEL ^(c) ^d		CEILING		Skin Designation
		ppm ^a (_f)	_mg/m ³ ^b (_f)	ppm ^a (_f)	_mg/m ³ ^b (_f)	ppm ^a (_f)	_mg/m ³ ^b (_f)	
Starch	9005-25-8	((---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0 ^k	---	---	---	---	---
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 (60min.) (^j) ⁱ	---	((---	---
Sucrose	57-50-1	((---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0 ^k	---	---	---	---	---
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	---	---	---	---	---
Temphos	3383-96-8	((---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0 ^k	---	---	---	---	---
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

PERMANENT

Substance	CAS ^(f) ^h	TWA		STEL ^(e) ^c		CEILING		Skin Designation
		ppm ^{a(f)}	mg/m ^{3b(f)}	ppm ^{a(f)}	mg/m ^{3b(f)}	ppm ^{a(f)}	mg/m ^{3b(f)}	
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 ^k	—	—	—	—	—
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	—	—	—	—	—
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	—	—	10	—	—	—	—	—
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

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Substance	CAS((#)) ^h Number	TWA		STEL((e ^f)) ^g		CEILING		Skin Designation
		ppm ^{a((f))}	_mg/m3 ^{b((f))}	ppm ^{a((f))}	_mg/m3 ^{b((f))}	ppm ^{a((f))}	_mg/m3 ^{b((f))}	
Triphenyl amine	603-34-9	—	5.0	—	—	—	—	—
Triphenyl phosphate	115-86-6	—	3.0	—	—	—	—	—
Tungsten (as W)	7440-33-7	((—	—	—	—	—	—	—))
Soluble compounds	—	—	1.0	—	3.0	—	—	—
Insoluble compounds	—	—	5.0	—	10	—	—	—
Turpentine	8006-64-2	100	560	—	—	—	—	—
Uranium (as U)	7440-61-1	((—	—	—	—	—	—	—))
Soluble compounds	—	—	0.05	—	—	—	—	—
Insoluble compounds	—	—	0.2	—	0.6	—	—	—
n-Valeraldehyde	110-62-3	50	175	—	—	—	—	—
Vanadium (as V2O5)	1314-62-1	—	0.05	—	—	—	—	—
Respirable dust and fume								
Vegetable oil mist	((—	—	—	—	—	—	—	—))
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
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 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#)) with Compound	—	0.05	—	—	—	0.1	—
Zinc oxide	1314-13-2							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Zinc oxide fume	1314-13-2	—	5.0	—	10	—	—	—
Zinc stearate	557-05-1							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^k	—	—	—	—	—
Zirconium compounds (as Zr)	7440-67-2	—	5.0	—	10	—	—	—

- Notes: a((f)) Parts of vapor or gas per million parts of contaminated air by volume at 25((°)) degrees C and 760 mm((:)) Hg((:)) pressure (torr((:))).
- b((f)) Milligrams of substance per cubic meter of air. When a numerical entry for a substance is in the mg/m³ column and not in the ppm column, then the number in the mg/m³ column is exact. When numerical entries for a substance are in both the ppm and mg/m³ columns, then the number in the ppm column is exact and the number in the mg/m³ column may be rounded off.
- c((f)) Duration is for 15 minutes, unless otherwise noted.
- d((f)) 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((f)) 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 gargetting. See also WAC 296-62-14533 for cotton dust limits applicable to other sectors.
- f((f)) As determined from breathing-zone air samples.
g((f)) ~~Total dust formula for Silica (as quartz) is:~~
- 30mg/m³
% SiO₂ + 3
- h((f)) 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))
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

- ((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)) i 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)) j Sampling for the carbon monoxide ceiling shall be averaged over 5 minutes but an instantaneous reading over 1500 ppm shall not be exceeded.

k The concentration of respirable particulate for the application of this limit is determined from the fraction passing a size-selector with the following characteristics.

Aerodynamic diameter (unit density sphere)	Percent passing selector
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

WSR 98-10-039
PERMANENT RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY

[Filed April 28, 1998, 3:03 p.m., effective June 1, 1998]

Date of Adoption: April 9, 1998.

Purpose: To more clearly define compliance for sources that are required to have continuous emission monitors.

Citation of Existing Rules Affected by this Order: Repealing Regulation I, Sections 12.02 and 12.04; and amending Regulation I, Sections 9.03, 9.09, 12.01, and 12.03.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 98-06-087 on March 4, 1998.

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: June 1, 1998.

April 24, 1998
Jay M. Willenberg
Senior Engineer

AMENDATORY SECTION

REGULATION I SECTION 9.03 EMISSION OF AIR CONTAMINANT: VISUAL STANDARD

PERMANENT

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant for a period or periods aggregating more than 3 minutes in any 1 hour, which is:

(1) Darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Section 9.03 (a)(1).

(b) The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point of the plume nearest the point of emission.

(c) This section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this section.

(d) This section shall not apply to solid fuel burning devices, permitted fire training facilities, motor vehicles when operated on public roads, ~~((or))~~ aircraft, or equipment subject to Section 9.04.

~~((any source which meets the requirements of Section 9.09(e)))~~ equipment with an alternate opacity standard issued under Section 3.03 or Section 6.07 that is based upon a correlation with the particulate concentration and that accurately indicates a violation of the applicable particulate emission standards in Section 9.09.

NEW SECTION

REGULATION I SECTION 9.04 OPACITY STANDARDS FOR EQUIPMENT WITH CONTINUOUS OPACITY MONITORING SYSTEMS

(a) Applicability. This section shall apply to all equipment required to be equipped with a continuous emission monitoring system for opacity.

(b) It shall be unlawful for any person to cause or allow the operation of any of the following equipment unless equipped with a continuous emission monitoring system for opacity:

- (1) Cement kilns;
- (2) Clinker coolers;
- (3) Glass furnaces, rated at greater than 1 ton per hour, that burn fuel;
- (4) Fuel burning equipment, rated at 100 million Btu per hour or greater, that burns wood, coal, or residual oil; and
- (5) Refuse burning equipment rated at greater than 12 tons per day.

(c) It shall be unlawful for any person to cause or allow the emission of any air contaminant from any equipment subject to this section during any hour that:

- (1) Averages greater than 5% opacity; or
- (2) Contains any consecutive 6-minute period averaging greater than 20% opacity.

(d) Section 9.04 (c)(1) shall not apply to:

(1) Glass furnaces that are tested annually for compliance with the applicable particulate emission standard in Section 9.09; or

(2) Equipment with an alternate opacity standard issued under Section 3.03 or Section 6.07 that is based upon a correlation with the particulate concentration and that accurately indicates a violation of the applicable particulate emission standards in Section 9.09.

(e) This section shall not apply to sources controlled by a venturi scrubber, provided that:

(1) The source is tested annually for compliance with the applicable particulate emission standard in Section 9.09;

(2) The pressure drop across the scrubber is continuously monitored and recorded; and

(3) The scrubbing liquid flow rate and temperature are continuously monitored and recorded.

(f) This section shall not apply to fuel burning equipment that burns residual oil less than 31 days per year, provided that the source implements an alternate opacity monitoring plan issued under Section 3.03 or Section 6.07.

AMENDATORY SECTION

REGULATION I SECTION 9.09 PARTICULATE MATTER EMISSION STANDARDS

~~((or))~~ It shall be unlawful for any person to cause or allow the emission of particulate matter in excess of the following concentrations:

Refuse Burning Equipment:

- 1. Rated at 12 tons per day or less without heat recovery and without hydrochloric acid control equipment 0.10 gr/dscf @ 7% O₂
- 2. Rated at 12 tons per day or less without heat recovery and with hydrochloric acid control equipment 0.05 gr/dscf @ 7% O₂
- 3. Rated at 12 tons per day or less with heat recovery 0.02 gr/dscf @ 7% O₂
- 4. Rated at greater than 12 tons per day 0.01 gr/dscf @ 7% O₂

Fuel Burning Equipment:

- 1. Burning wood 0.20 gr/dscf @ 7% O₂
- 2. Burning wood and installed after March 13, 1968 or located within the urbanized area 0.10 gr/dscf @ 7% O₂
- 3. Burning wood, rated at 100 million Btu per hour or greater, and located within the urbanized area 0.04 gr/dscf @ 7% O₂
- 4. Burning wood and installed after March 1, 1986 0.02 gr/dscf @ 7% O₂
- 5. Burning fuel other than wood 0.05 gr/dscf @ 7% O₂
- 6. Burning coal or other solid fossil fuel and installed after March 1, 1986 0.01 gr/dscf @ 7% O₂

Equipment Used in a Manufacturing

Process: 0.05 gr/dscf

~~((b))~~ It shall be unlawful for any person to cause or allow the emission of any air contaminant (as determined by a continuous emission monitoring system) that is:

~~(1) Greater than 20% opacity for a period or periods aggregating more than 3 minutes in any 1 hour; or~~

~~(2) Greater than 5% opacity for a 1-hour average.~~

~~(e) The provisions of Section 9.09 (b)(2) shall not apply to any source that has obtained an Order of Approval for a Notice of Construction that correlates the particulate matter~~

PERMANENT

concentration with opacity such that any violation of the alternate opacity standard accurately indicates a violation of the applicable emission standard of Section 9.09(a):

(d) The provisions of Section 9.09 (b)(2) shall not apply to any glass furnace that annually tests for compliance with the applicable emission standard of Section 9.09(a):)

AMENDATORY SECTION

REGULATION I SECTION 12.01 APPLICABILITY ((INTRODUCTION))

((Section 12.02 requires the continuous monitoring and periodic source testing of particulate matter emitted from certain sources which could have a substantial impact on the maintenance of ambient air quality standards for particulate matter. It also requires continuous emission or operation monitors for certain new sources. Nothing in Section 12.02 shall be construed to limit the Control Officer's authority to require continuous monitoring or source testing pursuant to Articles 3 or 6 of this Regulation.

Sections 12.03 and 12.04 establish the design specifications, performance specifications, performance test procedures, quality assurance requirements, and data storage and reporting requirements for all continuous emission monitoring (CEM) systems.

A CEM system will be considered inoperative until it has been certified as meeting the EPA or Agency performance specifications using instrumental performance test procedures of 40 CFR Part 60, Appendix B, or those approved by the Agency. The Agency must be advised in writing at least 2 weeks prior to performance specification testing and provided the opportunity to observe and participate in all testing. The Agency reserves the right to require an approved test plan prior to any performance specification testing and to audit a CEM system at any time to determine if it meets the performance specifications:))

This article shall apply to all continuous emission monitoring systems (CEMS) required under an order, operating permit, or regulation of the Agency. This article shall not be construed to relieve any person of the responsibility to comply with any requirement of 40 CFR Part 60, 61, or 63. Portions of these federal requirements that are less stringent than the provisions of Article 12 shall not supercede the requirements of Article 12.

REPEALER

REGULATION I SECTION 12.02 CONTINUOUS EMISSION MONITORING REQUIREMENTS

AMENDATORY SECTION

REGULATION I SECTION 12.03 CONTINUOUS EMISSION MONITORING SYSTEMS ((QUALITY ASSURANCE REQUIREMENTS))

((a) All continuous monitors shall meet the performance specifications contained in 40 CFR Part 60, Appendix B. Where there is no EPA performance specification the moni-

tor shall meet a performance specification established by the Agency:

(b) All temperature monitors shall be accurate within 5°F.

(c) All devices for monitoring pressure loss through a scrubber shall be accurate within 1 inch of water.

(d) All devices for monitoring scrubber liquid supply rate shall be accurate within 5% of the design scrubbing liquid supply rate.

(e) All gaseous continuous emission monitors shall be maintained in accordance with the requirements of 40 CFR Part 60, Appendix F, or alternate requirements approved by the Agency:

(f) All continuous opacity monitors shall be maintained in accordance with the EPA "Recommended Quality Assurance Procedures for Opacity Continuous Emission Monitoring Systems" (EPA 340/1-86-010).

(g) All temperature, scrubber pressure drop and scrubber liquid supply rate monitors shall be maintained in accordance with the manufacturer's recommendations.

(h) Continuous monitoring data shall be considered invalid if any of the following conditions occur:

(1) The monitor is not operated in accordance with the requirements of Sections 12.03 (a) through (g):

(2) The monitor is being zeroed, spanned, or is otherwise inoperative:

(3) An hour contains less than 75% valid data readings:

(4) A day contains less than 90% valid hours when the source is in operation:))

(a) Continuous Monitoring. It shall be unlawful for any person to cause or allow the operation of any equipment required to have a continuous emission monitoring system unless the emissions are continuously monitored in accordance with the requirements of this section.

(b) Data Recovery. The owner or operator shall recover valid hourly monitoring data for at least 95% of the hours that the equipment (required to be monitored) is operated during each calendar month except for:

(1) Periods of monitoring system downtime, provided that the owner or operator demonstrates to the Control Officer that the downtime was not a result of inadequate design, operation, or maintenance, or any other reasonably preventable condition, and any necessary repairs to the monitoring system are conducted in a timely manner; and

(2) Periods authorized under Section 3.03 or Section 6.07.

(c) Quality Assurance. The owner or operator shall install a continuous emission monitoring system that meets the performance specification in 40 CFR Part 60, Appendix B in effect at the time of its installation, and shall operate this monitoring system in accordance with the quality assurance procedures in Appendix F of 40 CFR Part 60 in effect July 1, 1997, and the U.S. Environmental Protection Agency's "Recommended Quality Assurance Procedures for Opacity Continuous Monitoring Systems" (EPA 340/1-86-010).

(d) Data Recording. Monitoring data commencing on the clock hour and containing at least 45 minutes of monitoring data shall be reduced to 1-hour averages. Monitoring data for opacity shall also be reduced to 6-minute averages.

All monitoring data shall be included in these averages except for data collected during calibration drift tests and cylinder gas audits, and for data collected subsequent to a failed quality assurance test or audit.

(e) Data Retention: The owner or operator shall retain all monitoring data averages for at least 2 years, including copies of all reports submitted to the Agency and records of all repairs, adjustments, and maintenance performed on the monitoring system. All such data collected after October 1, 1998 shall be retained for at least 5 years.

(f) Data Reporting. The owner or operator shall submit a monthly report to the Agency within 30 days after the end of the month in which the data were recorded. This report shall include:

(1) The date, time period, magnitude (in the units of the standard) and cause of each emission that exceeded an applicable emission standard;

(2) The date and time of all actions taken to correct the problem, including any actions taken to minimize the emissions during the exceedance and any actions taken to prevent its recurrence;

(3) The number of hours that the equipment (required to be monitored) operated each month and the number of valid hours of monitoring data that the monitoring system recovered each month;

(4) The date, time period, and cause of each failure to meet the data recovery requirements of Section 12.03(b) and any actions taken to ensure adequate collection of such data;

(5) The date, time period, and cause of each failure to recover valid hourly monitoring data for at least 90% of the hours that the equipment (required to be monitored) was operated each day;

(6) The results of all cylinder gas audits conducted during the month; and

(7) A certification of truth, accuracy, and completeness signed by an authorized representative of the owner or operator.

(g) Relative Accuracy Tests. All relative accuracy tests shall be subject to the provisions of Section 3.07.

(h) Exemptions. The data recording and reporting requirements of Sections 12.03(d) and 12.03(f) shall not apply to continuous VOC monitoring systems required under Section 2.05 of Regulation II. Further, relative accuracy tests shall not be required of these monitoring systems and may be waived for any other monitoring system not otherwise subject to 40 CFR Part 60, Appendix F, provided that the owner or operator demonstrates to the Control Officer that the emissions are consistently below 10% of the applicable emission standard.

REPEALER

REGULATION I SECTION 12.04 RECORD KEEPING AND REPORTING REQUIREMENTS

WSR 98-10-041
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed April 28, 1998, 3:45 p.m.]

Date of Adoption: April 27, 1998.

Purpose: Adds new rule, WAC 388-218-1390, which sets income related rules for community jobs participants.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.08A.320.

Adopted under notice filed as WSR 98-07-100 on March 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: Subsection (2) from original notice filed March 18, 1998, has been removed as the department will not be adjusting the income (wages) of a community jobs participant. A community jobs participant will always receive a set wage, as determined by the department.

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 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 27, 1998

Edith M. Rice, Chief
Office of Legal Affairs

NEW SECTION

WAC 388-218-1390 Community jobs program—Treatment of income. (1) The monthly wage received by a temporary assistance for needy families (TANF)/state family assistance (SFA) client who participates in the community jobs (CJ) wage subsidy program is:

(a) Not counted as income for the first month of CJ participation; and

(b) Budgeted prospectively (as defined in WAC 388-218-1900(3)) beginning with the second month of CJ participation.

(2) The CJ participant's grant amount is computed by:

(a) Reducing the expected CJ gross income by twenty percent as specified in WAC 388-310-1300(9); and

(b) Deducting the remainder from the payment level as specified in WAC 388-218-1920(1).

(3) CJ income is not subject to monthly reporting (MR) or income reporting (IR) requirements.

(4) When a change in income or resources causes the assistance unit's grant amount to be less than ten dollars or results in ineligibility, a CJ participant's cash grant:

(a) Will be suspended following rules in WAC 388-245-1400(1);

(b) Will continue to be suspended until participation is redetermined according to WAC 388-310-1300(8); and

(c) Can be in suspense for no more than nine months.

(5) Each month a CJ participant's cash grant is suspended will count toward the assistance unit's five year life-time time limit.

WSR 98-10-042
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed April 28, 1998, 3:50 p.m.]

Date of Adoption: April 28, 1998.

Purpose: Follows requirements of federal law, changing nature of assignment made by public assistance recipient as of October 1, 1997; follows requirements of federal law regarding distribution of child support payments.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14-200 and 388-14-270.

Statutory Authority for Adoption: RCW 74.20A.310 and 26.23.035.

Adopted under notice filed as WSR 98-06-067 on March 2, 1998.

Changes Other than Editing from Proposed to Adopted Version: The changes were made to WAC 388-14-201 and 388-14-202, with the addition of a new subsection providing a clarifying/limiting definition of the word "client" as it is used in these rules. Added language in WAC 388-14-270 in response to complaints from payees and payors regarding the waste of state funds in issuing checks in amounts under \$1.00.

Number of Sections Adopted in Order to Comply with Federal Statute: New 3, Amended 2, Repealed 0; Federal Rules or Standards: New 3, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 3, 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 3, 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.

April 28, 1998
 Edith M. Rice, Chief
 Office of Legal Affairs

AMENDATORY SECTION (Amending WSR 92-13-026, filed 6/9/92, effective 7/10/92)

~~WAC 388-14-200 ((Eligibility—AFDC and FIP—Assignment of)) Families accepting assistance must assign certain support rights((—Cooperation with office of support enforcement—Effect of noncooperation)) to the state. This section ((establishes the initial and continuing requirements of eligibility for aid to families with dependent children and for family independence program services)) applies to all applicants and recipients of cash assistance under the state program funded under Title IV-A of the federal Social Security Act.~~

(1) ~~((Beginning August 1, 1975, as a condition of eligibility for assistance, each applicant/recipient shall make assignment to the office of support enforcement of any and all right, title, and interest in any support obligation the applicant/recipient may have. This includes support rights of any other family member for whom the applicant/recipient is applying for or receiving financial assistance. It also includes rights to support which have accrued at the time such assignment is executed. Through this assignment, the applicant/recipient authorizes the office of support enforcement to provide support enforcement services for the family, and to continue to provide services after the family stops receiving assistance, under the same conditions regarding the physical custodian's obligation to cooperate with OSE, as are in effect at the time assistance terminates, until services are terminated under this chapter.~~

(2) ~~When the applicant/recipient satisfies subsection (1) of this section, the department may require further cooperation by the applicant/recipient as a continuing condition of eligibility for assistance unless the department determines the applicant/recipient has good cause not to cooperate under WAC 388-24-111. The applicant/recipient's cooperation includes, but is not limited to, assisting the office of support enforcement in or by doing the following:~~

(a) ~~Identifying and locating absent parents by providing:~~
 (i) ~~Relevant information known to, possessed by, or reasonably obtainable by the applicant/recipient about the absent parent, such as the absent parent's:~~

- ~~(A) Name and known aliases;~~
- ~~(B) Address;~~
- ~~(C) Telephone number or numbers;~~
- ~~(D) Social Security Number;~~
- ~~(E) Employment history; and~~
- ~~(F) Physical description.~~

~~(ii) Data regarding the date and place of marriage, separation, divorce, or dissolution, and copies of any documents, reasonably obtainable without fee, including any court orders establishing paternity and/or support obligations;~~

~~(iii) Information establishing the support debt amount accrued before the application. Applicants shall give information at the time of application and/or at a later time, if requested by the office of support enforcement, to supplement existing information.~~

~~(b) Notifying the office of support enforcement when there are changes in information concerning the absent parent;~~

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~~(e) Establishing the paternity of a child the applicant shall:~~

~~(i) Take reasonable action requested by the office, the prosecuting attorneys, the attorney general, private attorneys compensated under RCW 74.20.350, courts, or other agencies in:~~

~~(A) Administrative hearings;~~

~~(B) Actions to establish paternity; or~~

~~(C) Investigations preparatory or supplementary to such hearings or actions:~~

~~(ii) Assist in the development of medical and anthropological evidence relating to the alleged father's paternity based on tests performed by experts on the mother and the child.~~

~~(d) Establishing and collecting support and/or obtaining support payments or other payments or property due the applicant/recipient or a dependent child. The applicant shall take reasonable action requested by the office of support enforcement, the prosecuting attorney, the attorney general, the private attorney compensated under RCW 74.20.350, courts or other agencies in:~~

~~(i) Administrative hearings; or~~

~~(ii) Actions to establish or collect support obligations; or~~

~~(iii) Investigations preparatory or supplementary to such hearings or actions.~~

~~(e) Remitting support payments the applicant/recipient receives, from any person or agency, to the office of support enforcement within eight days of receipt of said payments;~~

~~(f) Executing a repayment agreement and repaying retained support moneys under the agreement.~~

~~(3) An applicant/recipient may attest to the lack of information, under penalty of perjury, if the applicant/recipient:~~

~~(a) Submits to an interview:~~

~~(i) Conducted by the office of support enforcement, a prosecuting attorney, the attorney general, or a private attorney compensated under RCW 74.20.350; and~~

~~(ii) Answers questions intended to obtain relevant information.~~

~~(b) Does not know, or possess, or cannot reasonably obtain the department's requested information.~~

~~(4) The department shall consider an applicant/recipient who attests to the lack of information to be cooperating, as required under this section, unless the:~~

~~(a) Applicant/recipient fails or refuses to submit to an interview and answer questions;~~

~~(b) Department produces credible evidence which shows that the applicant/recipient's attestation is false; or~~

~~(c) Applicant/recipient previously gave inconsistent information for which the applicant/recipient has no reasonable explanation.~~

~~(5) The department may not:~~

~~(a) Refuse to allow the applicant/recipient to sign an attestation; or~~

~~(b) Sanction the applicant/recipient for failure to cooperate merely because previous attempts to identify an absent parent resulted in blood test results excluding the person identified.~~

~~However, the applicant/recipient, must cooperate with any necessary retesting.~~

~~(6) If the office, the prosecuting attorney, the attorney general, or a private attorney compensated under RCW 74.20.350, believes the applicant/recipient is not cooperating, they shall send notice of the alleged noncooperation to the community services office and the applicant/recipient. The notice shall be evidence of noncooperation and shall include a statement:~~

~~(a) Explaining how the applicant/recipient failed to cooperate with that office, including what actions were required;~~

~~(b) Of the action that the office believes the applicant/recipient must take to resume cooperation;~~

~~(c) Informing the applicant/recipient that the:~~

~~(i) Same evidence is furnished to the community services office;~~

~~(ii) Applicant/recipient may contact the community services office immediately if the applicant/recipient disagrees with the evidence, needs assistance in order to cooperate, or believes the action required is unreasonable; and~~

~~(iii) Applicant/recipient's grant may be reduced or terminated if the IV-A agency determines, after a review of all of the evidence, that the applicant/recipient failed to cooperate.~~

~~(7) The department shall include in the notice of planned action either a:~~

~~(a) Copy of the evidence of noncooperation; or~~

~~(b) Statement of the evidence of noncooperation.~~

~~(8) If the applicant/recipient fails to cooperate by missing an interview without reasonable excuse, cooperation resumes when the applicant/recipient appears for a rescheduled interview and either provides information or attests to the lack of information. The office of support enforcement, prosecuting attorney, attorney general, or private attorney shall reschedule the interview within seven business days from the date the applicant/recipient contacts them to reschedule an interview.~~

~~(9) Cooperation resumes when the applicant/recipient performs the required action. The department shall reinstate the grant effective on the date cooperation resumes.~~

~~(10) If the applicant/recipient does not remit support moneys within eight days of receipt as required under WAC 388-14-200 (2)(c) and the applicant/recipient is currently receiving an AFDC grant, or cash benefits under the family independence program, the office of support enforcement shall:~~

~~(a) Document that the applicant/recipient has, in fact, received and retained support money and the amount of said money;~~

~~(b) Issue a notice of debt as provided under WAC 388-13-020 to the applicant/recipient to recover the payments, and the department shall include in such notice the following information:~~

~~(i) An explanation of the applicant/recipient's responsibility to cooperate by turning over the support money as a condition of eligibility for public assistance, and the sanction for failure to cooperate;~~

~~(ii) A list of the support money retained, including the dates and amounts as well as copies of any documentary evidence, such as copies of checks, front and back, the office possesses;~~

~~(iii) A proposed repayment agreement that may include a provision for a voluntary grant deduction;~~

~~(iv) An explanation that repaying retained support money according to a repayment agreement is a condition of cooperation;~~

~~(v) A statement that the recipient may request an informal meeting with the office, within twenty days of the date of service of the notice of debt, to:~~

~~(A) Clarify the recipient's responsibilities for cooperation; and~~

~~(B) Resolve differences regarding the existence or amount of the claim for unremitted support money and/or the proposed repayment agreement.~~

~~(vi) A statement that the recipient has the right to request a hearing under WAC 388-13-060 to contest the:~~

~~(A) Department's claim of ownership of the support money identified in the notice; and~~

~~(B) Reasonableness of the proposed repayment agreement.~~

~~(vii) A statement that the office will notify the community services office that the recipient failed to cooperate unless the recipient, within twenty days of the date of service of the notice of debt, executes the proposed repayment agreement, requests an informal meeting, or requests an adjudicative proceeding.~~

~~(11) The department shall base the repayment agreement on the:~~

~~(a) Applicant/recipient's total income and resources including the AFDC grant or cash benefits under the family independence program; and~~

~~(b) Total amount of retained support money.~~

~~(12) The monthly amount of the repayment shall not exceed ten percent of the:~~

~~(a) Grant payment standard during any month the applicant/recipient remains in public assistance status, or~~

~~(b) Cash benefits paid under the family independence program.~~

~~(13) When an applicant/recipient retains support money but is no longer an active recipient of public assistance money, the office of support enforcement, or the office of financial recovery, shall proceed under RCW 74.20A.270 and chapter 388-13 WAC, without reference to the procedural requirements of WAC 388-14-200(10).~~

~~(14) The office of support enforcement, or the office of financial recovery, shall notify the community services office when the recipient fails to cooperate if the recipient:~~

~~(a) Fails to sign a repayment agreement for the amount of retained support money claimed by the office in the notice of debt or as determined by an administrative law judge if a hearing is requested under WAC 388-13-060;~~

~~(b) Enters into a repayment agreement but subsequently fails to make a payment under the terms of the agreement, or fails to comply with the decision of the administrative law judge.~~

~~(15) The office of support enforcement, or the office of financial recovery, shall promptly notify the community services office when a recipient who has:~~

~~(a) Failed to enter into a repayment agreement, consents to do so and signs a repayment agreement; or~~

~~(b) Defaulted on an agreement or an administrative decision, makes a regularly scheduled payment according to the agreement or decision.~~

~~(16) Nothing in WAC 388-14-200 allows the department to make an otherwise eligible child ineligible for public assistance because of the applicant/recipient's failure to cooperate as defined in this section.)) For purposes of this section:~~

~~(a) Family means "assistance unit."~~

~~(b) Family member means the caretaker relative, the child(ren), and any other person whose needs are considered in determining eligibility for assistance.~~

~~(c) Assistance means cash assistance under the state program funded under Title IV-A of the federal Social Security Act.~~

~~(d) Unreimbursed assistance means the cumulative amount of assistance which was paid to the family and which has not been reimbursed by assigned support collections.~~

~~(e) Permanently assigned arrearages means those arrearages which shall be collected and retained by the state up to the amount of unreimbursed assistance. Permanently assigned arrearages accrue only under the following conditions:~~

~~(i) For those periods prior to the family receiving assistance, for assistance applications dated on or before September 30, 1997; and~~

~~(ii) For those periods while a family receives assistance, for assistance applications dated at any time.~~

~~(f) Temporarily assigned arrearages means those arrearages which accrue prior to the family receiving assistance, for assistance applications dated on or after October 1, 1997. Temporarily assigned arrearages are:~~

~~(i) Not permanently assigned to the state;~~

~~(ii) Collected and retained by the state up to the amount of unreimbursed assistance, if these arrearages are collected by federal income tax refund offset at any time; and~~

~~(iii) Collected and retained by the state by any means, up to the cumulative amount of unreimbursed assistance;~~

~~(A) Until October 1, 2000 or until the date the family terminates from assistance, whichever date is later; or~~

~~(B) Only while the family receives assistance, for assistance periods beginning October 1, 2000 or later.~~

~~(2) When a family accepts assistance, the family authorizes the division of child support (DCS) to provide support enforcement services to the family until the support enforcement case is closed pursuant to WAC 388-14-420.~~

~~(3) As a condition of eligibility for assistance, a family member must assign to the state the right to collect and keep, subject to the limitation in subsection (4), any support owing to the family member or to any other person for whom the family member has applied for or is receiving assistance.~~

~~(4) Amounts assigned under this section may not exceed the lesser of the total amount of assistance paid to the family or the total amount of the assigned support obligation.~~

~~(5) While the family receives assistance, all support collected will be retained by the state to reimburse the total amount of assistance which has been paid to the family.~~

~~(6) After the family terminates from assistance, certain accrued arrearages remain assigned to the state in accordance with the following rules:~~

(a) For assistance applications dated prior to October 1, 1997, the applicant permanently assigns to the state all rights to support which accrued before the application date and which will accrue prior to the date the family terminates from assistance.

(b) For assistance applications dated on or after October 1, 1997, and before October 1, 2000:

(i) The applicant permanently assigns to the state all rights to support which accrue while the family receives assistance; and

(ii) The applicant temporarily assigns to the state all rights to support which accrued before the application date, until October 1, 2000, or such time that the family terminates from assistance, whichever date is later. After this date, if any such remaining arrearage is collected by federal income tax refund offset, the state shall retain such amounts, up to the amount of unreimbursed assistance.

(c) For assistance applications dated on or after October 1, 2000:

(i) The applicant permanently assigns to the state all rights to support which accrue while the family receives assistance; and

(ii) The applicant temporarily assigns to the state all rights to support which accrued before the application date, until the date the family terminates from assistance. After this date, if any such remaining arrearage is collected by federal income tax refund offset, the state shall retain such amounts, up to the amount of unreimbursed assistance.

AMENDATORY SECTION (Amending WSR 97-13-092, filed 6/18/97, effective 7/19/97)

WAC 388-14-270 Distribution of support payments. The definitions contained in WAC 388-14-200 are incorporated into and made a part of this section.

(1) Under state and federal law, the ((IV-D agency)) division of child support (DCS) shall distribute support money it collects or receives((, in accordance with state and federal law and the provisions of this section,)) to the:

(a) Department when the department provides or has provided public assistance payments for the support of the family ((unit, household, or a member of the family unit or household));

(b) Payee under the order, or to the physical custodian of the child according to WAC 388-14-271;

(c) Child support enforcement agency in another state or foreign country which submitted a request for support enforcement services;

(d) Indian tribe which has a TANF program and/or a cooperative agreement regarding the delivery of child support services; or

(e) Person or entity making the payment when ((the IV-D agency)) DCS is unable to identify the person to whom the support money is payable after making reasonable efforts to obtain identification information.

(2) If ((the IV-D agency)) DCS is unable to distribute support money because the location of the family or person is unknown, it shall exercise reasonable efforts to locate the family or person. When ((the IV-D agency does not locate the family or person, it)) the family or person cannot be located,

DCS shall handle the money in accordance with chapter 458-65 WAC, the uniform unclaimed property act rules.

(3) ((The IV-D agency)) When distributing support money, DCS shall ((apply)) do the following ((rules when distributing support money)):

(a) Record payments in exact amounts without rounding;

(b) Distribute support money within eight days of the date ((the IV-D agency)) DCS receives the money, unless it is unable to distribute the payment for one or more of the following reasons:

(i) The location of the payee is unknown;

(ii) ((The IV-D agency)) DCS does not have sufficient information to identify the accounts against which or to which it should apply the money;

(iii) An action is pending before a court or agency which has jurisdiction over the issue to determine whether support money is owed or how ((the IV-D agency)) DCS should distribute the money.

(iv) ((The IV-D agency)) DCS receives prepaid support money which it is holding for distribution in future months under subsection ((4)) (5) of this section;

(v) ((The IV-D agency)) DCS mails a notice of intent to distribute support money to the physical custodian under WAC 388-14-271; ((or))

(vi) DCS may hold funds and not issue a check to the family for amounts under one dollar. DCS must give credit for the payment, but may delay disbursement of that amount until a future payment is received which increases the amount of the payment to the family to at least one dollar. This subsection does not apply to disbursements which can be made by electronic funds transfer (EFT), or to refunds of intercepted federal income tax refunds; or

(vii) Other circumstances exist which make a proper and timely distribution of the money impossible through no fault or lack of diligence of ((the IV-D agency)) DCS.

(c) Distribute support money based on the date ((of collection, except as provided under subsection (3)(f) of this section and WAC 388-14-275. The date of collection is the earliest of the following dates:

((i) ~~The date the IV-D agency or a political subdivision actually making the collection~~) DCS receives the money, except as provided under subsection (3)(g) of this section;

((ii) ~~The date the support enforcement agency or other legal entity of another state or political subdivision, actually making the collection, receives the money; or~~

((iii) ~~The date income, earnings, wages, labor and industries benefits, or employment security benefits were withheld.~~)

(d) ((Except as provided in subsection (3)(f) of this section, when the responsible parent has more than one case under Title IV-D or Title IV-E, the IV-D agency shall distribute)) Apply support money within each Title IV-D nonassistance case:

(i) First, to satisfy the current support obligation ((on each Title IV-D or foster care case, in proportion to the amount of the current support order on each case; and)) for the month DCS received the money;

(ii) Second, to the ((total of the support debts whether owed to the family or to the department for the reimbursement of public assistance on each Title IV-D or foster care

~~case, in proportion to the amount of support debt owed by the~~ responsible ~~((parent on each case; and))~~ parent's support debts owed to the family:

~~(iii) Third, ((after distribution under subsection (3)(d)(ii) of this section, within each Title IV-D or foster care case according to))~~ to prepaid support as provided for under subsection ((3)(e)) (5) of this section.

~~(e) Apply support money within each Title IV-D assistance case:~~

~~(i) First, to satisfy the current support obligation for the month ((the IV-D agency, or the support enforcement agency or other legal entity of another state or political subdivision, collected))~~ DCS received the money;

~~(ii) Second, to ((the responsible parent's))~~ satisfy support debts ((owed to the family)) which are permanently assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family;

~~(iii) Third, to ((the responsible parent's))~~ satisfy support debts which are temporarily assigned to the department to reimburse ((public)) the cumulative amount of assistance ((payments)) paid to the family;

~~(iv) Fourth, to prepaid support as provided for under subsection ((4)) (5) of this section.~~

~~(f) Apply ((intercepted federal income tax refunds in accordance with 45 CFR 303.72(h), as follows))~~ support money within each Title IV-D former-assistance case:

~~(i) First, ((under federal law to the responsible parent's))~~ to satisfy the current support ((debts assigned to the department to reimburse public assistance payments; and)) obligation for the month DCS received the money;

~~(ii) Second, to ((support debts that are not assigned to the department; and~~

~~(iii) To support debts only, not to current and future support obligations. The IV-D agency shall refund any excess to the responsible parent))~~ satisfy support debts which accrued after the family's most recent period of assistance;

~~(iii) Third, to satisfy support debts which are permanently assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family;~~

~~(iv) Fourth, to satisfy support debts which are temporarily assigned to the department to reimburse the cumulative amount of assistance which has been paid to the family;~~

~~(v) Fifth, to satisfy support debts which exceed the cumulative amount of unreimbursed assistance which has been paid to the family;~~

~~(vi) Sixth, to prepaid support as provided for under subsection (5) of this section.~~

~~(g) Apply intercepted federal income tax refunds in accordance with 42 U.S.C. Sec. 657, as follows:~~

~~(i) First, to support debts which are permanently assigned to the department to reimburse public assistance payments; and~~

~~(ii) Second, to support debts which are temporarily assigned to the department to reimburse public assistance payments; and~~

~~(iii) Third, to support debts that are not assigned to the department; and~~

~~(iv) To support debts only, not to current and future support obligations. DCS shall refund any excess to the responsible parent.~~

~~(h) Apply amounts to a support debt owed for one family or household and distribute the amounts accordingly, rather than make a proportionate distribution between support debts owed to different families, when:~~

~~(i) Proportionate distribution is administratively inefficient; or~~

~~(ii) The collection resulted from the sale or disposition of a specific piece of property against which a court awarded the physical custodian a judgment lien for child support; or~~

~~(iii) The collection resulted from a contempt order in a particular case.~~

~~((h)) (i) Report amounts distributed to a family, receiving public assistance, to the community services office. This requirement shall not relieve the recipient of the duty to report receipt of support money((; and~~

~~(i) Pay a family, receiving cash assistance under the aid to families with dependent children program, up to the first fifty dollars of each child support payment as provided under WAC 388-14-275)).~~

~~(4) Except as provided in subsection (3)(g) of this section, when the responsible parent has more than one Title IV-D case, DCS shall distribute support money:~~

~~(a) First, to the current support obligation on each Title IV-D case, in proportion to the amount of the current support order on each case; and~~

~~(b) Second, to the total of the support debts whether owed to the family or to the department for the reimbursement of public assistance on each Title IV-D case, in proportion to the amount of support debt owed by the responsible parent on each case; and~~

~~(c) Third, after distribution under subsection (3)(d)(ii) of this section, within each Title IV-D case according to subsection (3)(e) of this section.~~

~~(5) If ((the IV-D agency))~~ DCS receives or collects support money representing payment on the required support obligation for future months, it shall:

~~(a) Apply the support money to future months when the support debt is paid in full;~~

~~(b) Distribute the support money on a monthly basis when payments become due in the future; and~~

~~(c) Mail a notice to the last known address of the person entitled to receive support money. The notice shall inform the person that:~~

~~(i) ((The IV-D agency))~~ DCS received prepaid support money;

~~(ii) ((The IV-D agency))~~ DCS will distribute the prepaid money as support payments become due in the future; and

~~(iii) ((If the support order is a court order, the person may petition the court that entered the support order for an order requiring the immediate distribution of the prepaid support money; or~~

~~(iv) If the support order is an administrative order,))~~ The person may request a conference board under WAC 388-14-385 to determine if the prepaid support money should be immediately distributed.

~~(d) ((The IV-D agency))~~ DCS shall not mail the notice referred to in ~~((4)) (5)(c)~~ of this section if the prepaid support is equal to or less than one month's support obligation.

NEW SECTION

WAC 388-14-201 Cooperation with division of child support. (1) An applicant/recipient (also called the "client") must cooperate with the division of child support (DCS), which is the state IV-D agency, unless the department determines there is good cause not to cooperate under WAC 388-215-1400 through 388-215-1490. For purposes of this section and WAC 388-14-202, DCS includes those acting on behalf of DCS (its "representatives"), namely the prosecuting attorney, the attorney general, or a private attorney paid per RCW 74.20.350. In cases where paternity is at issue, the custodial parent of a child who receives assistance must cooperate whether or not the parent receives assistance as well.

(2) Cooperation means giving information, attending interviews, attending hearings, or taking actions to help DCS establish and collect child support. This information and assistance is necessary for DCS to:

- (a) Identify and locate the responsible parent;
- (b) Establish the paternity of the child(ren) on assistance in the client's care; and
- (c) Establish or collect support payments or resources such as property due the client or the child(ren).

(3) The client must also cooperate by sending to DCS any child support received by the client while on assistance, as required by RCW 74.20A.320. If the client keeps these payments, known as retained support, the client must sign an agreement to repay under RCW 74.20A.275, and the client must honor that agreement.

(4) There may be penalties, called sanctions, for not cooperating with DCS. These sanctions and the noncooperation process are described in WAC 388-14-202. A client will be sanctioned if:

- (a) The client does not go to scheduled interviews and answer questions;
- (b) There is credible evidence showing that the client could have given the information but did not; or
- (c) The client has been giving inconsistent or false information without a good reason.

(5) The client must be given the opportunity to swear he or she does not have the information.

(6) The client will not be sanctioned because he or she provided information on a possible parent who was then excluded by genetic testing. In this event the client must continue to cooperate in naming other possible parents and taking part in any resulting genetic testing.

(7) The client may not be able to help DCS if the client does not know, does not possess, or cannot reasonably obtain the requested information. To avoid a sanction, the client must, under penalty of perjury, attest to the lack of information in an interview held by DCS or its representative.

(8) The use of the term "client" in chapters 388-11 and 388-14 WAC reflects usage in the department of social and health services as a whole, and shall not be construed or understood to create or imply an attorney-client relationship between DCS and those receiving child support enforcement services.

NEW SECTION

WAC 388-14-202 Effects of noncooperation. (1) When the division of child support (DCS) or its representatives believe an applicant/recipient (also called "the client") is not cooperating as defined in WAC 388-14-201, a notice is sent to the client and to the community service office (CSO) of the alleged noncooperation and must explain to both the following:

(a) How the noncooperation was determined, including what actions were required;

(b) What actions must be taken to resume cooperation;

(c) That this notice was sent to the CSO;

(d) That the client may contact the CSO immediately if he or she disagrees with the notice, needs help in order to cooperate, believes the actions required are unreasonable; and

(e) That the CSO may sanction the client by either reducing or terminating the grant.

(2) The CSO will send a notice of planned action to the client as provided by WAC 388-245-1700.

(3) Either the notice of alleged noncooperation or the CSO's notice of planned action may serve as the basis for a sanction.

(4) If the noncooperation was due to missing an interview without reasonable excuse, cooperation resumes when the client appears for a rescheduled interview and either provides information or attests to the lack of information. DCS or its representative must reschedule the interview within seven business days from the date the client contacts them to reschedule an interview.

(5) If the noncooperation was due to not taking a required action, cooperation resumes when the client takes that action.

(6) The use of the term "client" in chapters 388-11 and 388-14 WAC reflects usage in the department of social and health services as a whole, and shall not be construed or understood to create or imply an attorney-client relationship between DCS and those receiving child support enforcement services.

WSR 98-10-048

PERMANENT RULES

UNIVERSITY OF WASHINGTON

[Filed April 29, 1998, 10:52 a.m.]

Date of Adoption: April 17, 1998.

Purpose: To add the School of Pharmacy to those University of Washington schools offering an advanced professional degree, and to update information on application procedures and admission to the School of Pharmacy. Also, to revise the University's course-withdrawal and course-drop policies, and to make various changes of a housekeeping nature.

Citation of Existing Rules Affected by this Order: Repealing WAC 478-160-120; and amending WAC 478-160-015, 478-160-095, 478-160-110, 478-160-150, 478-160-246, 478-160-270, 478-160-275, 478-160-280, and 478-160-295.

Statutory Authority for Adoption: RCW 28B.20.130.
Adopted under notice filed as WSR 98-05-066 on February 17, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 9, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 9, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 9, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

April 27, 1998

Rebecca Goodwin Dearnorff
Administrative Procedures Officer

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-015 Admission categories. The University of Washington offers programs of study which lead to undergraduate, graduate and (~~advance~~) advanced professional degrees and/or professional certificates.

(1) Undergraduate study includes programs of study which normally lead to a bachelor's degree.

(2) Graduate study includes programs of post-baccalaureate study normally leading to a graduate degree.

(3) Advanced professional study includes programs of study normally leading to a professional degree in medicine, dentistry (~~(or)~~), law or pharmacy.

In addition, the university has a special admissions category, nonmatriculated status, which is intended for students who have a limited educational objective which does not include a University of Washington degree or a professional certificate.

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

WAC 478-160-095 Admission to the advanced professional schools of dentistry, law, (~~and~~) medicine, and pharmacy—Policy. The dean of each of the advanced professional schools is responsible for the interpretation and administration of regulations governing the admission of students to the school.

AMENDATORY SECTION (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

WAC 478-160-110 Admission to the school of law—Application forms. Applicants to the first-year class and

applicants for admission with advanced standing may obtain application forms by contacting the following office:

University of Washington School of Law
Director of Admissions
Condon Hall
1100 N.E. Campus Parkway
Seattle, WA 98105-6617

(for internal campus mail use: Box 354600). The deadline for filing an application is determined by the University of Washington school of law and can be obtained from the address above.

NEW SECTION

WAC 478-160-142 Admission to the school of pharmacy—Application forms. Applicants to the first-year class and applicants for admission with advanced standing may obtain application forms by contacting the following office:

University of Washington School of Pharmacy
Office of Academic and Student Programs
H-362 Health Sciences Building
Box 357631
Seattle, WA 98195-7631

The deadline for filing an application is determined by the University of Washington school of pharmacy and can be obtained from the address above.

NEW SECTION

WAC 478-160-143 Admission to the school of pharmacy with advanced standing. Students in good academic standing at a school approved by the American Association of Colleges of Pharmacy may apply for admission with advanced standing.

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-150 Definition of nonmatriculated status. Nonmatriculated status is a special classification for students with a limited educational objective which does not include a University of Washington degree or a professional certificate.

Nonmatriculated students are not generally admitted for autumn, winter, or spring quarters, however, enrollment opportunities are available through University of Washington extension. Summer quarter enrollment is generally available to qualified nonmatriculated applicants.

Prospective students who wish to audit classes only must apply for nonmatriculated status.

AMENDATORY SECTION (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

WAC 478-160-246 Enrollment confirmation deposit for new and returning students for autumn, winter and spring quarters. An enrollment confirmation deposit is

required of new students and of returning students in autumn, winter and spring quarters. If space is not available when the payment is received, the payment will be returned. The ~~((fee))~~ deposit is only refundable pursuant to WAC 478-160-256.

Further information about the enrollment confirmation deposit may be obtained from the following address:

University of Washington
Registration Office
225 Schmitz Hall
Box 355850
Seattle, WA 98195-5850

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-270 Registration periods. There are ~~((four))~~ three official registration periods: Periods I - ~~((IV))~~ III. Specific dates, criteria for eligibility and procedural steps for each of the registration periods are published in the quarterly *Time Schedule*.

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-275 Late registration or course adds—Registration period III. Any student who registers after registration periods I and II will be charged a late registration service fee.

No student shall be permitted to register or add a course after the ~~((twelfth))~~ seventh calendar day of autumn, or winter, or spring quarter without instructor approval.

No student shall be permitted to register or add a course for "a" term courses and full quarter courses after the ~~((twelfth))~~ seventh calendar day of "a" term or the full quarter, or for "b" term courses after the seventh calendar day of "b" term without instructor approval. ~~((Instructor and department chair endorsed petitions for late registration shall be submitted to the office of the registrar for review and final decision.))~~

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-280 Registration changes. Specific dates for registration changes are published in the quarterly *Time Schedule*.

A student who has once registered for a course or courses may drop courses through the end of the ~~((seventh week))~~ fourteenth calendar day of the quarter. One exception per academic year (defined as September through August) is allowed through the seventh week of the quarter.

No grade will be entered on a student's permanent record for a course dropped during the first fourteen calendar days of autumn, or winter, or spring quarter.

No grade will be entered on a student's permanent record for an "a" term course dropped during the first seven calendar days of summer quarter, for a full-quarter course dropped during the first fourteen calendar days of summer quarter, or

for a "b" term course dropped during the first seven calendar days of term "b."

AMENDATORY SECTION (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

WAC 478-160-295 Military withdrawals. (1) If a student is conscripted into the armed forces or is called to active military duty, he or she may be entitled to a full refund or academic credit depending on the time of the quarter the student officially withdraws. Official withdrawals must be in writing, signed by the student, and accompanied by a copy of the student's military orders.

(2) A student who withdraws may receive credit for courses or a full refund, under the following schedule:

(a) Students who withdraw through the seventh week of the academic quarter receive a full refund of fees. No academic credit is awarded.

(b) Students who withdraw after the seventh week of the academic quarter may choose to receive academic credit or a full refund of fees.

(3) Complete information is available from the following address:

University of Washington
Registration Office
225 Schmitz Hall
Box 355850
Seattle, WA 98195-5850

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 478-160-120 Admission to the school of law with advanced standing—Application forms.

WSR 98-10-052

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed April 29, 1998, 3:45 p.m.]

Date of Adoption: April 21, 1998.

Purpose: Amend pharmaceutical license fees. It is the policy of the state of Washington that the cost of each professional licensing program be fully borne by the members of that profession. To create sufficient revenue to cover operating expenses, license fees need to be increased.

Citation of Existing Rules Affected by this Order: Amending WAC 246-907-030.

Statutory Authority for Adoption: RCW 43.70.250.

Adopted under notice filed as WSR 98-07-086 on March 17, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 29, 1998
Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-907-030 Fees and renewal cycle. (1) Pharmacist, pharmacy ~~((assistant))~~ technician, and pharmacy intern licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) Pharmacy location, controlled substance registration (pharmacy), pharmacy ~~((assistant))~~ technician utilization, and shopkeepers differential hours licenses will expire on June 1 of each year.

(3) All other licenses, including health care entity licenses, registrations, permits, or certifications will expire on October 1 of each year.

(4) The following nonrefundable fees will be charged for pharmacy location:

Title of fee	Fee
Original pharmacy fee	((\$275.00)) <u>\$330.00</u>
Original pharmacy ((assistant)) <u>technician</u> utilization fee	((50.00)) <u>60.00</u>
Renewal pharmacy fee	((200.00)) <u>240.00</u>
Renewal pharmacy ((assistant)) <u>technician</u> utilization fee	((60.00)) <u>70.00</u>
Penalty pharmacy fee	((275.00)) <u>120.00</u>

(5) The following nonrefundable fees will be charged for vendor:

Original fee	((60.00)) <u>70.00</u>
Renewal fee	((60.00)) <u>70.00</u>
Penalty fee	((60.00)) <u>50.00</u>

(6) The following nonrefundable fees will be charged for pharmacist:

((Exam fee (full exam)))	200.00
Reexamination fee (jurisprudence portion)	((40.00)) <u>45.00</u>
Original license fee	((100.00)) <u>120.00</u>
Renewal fee, active and inactive license	((105.00)) <u>125.00</u>
Renewal fee, retired license	20.00
Penalty fee	((105.00)) <u>62.50</u>
Expired license reissuance (active and inactive)	((52.50)) <u>62.50</u>
Reciprocity fee	((250.00)) <u>300.00</u>
Certification of license status to other states	20.00
Retired license	20.00
Temporary permit	((50.00)) <u>60.00</u>

(7) The following nonrefundable fees will be charged for shopkeeper:

Original fee	((25.00)) <u>30.00</u>
Renewal fee	((25.00)) <u>30.00</u>
Penalty fee	((12.50)) <u>30.00</u>

Shopkeeper - with differential hours:

Original fee	((25.00)) <u>30.00</u>
Renewal fee	((25.00)) <u>30.00</u>
Penalty fee	((12.50)) <u>30.00</u>

(8) The following nonrefundable fees will be charged for drug manufacturer:

Original fee	((450.00)) <u>540.00</u>
Renewal fee	((450.00)) <u>540.00</u>
Penalty fee	((450.00)) <u>270.00</u>

(9) The following nonrefundable fees will be charged for drug wholesaler - full line:

Original fee	((450.00)) <u>540.00</u>
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Renewal fee	((450.00)) <u>540.00</u>
Penalty fee	((450.00)) <u>270.00</u>

(10) The following nonrefundable fees will be charged for drug wholesaler - OTC only:

Original fee	((250.00)) <u>300.00</u>
Renewal fee	((250.00)) <u>300.00</u>
Penalty fee	((250.00)) <u>150.00</u>

(11) The following nonrefundable fees will be charged for drug wholesaler - export:

Original fee	((450.00)) <u>540.00</u>
Renewal fee	((450.00)) <u>540.00</u>
Penalty	((450.00)) <u>270.00</u>

(12) The following nonrefundable fees will be charged for pharmacy (~~assistant~~ Level "A") technician:

Original fee	((40.00)) <u>45.00</u>
Renewal fee	((30.00)) <u>35.00</u>
Penalty fee	((40.00)) <u>35.00</u>
Expired license reissuance	((30.00)) <u>35.00</u>

(13) The following nonrefundable fees will be charged for pharmacy intern:

Original registration fee	15.00
Renewal registration fee	15.00

(14) The following nonrefundable fees will be charged for Controlled Substances Act (CSA):

Registrations	
Dispensing registration fee (i.e. pharmacies and health care entities)	((65.00)) <u>75.00</u>
Dispensing renewal fee (i.e. pharmacies and health care entities)	((50.00)) <u>60.00</u>
Distributors registration fee (i.e. wholesalers)	((90.00)) <u>105.00</u>
Distributors renewal fee (i.e. wholesalers)	((90.00)) <u>105.00</u>
Manufacturers registration fee	((90.00)) <u>105.00</u>
Manufacturers renewal fee	((90.00)) <u>105.00</u>

Sodium pentobarbital for animal euthanization registration fee	((30.00)) <u>35.00</u>
Sodium pentobarbital for animal euthanization renewal fee	((30.00)) <u>35.00</u>
Other CSA registrations	((30.00)) <u>35.00</u>

(15) The following nonrefundable fees will be charged for legend drug sample - distributor:

Registration fees	
Original fee	((275.00)) <u>330.00</u>
Renewal fee	((200.00)) <u>240.00</u>
Penalty fee	((200.00)) <u>120.00</u>

(16) The following nonrefundable fees will be charged for poison manufacturer/seller - license fees:

Original fee	((30.00)) <u>35.00</u>
Renewal fee	((30.00)) <u>35.00</u>

(17) The following nonrefundable fees will be charged for facility inspection fee:

	((150.00)) <u>180.00</u>
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(18) The following nonrefundable fees will be charged for precursor control permit:

Original fee	((50.00)) <u>60.00</u>
Renewal fee	((50.00)) <u>60.00</u>

(19) The following nonrefundable fees will be charged for license reissue:

Reissue fee	15.00
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(20) The following nonrefundable fees will be charged for health care entity:

Original fee	((275.00)) <u>330.00</u>
Renewal	((200.00)) <u>240.00</u>
Penalty	((275.00)) <u>120.00</u>

PERMANENT

WSR 98-10-053
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed April 29, 1998, 3:53 p.m.]

Date of Adoption: April 20, 1998.

Purpose: Certificate of need program regulates health planning services to Washington state citizens.

Citation of Existing Rules Affected by this Order: Amending WAC 246-310-010, 246-310-044, 246-310-050, 246-310-080, 246-310-090, 246-310-120, 246-310-132, 246-310-150, 246-310-160, 246-310-170, 246-310-180, 246-310-395, 246-310-396, 246-310-560, and 246-310-610.

Statutory Authority for Adoption: Chapter 70.38 RCW.

Adopted under notice filed as WSR 98-05-057 on February 13, 1998.

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 3, 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 15, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 15, 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 15, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 29, 1998

Bruce Miyahara

Secretary

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-010 Definitions. For the purposes of chapter 246-310 WAC, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

"Acute care facilities" means hospitals and ambulatory surgical facilities.

(~~"Affected persons" means:~~

- ~~• The applicant;~~
- ~~• Health care facilities and health maintenance organizations providing services similar to the services under review and located in the health service area;~~
- ~~• Third-party payers reimbursing health care facilities in the health service area;~~
- ~~• Any agency establishing rates for health care facilities and health maintenance organizations in the health service area where the proposed project is to be located;~~
- ~~• Health care facilities and health maintenance organizations which, in the twelve months prior to receipt of the application, have submitted a letter of intent to provide similar services in the same planning area;~~

~~• Any person residing within the geographic area to be served by the applicant; and~~

~~• Any person regularly using health care facilities within the geographic area to be served by the applicant.)~~ "Affected person" means an interested person meeting the following criteria:

- Is located or resides in the applicant's health service area;
- Testified at a public hearing or submitted written evidence; and
- Requested in writing to be informed of the department's decision.

"Alterations," see "construction, renovation, or alteration."

"Ambulatory care facility" means any place, building, institution, or distinct part thereof not a health care facility as defined in this section and operated for the purpose of providing health services to individuals without providing such services with board and room on a continuous twenty-four-hour basis. The term "ambulatory care facility" includes the offices of private physicians, whether for individual or group practice.

"Ambulatory surgical facility" means any free-standing entity, including an ambulatory surgery center, that operates primarily for the purpose of performing surgical procedures to treat patients not requiring hospitalization. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice.

"Applicant," means:

• Any person proposing to engage in any undertaking subject to review under the provisions of chapter 70.38 RCW.

• Any person or individual with a ten percent or greater financial interest in a partnership or corporation or other comparable legal entity engaging in any undertaking subject to review under the provisions of chapter 70.38 RCW.

"Base year" as used in the kidney dialysis station methodology means the last full calendar year preceding the first year of dialysis station need projections.

"Bed banking" means the process of retaining the rights to nursing home bed allocations which are not licensed as outlined in WAC 246-310-395.

"Bed supply" means within a geographic area the total number of:

• Nursing home beds which are licensed or certificate of need approved but not yet licensed or beds banked under the provisions of RCW 70.38.111 (8)(a) or where the need is deemed met under the provisions of RCW 70.38.115 (13)(b), excluding:

• Those nursing home beds certified as intermediate care facility for the mentally retarded (ICF-MR) the operators of which have not signed an agreement on or before July 1, 1990, with the department of social and health services department of social and health services to give appropriate notice prior to termination of the ICF-MR service;

• New or existing nursing home beds within a CCRC which are approved under the provisions of WAC 246-310-380(5); or

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- Nursing home beds within a CCRC which is excluded from the definition of a health care facility per RCW 70.38.025(6); and

- Beds banked under the provisions of RCW 70.38.115 (13)(b) where the need is not deemed met.

- Licensed hospital beds used for long-term care or certificate of need approved hospital beds to be used for long-term care not yet in use, excluding swing-beds.

"Bed-to-population ratio" means the nursing home bed supply per one thousand persons of the estimated or forecasted resident population age sixty-five and older.

"Capital expenditure" means an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. The costs of any studies, surveys, designs, plans, working drawings, specifications, and other activities (including staff effort, consulting and other services which, under generally accepted accounting principles, are not properly chargeable as an expense of operation and maintenance) shall be considered capital expenditures. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required certificate of need review if the acquisition had been made by purchase, such acquisition shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a nursing home facility, which if acquired directly by such facility, would be subject to review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review.

"Certificate of need" means a written authorization by the secretary's designee for a person to implement a proposal for one or more undertakings.

"Certificate of need program" means that organizational program of the department responsible for the management of the certificate of need program.

"Commencement of the project" means whichever of the following occurs first: In the case of a construction project, giving notice to proceed with construction to a contractor for a construction project provided applicable permits have been applied for or obtained within sixty days of such notice; beginning site preparation or development; excavating or starting the foundation for a construction project; or beginning alterations, modification, improvement, extension, or expansion of an existing building. ~~((In the case of major medical equipment, installation.))~~ In the case of other projects, initiating a health service.

"Construction, renovation, or alteration" means the erection, building, remodeling, modernization, improvement, extension, or expansion of a physical plant of a health care facility, or the conversion of a building or portion thereof to a health care facility.

"Continuing care contract" means a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services. The contract is conditioned on the transfer of property, the payment of an

entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

"Continuing care retirement community (CCRC)" means any of a variety of entities, unless excluded from the definition of health care facility under RCW 70.38.025(6), which provides shelter and services based on continuing care contracts with its residents which:

- Maintains for a period in excess of one year a CCRC contract with a resident which provides or arranges for at least the following specific services:

- Independent living units;

- Nursing home care with no limit on the number of medically needed days;

- Assistance with activities of daily living;

- Services equivalent in scope to either state chore services or Medicaid home health services;

- Continues a contract, if a resident is no longer able to pay for services;

- Offers services only to contractual residents with limited exception during a transition period; and

- Holds the Medicaid program harmless from liability for costs of care, even if the resident depletes his or her personal resources.

"Days" means calendar days. Days are counted starting the day after the date of the event from which the designated period of time begins to run. If the last day of the period falls on a Saturday, Sunday, or legal holiday observed by the state of Washington, a designated period runs until the end of the first working day following the Saturday, Sunday, or legal holiday.

"Department" means the Washington state department of health.

"Effective date of facility closure" means:

- The date on which the facility's license was relinquished, revoked or expired; or

- The date the last resident leaves the facility, whichever comes first.

"End-of-the-year incenter patients" means the number of patients receiving incenter kidney dialysis at the end of the calendar year.

"End-stage renal dialysis (ESRD) service areas" means each individual county, designated by the department as the smallest geographic area for which kidney dialysis station need projections are calculated, or other service area documented by patient origin.

"Enhance the quality of life for residents" means, for the purposes of voluntary bed banking, those services or facility modifications which have a direct and immediate benefit to the residents. These shall include, but not be limited to: Resident activity and therapy facilities; family visiting rooms; spiritual rooms and dining areas. These services or facility modifications shall not include those that do not have direct and immediate benefit to the residents, such as: Modifications to staff offices; meeting rooms; and other staff facilities.

"Established ratio" means a bed-to-population ratio of forty-five beds per one thousand persons of the estimated or forecast resident population age sixty-five and older estab-

lished for planning and policy-making purposes. The department may revise this established ratio using the process outlined in WAC 246-310-370.

"Estimated bed need" means the number of nursing home beds calculated by multiplying the planning area's forecasted resident population by the established ratio for the projection year.

"Estimated bed projection" means the number of nursing home beds calculated by the department state-wide or within a planning area, by the end of the projection period.

"Ex parte contact" means any oral or written communication between any person in the certificate of need program or any other person involved in the decision regarding an application for, or the withdrawal of, a certificate of need and the applicant for, or holder of, a certificate of need, any person acting on behalf of the applicant or holder, or any person with an interest regarding issuance or withdrawal of a certificate of need.

"Expenditure minimum" means one million dollars for the twelve-month period beginning with July 24, 1983, adjusted annually by the department according to the provisions of WAC 246-310-900.

"Health care facility" means hospitals, psychiatric hospitals, nursing homes, kidney disease treatment centers including freestanding dialysis units, ambulatory surgical facilities, continuing care retirement communities, hospices and home health agencies, and includes such facilities when owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include ~~((Christian Science sanatoriums operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts))~~ any health facility or institution conducted by and for those who rely exclusively upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination, or any health facility or institution operated for the exclusive care of members of a convent as defined in RCW 84.36.800 or rectory, monastery, or other institution operated for the care of members of the clergy. In addition, the term "health care facility" does not include any nonprofit hospital:

- Operated exclusively to provide health care services for children;
- Which does not charge fees for such services; and
- If not contrary to federal law as necessary to the receipt of federal funds by the state.
- In addition, the term "health care facility" does not include a continuing care retirement community which:
 - Offers services only to contractual residents;
 - Provides its residents a contractually guaranteed range of services from independent living through skilled nursing, including some form of assistance with activities of daily living;
 - Contractually assumes responsibility for costs of services exceeding the resident's financial responsibility as stated in contract, so that, with the exception of insurance purchased by the retirement community or its residents, no third party, including the Medicaid program, is liable for costs of care even if the resident depletes personal resources;

- Offers continuing care contracts and operates a nursing home continuously since January 1, 1988, or obtained a certificate of need to establish a nursing home;

- Maintains a binding agreement with the department of social and health services assuring financial liability for services to residents, including nursing home services, shall not fall upon the department of social and health services;

- Does not operate, and has not undertaken, a project resulting in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

- Has undertaken no increase in the total number of nursing home beds after January 1, 1988, unless a professional review of pricing and long-term solvency was obtained by the retirement community within the prior five years and fully disclosed to residents.

"Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

- Is a qualified health maintenance organization under Title XIII, Section 1310(d) of the Public Health Service Act; or

- Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

- Is compensated (except for copayments) for the provision of the basic health care services listed in this subsection to enrolled participants by a payment made on a periodic basis without regard to the date the health care services are provided and fixed without regard to the frequency, extent, or kind of health service actually provided; and

- Provides physicians' services primarily:
 - Directly through physicians who are either employees or partners of such organization, or

- Through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

"Health service area" means a geographic region appropriate for effective health planning including a broad range of health services.

"Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services.

"Home health agency" means an entity which is, or has declared an intent to become, certified as a provider of home health services in the Medicaid or Medicare program.

"Hospice" means an entity which is, or has declared an intent to become, certified as a provider of hospice services in the Medicaid or Medicare program.

"Hospital" means any institution, place, building or agency or distinct part thereof which qualifies or is required to qualify for a license under chapter 70.41 RCW, or as a psychiatric hospital licensed under chapter 71.12 RCW.

"Inpatient" means a person receiving health care services with board and room in a health care facility on a continuous twenty-four-hour-a-day basis.

"Interested persons" means:

- The applicant;
- Health care facilities and health maintenance organizations providing services similar to the services under review and located in the health service area;
- Third-party payers reimbursing health care facilities in the health service area;
- Any agency establishing rates for health care facilities and health maintenance organizations in the health service area where the proposed project is to be located;
- Health care facilities and health maintenance organizations which, in the twelve months prior to receipt of the application, have submitted a letter of intent to provide similar services in the same planning area;
- Any person residing within the geographic area to be served by the applicant; and
- Any person regularly using health care facilities within the geographic area to be served by the applicant.

"Justified home training station" means a kidney dialysis station designated for home hemodialysis and/or peritoneal dialysis training. When no dialysis stations have been designated for home training at a given dialysis treatment center, one station for every six patients trained for home hemodialysis, and one station for every twenty patients for peritoneal dialysis, will be considered a justified home training station. In no case shall all stations at a given dialysis treatment center be designated as justified home training stations. To request justified home training stations at a new dialysis treatment center, the applicant must document that at least six patients are projected to be trained for home hemodialysis or twenty patients for peritoneal dialysis for each such station requested for each of the first five years of projected operations.

"Kidney disease treatment center" means any place, institution, building or agency or a distinct part thereof equipped and operated to provide services, including outpatient dialysis and/or kidney transplantation, to persons who have end-stage renal disease (ESRD).

"Licensee" means an entity or individual licensed by the department of health or the department of social and health services. For the purposes of nursing home projects, licensee refers to the operating entity and those persons specifically named in the license application as defined under chapter 388-97 WAC.

"Net estimated bed need" means estimated bed need of a planning area changed by any redistribution as follows:

- Adding nursing home beds being redistributed from another nursing home planning area or areas; or
- Subtracting nursing home beds being redistributed to another nursing home planning area or areas.

"New nursing home bed" means a nursing home bed never licensed by the state or beds banked under the provisions of RCW 70.38.115(13), where the applicant must demonstrate need for the previously licensed nursing home beds. This term does not include beds banked under the provisions of RCW 70.38.111(8).

"Nursing home" means any entity licensed or required to be licensed under the provisions of chapter 18.51 RCW or distinct part long-term care units located in a hospital and licensed under chapter 70.41 RCW.

"Obligation," when used in relation to a capital expenditure, means the following has been incurred by or on behalf of a health care facility:

- An enforceable contract has been entered into by a health care facility or by a person on behalf of the health care facility for the construction, acquisition, lease, or financing of a capital asset; or
- A formal internal commitment of funds by a health care facility for a force account expenditure constituting a capital expenditure; or
- In the case of donated property, the date on which the gift is completed in accordance with state law.

"Offer," when used in connection with health services, means the health facility provides one or more specific health services.

"Over the established ratio" means the bed-to-population ratio is greater than the state-wide current established ratio.

"Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

"Planning area" means each individual county designated by the department as the smallest geographic area for which nursing home bed need projections are developed, except as follows:

- Clark and Skamania counties shall be one planning area.
- Chelan and Douglas counties shall be one planning area.

"Predevelopment expenditures" means capital expenditures, the total of which exceeds the expenditure minimum, made for architectural designs, plans, drawings, or specifications in preparation for the acquisition or construction of physical plant facilities. "Predevelopment expenditures" exclude any obligation of a capital expenditure for the acquisition or construction of physical plant facilities and any activity which the department may consider the "commencement of the project" as this term is defined in this section.

"Professional review of continuing care retirement community pricing and long-term solvency" means prospective financial statements, supported by professional analysis and documentation, which:

- Conform to Principles and Practices Board Statement Number 9 of the Healthcare Financial Management Association, "Accounting and Reporting Issues Related to Continuing Care Retirement Communities"; and
- Project the financial operations of the continuing care retirement community over a period of ten years or more into the future; and
- Are prepared and signed by a qualified actuary as defined under WAC 284-05-060 or an independent certified public accountant, or are prepared by management of the continuing care retirement community and reviewed by a qualified actuary or independent certified public accountant who issues a signed examination or compilation report on the prospective financial statements; and
- Include a finding by management that the intended expansion project of the continuing care retirement project is financially feasible.

"Project" means all undertakings proposed in a single certificate of need application or for which a single certificate of need is issued.

"Project completion" for projects requiring construction, means the date the facility is licensed. For projects not requiring construction, project completion means initiating the health service.

"Projection period" means the three-year time interval following the projection year.

"Projection year" for nursing home purposes, means the one-year time interval preceding the projection period. For kidney dialysis station projection purposes, means the base year plus three years.

"Public comment period" means the time interval during which the department shall accept comments regarding a certificate of need application.

"Redistribution" means the shift of nursing home bed allocations between two or more planning areas or the shift of nursing home beds between two or more nursing homes.

"Replacement authorization" means a written authorization by the secretary's designee for a person to implement a proposal to replace existing nursing home beds in accordance with the eligibility requirements in WAC 246-310-044 and notice requirements in WAC 246-310-396.

"Resident population" for purposes of nursing home projects, means the number of residents sixty-five years of age and older living within the same geographic area which:

- Excludes contract holders living within a recognized CCRC:
- With approval for new nursing home beds under the provisions of WAC 246-310-380(5); or
- Excluded from the definition of a health care facility per RCW 70.38.025(6);
- Is calculated using demographic data obtained from:
 - The office of financial management; and
 - Certificate of need applications and exemption requests previously submitted by a CCRC.

"Secretary" means the secretary of the Washington state department of health or the secretary's designee.

"State Health Planning and Resources Development Act" means chapter 70.38 RCW.

"State-wide current ratio" means a bed-to-population ratio computed from the most recent state-wide nursing home bed supply and the most recent estimate of the state-wide resident population.

"Swing beds" means up to the first five hospital beds designated by an eligible rural hospital which are available to provide either acute care or nursing home services.

"Tertiary health service" means a specialized service meeting complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

"Transition period" means the period of time, not exceeding five years, between the date a CCRC is inhabited by a member, and the date it fully meets the requirements of a CCRC.

"Under the established ratio" means the bed-to-population ratio is less than the state-wide current established ratio.

"Undertaking" means any action subject to the provisions of chapter 246-310 WAC.

"Working days" excludes Saturdays, Sundays, and legal holidays observed by the state of Washington. Working days are counted in the same way as calendar days.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-044 Exemption from requirements for a certificate of need for nursing home bed replacements. (1) Provisions for exemptions.

The secretary's designee shall grant a replacement authorization exempting a facility from the requirements for a certificate of need for the replacement of existing nursing home beds under the provisions of RCW 70.38.115 (13)(a) by a nursing home meeting the eligibility requirements of this section and submitting an application, following the notice requirements in WAC (~~((246-310-396))~~ 246-310-397, which demonstrates the eligibility requirements have been met.

(2) Nursing home construction or renovation projects for the purpose of replacing nursing home beds within the same planning area, and which meet the eligibility requirements in subsection (3) of this section and the notification requirements in WAC (~~((246-310-396))~~ 246-310-397, shall not be subject to certificate of need review. Projects meeting the above requirements would include, but are not limited to:

- (a) Replacement of an existing facility at the same location;
- (b) Construction of a new nursing home or facilities for the purpose of replacing beds in the same planning area;
- (c) Renovation of an existing facility for the purpose of replacing beds; and
- (d) Redistribution of all or a portion of existing beds to an existing or new nursing home or facilities in the same planning area.

(3) Eligibility requirements. To be eligible for an exemption under this section, an applicant shall demonstrate that:

(a) The applicant is the existing licensee (as defined in WAC 246-310-010) of all affected facilities and has operated the beds at all affected facilities for at least one year immediately preceding the replacement exemption request fulfilling the requirements as specified in WAC (~~((246-310-396))~~ 246-310-397;

(b) The applicant will be the licensee at all affected facilities at the completion of the project except as allowed under the provisions of RCW 70.38.115(14);

(c) The project will not increase the total bed capacity of a planning area; and

(d) The nursing home beds being replaced will not provide nursing home services once the replacement beds are licensed.

(4) Projects must be commenced within two years following replacement authorization with a possibility of one six-month extension provided that substantial and continuing progress had been made toward commencement of the project as referenced in WAC 246-310-580.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-050 Applicability determination. (1) Any person wanting to know whether an action the person is considering is subject to certificate of need requirements (chapter 246-310 WAC) may submit a written request to the certificate of need ~~((unit))~~ program requesting a formal determination of applicability of the certificate of need requirements to the action.

(a) The written request shall include the nature and extent of any construction, changes in services, and the estimated total costs of the action.

(2) The department may request any additional written information that is reasonably necessary to make an applicability determination on the action.

(3) The department shall respond in writing to a request for an applicability determination within thirty days of receipt of the complete information needed for such determination. In the written response, the department shall state the reasons for its determination that the action is or is not subject to certificate of need requirements.

(4) Information or advice given by the department as to whether an action is subject to certificate of need requirements shall not be considered an applicability determination unless it is in written form in response to a written request submitted in accordance with provisions of this section.

(5) A written applicability determination on an action in response to a written request and based on written information shall be binding upon the department: *Provided*, The nature, extent, or cost of the action does not significantly change.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-080 Letter of intent. Any person planning to propose an undertaking subject to certificate of need review shall submit a letter of intent as follows:

(1) The letter of intent shall include the following information:

- (a) A description of the services proposed;
- (b) The estimated cost of the proposed project;
- (c) An identification of the service area.

(2) A letter of intent shall be valid for six months after the receipt of the letter by the department. If the applicant does not submit an application for the project as described in the letter within this time frame, a new letter of intent shall be required before the department accepts an application.

(3) In the event that the application proposes a project that is significantly different than that proposed in the letter of intent, the department shall consider the application the letter of intent and no further action shall be taken until the end of the thirty-day letter of intent period.

(4) Expedited or regular review. Any person proposing an undertaking subject to an expedited or regular review shall submit a letter of intent at least thirty days prior to the submission of the application.

(5) Concurrent review.

(a) Any person proposing undertakings subject to concurrent review shall submit a letter of intent according to the applicable schedule.

(b) Within thirty days following the last day of the letter of intent submittal period, the department shall determine which of the proposed undertakings compete with other proposed undertakings. Two or more undertakings within the same concurrent review cycle may be competing when the proposed undertaking would be located in the same county or planning area and/or the undertakings propose nursing home beds to be allocated from the same statewide continuing care retirement community (CCRC) bed pool as defined in WAC 246-310-380. The department shall notify applicants of competing undertakings.

(c) In the event the department determines an application submitted under concurrent review is not competing, the department may convert the review to a regular review.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-090 Submission and withdrawal of applications. (1) General.

(a) A person proposing an undertaking subject to review shall submit a certificate of need application in such form and manner and containing such information as the department has prescribed and published as necessary to such a certificate of need application.

(i) The information, which the department prescribes and publishes as required for a certificate of need application, shall be limited to the information necessary for the department to perform a certificate of need review and shall vary in accordance with and be appropriate to the category of review or the type of proposed project: *Provided however*, That the required information shall include what is necessary to determine whether the proposed project meets applicable criteria and standards.

(ii) Information regarding a certificate of need application submitted by an applicant after the department has given "notification of the beginning of review" in the manner prescribed by WAC 246-310-170 shall be submitted in writing to the department.

(iii) Except as provided in WAC 246-310-190, no information regarding a certificate of need application submitted by an applicant after the conclusion of the public comment period shall be considered by the department in reviewing and taking action on a certificate of need application. An exception to this rule shall be made when, during its final review period, the department finds an unresolved pivotal issue requires submission of further information by an applicant and the applicant agrees to an extension of the review period in order to resolve this issue as provided for in WAC 246-310-160 (2)(b), 246-310-150 (2)(c), and 246-310-140(4). ~~((The department shall furnish copies of its request to the applicant for such additional information to the appropriate advisory review agencies.))~~ The department shall give public notice of such request for additional information through the same newspaper in which the "notification of beginning of review" for the project was published. The notice shall identify the project, the nature of the unresolved

issue and the information requested of the applicant, and shall state the period of time allowed for receipt of written comments from interested persons.

(b) A person submitting a certificate of need application shall submit one original and one copy of the application to the certificate of need program of the department.

(c) On or before the last day of the applicable screening period for a certificate of need application, as prescribed in subsections (2) and (3) of this section, the department shall send a written notice to the person submitting the application stating whether or not the application has been declared complete. If an application has been found to be incomplete, the notice from the department shall specifically identify the portions of the application where the information provided has been found to be insufficient or indefinite and request supplemental information needed to complete the application.

(d) The department shall not request any supplemental information of a type not prescribed and published as being necessary to a certificate of need application for the type of project being proposed. The department may request clarification of information provided in the application.

(e) A response to the department's request for information to supplement an incomplete application shall be written.

(2) Screening and prereview activities.

(a) The department shall, within a fifteen working-day period for emergency, expedited, and regular reviews, screen the application to determine whether the information provided in the application is complete and as explicit as is necessary for a certificate of need review. This screening period shall begin on the first day after the department has received the application. In the event that the application is lacking significant information relating to the review criteria, the department may, upon notification, reserve the right to screen the application again upon receipt of the applicant's original response unless the applicant exercises option (c)(iii) of this subsection.

(b) The department shall return an incomplete certificate of need application to the person submitting the application if the department has not received a response to a request for the supplemental information sent in accordance with subsection (1)(c) of this section within forty-five days for emergency, expedited, and regular reviews unless extended by mutual agreement, and within one month for concurrent review after such request was sent.

(c) For emergency, expedited, and regular reviews, a person submitting a response to the department's request for supplemental information to complete a certificate of need application within forty-five days after the request was sent by the department, in accordance with subsection (1)(c) of this section, shall have the right to exercise one of the following options:

(i) Submission of written supplemental information and a written request that the information be screened and the applicant be given opportunity to submit further supplemental information if the department determines that the application is still incomplete;

(ii) Submission of written supplemental information with a written request that review of the certificate of need application begin without the department notifying the appli-

cant as to whether the supplemental information is adequate to complete the application; or

(iii) Submission of a written request that the application be reviewed without supplemental information.

(d) The department shall not accept responses to the department's screening letters later than ten days after the department has given "notification of beginning of review."

(e) For concurrent review a person submitting a response to the department's request for supplemental information to complete a certificate of need application within one month after the request was sent by the department, in accordance with subsection (1)(c) of this section, shall submit written supplemental information or a written request that the incomplete application be reviewed. The review shall begin in accordance with the published schedule.

(f) After receipt of a request for review of a certificate of need application, submitted in accordance with subsection (2)(c)(ii) or (iii) of this section, the department shall give notification of the beginning of review in the manner prescribed for a complete application in WAC 246-310-170.

(g) If a person requests the screening of supplemental information in accordance with subsection (2)(c)(i) of this section, such screening shall be carried out in the same number of days and in the same manner as required for an application in accordance with the provisions of subsection (1)(c) and (2)(a) of this section. The process of submitting and screening supplemental information may be repeated until the department declares the certificate of need application complete, the applicant requests that review of the incomplete application begin, or the one hundred twentieth day after the beginning of the first screening period for the application, whichever occurs first. The department shall return an application to the applicant if it is still incomplete on the one hundred twentieth day after the beginning of the first screening period and the applicant has not requested review of such incomplete application.

(3) Withdrawal of applications.

A certificate of need application shall be withdrawn from the certificate of need process if the department receives a written request for withdrawal of the application from the person submitting the application at any time before final action on such application has been taken by the secretary's designee.

(4) Resubmission of applications withdrawn or returned as incomplete.

A submission of a new certificate of need application shall be required for a certificate of need review of any undertaking for which the department has returned an incomplete application in accordance with subsection (2)(b) of this section, or for which a certificate of need application has been withdrawn in accordance with subsection (3) of this section. The content of the application should be updated as necessary before resubmission.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-120 Concurrent review process. (1) Projects for which the department may establish concurrent review schedules are identified in RCW 70.38.115(7). An

annual concurrent review has been scheduled for competing projects proposing:

(a) New nursing homes, not using bed allocations banked under the provisions of RCW 70.38.115(13);

(b) Nursing home bed additions, not using bed allocations banked under the provisions of RCW 70.38.115(13);

(c) The redistribution of beds from the following facility and service categories to nursing home beds:

(i) Acute care,

(ii) Boarding home, or

(iii) Intermediate care for the mentally retarded.

(2) Procedures for the concurrent review process shall be as follows:

(a) Submittal of initial applications.

(i) Each applicant shall submit one original and one copy of the application to the department.

(ii) Each applicant if requested in writing shall provide a copy of his or her application to the applicant of each other competing application.

(b) Screening of the initial applications.

(i) The department shall screen each initial application during the screening period of the applicable concurrent review cycle schedule.

(ii) The screening period shall begin on the first working day following the last day of the initial application submittal period for the applicable concurrent review cycle schedule.

(iii) The department by the end of the screening period of the applicable concurrent review cycle schedule, shall send a written request for supplemental information to each applicant.

(iv) Each applicant, by the end of the final application submittal period, shall respond to the department's written request for supplemental information in one of the following ways:

(A) Submitting the requested written supplemental information, or

(B) Submitting a written request that the incomplete application be reviewed without supplemental information.

(c) Reviewing of final applications.

(i) The department shall commence the review of competing applications on the date prescribed for the applicable concurrent review cycle schedule.

(ii) The total number of days in the public comment and final review periods shall not exceed one hundred and thirty-five, unless extended in accordance with subsection (2)(d) of this section.

(iii) The public comment period shall be a maximum of ninety days from the beginning of the review period, unless the public comment period is extended in accordance with subsection (2)(d) of this section. The first sixty days of the public comment period is reserved for receiving public comment and conducting a public hearing, if requested. The remaining thirty days shall be reserved for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first sixty-day period. Any ~~(interested party that:~~

~~(A) Is located or resides within the applicant's health service area;~~

~~(B) Testified or submitted evidence at a public hearing; and~~

~~(C) Requested in writing to be informed of the department's decision;))~~ affected person shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first sixty-day period.

(iv) The department shall conclude its final review and the secretary's designee shall take action on a certificate of need application within forty-five days after the end of the public comment period, unless extended in accordance with subsection (2)(d) of this section.

(d) Extending review of final applications.

(i) The public comment period shall be extended in accordance with the provisions of WAC 246-310-100.

(ii) The final review period may be extended by the department under the following provisions:

(A) The department informs each applicant of the competing applications of the existence of an unresolved pivotal issue.

(B) The department may make a written request for additional information from one or more of the applicants of the competing applications.

(C) The department shall specify in the written request a deadline for receipt of written responses.

(D) Each applicant receiving such written request may provide a written response within the specified deadline.

(E) The department may extend the final review period for all competing applications up to thirty days after the receipt of the last response to the department's request for additional information or after the specified deadline, whichever occurs first.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-132 Open heart surgery concurrent review cycle. (1) The department shall review new open heart surgery services using the concurrent review cycle in this section.

(2) Certificate of need applications shall be submitted and reviewed according to the following schedule and procedures.

(a) Letters of intent shall be submitted between the first working day and last working day of July of each year.

(b) Initial applications shall be submitted between the first working day and last working day of August of each year.

(c) The department shall screen initial applications for completeness by the last working day of September of each year.

(d) Responses to screening questions shall be submitted by the last working day of October of each year.

(e) The public review and comment period for applications shall begin on November 16 of each year. In the event that November 16 is not a working day in any year, then the public review and comment period shall begin on the first working day after November 16.

(f) The public comment period shall be limited to ninety days, unless extended according to the provisions of WAC 246-310-120 (2)(d). The first sixty days of the public comment period shall be reserved for receiving public comments and conducting a public hearing, if requested. The remaining

thirty days shall be for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first sixty-day period. Any ~~((interested party that:~~

~~(i) Is located or resides within the applicant's health service area;~~

~~(ii) Testified or submitted evidence at a public hearing; and~~

~~(iii) Requested in writing to be informed of the department's decision;)) affected person shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first sixty-day period.~~

(g) The final review period shall be limited to sixty days, unless extended according to the provisions of WAC 246-310-120 (2)(d).

(3) Any letter of intent or certificate of need application submitted for review in advance of this schedule, or certificate of need application under review as of the effective date of this section, shall be held by the department for review according to the schedule in this section.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-150 Expedited review process. (1) The expedited review process shall not exceed fifty days from the beginning of the review period unless extended in accordance with the provisions of subsection (2) of this section.

(a) The public comment period shall be limited to thirty days. The first twenty days of the public comment period shall be reserved for receiving public comments. The remaining ten days shall be for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first twenty-day period. Any ~~((interested party that:~~

~~(i) Is located or resides within the applicant's health service area;~~

~~(ii) Testified or submitted evidence at a public hearing; and~~

~~(iii) Requested in writing to be informed of the department's decision;)) affected person shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first twenty-day period.~~

(b) The department shall complete its final review and the secretary's designee shall make his or her decision on a certificate of need application under an expedited review within twenty days of the end of the public comment period.

(2) The review period for an expedited review may be extended according to the following provisions:

(a) The review period may be extended an additional forty-five days in accordance with WAC 246-310-100. The department may grant further extensions to this review period: *Provided*, The person submitting the certificate of need application gives written consent to further extension.

(b) If an issue, which is pivotal to the decision of the secretary's designee remains unresolved, the department may make one request for additional information from the person submitting the application. The department may extend its final expedited review period up to but not exceeding thirty days after receipt of the applicant's written response to the department's request for information.

(c) The department may extend its final review period upon receipt of a written request of the person submitting the application: *Provided however*, That such an extension shall not exceed sixty days.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-160 Regular review process. (1) The regular review process shall not exceed ninety days from the beginning of the review period and shall be conducted in accordance with this section unless the review period is extended in accordance with the provisions of subsection (2) of this section.

(a) The public comment period shall be limited to forty-five days. The first thirty-five days of the public comment period shall be reserved for receiving public comments and conducting a public hearing, if requested. The remaining ten days shall be reserved for the applicant to provide rebuttal statements to written or oral statements submitted during the first thirty-five day period. Any ~~((interested party that:~~

~~(i) Is located or resides within the applicant's health service area;~~

~~(ii) Testified or submitted evidence at a public hearing; and~~

~~(iii) Requested in writing to be informed of the department's decision;)) affected person shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first thirty-five day period.~~

(b) The department shall complete its final review and the secretary's designee shall make a decision on a certificate of need application within forty-five days of the end of the public comment period.

(2) The review period for a regular review may be extended according to the following provisions:

(a) The public comment period may be extended for up to an additional forty-five days in accordance with WAC 246-310-100. The department may grant further extensions to this review period: *Provided*, The person submitting the certificate of need application gives written consent to such further extensions.

(b) If an issue, which is pivotal to the decision of the secretary's designee remains unresolved, the department may make one request for additional information from the person submitting the application. The department may extend its final review period up to but not exceeding thirty days after receipt of the applicant's written response to the department's request for information.

(c) The department may extend either the public comment period or the department's final review period upon receipt of a written request of the person submitting the application: *Provided however*, That such an extension shall not exceed ninety days.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-170 Notification of beginning of review. (1) Notice required.

The department shall provide written notification of the beginning of the review of a certificate of need application and notification of the beginning of the review of a proposed withdrawal of a certificate of need to ~~((affected))~~ interested persons and any other person submitting a written request that the person's name be on the mailing list for such notice. Notification of the beginning of the review of a certificate of need application shall be provided through a newspaper of general circulation in the health service area of the project.

(2) Specific notice requirements.

(a) The department shall give "notification of the beginning of review" of an application after the department has received an application or the applicant's request, submitted in accordance with WAC 246-310-090 (2)(c), that review of the application begin. Such notice shall be given according to the following requirements:

(i) Emergency review.

When an application is being reviewed under the emergency review process, required notices shall be given within five working days following the receipt of a complete application or the applicant's written request that review of the application begin.

(ii) Expedited and regular review.

When an application is being reviewed under the expedited or regular review process, required notices shall be given within five working days of a declaration that the application is complete or the applicant's request that review of the application begin.

(b) The department shall give notification of the beginning of the review of a proposed withdrawal of a certificate of need when the department determines there may be good cause to withdraw a certificate of need.

(c) The notices shall include:

(i) The procedures for receiving copies of applications, supplemental information and department decisions;

(ii) A general description of the project;

(iii) In the case of a proposed withdrawal of a certificate of need, the reasons for the proposed withdrawal;

(iv) The proposed review schedule;

(v) The period within which one or more ~~((affected))~~ interested persons may request a public hearing;

(vi) The name and address of the agency to which a request for a public hearing should be sent;

(vii) The manner in which notification will be provided of the time and place of any hearing so requested;

(viii) Notice that any ~~((affected))~~ interested person wishing to receive notification of a meeting on the application called by the department after the end of the public comment period shall submit a written request to the department to receive notification of such meetings; and

(ix) The period within which any ~~((affected))~~ interested person may request notification of the meetings referenced in subsection (2)(c)(viii) of this section.

(d) The notices to other ~~((affected))~~ interested persons shall be mailed on the same date the notice to the public is mailed to the newspaper for publication.

(3) Beginning of review.

(a) Review of a certificate of need application under the expedited or regular review process shall begin on the day the department sends notification of the beginning of review to

the general public and other ~~((affected))~~ interested persons unless the department has received a written request from the applicant pursuant to WAC 246-310-090 (2)(c)(iii), in which case review shall begin upon receipt of such request.

(b) Review of certificate of need applications under the concurrent review process shall begin fifteen days after the conclusion of the published time period for the submission of final applications subject to concurrent review.

(c) Review of a certificate of need application under emergency review shall begin on the first day after the date on which the department has determined the application is complete, or has received a written request to begin review submitted by the applicant in accordance with WAC 246-310-090 (2)(c).

(d) Review of a proposed withdrawal of a certificate of need shall begin on the day the department sends notification of the beginning of review to the general public and to other ~~((affected))~~ interested persons.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-180 Public hearings. (1) "Opportunity for a public hearing," as used in this section, shall mean a public hearing will be conducted if a valid request for such a hearing has been submitted by one or more ~~((affected))~~ interested persons.

(2) The department shall provide opportunity to ~~((affected))~~ interested persons for a public hearing on:

(a) A certificate of need application under review, unless the application is being reviewed according to the emergency or expedited review processes; and

(b) The proposed withdrawal of a certificate of need.

(3) To be valid, a request for a public hearing on a certificate of need application or on the proposed withdrawal of a certificate of need shall:

(a) Be submitted in writing;

(b) Be received by the department within fifteen days after the date on which the department's "notification of beginning of review" for the particular certificate of need application or proposed withdrawal of a certificate of need was published in a newspaper of general circulation; and

(c) Include identification of the particular certificate of need application or proposed certificate of need withdrawal for which the public hearing is requested and the full name, complete address, and signature of the person making the request.

(4) The department shall give written notice of a public hearing conducted pursuant to this section.

(a) Written notice shall be given to ~~((affected))~~ interested persons and the public at least fifteen days prior to the beginning of the public hearing.

(b) The notices shall include: Identification of the certificate of need application or certificate of need on which the public hearing is to be conducted and the date, time, and location of the public hearing.

(c) Notice to the general public to be served by the proposed project to which the certificate of need application or certificate of need pertains shall be through a newspaper of general circulation in the health service area of the proposed

project. The notices to other (~~affected~~) interested persons shall be mailed on the same date the notice to the public is mailed to the newspaper for publication.

(5) In a public hearing on a certificate of need application or on a proposed withdrawal of a certificate of need, any person shall have the right to be represented by counsel and to present oral or written arguments and evidence relevant to the subject matter of the hearing. Any person affected by the matter may conduct reasonable questioning of persons who make relevant factual allegations.

(6) The department shall maintain a verbatim record of a public hearing and shall not impose fees for the hearing.

(7) The department shall not be required to conduct a public hearing on a certificate of need application being reviewed according to the emergency or expedited review procedures.

(8) The department may conduct a public hearing in the absence of a request as identified in subsection (3) of this section, if the department determines it is in the best interest of the public.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-395 Nursing home bed banking for alternative use notice requirements. In the case of a nursing home licensee, requesting to convert some of the nursing home beds to an alternative use, as defined in RCW 70.38.111(8), or reduce the number of beds per room to two or one, or otherwise enhance the quality of life for residents and preserve the right to later convert the original portion of the facility back to skilled nursing care, the nursing home shall give notice of intent to preserve its conversion options to the department of health.

(1) Notice of the nursing homes intent to preserve conversion options shall be given to the department of health no later than thirty days after the effective date of the license modification made by the nursing home licensing authority. Such notices shall be signed by the licensee and include the following:

(a) A description of the alternative service to be provided or a description of how the proposed bed banking will have a direct and immediate benefit to the quality of life of the residents and a listing of the number of beds, by room number;

(b) A projected timeline for implementation; and

(c) In the event the nursing home licensee, as defined by WAC 246-310-010, is not the nursing home owner, the licensee shall (~~provide a written statement indicating~~) document whether the building owner(~~'s approval of the bed reduction~~) has a secured interest in the beds.

- If the building owner does have a secured interest in the beds, the licensee shall provide a written statement, signed by the building owner, indicating approval of the bed reduction.
- If the building owner does not have a secured interest in the beds, the licensee shall provide documentation showing that the building owner has been notified of the bed reduction.

(2) The department shall notify the nursing home, as to whether the proposal meets the requirements of RCW

70.38.111 (8)(a) and if conversion rights are recognized. The nursing home does not forfeit its right to bank beds under this section if the department does not respond within this thirty-day time frame, nor does the nursing home obtain rights that it otherwise would not have under applicable statutes or rules if the department does not respond within the thirty-day time frame.

(3) The licensee shall notify the department of health at the time the alternative service or services commences.

(4) Notice of intent to convert beds back to nursing home bed use shall be given to the department of health and the department of social and health services (~~no later than one year~~) a minimum of ninety days prior to the effective date of the licensure modification made by the nursing home licensing authority reflecting the restored beds unless construction is required to convert the beds back. In the event the beds are not converted back to nursing home beds within sixty days of the date stated in the notice of intent, a notice of intent will need to be resubmitted (~~no later than one year~~) a minimum of ninety days prior to the effective date of the licensure modification.

(5) In the event construction is required to convert beds back to nursing home bed use, notice shall be given to the department of health and department of social and health services (~~no later than two~~) a minimum of one year(s) prior to the effective date of licensure modification made by the nursing home licensing authority reflecting the restored beds. The same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds shall be complied with unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers. In the event the beds are not converted back to nursing home beds within sixty days of the date stated in the notice of intent, a notice of intent will need to be resubmitted (~~no later than two~~) a minimum of one year(s) prior to the effective date of the licensure modification. The term "construction," as used in this section, is limited to those projects that are expected to equal or exceed the expenditure minimum amount, as determined under chapter 70.38 RCW.

(6) Prior to any license modification to convert beds back to nursing home beds under this section, the licensee must demonstrate that the nursing home meets the certificate of need exemption requirements under WAC 246-310-043.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-396 Nursing home bed banking requirements for full facility closure. In the case of a nursing home licensee, as defined in WAC 246-310-010 ceasing operation as a nursing home or any other party who has secured an interest in the beds and requesting to retain the nursing home bed allocation, pursuant to RCW 70.38.115 (13)(b), the licensee or other party who has secured an interest in the beds shall give notice to the department of health.

(1) Notice of the nursing homes intent to retain the nursing home bed allocation shall be given to the department of health no later than thirty days after the effective date of the

homes closure. Such notices shall be signed by the licensee and include the following:

- (a) The name of the facility ceasing operation;
- (b) The number of beds in the bed allocation to be retained;
- (c) Documentation of the effective date of the facility closure;
- (d) The name, address, and telephone number of a contact person;
- (e) Documentation as to whether the applicant is the licensee who has operated the beds for at least one year immediately preceding the reservation of the beds; and
- (f) In the event the nursing home licensee, as defined by WAC 246-310-010, is not the nursing home owner, the licensee shall ~~((provide a written statement indicating))~~ document whether the building owner~~((s approval of the facility's closure))~~ or other party has a secured interest in the beds.

- If the building owner or other party does have a secured interest in the beds, the licensee shall provide a written statement, signed by the building owner or other party, indicating approval of the facility's closure.
- If the building owner or other party does not have a secured interest in the beds, the licensee shall provide documentation showing that the building owner or other party has been notified of the facility's closure.

(2) Notice shall be in written form addressed to the certificate of need program and signed by an authorized representative of the nursing home or other party who has secured an interest in the beds.

(3) The department shall respond within thirty days of the notice confirming that the rights to the bed allocation have been retained and the date the retained bed right will expire, provided no certificate of need is issued to replace the beds. The nursing home does not forfeit its right to bank beds under this section if the department does not respond within the thirty-day time frame, nor does the nursing home obtain rights that it otherwise would not have under applicable statutes or rules if the department does not respond within the given time frame.

(4) Certificate of need review shall be required for any party who has reserved the nursing home beds except that the need criteria shall be deemed met when the applicant is the licensee who has operated the beds for at least one year immediately preceding the reservation of the beds, and who is replacing the beds in the same planning area.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-560 Provision for reconsideration decision. (1) Any ~~((person))~~ interested or affected person may, for good cause shown, request a public hearing for the purpose of reconsideration of the decision of the secretary's designee on a certificate of need application or withdrawal of a certificate of need.¹

(2) The department shall conduct a reconsideration hearing if it finds the request is in accord with the following requirements:

(a) The request for a reconsideration hearing shall be written, be received by the department within twenty-eight days of the department's decision on the certificate of need application or withdrawal of the certificate of need, state in detail the grounds which the person requesting the hearing believes to show good cause, and be signed by the person making the request.

(b) Grounds which the department may deem to show good cause for a reconsideration hearing shall include but not be limited to the following:

(i) Significant relevant information not previously considered by the department which, with reasonable diligence, could not have been presented before the department made its decision;

(ii) Information on significant changes in factors or circumstances relied upon by the department in making its findings and decision; or

(iii) Evidence the department materially failed to follow adopted procedures in reaching a decision.

(3) Scheduling of a reconsideration hearing shall ~~((commence))~~ occur within thirty days after receipt of ~~((the))~~ an approved request for ~~((the))~~ a hearing.

(4) Notification of a public reconsideration hearing on a certificate of need application or withdrawal of a certificate of need shall be sent prior to the date of such hearing by the department to the following:

(a) The person requesting the reconsideration hearing;

(b) The person submitting the certificate of need application which is under reconsideration or the holder of the certificate of need;

(c) Health care facilities and health maintenance organizations located in the health service area where the project is proposed to be located providing services similar to the services under review;

(d) In the case of a concurrent review, other applicants competing as described in WAC 246-310-080; and to

(e) Other persons requesting the department to send them such notification.

(5) The department shall, within forty-five days after the conclusion of a reconsideration hearing, make written findings stating the basis of the decision made after such hearing.

(6) The secretary's designee may, upon the basis of the department's findings on a reconsideration hearing, issue or reissue, amend, revoke, or withdraw a certificate of need or impose or modify conditions on a certificate of need for the project about which the reconsideration hearing was conducted.

(7) An applicant requesting a reconsideration hearing under the provisions of this section does not forfeit his or her rights to an adjudicative appeal under the provisions of WAC 246-310-610.

Note: ¹No fee will be charged for a reconsideration hearing.

AMENDATORY SECTION (Amending WSR 96-24-052, filed 11/27/96, effective 12/28/96)

WAC 246-310-610 Adjudicative proceeding. (1) An applicant denied a certificate of need or a certificate holder

whose certificate was suspended or revoked has the right to an adjudicative proceeding.

(2) A certificate applicant or holder contesting a department certificate decision shall within twenty-eight days of receipt of the department's decision or reconsidered decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the (~~Office of Professional Standards~~) Adjudicative Clerk Office, Department of Health, 2413 Pacific Avenue, P.O. Box (~~(47872)~~) 47879, Olympia, WA 98504-~~((7872))~~ 7879; and

(b) Include in or with the application:

(i) A specific statement of the issue or issues and law involved;

(ii) The grounds for contesting the department decision; and

(iii) A copy of the contested department decision.

(3) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 246-08 WAC. If a provision in this chapter conflicts with chapter 246-08 WAC, the provision in this chapter governs.

(4) Any health care facility or health maintenance organization that:

(a) Provides services similar to the services provided by the applicant and under review pursuant to this subsection;

(b) Is located within the applicant's health service area; and

(c) Testified or submitted evidence at a public hearing held pursuant to RCW 70.38.115(9), shall be provided an opportunity to present oral or written testimony and argument in a proceeding under RCW 70.38.115 (10)(a) provided that the health care facility or health maintenance organization had, in writing, requested to be informed of the department's decision. If the department desires to settle with the applicant prior to the conclusion of the adjudicative proceeding, the department shall so inform the health care facility or health maintenance organization and afford them the opportunity to comment, in advance, on the proposed settlement.

WSR 98-10-054
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed April 30, 1998, 10:30 a.m.]

Date of Adoption: April 30, 1998.

Purpose: This new rule sets eligibility and performance standards for a new legislatively mandated program for certain temporary assistance to needy families (TANF) and state family assistance (SFA) participants. Implements the Work-First community jobs program as required by EHB 3901, 1997 session.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.050.

Other Authority: RCW 74.08A.320.

Adopted under notice filed as WSR 97-23-085 on November 19, 1997 and WSR 98-07-042 on March 12, 1998.

Changes Other than Editing from Proposed to Adopted Version: (1) WAC 388-310-1300(3) moved to WAC 388-218-1390 (1)(a); (2) clarifying language has been added to WAC 388-310-1300(7) for the treatment of income for food stamp purposes; (3) clarifying language has been added to WAC 388-310-1300(9) to avoid issues with Fair Labor Standards Act (FLSA); (4) clarifying language regarding the expectations of the program has been added to WAC 388-130-1300(10); (5) language in WAC 388-310-1300(11) has been changed to show the grant amount is determined by the new language in new WAC 388-218-1390(2).

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 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 30, 1998

Edith M. Rice, Chief
Office of Legal Affairs

NEW SECTION

WAC 388-310-1300 Community jobs wage subsidy program. The community jobs wage subsidy program is to allow participants to gain skills and experience in a temporary position which helps them move into unsubsidized employment as quickly as possible. In all instances, the term 'department' refers to the department of social and health services (DSHS). The state department of community, trade and economic development (DCTED) administers the community jobs program. DCTED selects community jobs contractors (CJC) by using a competitive "requests for proposal" (RFP) process. DCTED, based upon the successful proposals, develops contracts specific to each selected community jobs contractor.

(1) WorkFirst case managers may assign a TANF/SFA participant to a community jobs (CJ) position when:

(a) The participant has an unsuccessful job search;

(b) The case manager determines the participant needs a supportive work environment to help them become more employable; and

(c) The participant's monthly cash grant is sufficient to pay their community jobs wages for twenty hours per week at the federal minimum wage.

(2) The department uses a participant's grant to provide a wage subsidy to the community jobs contractor.

(3) The CJs develop and manage the CJ positions, pay the wages and provide support services.

(4) Once hired, the department will authorize the participant's wage subsidy for no longer than nine TANF/SFA payment months in that specific position.

(5) CJs may not hire participants into a community jobs position to do work related to religious, electoral or partisan political activities.

(6) Community jobs participants are employees of the community jobs contractor(s).

(7) Wages from the community jobs wage subsidy program are fully attributable to diverted public assistance funds. These wages are not "earned income" for purposes of eligibility for the WorkFirst fifty percent-earned income disregard. For the food stamp program, consider these wages and any grant supplement as TANF grant monies.

(8) The department shall review the appropriateness for continued participation in a community jobs position every ninety days during the nine-month placement. This review shall include:

(a) A review of any earned or unearned income received by the participant or other member of the assistance unit; and

(b) A review of continued TANF/SFA eligibility.

(9) Community jobs participants work an average of twenty hours per week at a gross wage of four hundred forty-two dollars and ninety cents per month, which is at least equal to the federal minimum wage. CJ participants are eligible for a twenty percent "work expense" income disregard applied to their gross pay for DSHS purposes when determining TANF/SFA residual grant amounts. In no instance may the net wages earned in a community jobs position exceed the participant's authorized TANF/SFA monthly grant amount.

(10) Community jobs participants earn sick leave and annual leave according to the rates designated for part-time employment by their employer (community jobs contractor). If the employer has no guidelines, participants earn sick leave at a rate of four hours each month and vacation leave at a rate of four hours each month. If they exhaust all leave and miss work time, a community jobs participant is expected to make up the missed time; total work is not to exceed forty hours per week. There is no cash-out value to the participant for accrued sick and vacation leave hours remaining at the end of the community jobs assignment.

(11) The amount of the CJ participant's TANF/SFA monthly grant shall be determined as stated in WAC 388-218-1390(2).

(12) Only those employers who take actions that enable a participant to move into other unsubsidized employment will be considered for additional subsidized employees.

(13) The following categories of employers will be considered for employment sites for participants in the community jobs wage subsidy program:

(a) Federal, state or local governmental agencies, and tribal governments; and

(b) Private and tribal nonprofit businesses, charities, and educational institutions.

WSR 98-10-055

PERMANENT RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Adult Services)

[Filed April 30, 1998, 10:35 a.m.]

Date of Adoption: April 30, 1998.

Purpose: The rule and especially new chapter 388-79 WAC will implement RCW 43.20B.460 and part of RCW 11.92.180, and are designed to comply with the health care financing compliance requirements for the Medicaid program. The annual updates of the community spouse allowance are provided to make the emergency filing permanent.

Statutory Authority for Adoption: RCW 11.92.180 and 43.20B.460.

Adopted under notice filed as WSR 98-03-085 on January 21, 1998 and WSR 98-05-053 on February 13, 1998.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-79-010, language common to several sections was moved to this first section where it is applicable to all.

WAC 388-79-020, in subsection (1), the subsection about itemized costs was deleted as the result of comments that such itemization is often required by the courts. In subsection (2), the word department was added for consistency.

WAC 388-79-030, language from several sections that was common to all was moved to the first section where it is applicable to all sections. The date was changed because of the continuance of the hearing. Changes are made for clarity and to agree with other sections that are changed.

WAC 388-79-040, changes are made for clarity and to agree with other sections that are changed. Date is changed. Section was rewritten after discussion with the guardianship community.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 4, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, 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.

April 30, 1998

Edith M. Rice, Chief
Office of Legal Affairs

Chapter 388-79 WAC

GUARDIANSHIP FEES FOR CLIENTS OF THE
DEPARTMENTNEW SECTION

WAC 388-79-010 Applicability and reason for the chapter. It is the intent of this WAC to carry out RCW 43.20B.460, and that part of RCW 11.92.180 which allows the department to set maximum fees and administrative costs allowed by courts in guardianships for a department of social and health services (DSHS) client residing in a nursing facility or in a residential or home setting, and who is required by DSHS to contribute a portion of their income towards the cost of residential or supportive services.

NEW SECTION

WAC 388-79-020 Definitions. "Administrative costs" means necessary costs paid by the guardian including attorney fees and costs of service of process at the least expensive level.

(2) **"Department client"** means a person who has been approved to receive a grant or program administered by the department.

NEW SECTION

WAC 388-79-030 Guardianship fees and administrative costs including attorney fees. The superior court may allow guardianship fees and administrative costs in an amount set out in an order. For orders entered after June 15, 1998, for a department client where the order establishes or continues a legal guardianship, and requires a future review or accounting; then unless otherwise modified by the process described in WAC 388-79-040:

(1) The amount of guardianship fees shall not exceed one hundred seventy-five dollars per month;

(2) The amount of administrative costs directly related to establishing a guardianship for a department client shall not exceed seven hundred dollars; and

(3) In any order on review the amount of administrative costs shall not exceed a total of six hundred dollars during any three-year period.

NEW SECTION

WAC 388-79-040 Procedure to revise award letter. After June 15, 1998 where a department client is subject to a guardianship then the department shall be entitled to notice of proceedings as described in RCW 11.92.150.

(1) The notice shall be given to the appropriate regional administrator of the program serving the department client. A list of the regional administrators will be available upon request.

(2) If the fees and costs requested and established by the order are equal to or lower than the maximum amount set by this rule then the award letter or document setting the depart-

ment's client's participation shall be adjusted to reflect that amount upon receipt by the department of the court order setting a monthly amount.

(3) Should fees and costs above those requested in WAC 388-79-030 be requested:

(a) The appropriate Regional Administrator will be given notice of the hearing as described in RCW 11.92.150, and provided with copies of all supporting documents filed with the court.

(b) Should the court determine after consideration of the facts, law and evidence of the case, that fees and costs higher than normally allowed in WAC 388-79-030 are just and reasonable and should be allowed then the award letter or document setting the department client's participation shall be adjusted to reflect that amount upon receipt by the department of the court order setting a monthly amount.

WSR 98-10-067

PERMANENT RULES

GAMBLING COMMISSION

[Order 357—Filed May 1, 1998, 3:25 p.m., effective July 1, 1998]

Date of Adoption: April 10, 1998.

Purpose: Change clarifies the prohibitions and explains the intent behind the restrictions on holding an interest in businesses at different marketing levels.

Citation of Existing Rules Affected by this Order: Amending WAC 230-30-225.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 98-06-027 on February 24 [25], 1998 with a publication date of March 18, 1998.

Changes Other than Editing from Proposed to Adopted Version: The entire new section was deleted except for subsection (5). Subsection (5), relating to spouses of substantial interest holders, is reworded so that the standard is "not material" rather than "no" potential for involvement or influence in the business. Also, subsection (5) makes reference to WAC 230-30-220, i.e. "except as otherwise provided in WAC 230-30-220."

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: July 1, 1998.

Soojin Kim

Rules and Policy Coordinator

NEW SECTION

WAC 230-30-225 Interest in separate business involving punch boards and pull-tabs at a different marketing level prohibited—Effect of spouse's interest. *If my spouse is a substantial interest holder in a punch board or pull-tab operator, manufacturer, or distributor, will I be considered a substantial interest holder in the same business?*

Except as otherwise provided in WAC 230-30-220, the spouse of an individual who is a holder of a substantial interest in a business involved in punch boards or pull-tabs may not be considered a substantial interest holder in such business if, after considering the entire circumstances surrounding the relationship and business, the director finds the potential for involvement or influence in the business by the spouse is not material. When spouses are involved in both the operation of and/or the supply of punch boards and pull-tabs, the director may impose additional requirements on either licensee, including, but not limited to prohibiting a manufacturer or distributor from making sales or providing services to an operator:

- (a) Community or marital property agreements;
- (b) Separate property agreements;
- (c) Prenuptial agreements; or
- (d) Wills and codicils.

WSR 98-10-073
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 4, 1998, 10:30 a.m., effective January 1, 1999]

Date of Adoption: May 4, 1998.

Purpose: Guarding mechanical power-transmission apparatus.

The intention of this rule making is to produce regulations that are clearly understood and easy to follow. The protections offered by the rule have neither been strengthened nor lessened, but are intended to be equal to the protection currently offered. The adopted rule offers the employer more flexibility in determining how to comply with the requirements.

The regulations for guarding power transmission apparatus are being amended to reflect:

- Plain language clarifications.
- Requirements for employers to protect employees from hazards *instead of* requiring specific methods of guarding specific machinery.
- Elimination of regulations that are technologically out of date.
- Elimination of redundant regulations.
- General requirements followed by additional specifications or exceptions.

Chapter 296-24 WAC, General safety and health standards.

WAC 296-24-205 Mechanical power-transmission apparatus.

State-initiated amendments are made to:

- Change the section title to "Safeguarding power transmission parts."

WAC 296-24-20501 Definitions.

State-initiated amendments are made to:

- Change the section title to "What is an employer's duty to protect employees from hazards of power transmission parts?"
- Eliminate the definitions.
- Implement a general requirement for the employer to protect employees against hazards associated with power transmission parts.
- Offer the employer a range of methods of complying with the rule.

WAC 296-24-20503 General requirements.

State-initiated amendments are made to:

- Change the section title to "What requirements must guards meet?"
- Eliminate the specification requirements.
- Outline the requirements that a guard must meet to be considered an adequate safeguard.

WAC 296-24-20505 Prime-mover guards.

State-initiated amendments are made to:

- Change the section title to "What requirements must devices meet?"
- Eliminate the prime-mover guard specification requirements.
- Outline the requirements that a device must meet to be considered an adequate safeguard.

WAC 296-24-20507 Shafting.

State-initiated amendments are made to:

- Change the section title to "What requirements must safeguarding by distance meet?"
- Eliminate the shafting specification requirements.
- Outline the requirements that safeguarding by distance must meet to be considered an adequate safeguard.

WAC 296-24-20509 Pulleys.

State-initiated amendments are made to:

- Change the section title to "What requirements must safeguarding by location meet?"
- Eliminate the pulley specification requirements.
- Outline the requirements that safeguarding by location must meet to be considered an adequate safeguard.

WAC 296-24-20511 Belt, rope, and chain drives.

State-initiated amendments are made to:

- Change the section title to "What other responsibilities beyond safeguarding does an employer have to protect employees from power transmission parts?"
- Eliminate the belt, rope, and chain drive specification requirements.
- Outline the additional requirements an employer must meet to eliminate hazards associated with power transmission parts.

WAC 296-24-20513 Gears, sprockets, and chains.

State-initiated amendments are made to:

- Change the section title to "When may a guard-rail be used as a safeguard?"
- Eliminate the gears, sprockets, and chains specification requirements.
- List the circumstances under which an employer may substitute a guardrail for other safeguarding requirements.

WAC 296-24-20515 Guarding friction drives.

State-initiated amendments are made to:

- Change the section title to "What are the additional requirements for flywheels?"
- Eliminate the specification requirements for friction drives.
- List the special safeguarding requirements that apply only to flywheels.

WAC 296-24-20517 Keys, setscrews, and other projections.

State-initiated amendments are made to:

- Change the section title to "What are the additional requirements for shafting?"
- Eliminate the specification requirements for keys and setscrews.
- List the special safeguarding requirements that apply only to shafting.

WAC 296-24-20519 Collars and couplings.

State-initiated amendments are made to:

- Change the section title to "What are the additional requirements for pulleys?"
- Eliminate the specification requirements for collars and couplings.
- List the special safeguarding requirements that apply only to pulleys.

WAC 296-24-20521 Bearings and facilities for oiling.

State-initiated amendments are made to:

- Change the section title to "What are the additional requirements for belt, rope, and chain drives?"
- Eliminate the specification requirements for oiling facilities.
- List the special safeguarding requirements that apply only to belt, rope, and chain drives.

WAC 296-24-20523 Guarding of clutches, cutoff couplings, and clutch pulleys.

State-initiated amendments are made to:

- Change the section title to "What are the additional requirements for gears?"
- Eliminate the specification requirements for clutches.
- List the special safeguarding requirements that apply only to gears.

WAC 296-24-20525 Belt shifters, clutches, shippers, poles, perches, and fasteners.

State-initiated amendments are made to:

- Change the section title to "What are the additional requirements for belt shifters?"

- Eliminate the specification requirements for belt shifters.
- List the special safeguarding requirements that apply only to belt shifters.

WAC 296-24-20527 Standard guards—General requirements.

State-initiated amendments are made to:

- Change the section title to "What are the alternate safeguarding requirements that apply to sewing machines?"
- Eliminate the specification requirements for guards.
- List the alternative safeguarding methods for sewing machines.

WAC 296-24-20529 Disk, shield, and "U" guards.

State-initiated amendments are made to:

- Change the section title to "Reserved for appendix."
- Eliminate the specification requirements for guards.

WAC 296-24-20531 Approved materials.

State-initiated amendments are made to:

- Change the section title to "Reserved for appendix."
- Eliminate the specification requirements for materials.

WAC 296-24-20533 Care of equipment.

State-initiated amendments are made to:

- Change the section title to "Reserved for appendix."
- Eliminate the specification requirements for care of equipment that are now contained in other sections.

Chapter 296-301 WAC, Textile industry standards.**WAC 296-301-020 General safety requirements.**

State-initiated amendments are made to:

- Bring the textile-specific requirements into the textiles chapter.

Citation of Existing Rules Affected by this Order: Amending Chapter 296-24 WAC, General safety and health standards, WAC 296-24-205 Mechanical power-transmission apparatus, 296-24-20501 Definitions, 296-24-20503 General requirements, 296-24-20505 Prime-mover guards, 296-24-20507 Shafting, 296-24-20509 Pulleys, 296-24-20511 Belt, rope, and chain drives, 296-24-20513 Gears, sprockets, and chains, 296-24-20515 Guarding friction drives, 296-24-20517 Keys, setscrews, and other projections, 296-24-20519 Collars and couplings, 296-24-20521 Bearings and facilities for oiling, 296-24-20523 Guarding of clutches, cutoff couplings, and clutch pulleys, 296-24-20525 Belt shifters, clutches, shippers, poles, perches, and fasteners, 296-24-20527 Standard guards—General requirements, 296-24-20529 Disk, shield, and "U" guards, 296-24-20531 Approved materials, and 296-24-20533 Care of equipment; chapter 296-301 WAC, Textile industry standards, WAC 296-301-020 General safety requirements.

Statutory Authority for Adoption: RCW 49.17.010, [49.17.]040, [49.17.]050.

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Effective Date of Rule: January 1, 1999.

May 4, 1998

Gary Moore

Director

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-205 (~~(Mechanical power transmission apparatus.)~~) **Safeguarding power transmission parts.**

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-24-20501 (~~(Definitions.)~~) **What is an employer's duty to protect employees from hazards of power transmission parts?** (((1) "Belts" include all power transmission belts, such as flat belts, round belts, V-belts, etc., unless otherwise specified.

(2) "Belt shifter" means a device for mechanically shifting belts from tight to loose pulleys or vice versa, or for shifting belts on cones of speed pulleys.

(3) "Belt pole" (sometimes called a "belt shipper" or "shipper pole") means a device used in shifting belts on and off fixed pulleys on line or countershaft where there are no loose pulleys.

(4) "Enclosed" for vertical and inclined belts means that only the portion of a belt that is seven feet or less from the floor is required to be enclosed by a guard.

(5) "Exposed to contact" means that the location of an object is such that a person is likely to come into contact with it and be injured.

(6) "Flywheels" include flywheels, balance wheels, and flywheel pulleys mounted and revolving on crankshaft of engine or other shafting.

(7) "Fully enclosed" applies to the sides of a power transmission system not guarded by location as described in WAC 296-24-20511 (1)(a), which includes both runs of a horizon-

tal belt, pulley, and flywheel. Small units with slightly inclined belts are included in this category.

(8) "~~Maintenance runway~~" means any permanent runway or platform used for oiling, maintenance, running adjustment, or repair work, but not for passageway.

(9) "Nip point belt and pulley guard" means a device which encloses the pulley and is provided with rounded or rolled edge slots through which the belt passes.

(10) "Point of operation" means that point at which cutting, shaping, or forming is accomplished upon the stock and shall include such other points as may offer a hazard to the operator in inserting or manipulating the stock in the operation of the machine.

(11) "Prime movers" include steam, gas, oil, and air engines, motors, steam and hydraulic turbines, and other equipment used as a source of power.

(12) "Sheaves" mean grooved pulleys and shall be so classified unless used as flywheels. (1) An employer must protect employees from the hazards of power transmission parts created by:

(a) Moving objects;

(b) Flying objects;

(c) Falling objects; and

(d) Inherently hazardous surfaces, such as sharp edges, burrs, and protruding nails and bolts.

"Power transmission parts" means the mechanical components of a piece of equipment that, together with a source of power (sometimes referred to as a prime mover), provide the motion to a part of a machine or piece of equipment.

(2) An employer must use one or more of the methods of safeguarding listed below to eliminate the hazards described in subsection (1) of this section:

(a) Guard;

(b) Device;

(c) Safe distance; or

(d) Safe location.

Note: Guardrails are not generally accepted as a safeguarding method, but see WAC 296-24-20513 for exceptions when guardrails may be used.

Note: See WAC 296-24-20521(1) for a list of power transmission belts that are exempt from the requirements of this section.

AMENDATORY SECTION (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-24-20503 (~~(General requirements.)~~) **What requirements must guards meet?** (((1) This section covers all types and shapes of power transmission belts, except the following when operating at two hundred and fifty feet per minute or less:

(a) Flat belts one inch or less in width.

(b) Flat belts two inches or less in width which are free from metal lacings or fasteners.

(c) Round belts one half inch or less in diameter.

(d) Single strand V-belts, the width of which is thirteen thirty-seconds inch or less.

(2) Vertical and inclined belts (WAC 296-24-20511 (3) and (4)) if not more than two and one half inches wide and running at a speed of less than one thousand feet per minute,

and if free from metal lacings or fastenings may be guarded with a nip point belt and pulley guard:

(3) For the textile industry, because of the presence of excessive deposits of lint, which constitute a serious fire hazard, the sides and face sections only of nip point belt and pulley guards are required, provided the guard shall extend at least six inches beyond the rim of the pulley on the in-running and off-running sides of the belt and at least two inches away from the rim and face of the pulley in all other directions:

(4) These standards cover the principal features with which power transmission safeguards shall comply. When there is no possibility of employee contact with power transmission belts during operation, the belts are "guarded by location" and no further guarding is required:

(5) The following criteria will apply when evaluating handwheels, nip points, and belts above the table top on light (domestic) and medium duty sewing machines for compliance. The conditions will apply in general industry and the light apparel manufacturing industries on machines using flat and round belts without metal lacings and fasteners. Machines used to sew materials such as leather, heavy canvas, denim, vinyl, or other types of heavy material are not included:

(a) The operator's hands are not in, near or on the wheel, nip point, or belt area when the machine is operating:

(b) The distance between the area where the operator is holding and feeding material with both hands, and the belt or wheel location, is sufficient to not expose the operator to the hazards:

(c) The table top is of sufficient size or arrangement to not expose any other employee in the work area or passing by the work area to the hazards:)) To safeguard using a guard, an employer must ensure that the guard:

(1) Prevents any part of an employee's body from reaching the hazard;

(2) Prevents objects from flying out toward, or falling onto, an employee;

(3) Is made of durable material designed to withstand the forces to which it could be exposed;

(4) Is securely fastened at least every three feet to a fixed part of the machine it safeguards or the building structure; and

(5) Creates no additional hazards such as from sharp edges or from motion between it and moving parts.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20505 ((Prime mover guards.)) What requirements must devices meet? (((1) Flywheels. Flywheels located so that any part is seven feet or less above floor or platform shall be guarded in accordance with the requirements of this section:

(a) With an enclosure of sheet, perforated, or expanded metal, or woven wire;

(b) With guard rails placed not less than fifteen inches nor more than twenty inches from rim. When flywheel extends into pit or is within 12 inches of floor, a standard toeboard shall also be provided;

(c) When the upper rim of flywheel protrudes through a working floor, it shall be entirely enclosed or surrounded by a guardrail and toeboard:

(d) For flywheels with smooth rims five feet or less in diameter, where the preceding methods cannot be applied, the following may be used: A disk attached to the flywheel in such manner as to cover the spokes of the wheel on the exposed side and present a smooth surface and edge, at the same time providing means for periodic inspection. An open space, not exceeding four inches in width, may be left between the outside edge of the disk and the rim of the wheel if desired, to facilitate turning the wheel over. Where a disk is used, the keys or other dangerous projections not covered by disk shall be cut off or covered. This subdivision does not apply to flywheels with solid web centers;

(e) Adjustable guard to be used for starting engine or for running adjustment may be provided at the flywheel of gas or oil engines. A slot opening for jack bar will be permitted;

(f) Wherever flywheels are above working areas, guards shall be installed having sufficient strength to hold the weight of the flywheel in the event of a shaft or wheel mounting failure:

(2) Cranks and connecting rods. Cranks and connecting rods, when exposed to contact shall be guarded in accordance with WAC 296-24-20527 and 296-24-20529, or by a guardrail as described in WAC 296-24-20531(5).

(3) Tail rods or extension piston rods. Tail rods or extension piston rods shall be guarded in accordance with WAC 296-24-20527 and 296-24-20529, or by a guardrail on sides and end, with a clearance of not less than fifteen nor more than twenty inches when rod is fully extended:

(4) Governor balls. Governor balls six feet or less from the floor or other working level, when exposed to contact, shall be provided with an enclosure extending to the top of the governor balls when at their highest position. The material used in the construction of this enclosure shall conform to WAC 296-24-20525 and 296-24-20529.)) To safeguard using a device, an employer must ensure that it:

(1) Stops motion of the power transmission parts before an employee is exposed to the hazard of coming into contact with a moving part; and

(2) Prevents the machine from restarting unless an employee manually resets it.

Note: Emergency stop controls or warning signals are not considered devices that, by themselves, effectively safeguard power transmission parts.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20507 ((Shafting.)) What requirements must safeguarding by distance meet? (((1) Installation:

(a) Each continuous line of shafting shall be secured in position against excessive endwise movement:

(b) Inclines and vertical shafts, particularly inclined idler shafts, shall be securely held in position against endwise thrust:

(2) Guarding horizontal shafting-

(a) All exposed parts of horizontal shafting seven feet or less from floor or working platform excepting runways used

exclusively for oiling, or running adjustments, shall be protected by a stationary casing enclosing shafting completely or by a trough enclosing sides and top or sides and bottom of shafting as location requires.

(b) Shafting under bench machines shall be enclosed by a stationary casing, or by a trough at sides and top or sides and bottom, as location requires. The sides of the trough shall come within at least six inches of the under side of table, or if shafting is located near floor within six inches of floor. In every case the sides of trough shall extend at least two inches beyond the shafting or protuberance.

(3) Guarding vertical and inclines shafting. Vertical and inclines shafting seven feet or less from floor or working platform, excepting maintenance runways, shall be enclosed with a stationary casing in accordance with requirements of WAC 296-24-20527 and 296-24-20531.

(4) Projecting shaft ends.

(a) Projecting shaft ends shall present a smooth edge and end and shall not project more than one-half the diameter of the shaft unless guarded by nonrotating caps or safety sleeves.

(b) Unused keyways shall be filled up or covered.

(5) Power transmission apparatus located in basements. All mechanical power transmission apparatus located in basements, towers, and rooms used exclusively for power transmission equipment shall be guarded in accordance with this section, except that the requirements for safeguarding belts, pulleys, and shafting need not be complied with when the following requirements are met:

(a) The basement, tower, or room occupied by transmission equipment is locked against unauthorized entrance.

(b) The vertical clearance in passageways between the floor and power transmission beams, ceiling, or any other objects, is not less than five feet six inches.

(c) The intensity of illumination conforms to the requirements of ANSI A11.1-1965 (R-1970).

(d) The footing is dry, firm, and level.

(e) The route followed by the oiler is protected in such manner as to prevent accident.) To safeguard by distance, an employer must ensure that:

(1) The vertical distance between power transmission parts and a floor or walking or working surface is more than seven feet;

(2) The power transmission parts are supported so they will not fall on an employee below; and

(3) No parts or material may fall on an employee below.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20509 ((Pulleys.)) What requirements must safeguarding by location meet? ((1) Guarding. Pulleys, any parts of which are seven feet or less from the floor or working platform, shall be guarded in accordance with the standards specified in WAC 296-24-20527 and 296-24-20531. Pulleys serving as balance wheels (e.g., punch presses) on which the point of contact between belt and pulley is more than six feet six inches from the floor or platform may be guarded with a disk covering the spokes.

(2) Location of pulleys.

(a) Unless the distance to the nearest fixed pulley, clutch, or hanger exceeds the width of the belt used, a guide shall be provided to prevent the belt from leaving the pulley on the side where insufficient clearance exists.

(b) Where there are overhanging pulleys on line, jack, or countershafts with no bearing between the pulley and the outer end of the shaft, a guide to prevent the belt from running off the pulley should be provided.

(3) Broken pulleys. Pulleys with cracks, or pieces broken out of rims, shall not be used.

(4) Pulley speeds. Pulleys intended to operate at rim speed in excess of manufacturers normal recommendations shall be specially designed and carefully balanced for the speed at which they are to operate.

(5) Compositions and wood pulleys. Composition or laminated wood pulleys shall not be installed where they are subjected to influences detrimental to their structural composition.) To safeguard by location, an employer must ensure that the location of power transmission parts eliminates the possibility that any part of an employee's body can inadvertently reach the hazard.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-20511 ((Belt, rope, and chain drives.)) What other responsibilities beyond safeguarding does an employer have to protect employees from power transmission parts? ((1) Horizontal belts and ropes.

(a) Where both runs of horizontal belts are seven feet or less from the floor level, the guard shall extend to at least fifteen inches above the belt or to a standard height (see Table O-12), except that where both runs of a horizontal belt are 42 inches or less from the floor, the belt shall be fully enclosed in accordance with WAC 296-24-20527 and 296-24-20531.

(b) In powerplants or power development rooms, a guardrail may be used in lieu of the guard required by (1)(a) of this section.

(2) Overhead horizontal belts.

(a) Overhead horizontal belts, with lower parts seven feet or less from the floor or platform, shall be guarded on sides and bottom in accordance with WAC 296-24-20531(3).

(b) Horizontal overhead belts more than seven feet above floor or platform shall be guarded for their entire length under the following conditions:

(i) If located over passageways or work places and traveling 1,800 feet or more per minute.

(ii) If center to center distance between pulleys is ten feet or more.

(iii) If belt is eight inches or more in width.

(c) Where the upper and lower runs of horizontal belts are so located that passage of persons between them would be possible, the passage shall be either:

(i) Completely barred by a guardrail or other barrier in accordance with WAC 296-24-20527 and 296-24-20531; or

(ii) Where passage is regarded as necessary, there shall be a platform over the lower run guarded on either side by a railing completely filled in with wire mesh or other filler, or by a solid barrier. The upper run shall be so guarded as to prevent contact therewith either by the worker or by objects ear-

ried by the worker. In powerplants only the lower run of the belt need be guarded.

(d) Overhead chain and link belt drives are governed by the same rules as overhead horizontal belts and shall be guarded in the same manner as belts.

(e) American or continuous system rope drives so located that the condition of the rope (particularly the splice) cannot be constantly and conveniently observed, shall be equipped with a telltale device (preferably electric bell type) that will give warning when rope begins to fray.

(3) Vertical and inclined belts.

(a) Vertical and inclined belts shall be enclosed by a guard conforming to standards in WAC 296-24-20527 and 296-24-20531.

(b) All guards for inclined belts shall be arranged in such a manner that a minimum clearance of seven feet is maintained between belt and floor at any point outside of guard.

(4) Vertical belts. Vertical belts running over a lower pulley more than seven feet above floor or platform shall be guarded at the bottom in the same manner as horizontal overhead belts, if conditions are as stated in (2)(b)(i) and (iii) of this section.

(5) Cone pulley belts.

(a) The cone belt and pulley shall be equipped with a belt shifter so constructed as to adequately guard the nip point of the belt and pulley. If the frame of the belt shifter does not adequately guard the nip point of the belt and pulley, the nip point shall be further protected by means of a vertical guard placed in front of the pulley and extending at least to the top of the largest step of the cone.

(b) If the belt is of the endless type or laced with rawhide laces, and a belt shifter is not desired, the belt will be considered guarded if the nip point of the belt and pulley is protected by a nip point guard located in front of the cone extending at least to the top of the largest step of the cone, and formed to show the contour of the cone in order to give the nip point of the belt and pulley the maximum protection.

(c) If the cone is located less than 3 feet from the floor or working platform, the cone pulley and belt shall be guarded to a height of 3 feet regardless of whether the belt is endless or laced with rawhide.

(6) Belt tighteners.

(a) Suspended counterbalanced tighteners and all parts thereof shall be of substantial construction and securely fastened; the bearings shall be securely capped. Means must be provided to prevent tightener from falling, in case the belt breaks.

(b) Where suspended counterweights are used and not guarded by location, they shall be so encased as to prevent accident.

(c) Belt tighteners, used for starting and stopping machinery, other than those which are securely held in "off" or "out of service" position by gravity, shall be provided with means or mechanism that will securely hold the belt tightener away from the belt when the machine or part thereof driven by the belt is not in use. Such means or mechanism shall be automatic in its action in gripping, latching or otherwise fastening itself to and holding the belt tightener in "off" or "out of service" position until manually released. (Released by hand.)

(d) Counterbalanced belt tighteners and all parts thereof shall be of substantial construction, and securely fastened. The bearings shall be securely capped. If exposed to contact, means shall be installed to catch the belt tightener, to prevent tightener from falling on any person below, should the belt break or throw the tightener.)) (1) An employer must remove, make flush, or guard with metal covers all projections on moving parts, including keys, setscrews, bolts, and nuts.

(a) An employer is not required to remove, make flush, or guard keys or setscrews:

(i) Within an enclosure;

(ii) Below the rim of a pulley that is less than twenty inches in diameter; or

(iii) Where employee contact is not possible.

(b) An employer must fill or cover unused keyways.

(c) An employer must use only cylindrical revolving collars and ensure that screws or bolts used in collars do not project beyond the outside of the collar.

(2) An employer must ensure that power transmission parts are inspected at least once every sixty days for compliance with this standard, and are kept in good working condition at all times. An employer's inspection must ensure that:

(a) A pulley with a crack or broken piece is not used.

(b) All bolts and screws holding power transmission equipment together or supporting the equipment are tight.

(c) Belts, lacings, and fasteners are in good repair.

(d) Power transmission parts are kept in proper alignment.

(3) An employer may safeguard any location used exclusively for power transmission parts by ensuring that the location:

(a) Is locked;

(b) Prohibits unauthorized entrance;

(c) Has a passageway with an effective vertical clearance of at least five feet six inches;

(d) Is well lit;

(e) Has a dry, level, firm floor; and

(f) Has a safe, well-marked route for an authorized employee to follow.

(4) If it is necessary to lubricate power transmission parts while the parts are moving, an employer must ensure that the tool an oiler uses, such as an oil can or grease gun, has a long spout to keep the oiler's hands away from the hazard.

(a) An oiler must wear closely fitting clothing.

(b) Drip cups and pans must be securely fastened.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20513 ((Gears, sprockets, and chains,))

When may a guardrail be used as a safeguard? (((+)) Gears. Gears shall be guarded in accordance with one of the following methods:

(a) By a complete enclosure; or

(b) By a standard guard as described in WAC 296-24-20531, at least seven feet high extending six inches above the mesh point of the gears; or

(c) By a band guard covering the face of gear and having flanges extended inward beyond the root of the teeth on the exposed side or sides. Where any portion of the train of gears

guarded by a band guard is less than six feet from the floor a disk guard or a complete enclosure to the height of six feet shall be required:

(2) Hand-operated gears. (1) of this section does not apply to hand-operated gears used only to adjust machine parts and which do not continue to move after hand power is removed. However, the guarding of these gears is highly recommended:

(3) Sprockets and chains. All sprocket wheels and chains shall be enclosed unless they are more than seven feet above the floor or platform. Where the drive extends over other machine or working areas, protection against falling shall be provided. This section does not apply to manually operated sprockets:

(4) Openings for oiling. When frequent oiling must be done, openings with hinged or sliding self-closing covers shall be provided. All points not readily accessible shall have oil feed tubes if lubricant is to be added while machinery is in motion.)) (1) An employer may use a guardrail as a safeguard for:

(a) A flywheel, when the guardrail is at least fifteen inches from the rim:

(b) Cranks and connecting rods;

(c) Tail rods and extension piston rods, when the guardrail is at least fifteen inches from the fully extended end of the rod;

(d) A horizontal belt in a power generating room;

(e) A clutch, cutoff coupling, or clutch pulley in an engine room occupied only by an engine room attendant; or

(f) A runway used only for oiling, maintenance, running adjustment, or repair work.

(2) An employer must ensure that a guardrail:

(a) Has a toeboard at least four inches high; and

(b) Complies with WAC 296-24-75011.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20515 ((Guarding friction drives.))
What are the additional requirements for flywheels? ((The driving point of all friction drives when exposed to contact shall be guarded, all arm or spoke friction drives and all web friction drives with holes in the web shall be entirely enclosed, and all projecting belts on friction drives where exposed to contact shall be guarded.)) (1) When other safeguarding methods cannot be used, an employer must safeguard a spoked flywheel with a smooth rim five feet or less in diameter by using a disk guard. The disk must cover the flywheel spokes on the exposed side, and create a smooth surface and edge.

(a) An open space, a maximum of four inches wide, between the outside edge of the disk and the rim of the wheel may exist to turn the wheel over.

(b) A key or other uncovered projection must be cut off.

(2) An employer may provide an adjustable guard at the flywheel of a gas or diesel engine for starting the engine or for a running adjustment. A slot opening for a jack bar is permitted.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20517 ((Keys, setscrews, and other projections.)) What are the additional requirements for shafting? ((1) All projecting keys, setscrews, and other projections in revolving parts shall be removed or made flush or guarded by metal covers. This section does not apply to keys or setscrews within gear or sprocket casings or other enclosures, nor to keys, setscrews, or oilcups in hubs of pulleys less than twenty inches in diameter where they are within the plane of the rim of the pulley.

Note: It is recommended, however, that no projecting setscrews or oilcups be used in any revolving pulley or part of machinery.))

(1) An employer must secure shafting against excessive endwise movement.

(2) An employer must maintain shafting so that it is free from excess oil or grease and pitting from corrosion.

(3) An employer may safeguard shafting under a bench machine by using a guard that extends to:

(a) Within six inches of the underside of the table or the floor; and

(b) At least two inches beyond the shafting.

(4) An employer must ensure that projecting shaft ends:

(a) Have a smooth edge and project no more than one-half the diameter of the shaft; or

(b) Are guarded by a nonrotating cap or safety sleeve.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20519 ((Collars and couplings.)) What are the additional requirements for pulleys? ((1) Collars. All revolving collars, including split collars, shall be cylindrical, and screws or bolts used in collars shall not project beyond the largest periphery of the collar.

(2) Couplings. Shaft couplings shall be so constructed as to present no hazard from bolts, nuts, setscrews, or revolving surfaces. Bolts, nuts, and setscrews will, however, be permitted where they are covered with safety sleeves or where they are used parallel with the shafting and are countersunk or else do not extend beyond the flange of the coupling.)) (1) An employer must ensure that a pulley is designed and balanced for the speed at which it operates.

(2) An employer may not use a composition or wood pulley where it is likely to deteriorate in the workplace.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20521 ((Bearings and facilities for oiling.)) What are the additional requirements for belt, rope, and chain drives? ((Self-lubricating bearings are recommended and all drip cups and pans shall be securely fastened.)) (1) An employer is not required to safeguard belts operating at two hundred fifty linear feet per minute or less that are:

(a) Flat and one inch wide or less; or

(b) Flat and between one to two inches wide with no metal lacings or fasteners; or

(c) Round and one-half inch or less in diameter; or

(d) Single strand v-belts thirteen thirty-seconds inch wide or less.

(2) An employer may use a nip point belt and pulley guard on a vertical or inclined belt that:

(a) Is two and one-half inches wide or less;

(b) Is running at a speed of less than one thousand feet per minute; and

(c) Is free from metal lacings or fastenings.

"Nip-point belt and pulley guard" means a device that encloses the pulley and has rounded or rolled edge slots for the belt to pass through.

(3) When the space between the upper and lower runs of a horizontal belt would allow an employee to pass between them, an employer may:

(a) Guard along the upper run;

(b) Provide a platform over the lower run; and

(c) Provide a railing over the lower run that will prevent employees from leaving the platform.

(d) In a power generating room, only the lower run of a horizontal belt must be guarded.

(4) An employer must use a quarter-twist belt with an idler on a drive that runs in both directions.

(5) An employer must apply a dressing to a moving belt or rope where the belt or rope leaves the pulley.

(6) An employer may not safeguard by distance or location an overhead belt located more than seven feet above a floor or platform when:

(a) The belt is located over a passageway or work space and travels at a speed of one thousand eight hundred feet or more per minute; or

(b) The distance between the centers of its pulleys is ten feet or more; or

(c) The belt is wider than eight inches.

(7) An employer must ensure that a belt shifted by hand is not fastened with metal or other material that creates a hazard.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20523 ((~~Guarding of clutches, cutoff couplings, and clutch pulleys.~~) **What are the additional requirements for gears?** ((1) Guards. Clutches, cutoff couplings, or clutch pulleys having projecting parts, where such clutches are located seven feet or less above the floor or working platform, shall be enclosed by a stationary guard constructed in accordance with WAC 296-24-20527. A "U" type guard is permissible.

(2) Enginerooms. In enginerooms a guardrail, preferably with toeboard, may be used instead of the guard required by (1) of this section, provided such a room is occupied only by engineroom attendants.

(3) Bearings. A bearing support immediately adjacent to a friction clutch or cutoff coupling shall have self-lubricating bearings requiring attention at infrequent intervals.) An employer is not required to safeguard hand-operated gears

used only to adjust machine parts that do not continue to move when not being turned by hand.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-20525 ((~~Belt shifters, clutches, shippers, poles, perches, and fasteners.~~) **What are the additional requirements for belt shifters?** ((1) Belt shifters.

(a) Tight and loose pulleys on all installations made on or after August 27, 1971, shall be equipped with a permanent belt shifter provided with mechanical means to prevent belt from creeping from loose to tight pulley. It is recommended that old installations be changed to conform to this rule.

(b) Belt shifter and clutch handles shall be rounded and be located as far as possible from danger of accidental contact, but within easy reach of the operator. Where belt shifters are not directly located over a machine or bench, the handles shall be cut off six feet six inches above floor level.

(c) All belt and clutch shifters of the same type in each shop should move in the same direction to stop machines, i.e., either all right or all left. This does not apply to friction clutch on countershaft carrying two clutch pulleys with open and crossed belts, respectively. In this case the shifter handle has three positions and the machine is at a standstill when clutch handle is in the neutral or center position.

(2) Belt shippers and shipper poles. The use of belt poles as substitutes for mechanical shifters is not recommended. Where necessity compels their use, they shall be of sufficient size to enable workers to grasp them securely. (A two-inch diameter or 1 1/2 by 2 inches cross-section is suggested.) Poles shall be smooth and preferably of straight grain hardwood, such as ash or hickory. The edges of rectangular poles should be rounded. Poles should extend from the top of the pulley to within about forty inches of floor or working platform.

(3) Belt perches. Where loose pulleys or idlers are not practicable, belt perches in form of brackets, rollers, etc., shall be used to keep idle belts away from the shafts. Perches should be substantial and designed for the safe shifting of belts.

(4) Belt fasteners. Belts which of necessity must be shifted by hand and belts within seven feet of the floor or working platform which are not guarded in accordance with WAC 296-24-20527 shall not be fastened with metal in any case, nor with any other fastening which by construction or wear will constitute an accident hazard.) (1) An employer must ensure that the equipment listed below, if installed after August 17, 1971, has a permanent, mechanical belt shifter:

(a) Tight and loose pulleys; and

(b) A cone pulley belt.

(2) An employer must ensure that a belt shifter or clutch handle:

(a) Safeguards the nip point;

(b) Is rounded;

(c) Is within easy reach, but minimizes the chance of accidental contact with the operator; and

(d) Is located over a machine or bench, or has handles cut off six feet six inches above floor level.

(3) No belt shifter is required if:

(a) The belt is endless or laced with rawhide; and
(b) The nip point of the belt and pulley is safeguarded by a nip point guard in front of the cones;

(i) The guard must extend at least to the top of the largest step of the cone; and

(ii) The guard must be formed to show the contour of the cone.

(4) An employer must ensure that each belt shifter and clutch handle of the same type in a workplace moves in the same direction to stop a machine, i.e., either all right or all left.

(a) A friction clutch handle on a countershaft carrying two clutch pulleys with open and crossed belts is not required to move in the same direction; and

(b) The clutch handle must have three positions with the machine at rest when the clutch handle is in the center position.

(5) An employer must ensure that a belt tightener used to activate machinery:

(a) Is substantially constructed and securely fastened;

(b) Has bearings securely capped;

(c) Has a mechanism to prevent it from falling; and

(d) Is securely held in the "off" position by gravity, or by an automatic mechanism that must be released by hand.

(6) An employer may not use a belt pole to shift a belt on and off a fixed pulley. When a belt shifter cannot be used, an employer may use a belt pole that is:

(a) Smooth; and

(b) Large enough for an employee to grasp securely.

Note: A belt pole is also known as a "belt shipper" or "shipper pole."

(7) An employer must use a substantial belt perch, such as a bracket, roller, etc., to safely shift an idle belt away from the shaft when a loose pulley or idler is not practical.

(8) An employer must ensure that a bearing support immediately adjacent to a friction clutch or cutoff coupling has self-lubricating bearings requiring infrequent attention.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20527 (~~Standard guards—General requirements.~~) **What are the alternate safeguarding requirements that apply to sewing machines?** (~~(1) Materials.~~

(a) Standard conditions shall be secured by the use of the following materials. Expanded metal, perforated or solid sheet metal, wire mesh on a frame of angle iron, or iron pipe securely fastened to floor or to frame of machine.

(b) All metal should be free from burrs and sharp edges.

(c) Wire mesh should be of the type in which the wires are securely fastened at every cross point either by welding, soldering, or galvanizing, except in case of diamond or square wire mesh made of No. 14 gage wire, 3/4-inch mesh or heavier.

(2) Methods of manufacture:

(a) Expanded metal, sheet or perforated metal, and wire mesh shall be securely fastened to frame by one of the following methods:

(i) With rivets or bolts spaced not more than five inches center to center. In case of expanded metal or wire mesh, metal strips or clips shall be used to form a washer for rivets or bolts.

(ii) By welding to frame every four inches.

(iii) By weaving through channel or angle frame, or if No. 14 gage 3/4-inch mesh or heavier is used by bending entirely around rod frames.

(iv) Where openings in pipe railing are to be filled in with expanded metal, wire mesh or sheet metal, the filler material shall be made into panels with rolled edges or bound with "V" or "U" edging of No. 24 gage or heavier sheet metal fastened to the panels with bolts or rivets spaced not more than five inches center to center. The bound panels shall be fastened to the railing by sheet metal clips spaced not more than five inches center to center.

(v) Diamond or square mesh made of crimped wire fastened into channels, angle or round iron frames, may also be used as a filler in guards. Size of mesh shall correspond to Table O-12.

(b) Where the design of guards requires filler material of greater area than 12 square feet, additional frame members shall be provided to maintain panel area within this limit.

(c) All joints of framework shall be made equivalent in strength to the material of the frame.)) No guard is required for a light or medium duty sewing machine if:

(1) It uses either a flat or a round belt without metal lacings and fasteners;

(2) The belt is located above the table top;

(3) The machine is not used to sew heavy materials such as leather, canvas, denim, or vinyl;

(4) The operators' hands are not in, near, or on the wheel, nip point, or belt area when the machine is operating;

(5) The distance between the area where the operator is holding and feeding material with both hands and the belt or wheel locations is great enough that the operator is not exposed to a motion hazard; and

(6) The table top is designed so that employees near the machine are not exposed to motion hazards while they work or as they pass by.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-20529 (~~(Disk, shield, and "U" guards.~~

(1) Disk guards. A disk guard shall consist of a sheet metal disk not less than No. 22 gage fastened by "U" bolts or rivets to spokes of pulleys, flywheels, or gears. Where possibility of contact with sharp edges of the disk exists, the edge shall be rolled or wired. In all cases the nuts shall be provided with locknuts which shall be placed on the unexposed side of the wheel.

(2) Shield guards:

(a) A shield guard shall consist of a frame filled in with wire mesh, expanded, perforated, or solid sheet metal.

(b) If area of shield does not exceed six square feet the wire mesh or expanded metal may be fastened in a framework of 3/8-inch solid rod, 3/4-inch by 3/4-inch by 1/8-inch angle iron or metal construction of equivalent strength. Metal

shields may have edges entirely rolled around a 3/8-inch solid iron rod.

(3) "U" guards. A "U" guard consisting of a flat surface with edge members shall be designed to cover the under surface and lower edge of a belt, multiple chain, or rope drive. It shall be constructed of materials specified in Table O-12, and shall conform to the requirements of WAC 296-24-20531 (3) and (4). Edges shall be smooth and if size of guard requires, the edges shall be reinforced by rolling, wiring, or by binding with angle or flat iron.)) Reserve.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-20531 ((Approved materials. (1) Minimum requirements. The materials and dimensions specified in this section shall apply to all guards, except horizontal overhead belts, rope, cable, or chain guards more than seven feet above floor, or platform. (For the latter, see Table O-13.)

(a) Minimum dimensions of materials for the framework of all guards, except as noted in (1)(a)(iii) of this section shall be angle iron 1 inch by 1 inch by 1/8 inch, metal pipe of 3/4-inch inside diameter or metal construction of equivalent strength.

(i) All guards shall be rigidly braced every three feet or fractional part of their height to some fixed part of machinery or building structure. Where guard is exposed to contact with moving equipment additional strength may be necessary.

(ii) The framework for all guards fastened to floor or working platform and without other support or bracing shall consist of 1 1/2-inch by 1 1/2-inch by 1/8-inch angle iron, metal pipe of 1 1/2-inch inside diameter, or metal construction of equivalent strength. All rectangular guards shall have at least four upright frame members each of which shall be carried to the floor and be securely fastened thereto. Cylindrical guards shall have at least three supporting members carried to floor.

(iii) Guards thirty inches or less in height and with a total surface area not in excess of ten square feet may have a frame work of 3/8-inch solid rod, 3/4-inch by 3/4-inch by 1/8-inch angle, or metal construction of equivalent strength. The filling material shall correspond to the requirements of Table O-12.

(b) The specifications given in Table O-12 and (1)(a) of this section are minimum requirements; where guards are exposed to unusual wear, deterioration or impact, heavier material and construction should be used to protect amply against the specific hazards involved.

(2) Wood guards.

(a) Wood guards may be used in the woodworking and chemical industries, in industries where the presence of fumes or where manufacturing conditions would cause the rapid deterioration of metal guards; also in construction work and in locations outdoors where extreme cold or extreme heat make metal guards and railings undesirable. In all other industries, wood guards shall not be used.

(i) Wood shall be sound, tough, and free from any loose knots.

(ii) Guards shall be made of planed lumber not less than one-inch rough board measure, and edges and corners rounded off.

(iii) Wood guards shall be securely fastened together with wood screws, hardwood dowel pins, bolts, or rivets.

(iv) While no definite dimensions are given under this heading for framework or filler materials, wood guards shall be equal in strength and rigidity to metal guards specified in (1)(a) and (b) of this section and Table O-12.

(v) For construction of standard wood railing, see (5) of this section.

(3) Guards for horizontal overhead belts.

(a) Guards for horizontal overhead belts shall run the entire length of the belt and follow the line of the pulley to the ceiling or be carried to the nearest wall, thus enclosing the belt effectively. Where belts are so located as to make it impracticable to carry the guard to wall or ceiling, construction of guard shall be such as to enclose completely the top and bottom runs of belt and the face of pulleys.

(b) The guard and all its supporting members shall be securely fastened to wall or ceiling by gimlet-point lag screws or through bolts. In case of masonry construction, expansion bolts shall be used. The use of bolts placed horizontally through floor beams or ceiling rafters is recommended.

(c) Suitable reinforcement shall be provided for the ceiling rafters or overhead floor beams, where such is necessary, to sustain safely the weight and stress likely to be imposed by the guard. The interior surface of all guards, by which is meant the surface of the guard with which a belt will come in contact, shall be smooth and free from all projections of any character, except where construction demands it; protruding shallow roundhead rivets may be used. Overhead belt guards shall be at least one-quarter wider than belt which they protect, except that this clearance need not in any case exceed six inches on each side. Overhead rope drive and block and roller chain drive guards shall be not less than six inches wider than the drive on each side. In overhead silent chain drive guards where the chain is held from lateral displacement on the sprockets, the side clearances required on drives of twenty inch centers or under shall be not less than one-fourth inch from the nearest moving chain part, and on drives of over twenty inch centers a minimum of one-half inch from the nearest moving chain part.

(d) Table O-13 gives the sizes of materials to be used and the general construction specifications of guards for belts ten inches or more in width. No material for overhead belt guards should be smaller than that specified in Table O-13 for belts ten to fourteen inches wide, even if the overhead belt is less than ten inches in width. However, No. 20 gage sheet metal may be used as a filler on guards for belts less than ten inches wide. Expanded metal, because of the sharp edges, should not be used as a filler in horizontal belt guards.

(e) For clearance between guards and belts, ropes or chains of various center to center dimensions between the shafts, see bottom of Table O-13.

(4) Guards for horizontal overhead rope and chain drives. Overhead rope and chain drive guard construction shall conform to the rules for overhead belt guard construction of similar width, except that the filler material shall be of

the solid type as shown in Table O-13, unless the fire hazard demands the use of open construction. A side guard member of the same solid filling material should be carried up in a vertical position two inches above the level of the lower run of the rope or chain drive and two inches within the periphery of the pulleys which the guard encloses thus forming a trough. These side filler members should be reinforced on the edges with 1 1/2 inch by 1/4 inch flat steel, riveted to the filling material at not greater than eight inch centers; the reinforcing strip should be fastened or bolted to all guard supporting members with at least one 3/8 inch rivet or bolt at each intersection, and the ends should be secured to the ceiling with lag screws or bolts. The filling material shall be fastened to the framework of the guard and the filler supports by 3/16 inch rivets spaced on 4 inch centers. The width of the multiple drive shall be determined by measuring the distance from the outside of the first to the outside of the last rope or chain in the group accommodated by the pulley.

(5) Guardrails and toeboards.

(a) Guardrail shall be forty two inches in height, with midrail between top rail and floor.

(b) Posts shall be not more than eight feet apart; they are to be permanent and substantial, smooth, and free from protruding nails, bolts, and splinters. If made of pipe, the post shall be one and one fourth inches inside diameter, or larger. If made of metal shapes or bars, their section shall be equal in strength to that of one and one half by one and one half by three sixteenths inch angle iron. If made of wood, the posts shall be two by four inches or larger. The upper rail shall be two by four inches, or two one by four strips, one at the top and one at the side of posts. The midrail may be one by four inches or more. The rails (metal shapes, metal bars, or wood), should be on that side of the posts which gives the best protection and support. Where panels are fitted with expanded metal or wire mesh as noted in Table O-12 the middle rails may be omitted. Where guard is exposed to contact with moving equipment, additional strength may be necessary.

(c) Toeboards shall be four inches or more in height, of wood, metal, or of metal grill not exceeding one inch mesh. Toeboards at flywheel pits should preferably be placed as close to edge of the pit as possible.

TABLE O-12

TABLE OF STANDARD MATERIALS AND DIMENSIONS

Material	Clearance from moving part at all points	Largest mesh or opening allowable	Minimum gauge (U.S. Standard) or thickness	Minimum height of guard from floor or platform level
	Inches	Inches	Inches	Feet
Woven wire	Under 2	3/8	No. 16	7
	2-4	1/2	No. 16	7
	Under 4	1/2	No. 16	7
	4-15	2	No. 12	7
Expanded metal	Under 4	1/2	No. 18	7
	4-15	2	No. 13	7
Perforated metal	Under 4	1/2	No. 20	7
	4-15	2	No. 14	7
Sheet metal	Under 4		No. 22	7
	4-15		No. 22	7
Wood or metal strip crossed	Under 4	3/8	Wood 3/4 Metal No. 16	7
	4-15	2	Wood 3/4 Metal No. 16	7
Wood or metal strip not crossed	Under 4	1/2 width	Wood 3/4 Metal No. 16	7
	4-15	1 width	Wood 3/4 Metal No. 16	7
Standard rail	Min. 15 Max. 20			

Reserve.

AMENDATORY SECTION (Amending Order 80-21, filed 11/13/80)

WAC 296-24-20533 ((~~Care of equipment~~ (1) General. All power transmission equipment shall be inspected at intervals not exceeding 60 days and be kept in good working condition at all times.

(2) Shafting.

(a) Shafting shall be kept in alignment, free from rust and excess oil or grease.

(b) Where explosives, explosive dusts, flammable vapors or flammable liquids exist, the hazard of static sparks from shafting shall be carefully considered.

(3) Bearings. Bearings shall be kept in alignment and properly adjusted.

(4) Hangers. Hangers shall be inspected to make certain that all supporting bolts and screws are tight and that supports of hanger boxes are adjusted properly.

(5) Pulleys.

(a) Pulleys shall be kept in proper alignment to prevent belts from running off.

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(b) One or both pulleys carrying a nonshifting belt should have crowned faces.

(c) Cast iron pulleys should be tested frequently with a hammer to disclose cracks in rim or spokes. It should be borne in mind that the sound is usually much different if the belt is or is not on the pulley.

(d) Split pulleys should be inspected to ascertain if all bolts holding together the sections of the pulley are tight.

(6) Care of belts:

(a) Quarter twist belts when installed without an idler can be used on drives running in one direction only. They will run off a pulley when direction of motion is reversed.

(b) Inspection shall be made of belts, lacings, and fasteners and such equipment kept in good repair.

(c) Where possible, dressing should not be applied when belt or rope is in motion; but, if this is necessary, it should be applied where belts or rope leave pulley, not where they approach. The same precautions apply to lubricating chains. In the case of V-belts, belt dressing is neither necessary nor advisable.

(7) Lubrication. The regular oilers shall wear tight fitting clothing and should use cans with long spouts to keep their hands out of danger. Machinery shall be oiled when not in motion, wherever possible.

TABLE O-13

HORIZONTAL OVERHEAD BELTS, ROPES, AND CHAINS 7 FEET OR MORE ABOVE FLOOR OR PLATFORM

(Table O-13: Part 1 — 0" to 14")

	Width	
	From 0" to 14" inclusive	Material
MEMBERS		
Framework	1 1/2"x1 1/2"x1/4"	Angle iron.
Filler (belt guards)	1 1/2"x3/16"	Flat iron.
Filler and vertical side member	No. 20 A.W.G.	Solid sheet metal.
Filler supports	2"x5/16" flat iron	Flat and angle.
Guard supports	2"x5/16"	Flat iron.
FASTENINGS		
Filler supports to framework	(2) 3/16"	Rivets.
Filler flats to supports (belt guards)	(1) 5/16"	Flush rivets.
Filler to frame and supports (chain guards)	3/16" rivets spaced	
Guard supports to framework	(2) 3/16"	Rivets or bolts.
Guard and supports to overhead ceiling	1/4"x3 1/2" lag screws or 1/2" bolts	Lag screws or bolts.
DETAILS SPACING, ETC.		

TABLE O-13

HORIZONTAL OVERHEAD BELTS, ROPES, AND CHAINS 7 FEET OR MORE ABOVE FLOOR OR PLATFORM

(Table O-13: Part 1 — 0" to 14")

	Width	
	From 0" to 14" inclusive	Material
Width of guards	One-quarter wider than belt, rope, or chain drive	
Spacing between filler supports	20" C. to C	
Spacing between filler flats (belt guards)	2" apart	
Spacing between guard supports	36" C. to C	
OTHER BELT GUARD FILLING PERMITTED		
Sheet metal fastened as in chain guards	No. 20 A.W.G.	Solid or perforated.
Woven wire, 2" mesh	No. 12 A.W.G.	
CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN DRIVE TO GUARD		
Distance center to center of shafts	Up to 15' inclusive	Over 40'.
Clearance from belt, or chain to guard	6"	20".

(TABLE O-13: Part 2 — Over 14" to 24")

	Width	
	Over 14" to 24" inclusive	Material
MEMBERS		
Framework	2"x2"x5/16"	Angle iron.
Filler (belt guards)	2"x3/16"	Flat iron.
Filler and vertical side member	No. 18 A.W.G.	Solid sheet metal.
Filler supports	2"x3/8" flat iron	Flat and angle.
Guard supports	2"x3/8"	Flat iron.
FASTENINGS		
Filler supports to framework	(2) 3/16"	Rivets.
Filler flats to supports (belt guards)	(1) 5/16"	Flush rivets.
Filler to frame and supports (chain guards)	8" centers on sides and 4" centers on bottom	

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(TABLE O 13, Part 2 — Over 14" to 24")

	Width		Material
	Over 14" to 24" inclusive		
Guard supports to framework	(2) 7/16"		Rivets or bolts.
Guard and supports to overhead ceiling	5/8"x4" lag screws or 5/8" bolts		Lag screws or bolts.
DETAILS SPACING, ETC.			
Width of guards			
Spacing between filler supports	16" C. to C.		
Spacing between filler flats (belt guards)	2 1/2" apart		
Spacing between guard supports	36" C. to C.		
OTHER BELT GUARD FILLING PERMITTED			
Sheet metal fastened as in chain guards	No. 18 A.W.G.		Solid or perforated.
Woven wire, 2" mesh	No. 10 A.W.G.		
CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN DRIVE TO GUARD			
Distance center to center of shafts	Over 15' to 25' inclusive	Over 40'	
Clearance from belt, or chain to guard	10"	20"	

(TABLE O 13, Part 3 — Over 24")

	Width		Material
	Over 24"		
MEMBERS			
Framework	3"x3"x3/8"		Angle iron.
Filler (belt guards)	2"x5/16"		Flat iron.
Filler and vertical side member	No. A.W.G.		Solid sheet metal.
Filler supports	2 1/2"x2 1/2"x1/4" angle		Flat and angle.
Guard supports	2 1/2"x3/8"		Flat iron.
FASTENINGS			
Filler supports to framework	(3) 1/2"		Rivets.
Filler flats to supports (belt guards)	(2) 3/8"		Flush rivets.
Filler to frame and supports (chain guards)			

(TABLE O 13, Part 3 — Over 24")

	Width		Material
	Over 24"		
Guard supports to framework	(2) 5/8"		Rivets or bolts.
Guard and supports to overhead ceiling	3/4"x6" lag screws or 3/4" bolts.		Lag screws or bolts.
DETAILS SPACING, ETC.			
Width of guards			
Spacing between filler supports	16" C. to C.		
Spacing between filler flats (belt guards)	4" apart		
Spacing between guard supports	36" C. to C.		
OTHER BELT GUARD FILLING PERMITTED			
Sheet metal fastened as in chain guards	No. 18 A.W.G.		Solid or perforated.
Woven wire, 2" mesh	No. 8 A.W.G.		
CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN DRIVE TO GUARD			
Distance center to center of shafts	Over 25' to 40' inclusive	Over 40'	
Clearance from belt, or chain to guard	15"	20"	

Reserve.

AMENDATORY SECTION (Amending Order 74-19, filed 5/6/74)

WAC 296-301-020 General safety requirements. (1) Means of stopping machines. Every textile machine shall be provided with individual mechanical or electrical means for stopping such machines. On machines driven by belts and shafting a locking-type shifter or an equivalent positive device shall be used. On operations where injury to the operator might result if motors were to restart after power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.

(2) Handles. Stopping and starting handles shall be designed to the proper length to prevent the worker's hand or fingers from striking against any revolving part, gear guard, or any other part of the machine.

(3) Machine guarding. (Mechanical power transmission equipment shall be guarded in conformity with WAC 296-24-205 through 296-24-20531, of the general safety and health standards.) An employer must ensure that power transmission parts are guarded according to the requirements

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of WAC 296-24-205 through 296-24-20527 of the general safety and health standards.

Exception: Only the side and face sections of a nip-point belt and pulley guard are required so that the guard extends at least:
(a) Six inches beyond the rim of the pulley on the in-running and off-running sides of the belt; and
(b) Two inches away from the rim and face of the pulley in all other directions.

(4) Housekeeping. Aisles and working spaces shall be kept in good order, clean and free of obstructions in accordance with requirements of WAC 296-24-120 through 296-24-12015, of the general safety and health standards.

(5) Inspection and maintenance. All guards and other safety devices, including starting and stopping devices, shall be properly maintained.

(6) Lighting and illumination. Lighting and illumination shall conform to the general occupational health standards, chapter 296-62 WAC.

(7) Identification of piping systems. Identification of piping systems shall conform to American National Standard A13.1-1956.

(8) Identification of physical hazards. Identification of physical hazards shall be in accordance with the requirements of WAC 296-24-135 through 296-24-13503, of the general safety and health standards.

(9) Steam pipes. All pipes carrying steam or hot water for process or servicing machinery, when exposed to contact and located within seven feet of the floor or working platform shall be covered with a heat-insulating material, or guarded with equivalent protection.

The rule will also remove the required mandatory additional ten percent assessment and \$12.00 minimum for the use of the "USDA Positive Lot Identification Inspection" when an inspector is on-site performing other types of inspection.

Citation of Existing Rules Affected by this Order: Amending X [chapter 16-400 WAC].

Statutory Authority for Adoption: Chapter 15.17 RCW. Adopted under notice filed as WSR 98-07-032 on March 11, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
May 5, 1998
James M. Jesernig
Director

Chapter 16-400 WAC

((HORTICULTURAL)) FRUIT AND VEGETABLE INSPECTION FEES

AMENDATORY SECTION (Amending Order 2001, filed 3/31/89)

WAC 16-400-007 Definition. For the purposes of this chapter districts two, three, and four are defined in chapter 16-458 WAC (~~Horticultural~~) Fruit and vegetable inspection district boundaries.

AMENDATORY SECTION (Amending Order 5095, filed 4/30/96, effective 5/31/96)

WAC 16-400-040 Grade and condition certificates—Vegetables. Charges for grade and condition certificates for all vegetables shall be:

(1) The minimum charge for all vegetables shall be nine dollars.

(2) Charges for grade and condition certificates for fresh market vegetables in containers—wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins or in bags per cwt. or fraction thereof:

(a) For federal-state certification:
Asparagus 21¢

WSR 98-10-083

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 5, 1998, 10:27 a.m.]

Date of Adoption: May 5, 1998.

Purpose: The purpose of the rule is to increase the hourly inspection rates (regular and overtime) within the fiscal growth factors allowed under Initiative 601. The increase will reduce the proportionate disparity of inspection costs between the high volume warehouses and the lower volume warehouses. High volume warehouses are generally assessed fees on a per unit basis which usually meets or exceeds the hourly rate for the total inspection. The lower volume warehouses are assessed fees on a per unit basis in addition to the hourly rate to compensate for the total inspection time. The rule will also remove the required mandatory additional ten percent assessment and \$12.00 minimum for the use of the "USDA Positive Lot Identification Inspection" when an inspector is on-site performing other types of inspections.

CONCISE EXPLANATORY STATEMENT

This rule will increase the hourly inspection rates (regular and overtime) within the fiscal growth allowed under Initiative 601. The increase will reduce the disparity of inspection costs between the high volume warehouses and the lower volume warehouses.

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Cantaloupes, and corn	12.5¢
Onions	8¢
Potatoes, and seed potatoes	6¢
Processing potatoes	6¢

Complete inspection (rate shall be reduced for level of service required)

Tomatoes	19¢
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(b) For state certification:

Asparagus	19¢
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(3) Inspection fees for cabbage, carrots, cauliflower, celery, cucumbers, lettuce, rhubarb, rutabagas, squash, watermelons, etc., shall be at the hourly rate of ~~((twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996))~~ twenty-two dollars and twenty-five cents beginning June 1, 1998, and twenty-three dollars beginning July 1, 1998.

(4) Inspection for quality, condition, and/or size determination, whether in bulk or in containers, for all vegetables for processing, except potatoes, charges shall be two dollars fifty cents per ton net weight or fraction thereof. When inspection is requested only for the purpose of verifying the product, conveyance, markings, or other factors not related to quality, the charges shall be at the hourly rate, but not less than the minimum certificate charge of nine dollars.

AMENDATORY SECTION (Amending Order 5095, filed 4/30/96, effective 5/31/95)

WAC 16-400-100 Certificates. Certificate charges shall be in accordance with the following provisions:

(1) Consolidation certificates shall be charged as specified in WAC 16-400-010 and 16-400-040 and shall have an additional charge of three dollars for each additional local lot.

(2) Condition certificate charges shall be two-thirds of the grade and condition certificates with the following exceptions:

(a) Previously inspected lots shall have a minimum charge of nine dollars.

(b) When the lot has had no prior inspection for quality or grade and it is requested that the certificate carry out-bound car, truck, or state lot number, the grade and condition certificate schedule shall apply.

(c) Out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except there shall be an hourly charge of ~~((twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996))~~ twenty-two dollars and twenty-five cents beginning June 1, 1998, and twenty-three dollars beginning July 1, 1998.

(d) For lots of controlled atmosphere storage apples which were previously certified, a state condition certificate or quality control inspection may be issued without additional charge.

(3) Car hook-up, loading or unloading certificate shall be charged at the rates specified in subsection (2)(a) of this section.

(4) Sanitary and quarantine certificate charges for fruits and vegetables shall be:

(a) Six dollars for the issuance of a certificate, plus the hourly rates specified in WAC 16-400-210 (1)(a) when the shipment is not covered by federal-state or state certificates.

(b) Six dollars per set when the shipment is covered by federal-state or state certificates.

(5) Container weight, or checkloading certificates shall be charged at the rates specified in WAC 16-400-210 (1)(a).

(6) Federal-state certification shall meet the criteria for sampling as established by United States Department of Agriculture, Agricultural Marketing Service. When the federal-state inspector or inspector's aide must physically obtain samples from lots blocked out for loading or from lots in storage, charges of seven and one-half cents per cwt. shall be made in addition to inspection fees. When assistance is provided by the applicant's personnel, charges for sampling shall be reduced accordingly.

AMENDATORY SECTION (Amending Order 5095, filed 4/30/96, effective 5/31/96)

WAC 16-400-210 Other charges. Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, phytosanitary and/or quarantine inspection, and all other services, shall be charged at the hourly rate of ~~((twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996))~~ twenty-two dollars and twenty-five cents beginning June 1, 1998, and twenty-three dollars beginning July 1, 1998.

(b) Time allowance - Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of ~~((twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996))~~ twenty-two dollars and twenty-five cents beginning June 1, 1998, and twenty-three dollars beginning July 1, 1998.

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge shall be assessed. Should the certificate charges divided by the respective hourly rates be less than the number of hours worked, the platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges—The minimum charge for supervision of fumigation shall be eighteen dollars. Additional or unnecessary stand-by time shall be charged as specified in subsection (1)(a) of this section. In temporary, non-permanent facilities or those lacking adequate devices for maintenance of acceptable treatment temperatures, no fumigations shall be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of two dollars fifty cents per acre or fraction thereof or at the rate specified in subsection (1)(a) of this section except as otherwise provided in subsection (13) of this section.

PERMANENT

(4) Seed sampling fees shall be arranged with the plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in subsection (1)(a) of this section.

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in subsection (1)(a) of this section.

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to ~~((twenty-eight dollars beginning June 1, 1996, and twenty-nine dollars beginning July 1, 1996))~~ thirty dollars beginning June 1, 1998, and thirty-one dollars and twenty-five cents beginning July 1, 1998.

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following are state legal holidays: New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day, Martin Luther King, Jr. Day (third Monday in January), and Presidents' Day (third Monday in February).

(d) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges shall be assessed.

(6) Mileage—Whenever necessary, mileage shall be charged at the rate established by the state office of financial management.

(7) Electronic transmission of documents—Telegrams, facsimile, or electronic transmission of inspection documents shall be charged at the rate of four dollars per transmission in addition to Western Union charges made directly to the applicant.

(8) Services provided to other agencies—Services provided to other agencies, commissions, and organizations shall be charged at the rate specified in subsection (1)(a) of this section.

(9) Timely payment—Payment of fees and charges is due within thirty days after date of statement, provided:

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of ~~((twelve))~~ eighteen percent per annum shall be assessed on the delinquent account balance.

(10) USDA positive lot identification—Certification utilizing positive lot identification shall be charged at the rates specified in this section and WAC 16-400-010, 16-400-040, and 16-400-100 ~~((with an additional charge of ten percent. The minimum shall be twelve dollars per inspection)).~~ An additional charge of ten percent may be added when an

inspector is required to be on-site when no other inspections are requested. Service will be provided first in those instances in which positive lot identification is a mandatory condition of the sales transaction. Other requests for positive lot identification will be serviced upon adequate notification to the inspection service and availability of inspection personnel.

(11) Controlled atmosphere license fee—The application for an annual license to engage in the business of operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee of five dollars per room, with a minimum fee established at twenty-five dollars for five rooms or less.

(12) Inspection fees may be waived on inspections of fruits and vegetables when donated to bona fide nonprofit organizations: *Provided*, That shipping containers shall be conspicuously labeled or marked as "not for resale."

(13) For apple pest certification by survey method; \$.0075 per cwt. or fraction thereof, on all fresh apples produced in the state of Washington or marketed under Washington state grades and standards.



WSR 98-10-028
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 24, 1998, 11:25 a.m.]

Purpose: This emergency adoption amends the permissible exposure limits (PELs) for chromic acid and chromates, and mercury (aryl and inorganic) in WAC 296-62-07515 so that these PELs are identical to OSHA's rule (Code of Federal Regulations 1910.1000 Table Z-1 and Z-2) and provide appropriate protection of the health of workers where these chemicals are used.

Amended Section: WAC 296-62-07515 Control of chemical agents, the following state-initiated changes are being made to Table 1: Limits for Air Contaminants Permissible Exposure Limits (PEL).

- Chromic acid and chromates (as CrO₃) PEL is changed from 0.1 mg/m³ TWA (time weighed average) to 0.1 mg/m³ Ceiling limit making this PEL identical to OSHA's rule.
- Mercury (aryl and inorganic) (as Hg) PEL changed from 0.1 mg/m³ TWA to 0.1 mg/m³ Ceiling limit making this PEL identical to OSHA's rule.

This emergency adoption was filed at the same time the permanent adoption of these changes in order to provide appropriate worker protection until the permanent adoption becomes effective on July 24, 1998.

Citation of Existing Rules Affected by this Order: Amending WAC 296-62-07515.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

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: Labor and Industries is adopting the emergency rule so that the permissible exposure limits for chromic acid and chromates, and mercury (aryl and inorganic) are identical to OSHA's rule (CRF 1910.1000 Table Z-1 and Z-2) and provide appropriate protection of the health and safety of workers where these chemicals are used.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 1, 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: Immediately.

April 22, 1998
 Gary Moore
 Director

AMENDATORY SECTION (Amending WSR 97-19-014, filed 9/5/97, effective 11/5/97)

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 ^{d/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	
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	—	—	—	—	—

Substance	CAS ^{i/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	
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)) 296-62-07336(3))	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		—	5.0g/	—	—	—	—	—
Aluminum, metal and oxide (as Al)	7429-90-5	—	—	—	—	—	—	—
Total dust		—	10	—	—	—	—	—
Respirable fraction		—	5.0g/	—	—	—	—	—
pyro powders	—	—	5.0	—	—	—	—	—
welding fumes f/	—	—	5.0	—	—	—	—	—
soluble salts	—	—	2.0	—	—	—	—	—
alkyls (NOC)	—	—	2.0	—	—	—	—	—
Alundum (see Aluminum oxide)	—	—	—	—	—	—	—	—
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	—	—	5.0g/	—	—	—	—	—
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	—	0.2g/	—	—	—	—	—
Arsine	7784-42-1	0.05	0.2	—	—	—	—	—

EMERGENCY

Substance	CAS ^{i/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	
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 _{g/}	—	—	—	—	—
Benomyl	17804-35-2	—	—	—	—	—	—	—
Total dust	—	0.8	10	—	—	—	—	—
Respirable fraction	—	—	5.0 _{g/}	—	—	—	—	—
Benzene(:)	71-43-2	1.0	—	5.0	—	—	—	—
(see WAC 296-62-07523)d/								
Benzidine(:)	92-87-5	—	—	—	—	—	—	—
(see WAC 296-62-073)								
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)	—	—	—	—	—	—	—	—
Bismuth telluride, Undoped	1304-82-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 _{g/}	—	—	—	—	—
Bismuth telluride, Se-doped	—	—	5.0	—	—	—	—	—
Borates, tetra, sodium salts:								
Anhydrous	1330-43-4	—	1.0	—	—	—	—	—
Decahydrate	1303-96-4	—	5.0	—	—	—	—	—
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 (1,3-butadiene)	106-99-0	1	2.2	5	—	—	—	—
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

Substance	CAS ^{ij} Number	TWA		STEL ^{cl}		CEILING		Skin Designation
		ppm ^{al}	_mg/m3 ^{bl}	ppm ^{al}	_mg/m3 ^{bl}	ppm ^{al}	_mg/m3 ^{bl}	
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((z)) (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	—	—	5.0g/	—	—	—	—	—
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	—	—	5.0g/	—	—	—	—	—
Calcium sulfate	7778-18-9	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0g/	—	—	—	—	—
Camphor (synthetic)	76-22-2	—	2.0	—	—	—	—	—
Caprolactam;	105-60-2	—	—	—	—	—	—	—
Dust	—	—	1.0	—	3.0	—	—	—
Vapor	—	5.0	20	10	40	—	—	—
Captafol (Difolatan)	2425-06-1	—	0.1	—	—	—	—	X
Captan	133-06-2	—	5.0	—	—	—	—	—
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	30,000	54,000	—	—	—
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	—	—	—	—	((—))X
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	—	—	—	—	—	—	—

EMERGENCY

Substance	CAS ^{ij} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{aj}	_mg/m3 ^{bj}	ppm ^{aj}	_mg/m3 ^{bj}	ppm ^{aj}	_mg/m3 ^{bj}	
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0g/	—	—	—	—	—
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	—	—	5.0g/	—	—	—	—	—
Chlorpyrifos	2921-88-2	—	0.2	—	—	—	—	X
Chromic acid and chromates (as CrO3)	Varies w/ compounds	—	((0+))	—	—	—	((—))	—
Chromium, sol, chromic, chromous salts (as Cr)	7440-47-3	—	0.5	—	—	—	0.1	—
Chromium (VI) compounds (as Cr)	—	—	0.05	—	—	—	—	—

EMERGENCY

Substance	CAS ^{d/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	
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 ^{o/}	—	—	—	—	—
Coal dust (less than 5% SiO ₂)	—	—	2.0 ^{b/}	—	—	—	—	—
Respirable fraction	—	—	—	—	—	—	—	—
Coal dust (greater than or equal to 5% SiO ₂)	—	—	0.1 ^{b/}	—	—	—	—	—
Respirable fraction	—	—	—	—	—	—	—	—
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthracridine, 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 ^{o/}	—	—	—	—	—
Cresol (all isomers)	1319-77-3	5.0	22	—	—	—	—	X
Crotonaldehyde	123-73-9; 4170-30-3	2.0	6.0	—	—	—	—	—
Cruformate	299-86-5	—	5.0	—	—	—	—	—
Cumene	98-82-8	50	245	—	—	—	—	X
Cyanamide	420-04-2	—	2.0	—	—	—	—	—
Cyanide (as CN)	Varies with Compound	—	5.0	—	—	—	—	X
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

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	
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 (DBCP) (see WAC ((296-62-07345)) 296-62-07342)	96-12-8	—	—	—	—	—	—	—
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 Total dust	102-54-5	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0g/	—	—	—	—	—
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

EMERGENCY

Substance	CAS ^d Number	TWA		STEL ^e		CEILING		Skin Designation
		ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	
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)	—	—	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 iso- cyanate (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	—	—	—	—	—	—	—

EMERGENCY

Substance	CAS ⁱ Number	TWA		STEL ^{cj}		CEILING		Skin Designation
		ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^{g/}	—	—	—	—	—
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
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-heptanone)	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 ace- tate)	—	5.0	24	—	—	—	—	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	—	—	—	—	—	—	X
Ethylene oxide (see WAC ((296-62-07359)) 296-62-07359)	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	—	—	—	—	—

Substance	CAS ^{d/} Number	TWA		STEL ^{e/}		CEILING		Skin Designation
		ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	
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	—	—	—	—	—
Ferrovandium dust	12604-58-9	—	1.0	—	3.0	—	—	—
Fluorides (as F)	Varies w/com- pound	—	2.5	—	—	—	—	—
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	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	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0g/	—	—	—	—	—
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	—	—	2.5g/	—	—	—	—	—
Graphite, Synthetic	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0	—	—	—	—	—
Guthion (see Azinphosmethyl)	—	—	—	—	—	—	—	—
Gypsum	13397-24-5	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0g/	—	—	—	—	—
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	—	—	—	—	—	—	—	—

Substance	CAS ⁱ Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	
n-hexane	110-54-3	50	180	—	—	—	—	—
other Isomers	Varies w/com- pound	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	—	—	—
Iron salts, soluble (as Fe)	Varies w/com- pound	—	1.0	—	—	—	—	—
Isoamyl acetate	123-92-2	100	525	—	—	—	—	—
Isoamyl alcohol (primary and secondary)	123-51-3	100	360	125	450	—	—	—
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	—	—	5.0g	—	—	—	—	—
Ketene	463-51-4	0.5	0.9	1.5	3.0	—	—	—
Lead inorganic (as Pb) (see WAC 296-62-07521)	7439-92-1	—	0.05	—	—	—	—	—

Substance	CAS ^{iv} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{av}	_mg/m3 ^{b/}	ppm ^{av}	_mg/m3 ^{b/}	ppm ^{av}	_mg/m3 ^{b/}	
Lead arsenate (see WAC 296-62-07347)	3687-31-8	—	0.05	—	—	—	—	—
Lead chromate	7758-97-6	—	0.05	—	—	—	—	—
Limestone	1317-65-3							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0g/	—	—	—	—	—
Lindane	58-89-9	—	0.5	—	—	—	—	X
Lithium hydride	7580-67-8	—	0.025	—	—	—	—	—
L.P.G. (liquified petroleum gas)	68476-85-7	1,000	1,800	—	—	—	—	—
Magnesite	546-93-0							
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0g/	—	—	—	—	—
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 (as Mn)	7439-96-5	—	1.0	—	3.0	—	—	—
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	—	—	5.0g/	—	—	—	—	—
Mercury (aryl and inorganic) (as Hg)	7439-97-6	—	((0.1))	—	—	—	((—))	X
Mercury (organo-alkyl compounds) (as Hg)	7439-97-6	—	0.01	—	0.03	—	0.1	X
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)	—	—	—	—	—	—	—	—
Methomyl (lannate)	16752-77-5	—	2.5	—	—	—	—	—
Methoxychlor	72-43-5							
Total dust	—	—	10	—	—	—	—	—
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5.0	16	—	—	—	—	X
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)	—	—	—	—	—	—	—	—

EMERGENCY

Substance	CAS ^{i/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50	235	—	—	—	—	—
N-Methyl aniline (see Monomethyl aniline)	—	—	—	—	—	—	—	—
Methyl bromide	74-83-9	5.0	20	—	—	—	—	X
Methyl butyl ketone (see 2-Hexanone)	—	—	—	—	—	—	—	—
Methyl cellosolve (see 2-Methoxyethanol)	109-86-4	5.0	16	—	—	—	—	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5.0	24	—	—	—	—	X
Methyl chloride	74-87-3	50	105	100	210	—	—	—
Methyl chloroform (1, 1, 1-trichlorethane)	71-55-6	350	1,900	450	2,450	—	—	—
Methyl chloromethyl ether (see WAC 296-62-073)	107-30-2	—	—	—	—	—	—	—
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)) (see WAC 296-62-073)	101-14-4	0.02	0.22	—	—	—	—	X
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) (see 2-Butanone)	78-93-3	—	—	—	—	—	—	—
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 (see Monomethyl hydrazine)	60-34-4	—	—	—	—	0.2	0.35	X
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	—	—	—

Substance	CAS ^{d/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	
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	—	—	—	—	—
(Nickel) Nickel (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	—	—	5.0g/	—	—	—	—	—
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	—	—	—	—	—	—	—
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

Substance	CAS ^{i/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	
Nitrotirchloromethane (see Chloropicrin)	—	—	—	—	—	—	—	—
Nitrous Oxide (Nitrogen oxide)	10024-97-2	50	90	—	—	—	—	—
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 1910-42-5 2074-50-2	—	0.1	—	—	—	—	X
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 ^{g/}	—	—	—	—	—
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 ^{g/}	—	—	—	—	—
Pentane	109-66-0	600	1,800	750	2,250	—	—	—
2-Pentanone (methyl propyl ketone)	107-87-9	200	700	250	875	—	—	—
Perchloroethylene (tetrachloroethylene)	127-18-4	25	170	—	—	—	—	—
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 ^{g/}	—	—	—	—	—
Petroleum distillates (Naptha) (Rubber Solvent)	—	100	400	—	—	—	—	—
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	—

EMERGENCY

Substance	CAS ⁱⁱ Number	TWA		STEL ^{ci}		CEILING		Skin Designation
		ppm ^{ai}	_mg/m3 ^{bi}	ppm ^{ai}	_mg/m3 ^{bi}	ppm ^{ai}	_mg/m3 ^{bi}	
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	—	—	—	—	—
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 ^{o/}	—	—	—	—	—
Picric acid	88-89-1	—	0.1	—	—	—	—	X
Pindone (see Pival) (2-Pivalyl-1, 3-indandione)	83-26-1	—	0.1	—	—	—	—	—
Piperazine dihydrochloride	142-64-3	—	5.0	—	—	—	—	—
Pival (see Pindone)	—	—	—	—	—	—	—	—
Plaster of Paris	26499-65-0	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^{o/}	—	—	—	—	—
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 ^{o/}	—	—	—	—	—
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	—	—	—	—	—

EMERGENCY

Substance	CAS ⁱ Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	
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 ^{g/}	—	—	—	—	—
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 ^{g/}	—	—	—	—	—
Silica, crystalline cristobalite, respirable dust	14464-46-1	—	0.05 ^{g/}	—	—	—	—	—
Silica, crystalline quartz, respirable dust	14808-60-7	—	0.1 g/ ((h ^f)) g/	—	—	—	—	—
Silica, crystalline tripoli (as quartz), respirable dust	1317-95-9	—	0.1 ^{g/}	—	—	—	—	—
Silica, crystalline tridymite, respirable dust	15468-32-3	—	0.05 ^{g/}	—	—	—	—	—
Silica, fused, respirable dust	60676-86-0	—	0.1 ^{g/}	—	—	—	—	—
Silicates (less than 1% crystalline silica:	—	—	—	—	—	—	—	—
Mica (Respirable dust)	12001-26-2	—	3.0 ^{g/}	—	—	—	—	—
Soapstone, Total dust	—	—	6.0	—	—	—	—	—
Soapstone, Respirable dust	—	—	3.0 ^{g/}	—	—	—	—	—
Talc (containing asbestos): use asbestos limit (see WAC ((296-62-07517)) 296-62-07705)	—	—	—	—	—	—	—	—
Talc (containing no asbestos), Respirable dust	14807-96-6	—	2.0	—	—	—	—	—
Tremolite (see WAC ((296-62-07517)) 296-62-07705)	—	—	—	—	—	—	—	—
Silicon	7440-21-3	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^{g/}	—	—	—	—	—
Silicon Carbide	409-21-2	—	—	—	—	—	—	—

Substance	CAS ^{i/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 <u>g/</u>	—	—	—	—	—
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 HN3)	—	—	—	—	—	0.1	0.3	X
(as NaN3)	—	—	—	—	—	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 <u>g/</u>	—	—	—	—	—
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 <u>g/</u>	—	—	—	—	—
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	—	—	—	—	—
Temphos	3383-96-8	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 <u>g/</u>	—	—	—	—	—
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	—	—	—	—	—

EMERGENCY

Substance	CAS ^{i/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	ppm ^{a/}	_mg/m3 ^{b/}	
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
Tetrahydrofuran	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 ^{g/}	—	—	—	—	—
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	—	—	—	—	—
Tin (as Sn) Inorganic compounds (except oxides)	7440-31-5	—	2.0	—	—	—	—	—
Tin, Organic compounds (as Sn)	7440-31-5	—	0.1	—	—	—	—	X
Tin Oxide (as Sn)	21651-19-4	—	2.0	—	—	—	—	—
Titanium dioxide Total dust	13463-67-7	—	10	—	—	—	—	—
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

Substance	CAS ^{i/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ^{3b/}	ppm ^{a/}	mg/m ^{3b/}	ppm ^{a/}	mg/m ^{3b/}	
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	—	—	1.0	—	3.0	—	—	—
Insoluble compounds	—	—	5.0	—	10	—	—	—
Turpentine	8006-64-2	100	560	—	—	—	—	—
Uranium (as U)	7440-61-1	—	—	—	—	—	—	—
Soluble compounds	—	—	0.05	—	—	—	—	—
Insoluble compounds	—	—	0.2	—	0.6	—	—	—
n-Valeraldehyde	110-62-3	50	175	—	—	—	—	—
Vanadium (as V2O5)	1314-62-1	—	0.05	—	—	—	—	—
Respirable dust and fume	—	—	—	—	—	—	—	—
Vegetable oil mist	—	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^{d/}	—	—	—	—	—
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 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	—	—	—	—	—

EMERGENCY

Substance	CAS ^{i/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ^{3b/}	ppm ^{a/}	mg/m ^{3b/}	ppm ^{a/}	mg/m ^{3b/}	
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 ^{o/}	—	—	—	—	—
Zinc oxide fume	1314-13-2	—	5.0	—	10	—	—	—
Zinc stearate	557-05-1	—	—	—	—	—	—	—
Total dust	—	—	10	—	—	—	—	—
Respirable fraction	—	—	5.0 ^{o/}	—	—	—	—	—
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/m³ column and not in the ppm column, then the number in the mg/m³ column is exact. When numerical entries for a substance are in both the ppm and mg/m³ columns, then the number in the ppm column is exact and the number in the mg/m³ 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:

30mg/m³
% SiO₂ + 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:

2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

- 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 subtilisin 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.
 - n/ This PEL only applies to the exceptions to WAC 296-62-07347, Inorganic Arsenic.
 - o/ The concentration of respirable particulate for the application of this limit is 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))
1	97

Aerodynamic diameter (unit density sphere)	Percent passing selector
1	97
2	91
3	74
4	50
5	30
6	17
7	9

8	5
10	1

WSR 98-10-030
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-50—Filed April 24, 1998, 4:50 p.m., effective May 1, 1998, 12:01 a.m.]

Date of Adoption: April 22, 1998.
Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-57-16000M and 232-28-61900M; and
amending WAC 220-57-160 and 232-28-619.

Statutory Authority for Adoption: RCW 75.08.080 and
77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon and Skamania stock steelhead are expected to return to Ringold Hatchery. This limited-area fishery is crafted to minimize impacts to outside upriver stocks while allowing harvest of the returning hatchery fish. 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 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 1998, 12:01 a.m.
April 22, 1998
Bern Shanks
Director

NEW SECTION

WAC 220-57-16000M Columbia River. Notwithstanding the provisions of WAC 220-57-160, effective 12:01 a.m. May 1 through August 15, 1998: Special daily limit of one salmon greater than 12 inches in length in those waters of the Columbia River from a marker 1/2 mile above Spring

Creek Hatchery (Ringold Hatchery rearing pond outlet) downstream to markers 1/4 mile below the Ringold wasteway outlet. Bank fishing only on the hatchery side of the river only.

NEW SECTION

WAC 232-28-61900M Washington game fish - Exceptions to state-wide rules. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. May 1 through August 15, 1998: Those waters of the Columbia River from a marker 1/2 mile above Spring Creek Hatchery (Ringold Hatchery rearing pond outlet) downstream to markers 1/4 mile below the Ringold wasteway outlet: Trout: steelhead only, daily limit 2, bank fishing only on the hatchery side of the river only. Release all game fish other than steelhead.

REPEALERS

The following sections of the Washington Administrative Code are repealed effective 11:59 p.m. August 15, 1998:

- | | |
|-------------------|--|
| WAC 220-57-16000M | Columbia River. |
| WAC 232-28-61900M | Washington game fish -
Exceptions to state-wide
rules. |

WSR 98-10-031
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-73—Filed April 24, 1998, 4:54 p.m., effective May 1, 1998, 12:01 a.m.]

Date of Adoption: April 24, 1998.
Purpose: Commercial fishing rules.
Citation of Existing Rules Affected by this Order:
Amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable quota of chinook salmon is available for troll fishermen. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council and is consistent with federal law. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

EMERGENCY

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 1998, 12:01 a.m.

April 24, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-24-02000E Commercial salmon troll. Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh line, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River from the U.S. - Canada border to Cape Falcon, Oregon except as provided for in this section:

(1) Effective 12:01 a.m., May 1, 1998 it is lawful to fish for and possess salmon except coho salmon taken from these waters, except for Washington waters in a closed control zone at the mouth of the Columbia River, described as those waters inside a line projected six miles due west from North Head along 46°18'00" N latitude to 124°13'18" W longitude, then southerly along a line 167° true to 46°11'06" N latitude and 124°11'00" W (the Columbia River Buoy) then northeast along the red buoy line to the tip of the south jetty.

(2) All salmon taken during this fishery must be sold within 48 hours of each closing and must be sold within the open Salmon Management and Catch Reporting Area or in an immediately adjacent closed Salmon Management and Catch Reporting Area.

(3) Lawful terminal gear is restricted to lawful troll gear with single point, single shank barbless hooks.

(4) No chinook salmon smaller than 28 inches in total length may be taken or retained in the fishery provided for herein. Except that frozen salmon taken in this fishery may be landed pursuant to WAC 220-20-015.

(5) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(6) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to land chinook taken south of Cape Falcon that are less than 26 inches in length.

WSR 98-10-032

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 98-76—Filed April 24, 1998, 4:55 p.m.]

Date of Adoption: April 24, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-88A-07000R; and amending WAC 220-88A-070.

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: These rules are necessary to implement the 1998 state/tribal Puget Sound shrimp harvest management plan and meet all allocation requirements under Subproceeding 89-3 in *United States v. Washington*. These rules will allow for a sharing of catch between treaty and non-treaty shrimp fishers. 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: Immediately.

April 24, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-88A-07000S Emerging commercial fishery—Puget Sound shrimp pot. Notwithstanding the provisions of WAC 220-88A-070:

(1) Effective immediately it is unlawful to retain shrimp other than spot shrimp through April 30, 1998.

(2) Effective immediately until further notice it is unlawful to fish for or possess shrimp taken for commercial purposes with shrimp pot gear from the following areas:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20B west of a line from Point

Doughty on Orcas Island to the bell buoy at the international boundary due north of Waldron Island.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A west of the following line: beginning at Steep Point On Orcas Island to Neck Point on Shaw Island, then southerly following the west coast of Shaw Island to the southernmost point of Shaw Island, then to the western entrance to Fisherman's Bay on Lopez Island, then southerly and easterly following the west coast of Lopez Island to Point Colville

(3) Effective 10:00 a.m., April 25, 1998, until further notice it is unlawful to fish for or possess shrimp taken for commercial purposes with shrimp pot gear from the following areas: Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, and 26A

(4) Effective 10:00 a.m., April 27, 1998, until further notice it is unlawful to fish for or possess shrimp taken for commercial purposes with shrimp pot gear from Marine Fish-Shellfish Management and Catch Reporting Area 23A.

(5) Effective May 1, 1998, until further notice it is unlawful to retain shrimp other than spot shrimp taken for commercial purposes with shrimp pot gear from Marine Fish-Shellfish Management and Catch Reporting Areas 20B, 22A and 23B.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-88A-07000R Emerging commercial fishery-Puget Sound shrimp pot (98-49)

**WSR 98-10-033
EMERGENCY RULES
DEPARTMENT OF ECOLOGY**

[Order 98-07—Filed April 27, 1998, 11:17 a.m.]

Date of Adoption: April 27, 1998.

Purpose: To revise the casing wall thickness for 6 and 8 inch diameter pipe to reflect the industry standard for well construction.

Citation of Existing Rules Affected by this Order: Amending WAC 173-160-201 (Table 1).

Statutory Authority for Adoption: Chapter 18.104 RCW.

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 pipe wall thickness specifications for 6 - 16 inch diameter casings cited in Table 1, WAC 173-160-201 exceed the industry standard for well casing and are in error. This emergency rule will correct the error while maintaining a high level of public protection.

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: Immediately.

April 26, 1998

Tom Fitzsimmons

Director

[AMENDATORY SECTION (Amending Order 97-08, filed 3/23/98)]

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 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 plastic 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 are 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)	TEST SECTION OUTSIDE DIAMETER (inches)
1.25	1.660	0.140	2.27	0.500
1.5	1.900	0.145	2.72	0.750
2.0	2.375	0.154	3.65	1.000
2.5	2.875	0.203	5.79	1.500
3.0	3.500	0.216	7.58	2.000

EMERGENCY

NOMINAL SIZE (inches)	OUTSIDE DIAMETER (inches)	WALL THICKNESS (inches)	WEIGHT PER FOOT (pounds)	TEST SECTION OUTSIDE DIAMETER (inches)
3.5	4.000	0.226	9.11	2.500
4.0	4.500	0.237	10.79	3.000
5.0	5.563	0.258	14.62	3.500
6.0	6.625	0.280 0.250	18.97 17.02	4.000
8.0	8.625	0.322 0.250	28.55 22.36	6.000
10	10.750	0.365 0.250	40.48 28.04	8.000
12	12.750	0.375 0.250	49.56 33.38	10.000
14	14.000	0.375 0.312	54.57 45.61	11.000
16	16.000	0.375 0.344	62.58 57.52	14.000
18	18.000	0.375	70.59	16.000
20	20.000	0.375	78.60	18.000
24	24.000	0.375	94.62	20.000
30	30.000	0.375	118.65	24.000

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 unless the contamination can be entirely removed.

(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, 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 of 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 have a 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 unless the construction can be entirely removed.

(f) Plastic casing joints must be watertight.

(i) Either "bell" type, threaded joints, or coupling hubs are approved.

(ii) Hub couplings must be of materials 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, 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.

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.

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

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

WSR 98-10-058
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-79—Filed April 30, 1998, 2:22 p.m.]

Date of Adoption: April 29, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-88A-07000S; and amending WAC 220-88A-070.

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: These rules are necessary to implement the 1998 state/tribal Puget Sound shrimp harvest management plan and meet all allocation requirements under Subproceeding 89-3 in *United States v. Washington*. These rules will allow for a sharing of catch between treaty and non-treaty shrimp fishers. 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: Immediately.

April 29, 1998
Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-88A-07000T Emerging commercial fishery—Puget Sound shrimp pot. Notwithstanding the provisions of WAC 220-88A-070:

(1) Effective immediately it is unlawful to retain shrimp other than spot shrimp through April 30, 1998.

(2) Effective immediately until further notice it is unlawful to fish for or possess spot shrimp taken for commercial purposes with shrimp pot gear from Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 24A, 24B, 24C, 24D, and 26A.

(3) Effective 8:00 a.m., May 1, 1998, until further notice it is unlawful to fish for or possess shrimp taken for commercial purposes with shrimp pot gear from the following areas:

(a) Marine Fish-Shellfish Management and Catch Reporting Area 20B except for those waters west of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary due north of Waldron Island.

(b) Marine Fish-Shellfish Management and Catch Reporting Area 22A except for those waters west of the following line: beginning at Steep Point On Orcas Island to Neck Point on Shaw Island, then southerly following the west coast of Shaw Island to the southernmost point of Shaw Island, then to the western entrance to Fisherman's Bay on Lopez Island, then southerly and easterly following the west coast of Lopez Island to Point Colville.

(4) Effective May 1, 1998, until further notice it is unlawful to retain shrimp other than spot shrimp taken for commercial purposes with shrimp pot gear from Marine Fish-Shellfish Management and Catch Reporting Areas 20B, 22A and 23B.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-88A-07000S Emerging commercial fishery—Puget Sound shrimp pot (98-76)

WSR 98-10-059
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-78—Filed April 30, 1998, 2:28 p.m., effective May 1, 1998, 12:01 a.m.]

Date of Adoption: April 29, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-44-05000L and 220-52-05000A; and amending WAC 220-44-050 and 220-52-050.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to achieve conservation goals and to maintain consistency between state and federal regulations. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 1998, 12:01 a.m.

April 29, 1998

Bern Shanks

Director

NEW SECTION

WAC 220-44-05000M Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. May 1, 1998 until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

1. The following definitions apply to this section:

a. **Cumulative limit** - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. For B-platoon vessels (see section 1.b.) A calendar month shall be the 16th of the month through the 15th of the following month. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

b. **Two-month cumulative limit** is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two, fixed calendar months, without a limit on the number of landings or trips. The fixed two-month periods are May-June, July-August, except for vessels that have elected to be endorsed in the "B-platoon" on their trawl federal limited entry permit. Two-month cumulative limits for B-platoon vessels begin on the 16th of the calendar month. These periods are: March 16th-May 15 and May

16th-July 15. No more than sixty percent of any two-month cumulative limit may be taken and retained, possessed or landed per vessel in either calendar month of the fixed, two-month period, except for vessels in the B-platoon during the final period of the calendar year. The first calendar month for purposes of the 60 percent restriction for B-platoon vessels in other periods shall be defined as the period beginning on the 16th of the month in which the trip limit begins through the 15th of the following month. The second calendar month period shall be defined as beginning on the 16th of the second month in the period through the end of the cumulative period. The two-month cumulative limit includes all fish harvested by a vessel during the two-month period, whether taken in limited entry or open access fisheries. Once a two-month cumulative limit has been achieved, an operator may begin fishing on the next two-month cumulative limit so long as the fish are not landed until after the beginning of the next two-month cumulative period.

c. **Daily trip limit** - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.

d. **Groundfish limited entry fishery** - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

e. **Groundfish open access fishery** - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

f. **Vessel trip** - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

g. **Vessel trip limit** - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

h. **Dressed length** - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

2. **Groundfish limited entry fishery limits.** The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63 (notwithstanding the provisions of WAC 220-44-030):

a. **Pacific ocean perch** - Two-month cumulative limit of 8,000 pounds. No minimum size.

b. **Widow rockfish** - Two-month cumulative limit of 30,000 pounds.

c. **Shortbelly rockfish** - No minimum size. No maximum poundage.

d. **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

e. **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.) Two-month cumulative limit of 40,000 pounds, of which no more than 13,000 pounds may be yellowtail rockfish and no more than 15,000 pounds may be canary rockfish.

f. **DTS Complex - (Dover sole, Thornyhead rockfish, and Sablefish)** - Dover sole, two-month cumulative limit of 22,000 pounds. Longspine thornyheads, two-month cumulative limit of 12,000 pounds. Shortspine thornyheads, two-month cumulative limit of 5,000 pounds. Sablefish; for trawl vessels, two-month cumulative limit of 6,000 pounds; for non-trawl vessels, two-month cumulative limit of 1,800 pounds.

g. **Sablefish** -

(1) **Trawl vessels** - Not more than 500 pounds (round weight) of sablefish per trip may be smaller than 22 inches. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.

(2) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight) not to exceed 1,800 pounds in any fixed, two-month calendar period calendar month. The restriction of landing no more than 60% of the two-month cumulative allowance in a single calendar month does not apply. No minimum size.

h. **Pacific Whiting** - 10,000 pound vessel trip limit. No minimum size. Effective 12:01 a.m., June 15, no maximum poundage. No minimum size.

i. **Lingcod** - Two-month cumulative limit of 1,000 pounds. Total length minimum size limit of 24 inches. Lingcod total length of 24 inches is equivalent to dressed length of 19.5 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(1) It shall be lawful to land up to 100 pounds of lingcod under 24 inches taken in the trawl fishery only.

3. **Groundfish open access fishery limits.** The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63 (notwithstanding the provisions of WAC 220-44-030). Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit or more than 50% of any 2-month cumulative limit:

(a) **Sablefish** - Daily trip limit of 300 pounds (round weight) not to exceed 700 pounds in any fixed, 2-month cumulative period. The restriction of landing no more than 60% of the two-month cumulative allowance in a single calendar month does not apply. No minimum size.

(b) **Rockfish** - Vessel trip limit of 10,000 pounds. Cumulative monthly limit of 40,000 pounds.

(c) **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30"N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N.

latitude, is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(d) **Lingcod** - Two-month cumulative limit of 1,000 pounds. The restriction on landing no more than 60% of the two-month cumulative allowance in a single calendar month does not apply. Total length minimum size limit of 24 inches. Lingcod total length of 24 inches is equivalent to dressed length of 19.5 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(e) **Thornyhead rockfish** - Illegal to take, possess, transport or land thornyhead rockfish.

4. It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.

5. The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

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

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 1, 1998:

WAC 220-44-05000L Coastal bottomfish catch limits. (97-242)

NEW SECTION

WAC 220-52-05000B Shrimp fishery—Coastal waters. Notwithstanding the provisions of WAC 220-52-050, effective 12:01 a.m. May 1, 1998 until further notice it is unlawful in the coastal shrimp fishery to retain or land more than 500 pounds per fishing day of any incidentally taken bottomfish species or species complex, or to retain or land in excess of any daily, vessel, cumulative, or two-month cumulative limit established for the coastal bottomfish catch limits in WAC 220-44-050, whichever is the lesser amount, except that the maximum landing of sablefish taken per vessel trip may not exceed one daily trip limit and the maximum landing of thornyhead rockfish (longspine and shortspine combined) taken per vessel trip may not exceed 100 pounds.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. April 30, 1998:

WAC 220-52-05000A Shrimp fishery-Coastal waters. (98-44)

WSR 98-10-060
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-74—Filed April 30, 1998, 2:30 p.m., effective May 1, 1998,
 12:01 a.m.]

Date of Adoption: April 30, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-124, 220-56-191, 220-56-195, 220-57-190, and 220-57-405.

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: These rules allow for the implementation of fishing restrictions designed to protect chinook salmon stocks, many of which are forecast to return to Puget Sound at levels below escapement. These season restrictions were publicly discussed and reviewed during the 1998 Pacific Fisheries Management Council, North of Falcon Processes, which were completed on April 10, 1998, and have been developed in consultation with resource comanagers. There is not sufficient time to promulgate permanent regulations prior to the May 1 implementation date. Delay in implementing these regulations would allow fishing on Puget Sound chinook stocks, recently proposed for listing under the Federal Endangered Species Act, at a higher rate of exploitation than is allowed by these measures.

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 5, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 1998, 12:01 a.m.

April 30, 1998
 Bern Shanks
 Director

NEW SECTION

WAC 220-56-12400D Unlawful provisions - Hood-sport Hatchery. Notwithstanding the provisions of WAC 220-56-124, effective July 1, 1998 until further notice, special daily limit of four salmon, no more than one of which

may be chinook, release all chum salmon, and there is no minimum size limit. It is unlawful to fish for foodfish from one hour after official sunset to one hour before official sunrise.

NEW SECTION

WAC 220-56-19100B Puget Sound salmon - Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 220-56-191, effective 12:01 a.m. May 1, 1998 until further notice it is unlawful to take, 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) The minimum size limit for chinook salmon is 22-inches, unless otherwise provided. There is no minimum size limit for other salmon species.

(2) Effective immediately until further notice, while angling from the following fishing piers, special daily limit of 2 salmon, no more than one of which may be chinook:

(a) Edmonds Public Fishing Pier (in Catch Record Card Area 9).

(b) Elliott Bay Public Fishing Pier at Terminal 86 (in Seattle in Catch Record Card Area 10).

(c) Seacrest Pier (in Seattle in Catch Record Card Area 10).

(d) Hood Canal Bridge Fishing Pontoon below the bridge (the boundary line between Catch Record Card Areas 9 and 12)

(3) Catch Record Card Area 7 - open effective July 1, 1998 until further notice - Special daily limit of 2 salmon, release all chinook salmon.

(a) The following waters are closed to salmon angling: Waters within 1500 ft. of Fidalgo Island from the Initiative 77 marker northeast of Northwest Island to Biz Pt.; and waters of Burrows Bay inside a line from Biz Pt. To Williamson Rocks Buoy to the Dennis Shoal Buoy, to a point 1500 ft. west of the Burrows Island Light, then northeast to Fidalgo Head; and waters within 1500 ft. of Fidalgo Island from Fidalgo Head to Shannon Pt.; waters within 1500 ft. of Lopez Island bounded by a line running from Pt. Colville due south 1500 ft. then northerly along the Island, across Lopez Pass, and then northerly along Decatur Island within 1500 ft. of shore to Fautleroy Pt., including waters within 1500 ft. of James Island.

(4) Catch Record Card Area 10 - open effective July 1, 1998 until further notice - Special daily limit of 2 salmon, release all chinook salmon.

(a) The following areas are closed:

(i) Shilshole Bay east of a line from Meadow Point to West Point.

(ii) Elliott Bay east of a line from 4-Mile Rock to Alki Point.

(5) Catch Record Card Area 11 - open effective May 1, 1998 until further notice - Special daily limit of 2 salmon, no more than one of which may be chinook.

(6) Catch Record Card Area 12 - open effective July 1, 1998 until further notice - Special daily limit of 4 salmon, release all chinook and chum salmon.

(a) Waters of the Hoodsport Hatchery Zone are managed separately as provided for in WAC 220-56-124.

(7) Catch Record Card Area 13 - open effective May 1, 1998 until further notice - Special daily limit of 2 salmon, no more than one of which may be chinook.

NEW SECTION

WAC 220-56-195000A Closed areas—Saltwater salmon angling. Notwithstanding the provisions of WAC 22-56-195 the waters of Commencement Bay east of a line projected from the Sperry Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed effective immediately through July 31, 1998.

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

NEW SECTION

WAC 220-57-19000B Deschutes River. Notwithstanding the provisions of WAC 220-57-190, effective July 1 through July 31, 1998, daily limit A, except release all coho. Selective gear rules upstream from Henderson Boulevard Bridge.

NEW SECTION

WAC 220-57-40500A Samish River. Notwithstanding the provisions of WAC 220-57-405, effective July 1, 1998 until further notice, special daily limit of 2 salmon.

the Quillayute River system, of which the Calawah River is part, in 1998. The Calawah River is comanaged with the Quileute Indian Tribe, and this regulation is consistent with state/tribal negotiations that have occurred. There is insufficient time to promulgate permanent rules.

Chehalis River: Harvestable numbers of spring chinook are projected to return to the Chehalis River in 1998. The Chehalis River is comanaged with the Quinault Indian Nation, and seasons are consistent with state/tribal negotiations that have occurred. There is insufficient time to promulgate permanent rules.

Clearwater River: The return of spring/summer chinook to the Clearwater River is expected to be below the escape-ment goal in 1998. There is insufficient time to promulgate permanent rules.

Dickey River: Harvestable numbers of spring and summer chinook and summer coho are projected to return to the Quillayute River system, of which the Dickey River is part, in 1998. The Dickey River is comanaged with the Quileute Indian Tribe, and this regulation is consistent with state/tribal negotiations that have occurred. There is insufficient time to promulgate permanent rules.

Hoh River: Harvestable numbers of spring/summer chinook are projected to return to the Hoh River in 1998. The Hoh River is comanaged with the Hoh Indian Tribe, and this regulation is consistent with state/tribal negotiations that have occurred. There is insufficient time to promulgate permanent rules.

Quillayute River: Harvestable numbers of spring and summer chinook are projected to return through the Quillayute River in 1998. The Quillayute River is comanaged with the Quileute Indian Tribe, and this regulation is consistent with state/tribal negotiations that have occurred. There is insufficient time to promulgate permanent rules.

Sol Duc River: Harvestable numbers of spring and summer chinook are projected to return to the Sol Duc River in 1998. The Sol Duc River is comanaged with the Quileute Indian Tribe, and this regulation is consistent with state/tribal negotiations that have occurred. 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 8, 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.

**WSR 98-10-061
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-75—Filed April 30, 1998, 2:37 p.m., effective May 1, 1998, 12:01 a.m.]

Date of Adoption: April 30, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-57-130, 220-57-135, 220-57-140, 220-57-155, 220-57-200, 220-57-270, 220-57-385, and 220-57-460.

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: Bogachiel River: Harvestable numbers of spring and summer chinook are projected to return to the Bogachiel River in 1998. The Bogachiel River is comanaged with the Quileute Indian Tribe, and this regulation is consistent with state/tribal negotiations that have occurred. There is insufficient time to promulgate permanent rules.

Calawah River: Harvestable numbers of spring and summer chinook and summer coho are projected to return to

EMERGENCY

Effective Date of Rule: May 1, 1998, 12:01 a.m.
 April 30, 1998
 Bern Shanks
 Director

NEW SECTION

WAC 220-57-13000V Bogachiel River. Notwithstanding the provisions of WAC 220-57-130, the following rules apply:

(1) Effective July 1 until further notice, downstream from the highway 101 bridge daily limit is six salmon, of which two may be adults. Minimum size is 12 inches in length.

NEW SECTION

WAC 220-57-13500U Calawah River. Notwithstanding the provisions of WAC 220-57-135, the following rules apply:

(1) Effective July 1, 1998 until further notice, downstream from the highway 101 bridge, daily limit is six salmon, of which two may be adults. Minimum size is 12 inches in length.

NEW SECTION

WAC 220-57-14000T Chehalis River. Notwithstanding the provisions of WAC 220-57-140, the following rules apply:

(1) Effective May 1 through May 15, 1998, downstream of the Porter Bridge, daily limit is six salmon, of which two may be adults. Minimum size is 12 inches in length.

(2) Effective May 16 through July 15, 1998, downstream of the high bridge on the Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek, daily limit is six salmon, of which two may be adults. Minimum size is 12 inches in length.

NEW SECTION

WAC 220-57-15500E Clearwater River. Notwithstanding the provisions of WAC 220-57-155, the following rules apply until further notice:

(1) Closed until further notice.

NEW SECTION

WAC 220-57-20000M Dickey River. Notwithstanding the provisions of WAC 220-57-200, the following rules apply:

(1) Effective July 1 until further notice, downstream from the mouth of the East Fork Dickey River to the Olympic National Park boundary, daily limit is six salmon, of which two may be adults. Minimum size is 12 inches in length.

NEW SECTION

WAC 220-57-27000F Hoh River. Notwithstanding the provisions of WAC 220-57-270, the following rules apply:

(1) Daily limit C - May 16 until further notice: Downstream from the mouth of the South Fork Hoh to Morgan's Crossing boat launch, including Olympic National Park. Daily limit is six salmon not less than 12 inches in length or more than 24 inches in length for chinook or more than 20 inches in length for coho. Open Wednesday through Sunday only.

(2) Effective May 16 until further notice, downstream from Morgan's Crossing boat launch, daily limit is six salmon, only one of which may be an adult. Open Wednesday through Sunday only.

NEW SECTION

WAC 220-57-38500B Quillayute River. Notwithstanding the provisions of WAC 220-57-385, the following rules apply:

(1) Effective immediately until further notice, downstream from the confluence of the Soleduck and Bogachiel rivers including Olympic National Park waters, daily limit is six salmon, of which two may be adults. Minimum size is 12 inches in length.

NEW SECTION

WAC 220-57-46000F Sol Duc River. Notwithstanding the provisions of WAC 220-57-460, the following rules apply:

(1) Effective immediately until further notice, downstream from the concrete pump station at the Sol Duc hatchery, daily limit is six salmon, of which two may be adults. Minimum size is 12 inches in length.

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 98-10-064

EMERGENCY RULES

DEPARTMENT OF LICENSING

[Filed May 1, 1998, 1:50 p.m.]

Date of Adoption: May 1, 1998.

Purpose: Incorporation by reference of the 1998 edition of the uniform standards of professional appraisal practice, the generally recognized national organized [organization] of real estate appraisal. Incorporation by reference is required because to incorporate the whole text would be unduly cumbersome and expensive.

Citation of Existing Rules Affected by this Order: Amending WAC 308-125-200.

Statutory Authority for Adoption: RCW 18.140.030 (16), (17).

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.

EMERGENCY

Reasons for this Finding: That real estate appraisals in Washington be performed in accordance with current generally accepted appraisal standards as evidenced by the most recent amendments to appraisal standards promulgated by the Appraisal Standards Board of the Appraisal Foundation. This is required by Section 1110, Title XI of the Financial Institutions Recovery, Reform, and Enforcement Act of 1989, (12 U.S.C. 3339).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 1, 1998

Alan E. Rathbun

Assistant Director, BPD

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

WAC 308-125-200 Standards of practice. (1) The standard of practice governing real estate appraisal activities will be the 1998 edition of the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. A copy of the Uniform Standards of Professional Appraisal Practice is available for review and inspection at the office of the Real Estate Appraiser Unit Office, Olympia, Washington. The Uniform Standards of Professional Appraisal Practice is a copyright document. Copy of the full text may be obtained from the Appraisal Foundation at The Appraisal Foundation, P.O. Box 96734, Washington, DC 20090-6734.

(2) Expert review appraisers as defined by RCW 18.140.010(11) while performing expert reviews pursuant to chapter 18.140 RCW are exempt from the Uniform Standards of Professional Appraisal Practice, Standard 3 review provisions while performing expert reviews for the director.

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 98-10-096
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-80—Filed May 6, 1998, 10:40 a.m.]

Date of Adoption: May 5, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-88A-07000T; and amending WAC 220-88A-070.

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: These rules are necessary to implement the 1998 State/Tribal Puget Sound shrimp harvest management plan and meet all allocation requirements under the shellfish subproceeding 89-3 in *United States v. Washington*. These rules will allow for a sharing of catch between treaty and nontreaty shrimp fishers. 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: Immediately.

May 5, 1998

Bern Shanks

Director

NEW SECTION

WAC 220-88A-07000U Emerging commercial fishery—Puget Sound shrimp pot. Notwithstanding the provisions of WAC 220-88A-070:

(1) Effective immediately until further notice it is unlawful to fish for or possess spot shrimp taken for commercial purposes with shrimp pot gear from Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 24A, 24B, 24C, 24D, and 26A.

(2) Effective 5:00 p.m., May 5, 1998, until further notice it is unlawful to fish for or possess shrimp taken for commercial purposes with shrimp pot gear from the following areas:

(a) Marine Fish-Shellfish Management and Catch Reporting Area 20B west of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary due north of Waldron Island.

(b) Marine Fish-Shellfish Management and Catch Reporting Area 22A west of the following line: beginning at Steep Point On Orcas Island to Neck Point on Shaw Island, then southerly following the west coast of Shaw Island to the southernmost point of Shaw Island, then to the western entrance to Fisherman's Bay on Lopez Island, then southerly and easterly following the west coast of Lopez Island to Point Colville.

(3) Effective immediately until further notice it is unlawful to retain shrimp other than spot shrimp taken for commercial purposes with shrimp pot gear from Marine Fish-Shellfish Management and Catch Reporting Areas 20B, 22A and 23B.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-88A-07000T Emerging commercial fishery-Puget Sound shrimp pot (98-79)

**WSR 98-10-097
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-77—Filed May 6, 1998, 10:43 a.m., effective May 16, 1998, 9:00 a.m.]

Date of Adoption: May 4, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500R; and amending WAC 220-56-310, 220-56-315, 220-56-320, 220-56-325, and 220-56-330.

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: Stock assessment has shown there are sufficient shrimp available for recreational harvest. Recreational harvest scheduling has been agreed to under the shellfish subproceeding in *United States v. Washington*. There is insufficient time to promulgate permanent rules and still allow for a recreational fishery.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 16, 1998, 9:00 a.m.

May 4, 1998

Bern Shanks

Director

NEW SECTION

WAC 220-56-32500R Shrimp and crab—Hood Canal. Notwithstanding the provisions of WAC 220-56-310, 220-56-315, 220-56-320, 220-56-325 and 220-56-330, effective May 16, 1998 until further notice it is unlawful to fish for or possess shrimp from those waters of Hood Canal south of the Hood Canal floating bridge except as provided for in this section:

(1) Fishing for shrimp is allowed between 9:00 a.m. and 1:00 p.m. on the following dates: May 16, 20, 23, and 27, 1998.

(2) No shrimp fisher may use more than one shrimp pot on any one day. All shrimp pots must conform to the Hood Canal shrimp pot requirements set forth in WAC 220-56-320(4). It shall be unlawful for the owner/operator of any boat to have on board or to fish more than four shrimp pots at any time from one boat. A boat is defined as a vessel in the water from which shrimp pots are set and pulled. No shrimp fishers may leave shrimp fishing gear in the water between:

1:00 p.m. May 16 and 9:00 a.m. May 20;

1:00 p.m. May 20 and 9:00 a.m. May 23;

1:00 p.m. May 23 and 9:00 a.m. May 27

or after 1:00 p.m. May 27, 1998.

(3) All unattended shrimp gear must be marked with a buoy, and the buoy must conform with the requirements and be marked as provided for in WAC 220-56-320(1). It is unlawful to have more than one shrimp pot attached to one line.

(4) It is unlawful for any one person to take in any one day more than eighty shrimp. The first eighty shrimp taken must be retained. After the eightieth shrimp has been retained by a fisher, the fisher must stop fishing and release all additional shrimp immediately to the water unharmed.

(5) The use of all crab pot gear is prohibited. No crab fisher may use more than two ring nets or two star traps, or more than one ring net and one star trap. No crab fisher may set or pull ring nets or star traps between one hour after official sunset to one hour before official sunrise.

(6) All unattended crab gear must be marked with a buoy, and the buoy must conform with the requirements and be marked as provided for in WAC 220-56-320(1).

REPEALER

The following section of the Washington Administrative Code is repealed effective 1:01 p.m. May 27, 1998:

WAC 220-56-32500R Shrimp and crab—Hood
Canal.

EMERGENCY

WSR 98-10-022**INSURANCE COMMISSIONER'S OFFICE**

[Filed April 22, 1998, 5:10 p.m.]

T 98-3

TECHNICAL ASSISTANCE ADVISORY

April 21, 1998

Attention: Property & Casualty State Filers and Adjusters

RE: Substitute Senate Bill 6565

Underwriting of Applicants and Insurance Payments to Insureds Who Have Been or May Be Victims of Domestic Abuse

Substitute Senate Bill 6565, which establishes new requirements for the underwriting of applicants and making insurance payments to insureds who have been or may be victims of domestic abuse, was signed into law by Governor Locke on April 2, 1998. This technical assistance advisory contains information that underwriters, filers and adjusters will need to know in order to ensure compliance with this legislation.

Effective date of the law

SSB 6565 becomes effective on June 11, 1998.

What lines of insurance does this new law apply to?

Subsections 1, 2, 3, 4, and 5: The new law, in its entirety, applies to all lines of insurance other than ocean marine and foreign trade insurances.

Subsection 3: This section only applies to property insurance and includes both personal and commercial lines.

How does the new law affect underwriting?

Companies must review their current underwriting practices to make sure their practices are in compliance with the new law. The law states: "No insurer shall deny or refuse to accept an application for insurance, refuse to insure, refuse to renew, cancel, restrict, or otherwise terminate a policy of insurance, or charge a different rate for the same coverage, on the basis that the applicant or insured person is, has been, or may be a victim of domestic abuse."

Can insurance companies exclude coverage for intentional acts?

In most cases, companies may exclude coverage for losses caused by the intentional or fraudulent acts of any insured. In policies subject to RCW 48.18.120(1) (fire insurance): "Such an exclusion, however, shall not apply to deny an insured's otherwise-covered property loss if the property loss is caused by an act of domestic abuse by another insured under the policy, the insured claiming property loss files a police report and cooperates with any law enforcement investigation relating to the act of domestic abuse, and the insured claiming property loss did not cooperate in or contribute to the creation of the property loss." (SSB 6565, Section 1(3).)

How does the new law define "domestic abuse"?

"Domestic abuse" means: a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; b) sexual assault of one family or household member by another; c) stalking as defined in RCW 9A.46.110 of one

family or household member by another family or household member; or d) intentionally, knowingly, or recklessly causing damage to property so as to intimidate or attempt to control the behavior of another family or household member. (SSB 6565, Section 1(5).)

How does the new law affect forms already approved for use in Washington?

Companies must review their forms to make sure they are in compliance with this new legislation. Any form which does not comply, must be corrected. A company may correct the form either by refileing the form or by filing an amendatory endorsement. See RCW 48.18.140 (2)(f).

How will the new law affect forms currently being reviewed and future form filings?

All forms currently being reviewed will be analyzed to ensure they comply with the new law. Any form determined to violate the law will be disapproved. Companies should carefully review future form filings to ensure the forms are in compliance with the law. See RCW 48.18.140 (2)(f).

What if a loss that would be covered under this new law occurs before a company corrects its forms?

The new law would apply, and the insurer must handle the loss as if its forms provided the coverage required by the law.

Where can I get a copy of the new law?

The new law, in its entirety, is available on the OIC's Internet web site. The address is: WWW.WA.GOV/INS. A copy may also be obtained by calling the Washington Code Reviser's Office at (360) 786-6777.

How does the new law affect OIC's Technical Assistance Advisory, T 97-4, dated October 31, 1997 (Denial of coverage to innocent co-insureds)?

The new law supersedes the technical assistance advisory. Therefore, that advisory is withdrawn effective June 11, 1998, the date the new law becomes effective.

What if I have questions that were not addressed in this advisory?

Contact Dave Diehl at (360) 664-2093 or you may e-mail him at DaveD@oic.wa.gov.

WSR 98-10-023**NOTICE OF PUBLIC MEETINGS****BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—April 23, 1998]

The board of trustees of Bellingham Technical College will hold a study session to discuss budgetary matters, goal setting, and capital construction development on Friday, May 8, 1998, 9 a.m. to 3 p.m., at 3826 South Bay, Bellingham, WA. Call 738-3105 extension 334 for information.

WSR 98-10-026
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 23, 1998, 4:37 p.m.]

Following is a list of policy and interpretive statements issued by the department during February and March 1998. If you need additional information or have questions, please call me at (360) 902-4216.

POLICY AND INTERPRETIVE STATEMENTS

Specialty Compliance Services Division

Electrical/Elevator Sections Policy 97-02, "Scope of Work for Electrical/Elevator Inspectors," clarifies the division of duties and describes the specific responsibilities of electrical and elevator inspectors when inspecting conveyance installations and alterations. It affirms that electrical and elevator inspectors will identify mutual safety issues.

Contact: Paula Burk, Mailstop 4655, (360) 902-5262.

Patrick Wood, Assistant Director

Donna Copeland
Legislative and Governmental
Affairs Office

WSR 98-10-027
PROCLAMATION
OFFICE OF THE GOVERNOR

[April 21, 1998]

WHEREAS, there is an imminent danger of an infestation of the plant pest Asian gypsy moth (Lymantria dispar L.) which seriously endangers the agricultural and horticultural industries of the state of Washington, and seriously threatens the economic well-being and quality of life of state residents, and;

WHEREAS, the use of the pesticide Bacillus thuringiensis var. kurstaki (B.t.k.), a naturally occurring bacteria, by ground based and aerial application is the most effective and preferred treatment alternative for eradicating this pest, and;

WHEREAS, the northeastern portion of the Port of Tacoma and adjoining area (as identified in the 1998 Environmental Assessment of the Cooperative Gypsy Moth Eradication Project) is in imminent danger of infestation, and emergency measures are necessary to prevent establishment of the pest,

NOW, THEREFORE, I, Gary Locke, Governor of the state of Washington, by virtue of the authority vested in me under RCW 43.06.010(13) as a result of the imminent danger of infestation noted herein, and in accordance with RCW 17.24.171, do hereby declare a State of Emergency and authorize the use of emergency measures including ground and aerial application of B.t.k. to the aforementioned areas.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 21st day of April, A.D., nineteen hundred and ninety-eight.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 98-10-036

NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD

[Memorandum—April 22, 1998]

MEETING NOTICE

WASHINGTON STATE
WORKFORCE TRAINING AND EDUCATION
COORDINATING BOARD
MEETING NO. 60
MAY 13 & 14, 1998

BRYMAN COLLEGE
17900 PACIFIC HIGHWAY SOUTH #400
SEATTLE, WA 98188
(206) 241-5825

May 13, 1998, 1:30 p.m. - 5:00 p.m., the Workforce Training and Education Coordinating Board will hold its meeting on May 13 and 14, 1998, at the Bryman College-Seattle, Washington. The board will learn about The Teaching Firm: Research, Findings, and Implications and the American Society for Training and Development Benchmarking Initiative. They will also discuss draft guidelines for the Voluntary Regional Alliance Pilots.

May 14, 1998, 8:00 a.m. - 3:00 p.m., the board will take action on the Carl Perkins Vocational Education Funding Allocation for FY 99 and the Workplan for Plan Revision; draft guidelines and review process for agency Biennial Budget proposals; a workplan to facilitate the "Vertical Integration" of workforce training and education programs; "Workforce Training: Demand, Supply, and Gaps"; and the guidelines for Voluntary Regional Workforce Alliance Pilots. The board will discuss the School-to-Work Transition Evaluation Progress and Preliminary Results, and take action on policies for the State Board for Community and Technical College's Worker Retraining Program for 1998-99.

The meeting site is barrier free. People needing special accommodations, please call Caroline Haggard at least ten days in advance at (360) 753-5677.

MISC.

WSR 98-10-051**ATTORNEY GENERAL'S OFFICE**

[Filed April 29, 1998, 11:45 a.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by May 13, 1998. 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 May 13, 1998, 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).

98-04-09 Request by Randall K. Gaylord**San Juan County Prosecuting Attorney**

May the county legislative body restrict or prohibit the private videotaping of meetings and hearings? If so, what are the guidelines for restrictions on such activity?

WSR 98-10-056**RULES COORDINATOR****LIQUOR CONTROL BOARD**

[Filed April 30, 1998, 11:15 a.m.]

The following person has been appointed as the rules coordinator for the Washington State Liquor Control Board: Teresa Berntsen, P.O. Box 43080, Olympia, WA 98504-3080, (360) 586-1641, teb@liq.wa.gov.

Nathan S. Ford, Jr.
Chairman

WSR 98-10-057**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY**

(Library Commission)

[Memorandum—April 29, 1998]

The Washington State Library Commission has scheduled two meetings. Please note the Washington State Library Commission will meet jointly with the Library Council of Washington at their May 8, 1998, meeting.

DATE: Friday, May 8, 1998
TIME: 9:00 a.m. to noon
SUBJECT: WSL Commission Workshop
LOCATION: Washington State Library
Conference Room
Olympia, Washington

TIME: Noon to 4:00 p.m.
SUBJECT: Joint Meeting - Washington Library Council and Washington State Library Commission
LOCATION: John Cherberg Building Room AB
Olympia, Washington

For additional information, please do not hesitate to contact Cathy M. Stussy at (360) 753-2914, FAX (360) 586-7575 or INTERNET cstussy@statelib.wa.gov.

WSR 98-10-065**NOTICE OF PUBLIC MEETINGS
UTILITIES AND TRANSPORTATION
COMMISSION**

[Memorandum—April 29, 1998]

NOTICE OF CHANGE OF PUBLIC MEETING DATE

The public meeting scheduled for Wednesday, June 24, 1998, has been changed to Thursday, June 25, 1998, beginning at 9:30 a.m. In all other respects the notice filed on December 3, 1997, remains in effect.

WSR 98-10-070**NOTICE OF PUBLIC MEETINGS
ENERGY FACILITY SITE
EVALUATION COUNCIL**

[Memorandum—May 4, 1998]

NOTICE OF CHANGE OF PUBLIC MEETING DATE AND LOCATION

The public meeting scheduled for Monday, June 8, 1998, in Olympia has been changed to Monday, June 15, 1998, beginning at 1:30 p.m., at the Summit Inn at Snoqualmie Pass. Please contact (360) 956-2121 if you have further questions.

**WSR 98-10-072
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed May 4, 1998, 10:00 a.m.]

**Effective Date of Certain
Department of Financial Institutions
Rules Regarding Credit Unions
and Amending Chapter 208-444 WAC**

On November 19, 1997, the Department of Financial Institutions filed a CR-103 on new rules being added to chapter 208-444 WAC. WSR 97-23-071. The new rules provided that they would take effect when the Board of the National Credit Union Administration (NCUA) determined that they were substantially equivalent to their NCUA counterpart rules, WAC 208-444-050.

On March 19, 1998, the NCUA board made such a determination, as reflected by the following copy of the letter from the secretary of the NCUA board. Consequently, the new rules were effective as of March 19, 1998.

March 26, 1998

Honorable John L. Bley
Director
Department of Financial Institutions
State of Washington
P.O. Box 41200
Olympia, WA 98504-1200

RE: Request for NCUA Board Determination that Washington Rule is "Substantially Equivalent" Under 741.203(a)

Dear Mr. Bley:

This is to advise you that on March 19, 1998, the National Credit Union Administration Board approved your request for a determination that the State of Washington's rule WAC 208-444 is "substantially equivalent" under 12 C.F.R. § 741.203(a). As a result of the Board's determination, federally insured credit unions chartered by the State of Washington are exempt from the requirements of 12 C.F.R. §§ 701.21 (c)(8) and 701.21 (d)(5).

This exemption is subject to withdrawal if the NCUA Board determines that the State's implementation of rule WAC 208-444 presents undue safety and soundness concerns or an undue risk to the National Credit Union Share Insurance Fund.

Additionally, the State of Washington must reapply for a substantially equivalent determination anytime either § 701.21 (c)(8) or § 701.21 (d)(5) is amended.

If you have questions regarding this matter, please contact Jon Canerday of the Office of General Counsel at 703-518-6548.

Sincerely,

Becky Baker
Secretary to the Board

GC/JJC:jc
SSIC 3330

J. Parker Cann
Director

**WSR 98-10-075
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD**

[Memorandum—April 28, 1998]

MEETING NOTICE: July 9, 1998
County Road Administration Board
Days Inn Hotel
2009 Riverside Drive
Mt. Vernon, WA 98273
1:00 p.m. to 5:00 p.m.

July 10, 1998
County Road Administration Board
Days Inn Hotel
2009 Riverside Drive
Mt. Vernon, WA 98273
9:00 a.m. to noon

* Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact (360) 753-5989.

**WSR 98-10-076
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES**

[Memorandum—May 1, 1998]

The Seattle Community College District board of trustees will begin their special meeting on May 5, 1998, with an executive session in B106, at 5:00 p.m.

The meeting will be held at the Duwamish Branch, 6770 East Marginal Way South, Seattle, WA 98108.

MISC.

WSR 98-10-077
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
[Memorandum—May 4, 1998]

Eastern Washington University
BOARD OF TRUSTEES
May 1, 1998
10:00 a.m. - 10:30 a.m.
Cheney Campus
Pence Union Building
Room 263-67

Special Meeting

Following the special meeting, a news conference will be held at 10:30 a.m. at the University House (former President's House).

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling President's Office, 359-2371.

WSR 98-10-078
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
[Memorandum—April 30, 1998]

EDMONDS COMMUNITY COLLEGE
BOARD OF TRUSTEES
NOTICE OF SPECIAL MEETINGS
TO MEDIA/OTHER

- April 30-May 2, 1998* Washington Association of Community and Technical Colleges/Trustees Association of Community and Technical Colleges Meetings: Columbia Basin College, 2600 North 20th, Pasco, WA, 8:00 a.m.
- May 8, 1998* Salute to the Stars/Distinguished Alumni Awards Banquet: EdCC, Triton Union Building, Room 202, 20200 68th Avenue West, Lynnwood, WA, 6:00 p.m.
- May 12, 1998* Tenure Reception 1998: EdCC, Snohomish Hall, Room 304A, 20226 [68th] Avenue West, Lynnwood, WA, 1:00 p.m.
- May 13, 1998* Annual Advisory Committee Reception: EdCC, Snohomish Hall, Room 304A, 20226 [68th] Avenue West, Lynnwood, WA, 4:30 p.m.

June 1, 1998* All Campus Mission Forum: EdCC, Snohomish Hall, Room 304, 20226 [68th] Avenue West, Lynnwood, WA, 1:30 p.m.

Please note: The regular meeting of the EdCC Board of Trustees for May, 1998, has been canceled.

* This event is being scheduled as a special meeting, which is a study session where no action will be taken.

WSR 98-10-079
INSURANCE COMMISSIONER'S OFFICE

[Filed May 4, 1998, 3:15 p.m.]

In the Matter of the Merger) No. G 98 - 19
of WM LIFE INSURANCE) NOTICE OF HEARING
COMPANY with and into)
SAFECO LIFE INSURANCE)
COMPANY)

TO: Edward H. Southon
Assistant General Counsel
Safeco Insurance Companies
Safeco Plaza
Seattle, Washington 98185

George Pagos
Associate General Counsel
Safeco Life Insurance Company
Post Office Box 34690
Seattle, Washington 98124-1690

Randall H. Talbot, President
WM Life Insurance Company
Post Office Box 34690
Seattle, Washington 98124-1690

WM Life Insurance Company (WM Life) is a domestic Arizona life and disability insurance company. WM Life holds a Washington certificate of authority authorizing it to transact life and disability insurance in this state. WM Life is 100% owned by Safeco Life Insurance Company, a domestic Washington life and disability insurance company.

Safeco Life Insurance Company has announced its intention to merge WM Life into Safeco Life Insurance Company.

A merger involving a domestic Washington insurance company is controlled by RCW 48.31.010. Pursuant to RCW 48.31.010 (1)(a) a plan of merger was submitted to the Insurance Commissioner on March 31, 1998.

YOU ARE HEREBY NOTIFIED a hearing will be held commencing Friday, May 29, 1998, at 10:00 a.m. in the conference

MISC.

room of the Insurance Commissioner's Offices, 420 Golf Club Road, Lacey, Washington 98503, to consider the proposed merger of WM Life into Safeco Life Insurance Company.

The hearing will be held under the authority granted the Commissioner by Chapter 48.04 RCW and RCW 48.31.010 (1)(b). RCW 48.31.010 (1)(b) prescribes conditions upon which approval of the proposed merger shall be judged.

The Commissioner has not taken, and will not take, any position on this matter prior to entry of the hearing order.

All parties may be represented at the hearing. They may examine witnesses and fully respond and present evidence and argument on all issues involved, as required by the Administrative Procedure Act. The hearing will be governed by the Administrative Procedure Act, Chapter 34.05 RCW, and the model rules of procedure contained in Chapter 10-08 WAC. A party who fails to attend or participate in any stage of the proceeding may be held in default in accordance with Chapter 34.05 RCW.

The Commissioner will be represented by James E. Tompkins, Assistant Deputy Commissioner, and Dennis Julnes, Chief Financial Analyst.

Assistant Deputy Commissioner John B. Woodall will hear and determine this matter. His address is Office of the Insurance Commissioner, Post Office Box 40259, Olympia, Washington 98504-0259. His telephone number is (360) 407-0535.

ENTERED AT OLYMPIA, WASHINGTON, this 1st day of May, 1998.

DEBORAH SENN
Insurance Commissioner

By:
JOHN B. WOODALL
Assistant Deputy Commissioner
for Company Supervision

Board Meeting, 9:00 a.m., Friday, May 22, 1998, at Campbell's Conference Center.

SPECIAL NEEDS: For special accommodations or to request an auxiliary aid, please contact the TIB office at (360) 705-7300 by May 15, 1998.

The next scheduled meeting is June 26, 1998, in Long Beach. A notice with further detail of the June meeting will be mailed June 5, 1998.

WSR 98-10-085
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD

[Memorandum—May 5, 1998]

The School-to-Work Task Force meeting originally scheduled for Tuesday, May 5, 1998, has been changed to Thursday, June 11, 1998, 2:00 - 5:00 p.m. to be held at the World Trade Center at SeaTac.

WSR 98-10-084
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD

[Memorandum—May 1, 1998]

MEETING NOTICE FOR MAY 1998
TRANSPORTATION IMPROVEMENT BOARD
CHELAN, WASHINGTON

Increase Committee, 8:00 a.m. - noon, Thursday, May 21, 1998, at Campbell's Conference Center, 104 West Woodin, Chelan.

Work Session, 7:00 p.m., Thursday, May 21, 1998, at Campbell's Conference Center.

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
- No suffix means permanent action

Note: These filings will appear in a special section of Issue 98-09

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-XA	98-09-083	16-316-474	AMD-P	98-09-101	16-354-070	AMD	98-09-049
1-21-020	AMD-XA	98-09-083	16-316-525	PREP	98-06-093	16-354-100	AMD-P	98-06-082
4-25	AMD-C	98-05-020	16-316-525	AMD-P	98-09-101	16-354-100	AMD	98-09-049
4-25	AMD-C	98-07-025	16-319-041	PREP	98-06-094	16-400	AMD-P	98-07-032
16-08-151	AMD-XA	98-04-082	16-319-041	AMD-P	98-09-100	16-400	AMD	98-10-083
16-08-151	AMD	98-09-085	16-325-005	NEW-XA	98-05-106	16-400-007	AMD-P	98-07-032
16-32-009	PREP	98-05-104	16-325-005	NEW	98-09-071	16-400-007	AMD	98-10-083
16-32-009	REP-P	98-09-104	16-325-010	NEW-XA	98-05-106	16-400-040	AMD-P	98-07-032
16-32-011	AMD-P	98-09-104	16-325-010	NEW	98-09-071	16-400-040	AMD	98-10-083
16-46-010	REP-XR	98-08-080	16-325-015	NEW-XA	98-05-106	16-400-100	AMD-P	98-07-032
16-86	PREP	98-08-022	16-325-015	NEW	98-09-071	16-400-100	AMD	98-10-083
16-89	PREP	98-08-023	16-325-020	NEW-XA	98-05-106	16-400-210	AMD-P	98-07-032
16-102	PREP	98-04-075	16-325-020	NEW	98-09-071	16-400-210	AMD	98-10-083
16-129-010	REP-XR	98-08-020	16-325-025	NEW-XA	98-05-106	16-470-100	AMD-P	98-08-108
16-129-020	REP-XR	98-08-020	16-325-025	NEW	98-09-071	16-470-120	AMD-P	98-08-108
16-129-025	REP-XR	98-08-020	16-333-200	REP-XR	98-07-108	16-471	PREP	98-07-107
16-129-030	REP-XR	98-08-020	16-333-205	REP-XR	98-07-108	16-471-010	REP-P	98-10-115
16-167-010	AMD-XA	98-04-076	16-333-210	REP-XR	98-07-108	16-471-015	REP-P	98-10-115
16-167-010	AMD	98-09-048	16-333-215	REP-XR	98-07-108	16-471-020	REP-P	98-10-115
16-167-020	AMD-XA	98-04-076	16-333-220	REP-XR	98-07-108	16-471-030	REP-P	98-10-115
16-167-020	AMD	98-09-048	16-333-225	REP-XR	98-07-108	16-471-040	REP-P	98-10-115
16-167-030	AMD-XA	98-04-076	16-333-230	REP-XR	98-07-108	16-471-050	REP-P	98-10-115
16-167-030	AMD	98-09-048	16-333-235	REP-XR	98-07-108	16-471-060	REP-P	98-10-115
16-167-040	AMD-XA	98-04-076	16-333-240	REP-XR	98-07-108	16-471-070	REP-P	98-10-115
16-167-040	AMD	98-09-048	16-333-245	REP-XR	98-07-108	16-471-080	REP-P	98-10-115
16-167-050	AMD-XA	98-04-076	16-334-010	NEW-XA	98-07-109	16-532-010	AMD-P	98-02-073
16-167-050	AMD	98-09-048	16-334-020	NEW-XA	98-07-109	16-532-0402	REP-P	98-02-073
16-167-060	AMD-XA	98-04-076	16-334-030	NEW-XA	98-07-109	16-532-0404	REP-P	98-02-073
16-167-060	AMD	98-09-048	16-334-040	NEW-XA	98-07-109	16-532-0406	REP-P	98-02-073
16-168-010	AMD	98-03-089	16-334-050	NEW-XA	98-07-109	16-532-0408	REP-P	98-02-073
16-168-020	AMD	98-03-089	16-334-060	NEW-XA	98-07-109	16-532-0410	REP-P	98-02-073
16-168-030	AMD	98-03-089	16-334-070	NEW-XA	98-07-109	16-532-0412	REP-P	98-02-073
16-168-040	AMD	98-03-089	16-334-080	NEW-XA	98-07-109	16-532-0414	REP-P	98-02-073
16-168-050	AMD	98-03-089	16-354-002	REP-P	98-06-082	16-557	PREP	98-08-099
16-168-060	AMD	98-03-089	16-354-002	REP	98-09-049	16-573-010	NEW	98-04-093
16-168-070	AMD	98-03-089	16-354-005	AMD-P	98-06-082	16-573-020	NEW	98-04-093
16-168-075	NEW	98-03-089	16-354-005	AMD	98-09-049	16-573-030	NEW	98-04-093
16-168-080	AMD	98-03-089	16-354-010	AMD-P	98-06-082	16-573-040	NEW	98-04-093
16-168-090	AMD	98-03-089	16-354-010	AMD	98-09-049	16-573-041	NEW	98-04-093
16-168-100	AMD	98-03-089	16-354-020	AMD-P	98-06-082	16-573-050	NEW	98-04-093
16-212-030	AMD-P	98-07-106	16-354-020	AMD	98-09-049	16-573-060	NEW	98-04-093
16-212-060	AMD-P	98-07-106	16-354-030	AMD-P	98-06-082	16-573-070	NEW	98-04-093
16-212-070	AMD-P	98-07-106	16-354-030	AMD	98-09-049	16-573-080	NEW	98-04-093
16-212-080	AMD-P	98-07-106	16-354-040	AMD-P	98-06-082	16-575	PREP	98-06-096
16-212-082	AMD-P	98-07-106	16-354-040	AMD	98-09-049	16-600-020	REP-XR	98-08-019
16-228-155	PREP	98-07-003	16-354-050	AMD-P	98-06-082	16-657	PREP	98-07-068
16-228-155	AMD-P	98-10-069	16-354-050	AMD	98-09-049	16-657-040	AMD-P	98-10-120
16-316-474	PREP	98-06-093	16-354-070	AMD-P	98-06-082	16-659	PREP	98-07-067

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-659-001	REP-P	98-10-119	51-11-1004	AMD	98-03-003	51-27-004	REP	98-02-055
16-659-002	NEW-P	98-10-119	51-11-1005	AMD	98-03-003	51-27-008	REP	98-02-055
16-659-010	AMD-P	98-10-119	51-11-1006	AMD	98-03-003	51-30-001	REP	98-02-054
16-662	PREP	98-07-069	51-11-1007	AMD	98-03-003	51-30-002	REP	98-02-054
16-662-105	AMD-P	98-10-118	51-11-1008	AMD	98-03-003	51-30-003	REP	98-02-054
16-662-115	AMD-P	98-10-118	51-11-1009	AMD	98-03-003	51-30-004	REP	98-02-054
16-675-030	AMD-P	98-09-099	51-11-1010	REP	98-03-003	51-30-005	REP	98-02-054
16-675-040	AMD-P	98-09-099	51-11-1120	AMD	98-03-003	51-30-007	REP	98-02-054
16-752	PREP	98-04-077	51-11-1130	AMD	98-03-003	51-30-008	REP	98-02-054
16-752-610	AMD-P	98-08-109	51-11-1132	AMD	98-03-003	51-30-009	REP	98-02-054
25-18-010	REP	98-05-027	51-11-1133	AMD	98-03-003	51-30-0100	REP	98-02-054
25-18-020	REP	98-05-027	51-11-1210	AMD	98-03-003	51-30-0104	REP	98-02-054
25-18-030	REP	98-05-027	51-11-1310	AMD-W	98-05-064	51-30-0200	REP	98-02-054
25-18-040	REP	98-05-027	51-11-1312	AMD	98-03-003	51-30-0204	REP	98-02-054
25-18-050	REP	98-05-027	51-11-1322	AMD-W	98-05-064	51-30-0207	REP	98-02-054
25-18-060	REP	98-05-027	51-11-1323	AMD	98-03-003	51-30-0217	REP	98-02-054
25-18-070	REP	98-05-027	51-11-1331	AMD	98-03-003	51-30-0220	REP	98-02-054
25-18-080	REP	98-05-027	51-11-1334	AMD	98-03-003	51-30-0300	REP	98-02-054
25-18-090	REP	98-05-027	51-11-1411	AMD	98-03-003	51-30-0302	REP	98-02-054
25-18-100	REP	98-05-027	51-11-1412	AMD	98-03-003	51-30-0304	REP	98-02-054
25-18-110	REP	98-05-027	51-11-1414	AMD	98-03-003	51-30-0305	REP	98-02-054
25-18-120	REP	98-05-027	51-11-1421	AMD	98-03-003	51-30-0307	REP	98-02-054
25-18-130	REP	98-05-027	51-11-1422	AMD	98-03-003	51-30-0310	REP	98-02-054
25-36-010	REP	98-05-027	51-11-1423	AMD	98-03-003	51-30-0313	REP	98-02-054
25-36-020	REP	98-05-027	51-11-1433	AMD	98-03-003	51-30-0400	REP	98-02-054
25-36-030	REP	98-05-027	51-11-1452	AMD	98-03-003	51-30-0403	REP	98-02-054
25-36-040	REP	98-05-027	51-11-1454	AMD	98-03-003	51-30-0405	REP	98-02-054
25-36-050	REP	98-05-027	51-11-1512	AMD	98-03-003	51-30-0500	REP	98-02-054
25-36-060	REP	98-05-027	51-11-1530	AMD	98-03-003	51-30-0510	REP	98-02-054
25-36-070	REP	98-05-027	51-11-1701	AMD	98-03-003	51-30-0600	REP	98-02-054
25-36-080	REP	98-05-027	51-11-2005	AMD	98-03-003	51-30-0601	REP	98-02-054
25-36-090	REP	98-05-027	51-11-2006	AMD	98-03-003	51-30-0800	REP	98-02-054
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173-160-371	NEW	98-08-032	173-303-100	AMD	98-03-018	173-308-290	NEW	98-05-101
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173-160-385	REP	98-08-032	173-303-120	AMD	98-03-018	173-308-310	NEW	98-05-101
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180-39-027	REP	98-05-004	182-25-090	AMD	98-07-002	196-08-190	REP-P	98-08-078
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180-58-010	REP	98-05-006	192-12-042	AMD-P	98-09-105	196-08-250	REP-P	98-08-078
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180-58-020	REP	98-05-006	192-16-051	PREP	98-08-072	196-08-270	REP-P	98-08-078
180-58-030	REP	98-05-006	192-16-052	PREP	98-08-072	196-08-280	REP-P	98-08-078
180-58-040	REP	98-05-006	192-16-057	PREP	98-08-072	196-08-290	REP-P	98-08-078
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180-59-045	REP	98-05-007	192-32-045	AMD	98-05-042	196-08-460	REP-P	98-08-078
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180-59-130	REP	98-05-007	194-10-020	REP	98-05-027	196-12-020	AMD-P	98-08-105
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246-254-070	AMD-P	98-07-080	246-808-185	REP	98-05-060	246-828-510	AMD	98-05-060
246-254-080	AMD-P	98-07-080	246-808-215	AMD	98-05-060	246-828-520	REP	98-05-060
246-254-090	AMD-P	98-07-080	246-808-990	AMD	98-05-060	246-828-530	AMD	98-05-060
246-254-100	AMD-P	98-07-080	246-810-020	REP	98-05-060	246-828-540	REP	98-05-060
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246-282-990	AMD-P	98-08-118	246-810-080	AMD	98-05-060	246-828-990	AMD	98-05-060
246-290-990	AMD-P	98-07-082	246-810-130	AMD	98-05-060	246-830-035	AMD	98-05-060
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246-310-010	AMD	98-10-053	246-812-120	AMD	98-05-060	246-830-465	REP	98-05-060
246-310-044	AMD-XA	98-05-057	246-812-130	REP-W	98-08-111	246-830-470	REP	98-05-060
246-310-044	AMD	98-10-053	246-812-140	REP	98-05-060	246-830-480	REP	98-05-060
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246-310-080	AMD-XA	98-05-057	246-812-990	AMD	98-05-060	246-834-065	AMD	98-05-060
246-310-080	AMD	98-10-053	246-812-995	NEW	98-05-060	246-834-170	AMD	98-05-060
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246-310-120	AMD	98-10-053	246-815-070	REP-XR	98-07-087	246-834-500	REP	98-05-060
246-310-132	AMD-XA	98-05-057	246-815-080	REP-XR	98-07-087	246-834-990	AMD-P	98-07-085
246-310-132	AMD	98-10-053	246-815-090	REP-XR	98-07-087	246-836-080	AMD	98-05-060
246-310-150	AMD-XA	98-05-057	246-815-100	AMD	98-05-060	246-836-090	REP	98-05-060
246-310-150	AMD	98-10-053	246-815-140	AMD	98-05-060	246-836-410	AMD	98-05-060
246-310-160	AMD-XA	98-05-057	246-815-150	REP	98-05-060	246-836-990	AMD-W	98-05-058
246-310-160	AMD	98-10-053	246-815-300	REP	98-05-060	246-836-990	AMD	98-05-060
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246-310-396	AMD	98-10-053	246-822-120	AMD	98-05-060	246-840-100	REP	98-05-060
246-310-560	AMD-XA	98-05-057	246-822-990	AMD	98-05-060	246-840-110	REP	98-05-060
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246-840-985	NEW-W	98-09-040	246-907-030	AMD	98-05-060	246-933-480	AMD	98-05-060
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246-841-520	NEW	98-05-060	246-907-995	NEW	98-05-060	246-935-990	AMD	98-05-060
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246-843-162	AMD	98-05-060	246-915-990	AMD	98-05-060	246-976-480	REP	98-04-038
246-843-180	AMD	98-05-060	246-918-006	REP	98-05-060	246-976-485	NEW	98-04-038
246-843-230	AMD	98-05-060	246-918-008	REP	98-09-118	246-976-490	NEW	98-04-038
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246-843-330	AMD	98-05-060	246-918-081	NEW	98-05-060	246-976-520	AMD	98-04-038
246-843-990	AMD	98-05-060	246-918-085	REP	98-05-060	246-976-550	AMD	98-04-038
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246-851-240	REP	98-05-060	246-922-290	AMD	98-05-060	246-976-850	AMD	98-04-038
246-851-430	AMD	98-05-060	246-922-295	AMD	98-05-060	246-976-860	AMD	98-04-038
246-851-510	REP	98-05-060	246-922-300	AMD	98-05-060	246-976-870	NEW	98-04-038
246-851-990	AMD	98-05-060	246-922-320	REP	98-05-060	246-976-880	REP	98-04-038
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246-853-230	AMD	98-05-060	246-924-290	REP	98-05-060	250-10-020	REP	98-08-006
246-853-240	REP	98-05-060	246-924-320	REP	98-05-060	250-10-022	REP	98-08-006
246-853-270	REP	98-05-060	246-924-490	REP	98-05-060	250-10-026	REP	98-08-006
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246-861-120	REP	98-05-060	246-928-090	REP	98-05-060	250-10-100	REP	98-08-006
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246-863-070	AMD	98-05-060	246-930-020	AMD	98-05-060	250-10-130	REP	98-08-006
246-863-080	AMD	98-05-060	246-930-400	REP	98-05-060	250-10-140	REP	98-08-006
246-863-090	AMD	98-05-060	246-930-410	AMD	98-05-060	250-10-150	REP	98-08-006
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250-12-050	REP	98-08-008	255-01-140	NEW-P	98-04-060	284-19-150	AMD-XA	98-08-097
250-12-060	REP	98-08-008	255-01-140	NEW	98-07-071	284-19-160	AMD-XA	98-08-097
250-12-070	REP	98-08-008	255-02-010	NEW-P	98-04-059	284-19-170	AMD-XA	98-08-097
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250-16-020	REP	98-08-007	255-02-040	NEW-P	98-04-059	284-23	AMD-C	98-03-076
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250-16-040	REP	98-08-007	255-02-060	NEW-P	98-04-059	284-23-120	REP-XA	98-07-065
250-16-050	REP	98-08-007	255-02-070	NEW-P	98-04-059	284-23-130	REP-XA	98-07-065
250-16-060	REP	98-08-007	255-02-080	NEW-P	98-04-059	284-23-200	AMD-P	98-04-083
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255-01-020	NEW	98-07-071	284-10-060	REP	98-04-005	284-36A-065	NEW	98-09-016
255-01-030	NEW-P	98-04-060	284-10-070	REP	98-04-005	284-43	AMD-C	98-02-063
255-01-030	NEW	98-07-071	284-10-090	REP	98-04-005	284-43	AMD-C	98-03-004
255-01-040	NEW-P	98-04-060	284-10-140	REP	98-04-005	284-43	AMD	98-04-005
255-01-040	NEW	98-07-071	284-17-135	REP	98-06-022	284-43-040	REP	98-04-005
255-01-050	NEW-P	98-04-060	284-17-220	AMD-XA	98-07-104	284-43-100	REP	98-04-005
255-01-050	NEW	98-07-071	284-17-300	REP-XA	98-04-084	284-43-110	NEW	98-04-005
255-01-060	NEW-P	98-04-060	284-17-300	REP	98-09-041	284-43-120	NEW	98-04-005
255-01-060	NEW	98-07-071	284-17-570	REP-XA	98-07-065	284-43-130	NEW	98-04-005
255-01-070	NEW-P	98-04-060	284-19-010	AMD-XA	98-08-097	284-43-200	NEW	98-04-005
255-01-070	NEW	98-07-071	284-19-020	AMD-XA	98-08-097	284-43-210	NEW	98-04-005
255-01-080	NEW-P	98-04-060	284-19-030	REP-XA	98-08-097	284-43-220	NEW	98-04-005
255-01-080	NEW	98-07-071	284-19-040	AMD-XA	98-08-097	284-43-250	NEW	98-04-005
255-01-090	NEW-P	98-04-060	284-19-050	AMD-XA	98-08-097	284-43-300	NEW	98-04-005
255-01-090	NEW	98-07-071	284-19-060	AMD-XA	98-08-097	284-43-310	NEW	98-04-005
255-01-100	NEW-P	98-04-060	284-19-070	AMD-XA	98-08-097	284-43-320	NEW	98-04-005
255-01-100	NEW	98-07-071	284-19-080	AMD-XA	98-08-097	284-43-330	NEW	98-04-005
255-01-110	NEW-P	98-04-060	284-19-090	AMD-XA	98-08-097	284-43-340	NEW	98-04-005

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284-43-400	NEW-W	98-10-082	286-13-045	AMD	98-08-014	296-08-030	REP-XR	98-08-102
284-43-410	NEW-W	98-10-082	286-13-070	AMD-P	98-04-079	296-08-040	REP-XR	98-08-102
284-43-420	NEW-W	98-10-082	286-13-070	AMD	98-08-014	296-08-050	REP-XR	98-08-102
284-43-610	NEW-W	98-10-082	286-13-085	AMD-P	98-04-079	296-08-060	REP-XR	98-08-102
284-43-620	NEW-W	98-10-082	286-13-085	AMD	98-08-014	296-08-070	REP-XR	98-08-102
284-43-630	NEW-W	98-10-082	286-13-100	AMD-P	98-04-079	296-08-080	REP-XR	98-08-102
284-43-640	NEW-W	98-10-082	286-13-100	AMD	98-08-014	296-08-090	REP-XR	98-08-102
284-43-650	NEW-W	98-10-082	286-26-020	AMD-P	98-04-079	296-08-100	REP-XR	98-08-102
284-43-700	NEW	98-04-005	286-26-020	AMD	98-08-014	296-08-110	REP-XR	98-08-102
284-43-710	NEW	98-04-005	286-26-110	AMD-P	98-04-079	296-08-120	REP-XR	98-08-102
284-43-720	NEW	98-04-005	286-26-110	AMD	98-08-014	296-08-130	REP-XR	98-08-102
284-43-730	NEW	98-04-005	286-27-040	AMD-P	98-04-079	296-08-140	REP-XR	98-08-102
284-43-800	NEW	98-04-005	286-27-040	AMD	98-08-014	296-08-150	REP-XR	98-08-102
284-43-900	NEW	98-04-011	286-27-055	AMD-P	98-04-079	296-08-160	REP-XR	98-08-102
284-43-905	NEW	98-04-011	286-27-055	AMD	98-08-014	296-08-170	REP-XR	98-08-102
284-43-910	NEW	98-04-011	286-27-065	AMD-P	98-04-079	296-08-180	REP-XR	98-08-102
284-43-915	NEW	98-04-011	286-27-065	AMD	98-08-014	296-08-190	REP-XR	98-08-102
284-43-920	NEW	98-04-011	286-27-075	AMD-P	98-04-079	296-08-200	REP-XR	98-08-102
284-43-925	NEW	98-04-011	286-27-075	AMD	98-08-014	296-08-210	REP-XR	98-08-102
284-43-930	NEW	98-04-011	286-30-050	NEW-P	98-04-079	296-08-220	REP-XR	98-08-102
284-43-930	AMD-XA	98-07-105	286-30-050	NEW	98-08-014	296-08-370	REP-XR	98-08-102
284-43-935	NEW	98-04-011	286-35-060	AMD-P	98-04-079	296-08-380	REP-XR	98-08-102
284-43-940	NEW	98-04-011	286-35-060	AMD	98-08-014	296-08-390	REP-XR	98-08-102
284-43-945	NEW	98-04-011	292-110-010	AMD	98-08-054	296-08-400	REP-XR	98-08-102
284-43-950	NEW	98-04-011	292-110-050	NEW	98-03-045	296-08-410	REP-XR	98-08-102
284-43-955	NEW	98-04-011	292-110-060	NEW	98-04-001	296-08-420	REP-XR	98-08-102
284-44	REP-C	98-02-063	296-04	PREP	98-09-063	296-08-430	REP-XR	98-08-102
284-44	REP-C	98-03-004	296-04A-001	NEW-W	98-07-058	296-08-440	REP-XR	98-08-102
284-44-100	REP	98-04-011	296-04A-003	NEW-W	98-07-058	296-08-450	REP-XR	98-08-102
284-44-110	REP	98-04-011	296-04A-006	NEW-W	98-07-058	296-08-460	REP-XR	98-08-102
284-44-120	REP	98-04-011	296-04A-009	NEW-W	98-07-058	296-08-470	REP-XR	98-08-102
284-44-130	REP	98-04-011	296-04A-012	NEW-W	98-07-058	296-08-480	REP-XR	98-08-102
284-44-140	REP	98-04-011	296-04A-015	NEW-W	98-07-058	296-08-490	REP-XR	98-08-102
284-44-150	REP	98-04-011	296-04A-018	NEW-W	98-07-058	296-08-500	REP-XR	98-08-102
284-44-160	REP	98-04-011	296-04A-025	NEW-W	98-07-058	296-08-510	REP-XR	98-08-102
284-44-190	REP	98-04-011	296-04A-028	NEW-W	98-07-058	296-08-520	REP-XR	98-08-102
284-44-200	REP	98-04-011	296-04A-034	NEW-W	98-07-058	296-08-530	REP-XR	98-08-102
284-44-210	REP	98-04-011	296-04A-037	NEW-W	98-07-058	296-08-540	REP-XR	98-08-102
284-44-220	REP	98-04-011	296-04A-040	NEW-W	98-07-058	296-08-550	REP-XR	98-08-102
284-44-240	REP	98-04-005	296-04A-043	NEW-W	98-07-058	296-08-560	REP-XR	98-08-102
284-44-360	REP-XA	98-07-065	296-04A-046	NEW-W	98-07-058	296-08-570	REP-XR	98-08-102
284-44-410	REP	98-04-005	296-04A-049	NEW-W	98-07-058	296-08-580	REP-XR	98-08-102
284-46	REP-C	98-03-004	296-04A-052	NEW-W	98-07-058	296-08-590	REP-XR	98-08-102
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284-46-575	REP	98-04-005	296-04A-060	NEW-W	98-07-058	296-20-135	AMD-P	98-05-100
284-50-435	REP-XA	98-07-065	296-04A-100	NEW-W	98-07-058	296-20-135	AMD	98-09-125
284-51-180	REP-XA	98-04-084	296-04A-110	NEW-W	98-07-058	296-23-220	AMD-P	98-05-100
284-51-180	REP	98-09-041	296-04A-120	NEW-W	98-07-058	296-23-220	AMD	98-09-125
284-58-010	AMD-XA	98-08-098	296-04A-130	NEW-W	98-07-058	296-23-230	AMD-P	98-05-100
284-58-020	AMD-XA	98-08-098	296-04A-150	NEW-W	98-07-058	296-23-230	AMD	98-09-125
284-58-040	REP-XA	98-04-084	296-04A-200	NEW-W	98-07-058	296-24	PREP	98-08-104
284-58-040	REP	98-09-041	296-04A-210	NEW-W	98-07-058	296-24-060	REP	98-06-061
284-58-050	REP-XA	98-04-084	296-04A-230	NEW-W	98-07-058	296-24-061	NEW	98-06-061
284-58-050	REP	98-09-041	296-04A-300	NEW-W	98-07-058	296-24-06105	NEW	98-06-061
284-58-060	REP-XA	98-04-084	296-04A-30001	NEW-W	98-07-058	296-24-06110	NEW	98-06-061
284-58-060	REP	98-09-041	296-04A-330	NEW-W	98-07-058	296-24-06115	NEW	98-06-061
284-58-250	AMD-XA	98-08-098	296-04A-340	NEW-W	98-07-058	296-24-06120	NEW	98-06-061
284-58-260	AMD-XA	98-08-098	296-04A-350	NEW-W	98-07-058	296-24-06125	NEW	98-06-061
284-58-270	REP-XA	98-08-098	296-04A-351	NEW-W	98-07-058	296-24-06130	NEW	98-06-061
284-58-280	REP-XA	98-08-098	296-04A-360	NEW-W	98-07-058	296-24-06135	NEW	98-06-061
284-74-010	AMD	98-05-069	296-04A-370	NEW-W	98-07-058	296-24-06140	NEW	98-06-061
284-74-020	NEW	98-05-069	296-04A-380	NEW-W	98-07-058	296-24-06145	NEW	98-06-061
286-04-010	AMD-P	98-04-079	296-04A-390	NEW-W	98-07-058	296-24-06150	NEW	98-06-061
286-04-010	AMD	98-08-014	296-04A-400	NEW-W	98-07-058	296-24-06155	NEW	98-06-061
286-04-060	AMD-P	98-04-079	296-04A-410	NEW-W	98-07-058	296-24-06160	NEW	98-06-061
286-04-060	AMD	98-08-014	296-04A-420	NEW-W	98-07-058	296-24-065	REP	98-06-061
286-06-065	AMD-P	97-04-079	296-04A-430	NEW-W	98-07-058	296-24-067	REP	98-06-061
286-06-065	AMD	98-08-014	296-04A-440	NEW-W	98-07-058	296-24-070	REP	98-06-061
286-13-030	AMD-P	98-04-079	296-04A-460	NEW-W	98-07-058	296-24-205	AMD	98-10-073
286-13-030	AMD	98-08-014	296-04A-470	NEW-W	98-07-058	296-24-20501	AMD	98-10-073
286-13-040	AMD-P	98-04-079	296-04A-480	NEW-W	98-07-058	296-24-20503	AMD	98-10-073
286-13-040	AMD	98-08-014	296-08-001	REP-XR	98-08-102	296-24-20505	AMD	98-10-073
286-13-045	AMD-P	98-04-079	296-08-020	REP-XR	98-08-102	296-24-20507	AMD	98-10-073

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296-45	AMD	98-07-009	296-45-52515	NEW	98-07-009	296-65	PREP	98-08-104
296-45-005	NEW	98-07-009	296-45-52520	NEW	98-07-009	296-78	PREP	98-08-104
296-45-015	NEW	98-07-009	296-45-52525	NEW	98-07-009	296-81	PREP	98-02-080
296-45-025	NEW	98-07-009	296-45-52530	NEW	98-07-009	296-81-007	AMD-P	98-07-094
296-45-035	NEW	98-07-009	296-45-52535	NEW	98-07-009	296-86-010	REP-P	98-07-094
296-45-045	NEW	98-07-009	296-45-52540	NEW	98-07-009	296-86-020	REP-P	98-07-094
296-45-055	NEW	98-07-009	296-45-52545	NEW	98-07-009	296-86-030	REP-P	98-07-094
296-45-065	NEW	98-07-009	296-45-52550	NEW	98-07-009	296-86-040	REP-P	98-07-094
296-45-075	NEW	98-07-009	296-45-545	NEW	98-07-009	296-86-050	REP-P	98-07-094
296-45-085	NEW	98-07-009	296-45-60013	REP	98-07-009	296-86-060	REP-P	98-07-094
296-45-095	NEW	98-07-009	296-45-650	REP	98-07-009	296-86-070	REP-P	98-07-094
296-45-105	NEW	98-07-009	296-45-65003	REP	98-07-009	296-86-075	REP-P	98-07-094
296-45-115	NEW	98-07-009	296-45-65005	REP	98-07-009	296-86-080	REP-P	98-07-094
296-45-125	NEW	98-07-009	296-45-65009	REP	98-07-009	296-86-090	REP-P	98-07-094
296-45-135	NEW	98-07-009	296-45-65011	REP	98-07-009	296-86A-010	NEW-P	98-07-094
296-45-175	NEW	98-07-009	296-45-65013	REP	98-07-009	296-86A-020	NEW-P	98-07-094
296-45-17505	NEW	98-07-009	296-45-65015	REP	98-07-009	296-86A-025	NEW-P	98-07-094
296-45-17510	NEW	98-07-009	296-45-65017	REP	98-07-009	296-86A-028	NEW-P	98-07-094
296-45-17515	NEW	98-07-009	296-45-65019	REP	98-07-009	296-86A-030	NEW-P	98-07-094
296-45-17520	NEW	98-07-009	296-45-65021	REP	98-07-009	296-86A-040	NEW-P	98-07-094
296-45-17525	NEW	98-07-009	296-45-65023	REP	98-07-009	296-86A-060	NEW-P	98-07-094
296-45-17530	NEW	98-07-009	296-45-65026	REP	98-07-009	296-86A-065	NEW-P	98-07-094
296-45-17535	NEW	98-07-009	296-45-65027	REP	98-07-009	296-86A-070	NEW-P	98-07-094
296-45-17540	NEW	98-07-009	296-45-65029	REP	98-07-009	296-86A-073	NEW-P	98-07-094
296-45-17545	NEW	98-07-009	296-45-65031	REP	98-07-009	296-86A-074	NEW-P	98-07-094
296-45-17550	NEW	98-07-009	296-45-65033	REP	98-07-009	296-86A-075	NEW-P	98-07-094
296-45-17555	NEW	98-07-009	296-45-65035	REP	98-07-009	296-86A-080	NEW-P	98-07-094
296-45-17560	NEW	98-07-009	296-45-65037	REP	98-07-009	296-104	PREP	98-09-065
296-45-17565	NEW	98-07-009	296-45-65038	REP	98-07-009	296-104-700	AMD-P	98-04-017
296-45-195	NEW	98-07-009	296-45-65039	REP	98-07-009	296-104-700	AMD	98-09-064
296-45-205	NEW	98-07-009	296-45-65041	REP	98-07-009	296-124-010	REP-XR	98-07-093
296-45-215	NEW	98-07-009	296-45-65043	REP	98-07-009	296-124-020	REP-XR	98-07-093
296-45-225	NEW	98-07-009	296-45-65045	REP	98-07-009	296-124-021	REP-XR	98-07-093
296-45-255	NEW	98-07-009	296-45-65047	REP	98-07-009	296-124-022	REP-XR	98-07-093
296-45-25505	NEW	98-07-009	296-45-660	REP	98-07-009	296-124-040	REP-XR	98-07-093
296-45-25510	NEW	98-07-009	296-45-66001	REP	98-07-009	296-124-050	REP-XR	98-07-093
296-45-275	NEW	98-07-009	296-45-66003	REP	98-07-009	296-125	PREP	98-02-079
296-45-285	NEW	98-07-009	296-45-66005	REP	98-07-009	296-126-098	REP-XR	98-08-103
296-45-295	NEW	98-07-009	296-45-66007	REP	98-07-009	296-150C-0020	AMD-P	98-07-095
296-45-305	NEW	98-07-009	296-45-66009	REP	98-07-009	296-150C-0310	AMD-P	98-07-095
296-45-315	NEW	98-07-009	296-45-66011	REP	98-07-009	296-150C-0320	AMD-P	98-07-095
296-45-325	NEW	98-07-009	296-45-67543	AMD-W	98-07-008	296-150C-0410	AMD-P	98-07-095
296-45-335	NEW	98-07-009	296-45-680	REP	98-07-009	296-150C-0460	AMD-P	98-07-095
296-45-345	NEW	98-07-009	296-45-690	REP	98-07-009	296-150C-0500	AMD-P	98-07-095
296-45-355	NEW	98-07-009	296-45-695	REP	98-07-009	296-150C-0560	AMD-P	98-07-095
296-45-365	NEW	98-07-009	296-45-700	REP	98-07-009	296-150C-0800	AMD-P	98-07-095
296-45-375	NEW	98-07-009	296-45-900	NEW	98-07-009	296-150C-0820	AMD-P	98-07-095
296-45-385	NEW	98-07-009	296-45-901	NEW	98-07-009	296-150C-0960	AMD-P	98-07-095
296-45-455	NEW	98-07-009	296-45-903	NEW	98-07-009	296-150C-0980	REP-P	98-07-095
296-45-45505	NEW	98-07-009	296-45-905	NEW	98-07-009	296-150C-1080	AMD-P	98-07-095
296-45-45510	NEW	98-07-009	296-46-100	NEW-P	98-07-097	296-150C-1170	AMD-P	98-07-095
296-45-45515	NEW	98-07-009	296-46-140	AMD-P	98-07-097	296-150C-1303	NEW-P	98-07-095
296-45-45520	NEW	98-07-009	296-46-155	NEW-P	98-07-097	296-150C-1580	AMD-P	98-07-095
296-45-45525	NEW	98-07-009	296-46-21052	AMD-P	98-07-097	296-150C-1590	AMD-P	98-07-095
296-45-45530	NEW	98-07-009	296-46-225	AMD-P	98-07-097	296-150C-1600	AMD-P	98-07-095
296-45-465	NEW	98-07-009	296-46-23028	AMD-P	98-07-097	296-150C-1720	AMD-P	98-07-095
296-45-475	NEW	98-07-009	296-46-30001	AMD-P	98-07-097	296-150C-1730	AMD-P	98-07-095
296-45-485	NEW	98-07-009	296-46-348	AMD-P	98-07-097	296-150C-1740	AMD-P	98-07-095
296-45-48505	NEW	98-07-009	296-46-495	AMD-P	98-07-097	296-150C-1750	NEW-P	98-07-095
296-45-48510	NEW	98-07-009	296-46-50002	NEW-P	98-07-097	296-150C-1751	NEW-P	98-07-095
296-45-48515	NEW	98-07-009	296-46-770	AMD-P	98-07-097	296-150C-1752	NEW-P	98-07-095
296-45-48520	NEW	98-07-009	296-46-910	AMD-P	98-07-097	296-150C-1753	NEW-P	98-07-095
296-45-48525	NEW	98-07-009	296-46-915	AMD-P	98-07-097	296-150C-1754	NEW-P	98-07-095
296-45-48530	NEW	98-07-009	296-46-920	AMD-P	98-07-097	296-150C-1755	NEW-P	98-07-095
296-45-48535	NEW	98-07-009	296-46-930	AMD-P	98-07-097	296-150C-1756	NEW-P	98-07-095
296-45-48540	NEW	98-07-009	296-46-940	AMD-P	98-07-097	296-150C-1757	NEW-P	98-07-095
296-45-48545	NEW	98-07-009	296-56	PREP	98-08-104	296-150C-1758	NEW-P	98-07-095
296-45-48550	NEW	98-07-009	296-62	PREP	98-08-104	296-150C-1759	NEW-P	98-07-095
296-45-48555	NEW	98-07-009	296-62-07477	AMD-P	98-05-061	296-150C-1760	NEW-P	98-07-095
296-45-48560	NEW	98-07-009	296-62-07477	AMD	98-10-029	296-150C-3000	AMD-P	98-07-096
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296-45-52505	NEW	98-07-009	296-62-07515	AMD-E	98-10-028	296-150F-0130	NEW-P	98-07-095
296-45-52510	NEW	98-07-009	296-62-07515	AMD	98-10-029	296-150F-0200	AMD-P	98-07-095

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296-150F-0460	AMD-P	98-07-095	296-307	PREP	98-10-035	296-401A-920	NEW-P	98-07-097
296-150F-0500	AMD-P	98-07-095	296-400A	PREP	98-06-043	296-401A-930	NEW-P	98-07-097
296-150F-3000	AMD-P	98-07-096	296-400A-005	AMD-P	98-09-124	296-401A-935	NEW-P	98-07-097
296-150M-0020	AMD-P	98-07-095	296-400A-021	NEW-P	98-09-124	308-04-010	PREP	98-03-023
296-150M-0306	NEW-P	98-07-095	296-400A-025	NEW-P	98-09-124	308-04-010	AMD-P	98-06-080
296-150M-0307	NEW-P	98-07-095	296-400A-026	NEW-P	98-09-124	308-04-010	AMD-W	98-07-018
296-150M-0310	AMD-P	98-07-095	296-400A-027	NEW-P	98-09-124	308-04-020	PREP	98-03-023
296-150M-0331	NEW-P	98-07-095	296-400A-030	AMD-P	98-09-124	308-04-020	AMD-P	98-06-080
296-150M-0400	AMD-P	98-07-095	296-400A-031	AMD-P	98-09-124	308-04-020	AMD-W	98-07-018
296-150M-0600	AMD-P	98-07-095	296-400A-035	AMD-P	98-09-124	308-12-025	PREP	98-06-047
296-150M-0610	AMD-P	98-07-095	296-400A-045	AMD-P	98-07-096	308-12-326	PREP	98-05-012
296-150M-0620	AMD-P	98-07-095	296-400A-045	AMD-P	98-09-124	308-12-326	AMD-P	98-09-057
296-150M-0640	AMD-P	98-07-095	296-400A-030	AMD-P	98-09-124	308-56A-005	PREP	98-03-024
296-150M-0660	AMD-P	98-07-095	296-400A-070	AMD-P	98-09-124	308-56A-005	REP-P	98-08-049
296-150M-0700	REP-P	98-07-095	296-400A-110	AMD-P	98-09-124	308-56A-010	PREP	98-03-024
296-150M-0710	REP-P	98-07-095	296-400A-120	AMD-P	98-09-124	308-56A-010	AMD-P	98-08-049
296-150M-0730	REP-P	98-07-095	296-400A-140	AMD-P	98-09-124	308-56A-015	PREP	98-03-024
296-150M-3000	AMD-P	98-07-096	296-400A-300	AMD-P	98-09-124	308-56A-015	AMD-P	98-08-049
296-150P-3000	AMD-P	98-07-096	296-401-020	REP-P	98-07-097	308-56A-020	PREP	98-03-024
296-150R-3000	AMD-P	98-07-096	296-401-030	REP-P	98-07-097	308-56A-020	AMD-P	98-08-049
296-155	PREP	98-08-104	296-401-060	REP-P	98-07-097	308-56A-021	PREP	98-03-024
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296-155-24525	AMD	98-05-046	296-401-080	REP-P	98-07-097	308-56A-022	PREP	98-03-024
296-155-330	AMD-P	98-05-073	296-401-085	REP-P	98-07-097	308-56A-022	AMD-P	98-08-049
296-155-481	AMD	98-05-046	296-401-087	REP-P	98-07-097	308-56A-023	PREP	98-03-024
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296-155-483	AMD	98-05-046	296-401-100	REP-P	98-07-097	308-56A-080	PREP	98-03-024
296-155-484	NEW	98-05-046	296-401-110	REP-P	98-07-097	308-56A-080	REP-P	98-08-049
296-155-485	AMD	98-05-046	296-401-120	REP-P	98-07-097	308-56A-085	PREP	98-03-024
296-155-48503	REP	98-05-046	296-401-150	REP-P	98-07-097	308-56A-085	REP-P	98-08-049
296-155-48504	REP	98-05-046	296-401-160	REP-P	98-07-097	308-56A-090	PREP	98-03-024
296-155-48505	REP	98-05-046	296-401-163	REP-P	98-07-097	308-56A-090	AMD-P	98-08-049
296-155-48506	REP	98-05-046	296-401-165	REP-P	98-07-097	308-66	PREP	98-10-071
296-155-48507	REP	98-05-046	296-401-168	REP-P	98-07-097	308-93-010	AMD-E	98-09-001
296-155-48508	REP	98-05-046	296-401-170	REP-P	98-07-097	308-93-050	AMD-E	98-09-001
296-155-48509	REP	98-05-046	296-401-175	REP-P	98-07-097	308-93-055	NEW-E	98-09-001
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296-155-48511	REP	98-05-046	296-401A-100	NEW-P	98-07-097	308-93-060	PREP	98-03-026
296-155-48512	REP	98-05-046	296-401A-105	NEW-P	98-07-097	308-93-070	PREP	98-03-026
296-155-48513	REP	98-05-046	296-401A-110	NEW-P	98-07-097	308-93-071	PREP	98-03-026
296-155-48514	REP	98-05-046	296-401A-120	NEW-P	98-07-097	308-93-073	PREP	98-03-026
296-155-48515	REP	98-05-046	296-401A-130	NEW-P	98-07-097	308-93-074	PREP	98-03-026
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296-155-48519	REP	98-05-046	296-401A-200	NEW-P	98-07-097	308-93-080	PREP	98-03-026
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296-155-48527	REP	98-05-046	296-401A-230	NEW-P	98-07-097	308-93-120	PREP	98-03-027
296-155-48529	REP	98-05-046	296-401A-300	NEW-P	98-07-097	308-93-180	PREP	98-03-027
296-155-48531	REP	98-05-046	296-401A-310	NEW-P	98-07-097	308-93-190	PREP	98-03-027
296-155-48533	REP	98-05-046	296-401A-320	NEW-P	98-07-097	308-93-200	PREP	98-03-027
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308-93-450	AMD	98-09-023	308-125-200	AMD-E	98-10-064	315-11A-158	REP-XR	98-07-090
308-93-460	AMD-P	98-05-068	308-170-040	REP-XR	98-07-020	315-11A-159	REP-XR	98-07-090
308-93-460	AMD	98-09-023	308-170-050	REP-XR	98-07-020	315-11A-160	REP-XR	98-07-090
308-93-470	AMD-P	98-05-068	308-300-310	REP	98-03-055	315-11A-161	REP-XR	98-07-090
308-93-470	AMD	98-09-023	308-312-010	NEW	98-03-055	315-11A-162	REP-XR	98-07-090
308-93-480	REP-P	98-05-068	308-312-020	NEW	98-03-055	315-11A-163	REP-XR	98-07-090
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308-93-630	PREP	98-03-026	308-312-050	NEW	98-03-055	315-11A-215	NEW	98-03-075
308-93-640	PREP	98-03-026	308-312-060	NEW	98-03-055	315-11A-216	NEW	98-03-075
308-93-640	AMD-E	98-09-001	308-312-080	NEW	98-03-055	315-11A-217	NEW	98-03-075
308-94-030	AMD-P	98-04-072	308-312-090	NEW-W	98-03-054	315-30	PREP	98-07-089
308-94-030	AMD	98-08-070	308-312-100	NEW	98-03-055	315-33A-060	PREP	98-09-102
308-94-040	REP-P	98-04-072	314-12-005	NEW-P	98-09-060	315-34-055	AMD-P	98-05-070
308-94-040	REP	98-08-070	314-12-200	NEW-P	98-05-103	315-34-055	AMD	98-08-063
308-94-050	AMD-P	98-04-072	314-60-040	AMD-P	98-09-061	315-34-060	PREP	98-09-102
308-94-050	AMD	98-08-070	314-64-08001	NEW-P	98-02-069	315-36-010	NEW-P	98-04-073
308-94-070	REP-P	98-04-072	314-64-08001	NEW	98-08-041	315-36-010	NEW-C	98-08-064
308-94-070	REP	98-08-070	315-02-030	AMD-P	98-04-073	315-36-020	NEW-P	98-04-073
308-94-080	AMD-P	98-04-072	315-02-030	AMD	98-08-067	315-36-020	NEW-C	98-08-064
308-94-080	AMD	98-08-070	315-02-040	AMD-P	98-04-073	315-36-030	NEW-P	98-04-073
308-94-090	REP-P	98-04-072	315-02-040	AMD	98-08-067	315-36-030	NEW-C	98-08-064
308-94-090	REP	98-08-070	315-02-060	AMD-P	98-04-073	315-36-040	NEW-P	98-04-073
308-94-100	AMD-P	98-04-072	315-02-060	AMD	98-08-067	315-36-040	NEW-C	98-08-064
308-94-100	AMD	98-08-070	315-02-070	AMD-P	98-04-073	315-36-050	NEW-P	98-04-073
308-94-110	REP-P	98-04-072	315-02-070	AMD	98-08-067	315-36-050	NEW-C	98-08-064
308-94-110	REP	98-08-070	315-02-080	AMD-P	98-04-073	315-36-060	NEW-P	98-04-073
308-96A-005	PREP	98-03-021	315-02-080	AMD	98-08-067	315-36-060	NEW-C	98-08-064
308-96A-010	PREP	98-03-021	315-02-170	REP-P	98-04-073	315-36-070	NEW-P	98-04-073
308-96A-015	PREP	98-03-021	315-02-170	REP	98-08-067	315-36-070	NEW-C	98-08-064
308-96A-021	PREP	98-03-021	315-02-180	REP-P	98-04-073	315-36-080	NEW-P	98-04-073
308-96A-025	PREP	98-03-021	315-02-180	REP	98-08-067	315-36-080	NEW-C	98-08-064
308-96A-026	PREP	98-03-021	315-02-220	AMD-P	98-04-073	315-36-090	NEW-P	98-04-073
308-96A-035	PREP	98-03-021	315-02-220	AMD	98-08-067	315-36-090	NEW-C	98-08-064
308-96A-040	PREP	98-03-021	315-04-180	AMD-P	98-08-065	315-36-100	NEW-P	98-04-073
308-96A-065	AMD-P	98-04-071	315-06-123	PREP	98-03-074	315-36-100	NEW-C	98-08-064
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308-96A-066	AMD-P	98-04-071	315-10	PREP	98-07-089	315-36-110	NEW-C	98-08-064
308-96A-066	AMD	98-09-024	315-10	PREP	98-08-066	315-36-120	NEW-P	98-04-073
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308-96A-068	NEW	98-09-024	315-10-020	AMD	98-08-067	315-36-140	NEW-P	98-04-073
308-96A-070	AMD-P	98-04-071	315-10-023	NEW-P	98-04-073	315-36-140	NEW-C	98-08-064
308-96A-070	AMD	98-09-024	315-10-023	NEW	98-08-067	315-36-150	NEW-P	98-04-073
308-96A-071	AMD-P	98-04-071	315-10-024	NEW-P	98-04-073	315-36-150	NEW-C	98-08-064
308-96A-071	AMD	98-09-024	315-10-024	NEW	98-08-067	317-01-010	REP	98-03-073
308-96A-073	AMD-P	98-04-071	315-10-025	AMD-P	98-04-073	317-01-020	REP	98-03-073
308-96A-073	AMD	98-09-024	315-10-025	AMD	98-08-067	317-01-030	REP	98-03-073
308-96A-074	AMD-P	98-04-071	315-10-030	AMD-P	98-04-073	317-02-010	REP	98-03-073
308-96A-074	AMD	98-09-024	315-10-030	AMD	98-08-067	317-02-020	REP	98-03-073
308-96A-080	PREP	98-03-022	315-11A	PREP	98-08-066	317-02-030	REP	98-03-073
308-96A-085	PREP	98-03-022	315-11A-137	REP-XR	98-07-090	317-02-040	REP	98-03-073
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308-96A-097	PREP	98-03-022	315-11A-140	REP-XR	98-07-090	317-02-070	REP	98-03-073
308-96A-175	AMD-P	98-04-071	315-11A-141	REP-XR	98-07-090	317-02-080	REP	98-03-073
308-96A-175	AMD	98-09-024	315-11A-142	REP-XR	98-07-090	317-02-090	REP	98-03-073
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308-96A-176	AMD	98-09-024	315-11A-144	REP-XR	98-07-090	317-02-110	REP	98-03-073
308-96A-180	PREP	98-03-021	315-11A-145	REP-XR	98-07-090	317-02-120	REP	98-03-073
308-96A-260	PREP	98-03-021	315-11A-146	REP-XR	98-07-090	317-03-010	REP	98-03-073
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308-96A-330	PREP	98-09-038	315-11A-154	REP-XR	98-07-090	352-32-047	AMD	98-04-065
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352-32-140	AMD	98-04-065	388-14-200	AMD-E	98-04-027	388-76-635	AMD-S	98-02-077
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352-32-195	AMD	98-04-065	388-14-201	NEW-S	98-06-067	388-76-665	AMD-S	98-02-077
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352-32-252	AMD	98-04-065	388-14-270	AMD	98-10-042	388-76-705	AMD-S	98-02-077
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392-139-122	REP	98-08-096	392-139-661	NEW-P	98-05-040	392-140-725	NEW	98-07-061
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392-139-158	REP-P	98-05-040	392-140-605	AMD	98-08-013	392-140-741	NEW-P	98-03-067
392-139-158	REP	98-08-096	392-140-616	AMD-P	98-04-036	392-140-741	NEW	98-07-061
392-139-160	REP-P	98-05-040	392-140-616	AMD	98-08-013	392-140-742	NEW-P	98-03-067
392-139-160	REP	98-08-096	392-140-625	AMD-P	98-04-036	392-140-742	NEW	98-07-061
392-139-162	REP-P	98-05-040	392-140-625	AMD	98-08-013	392-140-743	NEW-P	98-03-067
392-139-162	REP	98-08-096	392-140-630	NEW-P	98-04-036	392-140-743	NEW	98-07-061
392-139-164	REP-P	98-05-040	392-140-630	NEW	98-08-013	392-140-744	NEW-P	98-03-067
392-139-164	REP	98-08-096	392-140-640	AMD-P	98-04-036	392-140-744	NEW	98-07-061
392-139-168	REP-P	98-05-040	392-140-640	AMD	98-08-013	392-140-745	NEW-P	98-03-067
392-139-168	REP	98-08-096	392-140-656	AMD-P	98-04-036	392-140-745	NEW	98-07-061
392-139-170	REP-P	98-05-040	392-140-656	AMD	98-08-013	392-140-746	NEW-P	98-03-067
392-139-170	REP	98-08-096	392-140-660	AMD-P	98-04-036	392-140-746	NEW	98-07-061
392-139-172	REP-P	98-05-040	392-140-660	AMD	98-08-013	392-140-747	NEW-P	98-03-067
392-139-172	REP	98-08-096	392-140-665	AMD-P	98-04-036	392-140-747	NEW	98-07-061
392-139-174	REP-P	98-05-040	392-140-665	AMD	98-08-013	392-140-800	NEW	98-04-080
392-139-174	REP	98-08-096	392-140-675	AMD-P	98-04-036	392-140-802	NEW	98-04-080
392-139-176	REP-P	98-05-040	392-140-675	AMD	98-08-013	392-140-804	NEW	98-04-080
392-139-176	REP	98-08-096	392-140-680	AMD-P	98-04-036	392-140-806	NEW	98-04-080
392-139-178	REP-P	98-05-040	392-140-680	AMD	98-08-013	392-140-808	NEW	98-04-080
392-139-178	REP	98-08-096	392-140-685	AMD-P	98-04-036	392-140-810	NEW	98-04-080
392-139-180	REP-P	98-05-040	392-140-685	AMD	98-08-013	392-140-812	NEW	98-04-080
392-139-180	REP	98-08-096	392-140-700	NEW-P	98-03-067	392-140-814	NEW	98-04-080
392-139-182	REP-P	98-05-040	392-140-700	NEW	98-07-061	392-140-816	NEW	98-04-080
392-139-182	REP	98-08-096	392-140-701	NEW-P	98-03-067	392-140-818	NEW	98-04-080
392-139-184	REP-P	98-05-040	392-140-701	NEW	98-07-061	392-140-820	NEW	98-04-080
392-139-184	REP	98-08-096	392-140-702	NEW-P	98-03-067	392-140-822	NEW	98-04-080
392-139-186	REP-P	98-05-040	392-140-702	NEW	98-07-061	392-140-824	NEW	98-04-080
392-139-186	REP	98-08-096	392-140-710	NEW-P	98-03-067	392-140-826	NEW	98-04-080
392-139-215	AMD-P	98-05-040	392-140-710	NEW	98-07-061	392-140-828	NEW	98-04-080
392-139-215	AMD	98-08-096	392-140-711	NEW-P	98-03-067	392-140-830	NEW	98-04-080
392-139-310	AMD-P	98-05-040	392-140-711	NEW	98-07-061	392-140-832	NEW	98-04-080

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
392-140-834	NEW	98-04-080	434-26-065	DECOD	98-08-010	434-81-050	DECOD	98-08-010
392-140-836	NEW	98-04-080	434-26-900	DECOD	98-08-010	434-81-060	DECOD	98-08-010
392-141	PREP	98-09-091	434-30-150	AMD	98-03-033	434-81-070	DECOD	98-08-010
392-172	PREP	98-05-039	434-30-150	DECOD	98-03-033	434-81-080	DECOD	98-08-010
392-182-020	AMD	98-04-025	434-32-010	DECOD	98-08-010	434-81-090	DECOD	98-08-010
399-10-010	AMD-P	98-07-033	434-57-010	DECOD	98-08-010	434-81-100	DECOD	98-08-010
399-10-030	AMD-P	98-07-033	434-57-020	DECOD	98-08-010	434-91-010	DECOD	98-08-010
399-20-060	AMD-P	98-07-033	434-57-030	DECOD	98-08-010	434-91-020	DECOD	98-08-010
399-20-070	AMD-P	98-07-033	434-57-040	DECOD	98-08-010	434-91-030	DECOD	98-08-010
399-20-100	AMD-P	98-07-033	434-57-050	DECOD	98-08-010	434-91-040	DECOD	98-08-010
399-20-120	AMD-P	98-07-033	434-57-070	DECOD	98-08-010	434-91-050	DECOD	98-08-010
399-30-020	AMD-P	98-07-033	434-57-080	DECOD	98-08-010	434-91-060	DECOD	98-08-010
399-30-030	AMD-P	98-07-033	434-57-090	DECOD	98-08-010	434-91-070	DECOD	98-08-010
399-30-045	AMD-P	98-07-033	434-57-100	DECOD	98-08-010	434-91-080	DECOD	98-08-010
399-30-060	AMD-P	98-07-033	434-57-120	DECOD	98-08-010	434-91-090	DECOD	98-08-010
399-30-065	AMD-P	98-07-033	434-57-130	DECOD	98-08-010	434-91-100	DECOD	98-08-010
415-108-010	AMD	98-09-059	434-57-150	DECOD	98-08-010	434-91-110	DECOD	98-08-010
415-108-0110	NEW	98-09-059	434-60-010	DECOD	98-08-010	434-91-120	DECOD	98-08-010
415-108-0111	NEW	98-09-059	434-60-020	DECOD	98-08-010	434-91-130	DECOD	98-08-010
415-108-441	NEW	98-09-059	434-60-030	DECOD	98-08-010	434-91-140	DECOD	98-08-010
415-108-443	NEW	98-09-059	434-60-040	DECOD	98-08-010	434-91-150	DECOD	98-08-010
415-108-445	NEW	98-09-059	434-60-050	DECOD	98-08-010	434-91-160	DECOD	98-08-010
415-108-450	REP	98-09-059	434-60-060	DECOD	98-08-010	434-91-170	DECOD	98-08-010
415-108-451	NEW	98-09-059	434-60-070	DECOD	98-08-010	434-208-010	RECOD	98-08-010
415-108-453	NEW	98-09-059	434-60-080	DECOD	98-08-010	434-208-020	RECOD	98-08-010
415-108-455	NEW	98-09-059	434-60-090	DECOD	98-08-010	434-208-030	RECOD	98-08-010
415-108-456	NEW	98-09-059	434-60-100	DECOD	98-08-010	434-208-040	RECOD	98-08-010
415-108-457	NEW	98-09-059	434-60-110	DECOD	98-08-010	434-208-050	RECOD	98-08-010
415-108-458	NEW	98-09-059	434-60-120	DECOD	98-08-010	434-208-060	RECOD	98-08-010
415-108-459	NEW	98-09-059	434-60-130	DECOD	98-08-010	434-208-070	RECOD	98-08-010
415-108-460	REP	98-09-059	434-60-140	DECOD	98-08-010	434-208-080	RECOD	98-08-010
415-108-463	NEW	98-09-059	434-60-150	DECOD	98-08-010	434-208-090	RECOD	98-08-010
415-108-464	NEW	98-09-059	434-60-160	DECOD	98-08-010	434-230-030	AMD	98-03-033
415-108-465	NEW	98-09-059	434-60-170	DECOD	98-08-010	434-230-150	RECOD	98-03-033
415-108-466	NEW	98-09-059	434-60-180	DECOD	98-08-010	434-230-160	AMD	98-03-033
415-108-467	NEW	98-09-059	434-60-190	DECOD	98-08-010	434-236-090	AMD	98-03-033
415-108-468	NEW	98-09-059	434-60-200	DECOD	98-08-010	434-236-170	AMD	98-03-033
415-108-469	NEW	98-09-059	434-60-210	DECOD	98-08-010	434-240-190	AMD	98-03-033
415-108-475	NEW	98-09-059	434-60-215	DECOD	98-08-010	434-240-230	AMD	98-03-033
415-108-477	NEW	98-09-059	434-60-220	DECOD	98-08-010	434-240-235	NEW	98-03-033
415-108-479	NEW	98-09-059	434-60-230	DECOD	98-08-010	434-240-320	NEW	98-03-033
415-108-482	NEW	98-09-059	434-60-240	DECOD	98-08-010	434-253-050	AMD	98-03-033
415-108-483	NEW	98-09-059	434-60-250	DECOD	98-08-010	434-253-110	AMD	98-03-033
415-108-484	NEW	98-09-059	434-60-260	DECOD	98-08-010	434-257-010	RECOD	98-08-010
415-108-487	NEW	98-09-059	434-60-270	DECOD	98-08-010	434-257-020	RECOD	98-08-010
415-108-488	NEW	98-09-059	434-60-280	DECOD	98-08-010	434-257-030	RECOD	98-08-010
415-108-490	REP	98-09-059	434-60-290	DECOD	98-08-010	434-257-040	RECOD	98-08-010
415-108-491	NEW	98-09-059	434-60-300	DECOD	98-08-010	434-257-050	RECOD	98-08-010
415-112-445	AMD	98-09-059	434-60-310	DECOD	98-08-010	434-257-070	RECOD	98-08-010
415-112-4608	AMD	98-09-059	434-60-320	DECOD	98-08-010	434-257-080	RECOD	98-08-010
415-112-4609	AMD	98-09-059	434-60-330	DECOD	98-08-010	434-257-090	RECOD	98-08-010
434-08-010	DECOD	98-08-010	434-60-340	DECOD	98-08-010	434-257-100	RECOD	98-08-010
434-08-020	DECOD	98-08-010	434-60-350	DECOD	98-08-010	434-257-120	RECOD	98-08-010
434-08-030	DECOD	98-08-010	434-69-005	DECOD	98-08-010	434-257-130	RECOD	98-08-010
434-08-040	DECOD	98-08-010	434-69-010	DECOD	98-08-010	434-257-150	RECOD	98-08-010
434-08-050	DECOD	98-08-010	434-69-020	DECOD	98-08-010	434-260-010	RECOD	98-08-010
434-08-060	DECOD	98-08-010	434-69-030	DECOD	98-08-010	434-260-020	RECOD	98-08-010
434-08-070	DECOD	98-08-010	434-69-040	DECOD	98-08-010	434-260-030	RECOD	98-08-010
434-08-080	DECOD	98-08-010	434-69-050	DECOD	98-08-010	434-260-040	RECOD	98-08-010
434-08-090	DECOD	98-08-010	434-69-060	DECOD	98-08-010	434-260-050	RECOD	98-08-010
434-24-065	DECOD	98-08-010	434-69-070	DECOD	98-08-010	434-260-060	RECOD	98-08-010
434-26-005	DECOD	98-08-010	434-69-080	DECOD	98-08-010	434-260-070	RECOD	98-08-010
434-26-010	DECOD	98-08-010	434-80-010	DECOD	98-08-010	434-260-080	RECOD	98-08-010
434-26-015	DECOD	98-08-010	434-80-020	DECOD	98-08-010	434-260-090	RECOD	98-08-010
434-26-020	DECOD	98-08-010	434-80-030	DECOD	98-08-010	434-260-100	RECOD	98-08-010
434-26-025	DECOD	98-08-010	434-80-040	DECOD	98-08-010	434-260-110	RECOD	98-08-010
434-26-030	DECOD	98-08-010	434-80-050	DECOD	98-08-010	434-260-120	RECOD	98-08-010
434-26-035	DECOD	98-08-010	434-80-060	DECOD	98-08-010	434-260-130	RECOD	98-08-010
434-26-040	DECOD	98-08-010	434-80-070	DECOD	98-08-010	434-260-140	RECOD	98-08-010
434-26-045	DECOD	98-08-010	434-81-010	DECOD	98-08-010	434-260-150	RECOD	98-08-010
434-26-050	DECOD	98-08-010	434-81-020	DECOD	98-08-010	434-260-160	RECOD	98-08-010
434-26-055	DECOD	98-08-010	434-81-030	DECOD	98-08-010	434-260-170	RECOD	98-08-010
434-26-060	DECOD	98-08-010	434-81-040	DECOD	98-08-010	434-260-180	RECOD	98-08-010

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
434-260-190	RECOD	98-08-010	434-380-060	RECOD	98-08-010	468-84-230	REP-P	98-07-005
434-260-200	RECOD	98-08-010	434-380-070	RECOD	98-08-010	468-84-240	REP-P	98-07-005
434-260-210	RECOD	98-08-010	434-381-010	RECOD	98-08-010	468-84-250	REP-P	98-07-005
434-260-215	RECOD	98-08-010	434-381-020	RECOD	98-08-010	468-84-260	REP-P	98-07-005
434-260-220	RECOD	98-08-010	434-381-030	RECOD	98-08-010	468-84-300	REP-P	98-07-005
434-260-230	RECOD	98-08-010	434-381-040	RECOD	98-08-010	468-84-310	REP-P	98-07-005
434-260-240	RECOD	98-08-010	434-381-050	RECOD	98-08-010	468-84-320	REP-P	98-07-005
434-260-250	RECOD	98-08-010	434-381-060	RECOD	98-08-010	468-85	PREP	98-03-031
434-260-260	RECOD	98-08-010	434-381-070	RECOD	98-08-010	468-85-010	AMD-P	98-07-006
434-260-270	RECOD	98-08-010	434-381-080	RECOD	98-08-010	468-85-015	AMD-P	98-07-006
434-260-280	RECOD	98-08-010	434-381-090	RECOD	98-08-010	468-85-110	AMD-P	98-07-006
434-260-290	RECOD	98-08-010	434-381-100	RECOD	98-08-010	468-85-120	AMD-P	98-07-006
434-260-300	RECOD	98-08-010	440-26-010	PREP	98-09-093	468-85-130	AMD-P	98-07-006
434-260-310	RECOD	98-08-010	440-26-210	PREP	98-09-093	468-85-210	AMD-P	98-07-006
434-260-320	RECOD	98-08-010	440-26-215	PREP	98-09-093	468-85-220	AMD-P	98-07-006
434-260-330	RECOD	98-08-010	458-12-245	REP-XR	98-08-018	468-85-230	AMD-P	98-07-006
434-260-340	RECOD	98-08-010	458-16-050	REP-XR	98-08-018	468-85-240	AMD-P	98-07-006
434-260-350	RECOD	98-08-010	458-16-110	PREP	98-07-016	468-85-250	AMD-P	98-07-006
434-291-010	RECOD	98-08-010	458-16-111	PREP	98-07-016	468-85-260	REP-P	98-07-006
434-291-020	RECOD	98-08-010	458-16-165	PREP	98-07-016	468-85-270	REP-P	98-07-006
434-291-030	RECOD	98-08-010	458-16-300	PREP	98-07-016	468-85-280	REP-P	98-07-006
434-291-040	RECOD	98-08-010	458-16-310	PREP	98-07-016	468-85-290	AMD-P	98-07-006
434-291-050	RECOD	98-08-010	458-20-104	AMD-E	98-02-046	468-85-310	AMD-P	98-07-006
434-291-060	RECOD	98-08-010	458-20-104	AMD-XA	98-10-123	468-300-010	AMD-P	98-03-050
434-291-070	RECOD	98-08-010	458-20-183	PREP	98-05-031	468-300-010	AMD	98-08-051
434-291-080	RECOD	98-08-010	458-20-192	PREP	98-07-066	468-300-020	AMD-P	98-03-050
434-291-090	RECOD	98-08-010	458-20-192	PREP	98-09-036	468-300-020	AMD	98-08-051
434-291-100	RECOD	98-08-010	458-40-660	PREP	98-05-074	468-300-040	AMD-P	98-03-050
434-291-110	RECOD	98-08-010	458-40-660	AMD-P	98-10-124	468-300-040	AMD	98-08-051
434-291-120	RECOD	98-08-010	458-50-095	PREP	98-07-015	468-300-220	AMD-P	98-03-050
434-291-130	RECOD	98-08-010	460-32A-400	PREP	98-07-101	468-300-220	AMD	98-08-051
434-291-140	RECOD	98-08-010	460-44A-050	PREP	98-07-102	468-400-010	NEW-E	98-03-009
434-291-150	RECOD	98-08-010	460-44A-500	AMD-P	98-08-055	468-400-010	NEW-E	98-03-059
434-291-160	RECOD	98-08-010	460-44A-501	AMD-P	98-08-055	468-400-010	NEW	98-06-029
434-291-170	RECOD	98-08-010	460-44A-502	AMD-P	98-08-055	468-400-020	NEW-E	98-03-009
434-324-035	AMD	98-03-033	460-44A-503	AMD-P	98-08-055	468-400-020	NEW-P	98-03-059
434-324-050	AMD	98-03-033	460-44A-504	AMD-P	98-08-055	468-400-020	NEW	98-06-029
434-324-060	AMD	98-03-033	460-44A-504	PREP	98-09-003	468-400-030	NEW-E	98-03-009
434-324-065	RECOD	98-08-010	460-44A-506	AMD-P	98-08-055	468-400-030	NEW-P	98-03-059
434-324-085	AMD	98-03-033	460-44A-508	AMD-P	98-08-055	468-400-030	NEW	98-06-029
434-324-095	AMD	98-03-033	463-54-070	AMD-W	98-08-092	468-400-040	NEW-E	98-03-009
434-324-105	AMD	98-03-033	468-38-070	AMD-P	98-06-016	468-400-040	NEW-P	98-03-059
434-324-120	AMD	98-03-033	468-38-070	AMD	98-09-029	468-400-040	NEW	98-06-029
434-324-130	AMD	98-03-033	468-38-110	PREP	98-06-023	468-510	PREP	98-04-044
434-326-005	RECOD	98-08-010	468-38-110	AMD-P	98-10-038	468-510-010	NEW-P	98-08-030
434-326-010	RECOD	98-08-010	468-38-120	AMD-E	98-08-057	468-510-020	NEW-P	98-08-030
434-326-015	RECOD	98-08-010	468-38-120	PREP	98-08-089	478-160-015	AMD-P	98-05-066
434-326-020	RECOD	98-08-010	468-38-160	AMD-E	98-09-090	478-160-015	AMD	98-10-048
434-326-025	RECOD	98-08-010	468-38-160	PREP	98-10-037	478-160-095	AMD-P	98-05-066
434-326-030	RECOD	98-08-010	468-38-260	PREP	98-04-043	478-160-095	AMD	98-10-048
434-326-035	RECOD	98-08-010	468-38-260	AMD-E	98-04-045	478-160-110	AMD-P	98-05-066
434-326-040	RECOD	98-08-010	468-38-260	AMD-P	98-08-090	478-160-110	AMD	98-10-048
434-326-045	RECOD	98-08-010	468-58	PREP	98-10-089	478-160-120	REP-P	98-05-066
434-326-050	RECOD	98-08-010	468-51	PREP	98-07-049	478-160-120	REP	98-10-048
434-326-055	RECOD	98-08-010	468-52	PREP	98-07-048	478-160-142	NEW-P	98-05-066
434-326-060	RECOD	98-08-010	468-54	PREP	98-05-037	478-160-142	NEW	98-10-048
434-326-065	RECOD	98-08-010	468-58	PREP	98-10-089	478-160-143	NEW-P	98-05-066
434-326-900	RECOD	98-08-010	468-82	PREP	98-03-032	478-160-143	NEW	98-10-048
434-332-010	RECOD	98-08-010	468-82-010	REP-P	98-07-004	478-160-150	AMD-P	98-05-066
434-369-005	RECOD	98-08-010	468-82-015	REP-P	98-07-004	478-160-150	AMD	98-10-048
434-369-010	RECOD	98-08-010	468-82-110	REP-P	98-07-004	478-160-246	AMD-P	98-05-066
434-369-020	RECOD	98-08-010	468-82-120	REP-P	98-07-004	478-160-246	AMD	98-10-048
434-369-030	RECOD	98-08-010	468-82-200	REP-P	98-07-004	478-160-270	AMD-P	98-05-066
434-369-040	RECOD	98-08-010	468-84	PREP	98-03-030	478-160-270	AMD	98-10-048
434-369-050	RECOD	98-08-010	468-84-010	REP-P	98-07-005	478-160-275	AMD-P	98-05-066
434-369-060	RECOD	98-08-010	468-84-015	REP-P	98-07-005	478-160-275	AMD	98-10-048
434-369-070	RECOD	98-08-010	468-84-110	REP-P	98-07-005	478-160-280	AMD-P	98-05-066
434-369-080	RECOD	98-08-010	468-84-120	REP-P	98-07-005	478-160-280	AMD	98-10-048
434-380-010	RECOD	98-08-010	468-84-130	REP-P	98-07-005	478-160-295	AMD-P	98-05-066
434-380-020	RECOD	98-08-010	468-84-135	REP-P	98-07-005	478-160-295	AMD	98-10-048
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