

March 20, 2002

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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.

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

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 March 2002 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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John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight 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) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **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.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

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. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. 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 ((fined 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.

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].

2001-2002
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Rule making ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
<i>For Inclusion in -</i>	<i>File no later than 12:00 noon -</i>					
01 - 13	May 23, 01	Jun 6, 01	Jun 20, 01	Jul 5, 01	Jul 25, 01	N/A
01 - 14	Jun 7, 01	Jun 21, 01	Jul 5, 01	Jul 19, 01	Aug 8, 01	N/A
01 - 15	Jun 20, 01	Jul 5, 01	Jul 18, 01	Aug 1, 01	Aug 21, 01	N/A
01 - 16	Jul 5, 01	Jul 18, 01	Aug 1, 01	Aug 15, 01	Sep 4, 01	Oct 2, 01
01 - 17	Jul 25, 01	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 25, 01	Oct 23, 01
01 - 18	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 9, 01	Nov 6, 01
01 - 19	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 23, 01	Nov 20, 01
01 - 20	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 17, 01	Nov 6, 01	Dec 4, 01
01 - 21	Sep 26, 01	Oct 10, 01	Oct 24, 01	Nov 7, 01	Nov 27, 01	Dec 26, 01
01 - 22	Oct 10, 01	Oct 24, 01	Nov 7, 01	Nov 21, 01	Dec 11, 01	Jan 8, 02
01 - 23	Oct 24, 01	Nov 7, 01	Nov 21, 01	Dec 5, 01	Dec 25, 01	Jan 23, 02
01 - 24	Nov 7, 01	Nov 21, 01	Dec 5, 01	Dec 19, 01	Jan 8, 02	Feb 5, 02
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02 - 03	Dec 26, 01	Jan 9, 02	Jan 23, 02	Feb 6, 02	Feb 26, 02	Mar 26, 02
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02 - 13	May 22, 02	Jun 5, 02	Jun 19, 02	Jul 3, 02	Jul 23, 02	Aug 20, 02
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02 - 19	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 22, 02	Nov 19, 02
02 - 20	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 16, 02	Nov 5, 02	Dec 3, 02
02 - 21	Sep 25, 02	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 26, 02	Dec 24, 02
02 - 22	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 10, 02	Jan 7, 03
02 - 23	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 24, 02	Jan 21, 03
02 - 24	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 18, 02	Jan 7, 03	Feb 4, 03

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

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

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

⁴ A 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 1.12.040 and 34.05.353.

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

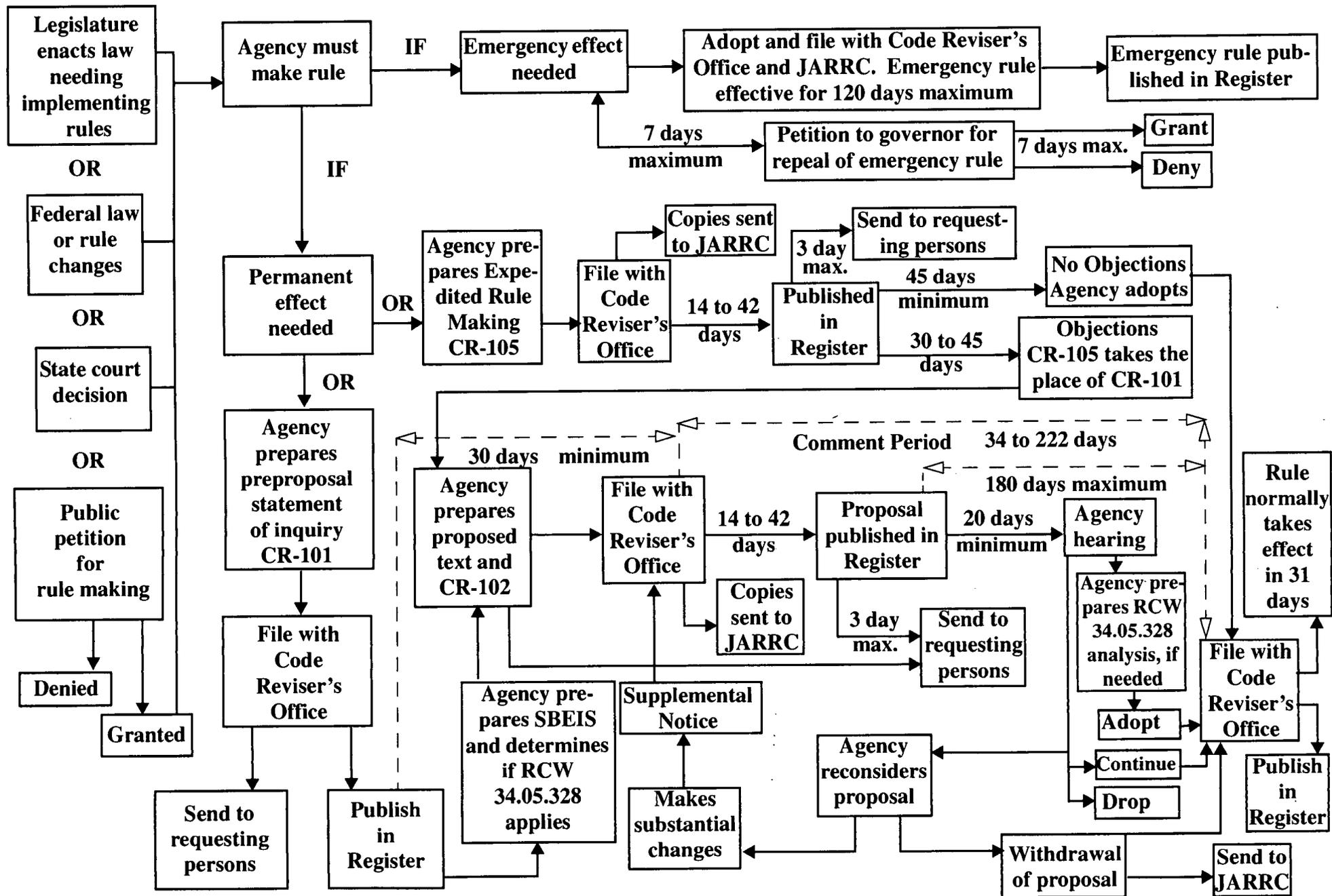
There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 02-06-004**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed February 21, 2002, 2:43 p.m.]

Subject of Possible Rule Making: Update system safety program standards for municipal rail fixed guideway systems that are not regulated by the Federal Railroad Administration, chapter 468-550 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 81.104.115(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update existing rules to clarify requirements and add rules to address part-time operators and recovery of state triennial audit costs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Transit Administration, submit rules and annual reports.

Process for Developing New Rule: Negotiated rule making; informal municipal review of preliminary drafts of the rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Gamble, Public Transportation and Rail Division, P.O. Box 47387, Olympia, WA 98504-7387, phone (360) 705-7912, e-mail gamblep@wsdot.wa.gov, fax (360) 705-6820. There will be e-mail exchanges with affected municipalities to exchange ideas about what needs to be updated and what the wording should be. Affected municipalities are: King County (existing), City of Seattle (existing), Sound Transit (future), City of Issaquah (existing part-time), and City of Yakima (existing part-time).

February 20, 2002

Paula Hammond
Chief of Staff

ing loan. Consumers contact the advertiser, thinking they are contacting their existing lender. Such advertising practices may be unfair and deceptive to consumers. The existing rules provide little guidance to licensees or the department regarding the standards for such solicitations.

These solicitations also leave the impression that the consumer's existing lender shared their confidential loan information with other companies. In fact, the advertisers usually get this information from public sources, such as county records. However, there is an appearance that the existing lender has violated the law and regulations governing the sale of private financial information.

The department has received a petition for the development of a rule from Sen. Margarita Prentice, Rep. Brian Hatfield, and from representatives of the credit union, banking, and thrift industries.

The proposed rules will provide standards for the content of solicitations, prohibiting deceptive references to existing lenders, and will require the advertiser to disclose the source of any information about the consumer's loan.

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 will communicate with consumer loan licensees and all interested parties by mail, will hold meetings, and continue to work with both groups as these rules go forward.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Thomson, Director of Consumer Services, (360) 902-8727, mthomson@dfi.wa.gov; or Jeanette Terry, (360) 902-8786, jterry@dfi.wa.gov.

February 21, 2002

Mark Thomson
Acting Director**WSR 02-06-015****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed February 22, 2002, 11:50 a.m.]

Subject of Possible Rule Making: Amendment to the Mortgage Broker Practices Act (chapter 19.146 RCW) governing contents of advertisements and solicitation to consumers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.146 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has recently noticed an increasing number of deceptive loan solicitations from mortgage lenders and mortgage brokers advertising loan products to residents of Washington state. These solicitations reference the consumers existing loan with another lender, and give the impression of being from that lender rather than the actual advertiser. The solicitations encourage the consumer to contact the advertiser to refinance their exist-

WSR 02-06-016**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed February 22, 2002, 11:51 a.m.]

Subject of Possible Rule Making: Amendment to the Consumer Loan Act (chapter 31.04 RCW) governing contents of advertisements and solicitation to consumers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 31.04.135 and 31.04.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has recently noticed an increasing number of deceptive loan solicitations from mortgage lenders and mortgage brokers advertising loan products to residents of Washington state. These solicitations reference the consumers existing loan with another lender, and give the impression of being from that lender rather than the actual advertiser. The solicitations encourage the consumer to contact the advertiser to refinance their existing loan. Consumers contact the advertiser, thinking they are contacting their existing lender. Such advertising practices

may be unfair and deceptive to consumers. The existing rules provide little guidance to licensees or the department regarding the standards for such solicitations.

These solicitations also leave the impression that the consumer's existing lender shared their confidential loan information with other companies. In fact, the advertisers usually get this information from public sources, such as county records. However, there is an appearance that the existing lender has violated the law and regulations governing the sale of private financial information.

The department has received a petition for the development of a rule from Sen. Margarita Prentice, Rep. Brian Hatfield, and from representatives of the credit union, banking, and thrift industries.

The proposed rules will provide standards for the content of solicitations, prohibiting deceptive references to existing lenders, and will require the advertiser to disclose the source of any information about the consumer's loan.

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 will communicate with consumer loan licensees and all interested parties by mail, will hold meetings, and continue to work with both groups as these rules go forward.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Thomson, Director of Consumer Services, (360) 902-8727, mthomson@dfi.wa.gov; or Jeanette Terry, (360) 902-8786, jterry@dfi.wa.gov.

February 21, 2002

Mark Thomson
Acting Director

WSR 02-06-025
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed February 25, 2002, 10:52 a.m.]

Subject of Possible Rule Making: Changing the maximum purchase price for sea urchin and sea cucumber licenses for the commercial fishing gear reduction program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.70.150, and 77.70.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The first wave of license reduction activity only produced three bids. Higher maximum bid levels will likely generate more offers to sell licenses which will meet the policy intent of the legislation and be fiscally responsible to the funding industry.

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 Morris Barker, State Marine Resource

Manager, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826. Contact by June 14, 2002, expected proposal filing June 19, 2002.

February 25, 2002

Evan Jacoby
Rules Coordinator

WSR 02-06-030
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed February 26, 2002, 1:50 p.m.]

Subject of Possible Rule Making: WAC 458-20-252 Hazardous substance tax and 458-20-265 Petroleum products tax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-20-252 currently explains the provisions of chapter 82.21 RCW, Hazardous substance tax—Model Toxics Control Act, and chapter 82.23A RCW, Petroleum products—Underground storage tank program funding. It describes what products are subject to tax, who is subject to the tax, how the value of the products is determined, how credits and exemptions are applied, and the method of payment.

The department is considering revising and updating the information in this rule to recognize current business practices. It is also considering removing the discussion of the petroleum products tax (chapter 82.23A RCW) from Rule 252 and incorporating the information into a new WAC 458-20-265. These changes will provide more complete and accurate information to taxpayers and department personnel.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Chapter 82.21 RCW provides the Department of Revenue with the authority to administer and collect the hazardous substance and petroleum products taxes. The Department of Ecology regulates the clean up of sites contaminated by hazardous substances and administers the Model Toxics Control Act, which is funded by the hazardous substance tax. The department anticipates consulting with the Department of Ecology during the rule-making process with respect to this rule.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Anne Solwick, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6129, fax (360) 664-0693, e-mail annes@dor.wa.gov.

Location and Date of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union

Avenue S.E., Olympia, WA 98501, on April 12, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985, or (360) 570-6175.

February 26, 2002

Claire Hesselholt, Rules Manager
Legislation and Policy Division

WSR 02-06-031

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed February 26, 2002, 1:51 p.m.]

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

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

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

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington State Department of Natural Resources both regulate forest practices, they are not involved in valuation for purposes of taxation. The nontax processes and definitions are coordinated with these agencies to avoid conflict.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request on April 15, 2002. Written comments on and/or requests for copies of the rule may be directed to Ed Ratcliffe, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6126, fax (360) 664-0693.

Location and Date of Public Meeting: Department of Revenue Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on April 16, 2002, at 10:00 a.m.

Assistance for persons with disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985, or (360) 570-6175.

February 26, 2002

Claire Hesselholt, Rules Manager
Legislation and Policy Division

WSR 02-06-033

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed February 26, 2002, 3:40 p.m.]

Subject of Possible Rule Making: Personal use fishing rules - closed season fishing on federally threatened or endangered fish.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to establish a separate offense when a federally threatened or endangered fish is involved. This will allow the administrator of the courts to set a different bail schedule for such an offense.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None, the subject matter of this rule is enforcement of closed season fishing.

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 Bjork, Enforcement Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2373. Contact by April 30, 2002, expected proposal filing May 1, 2002.

February 26, 2002

Evan Jacoby
Rules Coordinator

WSR 02-06-034

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed February 26, 2002, 3:44 p.m.]

Subject of Possible Rule Making: Medicine Creek treaty hunting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will be reviewing WAC 232-12-253, which established the enforcement line for the southern boundary of the hunting area used by the Medicine Creek tribes. This review is pursuant to two petitions to adopt, amend or repeal 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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Phil Anderson, Special Assistant for Intergovernmental Affairs, 600 Capitol Way North, Olympia,

WA 98504-1091, phone (360) 902-2720. Contact by April 30, 2002, expected proposal filing May 1, 2002.

February 26, 2002
Evan Jacoby
Rules Coordinator

WSR 02-06-041

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed February 27, 2002, 3:18 p.m.]

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. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

February 26, 2002
Merry A. Kogut
Rules Coordinator

Subject of Possible Rule Making: Consolidate law enforcement officers' and fire fighters' (LEOFF), WAC 415-104-011 - 415-104-0125, into one section and revise into "Plain English" as needed. Consolidate school employees' retirement system (SERS), WAC 415-110-010 - 415-110-0111, into one section and revise into "Plain English" as needed. Consolidate teachers' retirement system (TRS), WAC 415-112-015 - 415-112-0167, into one section and revise into "Plain English" as needed. Consolidate portability, WAC 415-113-030 - 415-113-0309, into one section and revise into "Plain English" as needed. Modify all of these WACs by adding a reference to WAC 415-02-030. Modify WAC 415-108-010 by adding a reference to WAC 415-02-030.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), chapters 41.26, 41.32, 41.35, 41.40, and 41.54 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 1. Regulatory reform principles dictate that agencies find way[s] to cut down on the total number of WACs.

2. Regulatory reform principles dictate that agencies review their rules periodically and ensure that they are clear and understandable to members of the public.

3. Many of the TRS and LEOFF rules have not be updated in many years. Some of the SERS rules were based on existing rules that are overdue for review.

4. DRS reviewed and updated its public employees' retirement system definitions recently. This exercise will provide an opportunity to review the other similar rules for similarities and differences.

NOTE: This CR-101 updates and replaces a CR-101 filed on February 12, 2002, as WSR 02-05-025.

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

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Retirement Systems encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator, below. After the rule(s) is drafted, DRS will file a copy

WSR 02-06-045

**PREPROPOSAL STATEMENT OF INQUIRY
UNIVERSITY OF WASHINGTON**

[Filed February 28, 2002, 10:07 a.m.]

Subject of Possible Rule Making: WAC 478-116-131 Parking for events and other university functions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.560 and 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed parking regulation amendment is necessary to reflect a change from not charging parking fees for the University of Washington's commencement events to charging attendees for parking as a prepaid special event. Previously, the university's commencement budget covered the costs associated with managing the parking and transportation system for commencement. However, increasing costs and constrained resources have necessitated generating revenue from parking to cover costs associated with parking and traffic management, including staffing, printing, a shuttle bus system, and costs associated with traffic police.

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 directing written comments or inquiries to Rebecca Goodwin Deardorff, Director, Administrative Procedures Office, by one of the following routes: United States Mail: University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203; campus mail Box 355509; e-mail adminpro@u.washington.edu; or fax (206) 616-6294.

February 26, 2002
Rebecca Goodwin Deardorff, Director
Administrative Procedures Office

WSR 02-06-046

PREPROPOSAL STATEMENT OF INQUIRY
ATTORNEY GENERAL'S OFFICE

[Filed February 28, 2002, 1:19 p.m.]

Subject of Possible Rule Making: (1) Amend chapter 44-10 WAC to modify definition of "Settlement" to include vehicles reacquired by a manufacturer resulting from an award of a manufacturer sponsored dispute resolution program based on standards equivalent to or directly taken from chapter 19.118 RCW and to require title notations and written resale disclosure to a subsequent retail purchaser/lessee; (2) make procedural revisions to provide for the Attorney General's Office to prepare and distribute various correspondence and notices for the motor vehicle arbitration board; and (3) make procedural revisions to special master arbitrator procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.118.080(2), 19.118.061.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) Revise definition of "Settlement" to extend title notation and written resale disclosure to manufacturer reacquired vehicles that are considered to meet the standards of RCW 19.118.041 by manufacturer sponsored dispute resolution programs for the benefit and safety of future purchases/lessees; and (2) make modifications and procedural changes in practices of the Attorney General's Office and the motor vehicle arbitration board to reduce contracted arbitration services. Purpose is to accomplish reasoned and predictable procedures for the administration of the Lemon Law program, the dispute resolution mechanism, consistency in arbitration decisions, compliance with arbitration awards and enforcement of statutory disclosures upon resale of subject vehicles.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Attorney General's Office is the agency with sole enforcement and administrative authority under chapter 19.118 RCW.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties are welcome to send written comments or suggestions to Paul N. Corning, Lemon Law Administrator, Office of the Attorney General, 900 Fourth Avenue, Suite 2000, Seattle, WA 98164-1012. Facsimile transmissions may be sent to Paul N. Corning at (206) 464-6451. Internet e-mail may be sent to Paul N. Corning at lemon@atg.wa.gov. Paul N. Corning, (206) 464-6372 is available to receive comments or suggestions by phone and voicemail.

February 28, 2002

Paul N. Corning
Lemon Law Administrator

WSR 02-06-050

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed March 1, 2002, 9:16 a.m.]

Subject of Possible Rule Making: Chapter 16-104 WAC, Shell eggs—Standards, grades and weight classes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 69.25 RCW, Washington Wholesome Eggs and Egg Products Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has conducted a review of the above mentioned rule(s) under the provisions of the Governor's Executive Order 97-02 and has determined that the rules are necessary and should be retained. These rules provide for the means under which adulterated or unwholesome eggs or egg products are prevented from being sold in the marketplace. They are necessary to address standards of quality and facility requirements for eggs processed and sold to protect the consuming public. The shell egg industry is in favor of these rules in that a marketing environment is created where all can compete equally and their reputation is protected.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture has authority regarding eggs and egg products through the United States Egg Products Inspection Act. Their requirements mainly apply to eggs graded under the voluntary grading program on a fee for service basis. State rules apply to all egg graders. Additionally they administer with the use of state inspection personnel the shell egg surveillance program which provides for quarterly inspection of all shell egg graders. State shell egg standards are the same as United States standards and grades. USDA encourage states to have rules that apply to those egg grading facilities not having grading service. State rules do not duplicate federal rules due to the different criteria under which they apply.

Process for Developing New Rule: A rules review was conducted in accordance with the Governor's Executive Order 97-02. Results of this review will be shared with representatives of the rule(s) stakeholders for input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department is seeking input on its decision to retain the rule(s). You may comment by writing to Washington State Department of Agriculture, Egg Inspection Section, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1830, fax (360) 902-2087. Written comments should be made by April 30, 2002.

The egg inspection section advisory board has participated in the review of chapter 16-104 WAC.

February 12, 2002

Kathryn Joyce Smith
Assistant Director

WSR 02-06-051**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:22 a.m.]

Subject of Possible Rule Making: WAC 180-78A-505.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed amendment clarifies that the completion of provisional status under RCW 28A.405.220 is a requirement for admission to a professional certificate program, rather than a certification requirement.

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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

February 28, 2002

Larry Davis

Executive Director

WSR 02-06-052**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:24 a.m.]

Subject of Possible Rule Making: Chapter 180-24 WAC, School district organization.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.04.120.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax

(360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis

Executive Director

WSR 02-06-053**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:24 a.m.]

Subject of Possible Rule Making: Chapter 180-25 WAC, State assistance in providing school plant facilities—Preliminary provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.030, [28A.525.]040, [28A.525.]050, chapter 162-178 WAC.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis

Executive Director

WSR 02-06-054**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:25 a.m.]

Subject of Possible Rule Making: Chapter 180-26 WAC, State assistance in providing school plant facilities—Educational specifications and site selections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.030, [28A.525.]040, [28A.525.]050, chapter 162-178 WAC.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis
Executive Director

WSR 02-06-055

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed March 1, 2002, 10:25 a.m.]

Subject of Possible Rule Making: Chapter 180-27 WAC, State assistance in providing school plant facilities—Basic state support.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.030, [28A.525.]040, [28A.525.]050, chapter 162-178 WAC.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis
Executive Director

WSR 02-06-056

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed March 1, 2002, 10:26 a.m.]

Subject of Possible Rule Making: Chapter 180-29 WAC, State assistance in providing school plant facilities—Procedural regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.030, [28A.525.]040, [28A.525.]050, chapter 162-178 WAC.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis
Executive Director

WSR 02-06-057

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed March 1, 2002, 10:26 a.m.]

Subject of Possible Rule Making: Chapter 180-31 WAC, State assistance in providing school plant facilities—Interdistrict cooperation in financing school plant construction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.030, [28A.525.]040, [28A.525.]050, chapter 162-178 WAC.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002
Larry Davis
Executive Director

WSR 02-06-058
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed March 1, 2002, 10:27 a.m.]

Subject of Possible Rule Making: Chapter 180-32 WAC, State assistance in providing school plant facilities—Interdistrict transportation cooperatives.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.030, [28A.525.]040, [28A.525.]050, chapter 162-178 WAC.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002
Larry Davis
Executive Director

WSR 02-06-059
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed March 1, 2002, 10:27 a.m.]

Subject of Possible Rule Making: Chapter 180-33 WAC, State assistance in providing school plant facilities—Modernization.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.030, [28A.525.]040, [28A.525.]050, chapter 162-178 WAC.

Preproposal

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002
Larry Davis
Executive Director

WSR 02-06-060
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed March 1, 2002, 10:28 a.m.]

Subject of Possible Rule Making: Chapter 180-36 WAC, Central purchasing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.335.100.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002
Larry Davis
Executive Director

WSR 02-06-061**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:28 a.m.]

Subject of Possible Rule Making: Chapter 180-39 WAC, Uniform entry qualifications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.58.190.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis
Executive Director

WSR 02-06-062**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:29 a.m.]

Subject of Possible Rule Making: Chapter 180-40 WAC, Pupils.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.160.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax

(360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis
Executive Director

WSR 02-06-063**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:29 a.m.]

Subject of Possible Rule Making: Chapter 180-41 WAC, Pupil safety.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130(11).

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis
Executive Director

WSR 02-06-064**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:30 a.m.]

Subject of Possible Rule Making: Chapter 180-44 WAC, Teachers' responsibilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130(6) and 28A.600.010.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002
Larry Davis
Executive Director

WSR 02-06-065

**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:31 a.m.]

Subject of Possible Rule Making: Chapter 180-46 WAC, Library media.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.320.240.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002
Larry Davis
Executive Director

WSR 02-06-066

**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:35 a.m.]

Subject of Possible Rule Making: Chapter 180-50 WAC, Courses of study and equivalencies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130 (8) and (9).

March 1, 2002
Larry Davis
Executive Director

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002
Larry Davis
Executive Director

WSR 02-06-067

**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:35 a.m.]

Subject of Possible Rule Making: Chapter 180-72 WAC, Adult education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.915.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002
Larry Davis
Executive Director

WSR 02-06-068**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:35 a.m.]

Subject of Possible Rule Making: Chapter 180-77 WAC, Standards for vocational certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis

Executive Director

WSR 02-06-069**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:35 a.m.]

Subject of Possible Rule Making: Chapter 180-77A WAC, Approval standards for vocational-technical teacher preparation programs based on business and industry work experience.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis

Executive Director

WSR 02-06-070**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:36 a.m.]

Subject of Possible Rule Making: Chapter 180-78A WAC, Approval standards for performance-based preparation programs for teachers, administrators, and educational staff associates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010 and 28A.305.130.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis

Executive Director

WSR 02-06-071**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:36 a.m.]

Subject of Possible Rule Making: Chapter 180-79A WAC, Standards for teacher, administrator, and educational staff associate certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis
Executive Director

WSR 02-06-072

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed March 1, 2002, 10:36 a.m.]

Subject of Possible Rule Making: Chapter 180-81 WAC, Professional certification—Masters in teaching degree.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.04.172 (decodified by section 602, chapter 33, Laws of 1990).

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis
Executive Director

WSR 02-06-073

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed March 1, 2002, 10:37 a.m.]

Subject of Possible Rule Making: Chapter 180-82 WAC, Certification endorsements and assignment of certified personnel.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130 (1) and (2), 28A.410.010, 28A.99.04.008 [28A.150.220(4)].

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis
Executive Director

WSR 02-06-074

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed March 1, 2002, 10:37 a.m.]

Subject of Possible Rule Making: Chapter 180-83 WAC, Internships.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.415.020 and 28A.415.025.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002
Larry Davis
Executive Director

WSR 02-06-075

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed March 1, 2002, 10:37 a.m.]

Subject of Possible Rule Making: Chapter 180-85 WAC, Professional certification—Continuing education requirement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002
Larry Davis
Executive Director

WSR 02-06-076

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed March 1, 2002, 10:37 a.m.]

Subject of Possible Rule Making: Chapter 180-86 WAC, Professional certification—Policies and procedures for administration of certification proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.70.005.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002
Larry Davis
Executive Director

WSR 02-06-077

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed March 1, 2002, 10:38 a.m.]

Subject of Possible Rule Making: Chapter 180-87 WAC, Professional certification—Acts of unprofessional conduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.70.005.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002
Larry Davis
Executive Director

WSR 02-06-078**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:38 a.m.]

Subject of Possible Rule Making: Chapter 180-90 WAC, Private schools.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis

Executive Director

WSR 02-06-079**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:38 a.m.]

Subject of Possible Rule Making: Chapter 180-95 WAC, Education centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.205.010, [28A.205.]020, [28A.205.]030, [28A.205.]040, and [28A.205.]050.

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.

Process for Developing New Rule: Agency study; and 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, Office of Superintendent of Public

Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis

Executive Director

WSR 02-06-080**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 10:38 a.m.]

Subject of Possible Rule Making: Chapter 180-96 WAC, Certificate of educational competence.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.190.

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.

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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002

Larry Davis

Executive Director

WSR 02-06-081**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 1, 2002, 11:21 a.m.]

Subject of Possible Rule Making: WAC 180-85-075.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This amendment would allow holders of lapsed continuing certificates to reinstate that certificate based on valid certification by the National Board for Professional Teaching Standards.

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, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 1, 2002
Larry Davis
Executive Director

WSR 02-06-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)
[Filed March 1, 2002, 3:34 p.m.]

Subject of Possible Rule Making: Chapter 388-148 WAC, Licensing requirements for child foster homes, staffed residential homes, group care programs/facilities, and agencies. Specifically the following sections: WAC 388-148-0040, 388-148-0045, 388-148-0050, 388-148-0060, 388-148-0065, 388-148-0120, 388-148-0125, 388-148-0220, 388-148-0260, 388-148-0345, 388-148-0350, 388-148-0462, 388-148-0520, 388-148-0542, 388-148-0560, 388-148-0585, 388-148-0630, 388-148-0700, 388-148-0720, 388-148-0722, 388-148-0725, 388-148-0785, 388-148-0880, 388-148-0892, 388-148-0995, 388-148-1020, 388-148-1070, 388-148-1076, 388-148-1077, 388-148-1078, 388-148-1079, 388-148-1115, 388-148-1120, and other sections as may be appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Children's Administration plans to make changes to the recently adopted licensing standards for foster homes, group care programs, and agencies to clarify the intent. Several sections that cover the qualifications for child-placing agency staff that were inadvertently omitted with the adoption of the chapter in September 2001 have been added. Also, a change in the foster parent training requirement that will allow the licensing of foster parents more quickly.

Several changes will allow Children's Administration to continue to receive federal funding for children placed in staffed residential homes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health (DOH) and the Office of the State Fire Marshal.

Process for Developing New Rule: Children's Administration will be filing emergency changes to chapter 388-148 WAC in late February 2002 and work with stakeholders in the development of permanent rule changes. The stakeholders will include licensed homes, group care program staff,

child-placing agencies, Department of Health, Office of the State Fire Marshal, and other interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jean L. Croisant, Division of Program and Policy Development, Children's Administration, P.O. Box 45710, Olympia, WA 98504-5710, (360) 902-7992, fax (360) 902-7903, e-mail loje300@dshs.wa.gov.

February 27, 2002
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-06-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)
[Filed March 1, 2002, 3:35 p.m.]

Subject of Possible Rule Making: Chapter 388-550 WAC, Interns, residents, teaching physicians, and physician preceptorships.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.510, 42 C.F.R. 413.86, 42 C.F.R. 415.160.

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

- To stay current with industry standards for graduate medical education and medical residency programs.
- To better serve our medical providers and Medical Assistance Administration (MAA) clients.
- To establish MAA standards for supervising interns and residents in nonhospital settings and to establish payment standards for teaching physicians.
- To expand definition of allowable services "under primary care exception" to allow payment for well-child exams done by residents-in-training, while being supervised by a teaching physician.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services—MAA will be implementing Medicaid standards or articulating exceptions to Medicaid/Medicare rule.

Washington State Department of Health (DOH) will be invited to participate in the work group and to provide comment on the draft language.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Myra Davis, MAA, Program Manager, P.O. Box 45533, Olympia, WA 98504-5533, phone (360)

725-1306, fax (360) 586-9727, TDD 1-800-848-5429, e-mail
daviss@dshs.wa.gov.

February 28, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-06-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed March 1, 2002, 3:36 p.m.]

Subject of Possible Rule Making: Vision services, chapter 388-544 WAC. The Medical Assistance Administration (MAA) plans to update its coverage policy sections, to ensure consistency across MAA's WAC chapters, to clarify existing program policy, and to add coverage for disposable contact lenses. During the course of this review, MAA may identify additional changes that are required in order to improve clarity or to update policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.080, 74.09.510, 74.09.520, and 42 C.F.R., Part 440.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules are being reviewed to update policy, to clarify limits on certain services and to add coverage for disposable contact lenses. MAA may identify additional needs during the conduct of the rule review.

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 invites the interested public to review and provide input on the draft language of this WAC. Draft material and information about how to participate are available by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting L. Mike Freeman, Rules Program Manager, Medical Assistance Administration, Olympia, Washington 98504-5533, phone (360) 725-1350, e-mail freemlm@dshs.wa.gov.

February 28, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-06-086
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed March 1, 2002, 3:38 p.m.]

Subject of Possible Rule Making: Chapter 388-540 WAC, Kidney/dialysis services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.510, 74.09.522, 42 C.F.R. 405.2101, 42 C.F.R. 447.325.

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

- Revisions are needed in order to be compliant with Medicaid/Medicare regulations and payment schedules.
- New rules are needed to better describe the Medical Assistance Administration's (MAA's) kidney center and dialysis programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services—MAA is implementing federal payment methodology (see above).

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Myra Davis, MAA Program Manager, P.O. Box 45533, Olympia, WA 98504-55 [98504-5533], phone (360) 725-1306, fax (360) 586-9727, TDD 1-800-848-5429, e-mail daviss@dshs.wa.gov.

February 28, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-06-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed March 1, 2002, 3:39 p.m.]

Subject of Possible Rule Making: The Division of Child Care and Early Learning is considering amending the following: WAC 388-150-090 Group size and staff-child ratios, 388-151-090 How may the department deny, suspend or revoke my license?, and 388-155-090 License denial, suspension, or revocation, and all other related WACs.

The department will also be adding a new section to chapter 388-150 WAC regarding pesticide notification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.15.020, 74.12.340, and 74.15.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These WACs need to be amended to correct their citation of the criminal history background check WAC. Formerly the department had more than one WAC describing the process and criteria for conducting background checks. Chapter 388-330 WAC has been repealed in order to unify the department's policy on background checks. The proposed amendments will refer to the new criminal history background check, chapter 388-06 WAC.

The new WACs need to be added due to a change in chapter 74.15 RCW requiring child care centers to notify parents in advance of pesticide application.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Social and Health Services, Children's Administration.

Process for Developing New Rule: All interested parties are invited to review and provide input on proposed draft language. Obtain draft material by contacting the identified representative below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Edwards-Hill, Program Manager, Division of Child Care and Early Learning, P.O. Box 45480, Olympia, WA 98504-5480, street address: 1009 College S.E., Lacey, WA 98503, phone (360) 413-3289, fax (360) 413-3482, e-mail edwarle@dshs.wa.gov.

February 28, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-06-088

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed March 1, 2002, 3:41 p.m.]

Subject of Possible Rule Making: Chapter 388-550 WAC, Federally qualified health centers and rural health clinics.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.510, 74.09.522, 42 C.F.R. 405.2400, 42 C.F.R. 491.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change is necessary to comply with federal financial changes.

- Section 702 of the Benefit Improvement and Protection Act (BIPA) of 2000 replaces cost-based reimbursement methodology with Medicaid FQHC/RHC prospective payment system (PPS).
- Washington state legislature has instructed Medical Assistance Administration (MAA) to implement the prospective payment system (PPS) in its 2001-2003 biennium budget.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services—MAA is implementing new federal payment methodology (see above).

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Myra Davis, MAA, Program Manager, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1306, fax (360) 586-9727, TDD 1-800-848-5429, e-mail daviss@dshs.wa.gov.

February 28, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-06-092

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed March 4, 2002, 8:05 a.m.]

Subject of Possible Rule Making: Amend chapter 415-103 WAC, Washington State Patrol retirement system (WSPRS), to make changes required by ESB 5143 (2001), also known as chapter 329, Laws of 2001.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5); statutes contained within SB 5143 and within chapter 43.43 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is needed to implement WSPRS Plan 2 (a new retirement plan), which becomes effective January 1, 2003.

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

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Retirement Systems (DRS) encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator, below. After the rule(s) is drafted, DRS 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. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

February 28, 2002

Merry A. Kogut
Rules Coordinator

WSR 02-06-094

**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY**

[Filed March 4, 2002, 8:09 a.m.]

Subject of Possible Rule Making: Student conduct code.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are a reorganization and revision [of] existing student conduct rules. These rules will clarify WSU's requirements for student conduct. Rules will also streamline the hearing and disciplinary process and provide for parental notification under revised FERPA 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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. There will be a public hearing to permit comment on the proposed rules and revisions. There will be an opportunity to provide written comments on the proposed rule.

February 28, 2002

Loretta M. Lamb

Assistant Vice-President for
Personnel and Administration
Rules Coordinator

WSR 02-06-103

**PREPROPOSAL STATEMENT OF INQUIRY
WHATCOM COMMUNITY COLLEGE**

[Filed March 5, 2002, 10:24 a.m.]

Subject of Possible Rule Making: Student rights and responsibilities, chapter 132U-120 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130 and 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update and clarify process.

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 Jennifer Dixon, Rules Coordinator, Whatcom Community College, 237 West Kellogg Road, Bellingham, WA 98226, phone (360) 676-2170 ext. 3275, fax (360) 676-2171.

March 4, 2002

Jennifer Dixon

Rules Coordinator

WSR 02-06-104

**PREPROPOSAL STATEMENT OF INQUIRY
WHATCOM COMMUNITY COLLEGE**

[Filed March 5, 2002, 10:25 a.m.]

Subject of Possible Rule Making: Control of dogs, chapter 132U-52 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update and bring into compliance the current wording.

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 Jennifer Dixon, Rules Coordinator, Whatcom Community College, 237 West Kellogg Road, Bellingham, WA 98226, phone (360) 676-2170 ext. 3275, fax (360) 676-2171.

March 4, 2002

Jennifer Dixon

Rules Coordinator

WSR 02-06-107

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed March 5, 2002, 1:59 p.m.]

Subject of Possible Rule Making: Commercial fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will review WAC 220-20-016 relating to the sale of salmon eggs, and determine the application to species other than chum salmon.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None as to sale of salmon eggs.

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 Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by June 18, 2002, expected proposal filing June 19, 2002.

March 5, 2002

Evan Jacoby

Rules Coordinator

WSR 02-06-108**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed March 5, 2002, 3:45 p.m.]

Subject of Possible Rule Making: Amending WAC 458-53-030 Stratification of assessment rolls—Real property, 458-53-050 Land use stratification, sales summary and abstract report and 458-53-140 Personal property ratio study; and repealing WAC 458-53-090 Department generated sales studies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.08.010, 84.08.070, and 84.48.075.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-53-030 explains the stratification process for real property for use in the ratio study and for ratio calculation. The rule provides a listing of land-use codes used in the stratification process. This rule needs to be updated to provide separate land-use codes for residential and commercial condominiums. The new land-use code for commercial condominiums will also be used for residential hotels. WAC 458-53-050 groups land-use codes into abstract categories. The rule needs to be updated to reflect the revisions that are anticipated for WAC 458-53-030. WAC 458-53-140 provides information about the personal property ratio study, including, among other things, the basis for a county's personal property ratio. This rule needs to be updated to reflect a change in the basis for a county's personal property ratio as a result of chapter 185, Laws of 2001. WAC 458-53-090 provides information concerning sales studies generated by the Department of Revenue for those counties that are unable to provide the department with a computer generated sales study in accordance with WAC 458-53-100. This rule needs to be repealed, as the department no longer generates sales studies.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, e-mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary discussion draft of a possible new or revised rule(s) is available upon request. Written comments on and/or requests for copies of the draft may be directed to Mark Mullin, Tax Policy Specialist, Legislation and Policy Division, State of Washington Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6112, fax (360) 664-0693, e-mail MarkM@dor.wa.gov.

Location and Date of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA. The meeting will take place on Wednesday, April 10, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 570-6175.

March 5, 2002
Claire Hesselholt, Rules Manager
Legislation and Policy Division

WSR 02-06-118**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed March 6, 2002, 9:47 a.m.]

Subject of Possible Rule Making: Adopt new rules (1) clarifying the availability and job search requirements of individuals who are members of referral unions (those unions that act as referral agents for their members) and receiving unemployment benefits; and (2) codifying the standards that unions must meet to be certified by the department as referral agents for their members and participants in the department's referral union program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 Commissioner's duties and powers, 50.12.040 Rules and regulations, and 50.20.010 Benefit eligibility conditions.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 50.20.010(3) requires individuals receiving unemployment benefits to seek work "pursuant to customary trade practices." The department has had long-standing guidelines in place regarding the job search requirements of claimants who are members of referral unions, and the standards for unions participating in the referral union program. To improve predictability and stability in program administration, the department intends to establish regulations in place of the guidelines that will clarify the department's expectations of participating unions, and establish when a referral union member will be determined to meet the job search requirements and the conditions under which a cause for doubting an individual's availability for work may be established.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: The department will conduct informal public meetings with interested individuals and stakeholders to gather their input and comments during the development of these regulations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Persons interested in attending meetings to discuss the proposed regulations should contact Juanita Myers, Rules Coordinator, Unemployment Insurance Division, Employment Security Department, P.O. Box 9046, Olympia, WA

98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail jmyers@esd.wa.gov.

98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail jmyers@esd.wa.gov.

March 4, 2002
Dr. Sylvia P. Mundy
Commissioner

March 4, 2002
Dr. Sylvia P. Mundy
Commissioner

WSR 02-06-119
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed March 6, 2002, 9:48 a.m.]

Subject of Possible Rule Making: Adopt rule(s) clarifying the actions that will be taken by the department when an Indian tribe or tribal unit becomes delinquent in the payment of unemployment taxes. Adopt a rule specifying the tax rate that will be applied to an employer who had elected to make payments in lieu of contributions, is delinquent in those payments, and changes their payment method and becomes a contribution-paying employer.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 Commissioner's duties and powers and 50.12.040 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 50.50 RCW, adopted in 2001, requires the department to take certain measures when a tribe or tribal unit is delinquent in the payment of unemployment taxes. The rules will clarify the timing and sequence of actions that will be taken by the department in these circumstances. RCW 50.29.025 (6)(a) establishes the tax rate that will be applied to employers who are delinquent in the payment of contributions. The rule will clarify that this tax rate shall also apply to reimbursable employers (those who make payments in lieu of contributions) who are delinquent in their payments and become contribution-paying employers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: The department will conduct informal public meetings with interested individuals and stakeholders to gather their input and comments during the development of these regulations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Persons interested in attending meetings to discuss the proposed regulations should contact Juanita Myers, Rules Coordinator, Unemployment Insurance Division, Employment Security Department, P.O. Box 9046, Olympia, WA

WSR 02-06-120
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed March 6, 2002, 10:23 a.m.]

Subject of Possible Rule Making: Small game seasons; transporting game; game raffle hunts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.12.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide recreational opportunity for hunters.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by April 15, 2002, rule proposal filing expected to be May 1, 2002.

March 6, 2002
Evan Jacoby
Rules Coordinator

WSR 02-05-047
PROPOSED RULES
OLYMPIC AIR POLLUTION
CONTROL AUTHORITY

[Filed February 14, 2002, 10:43 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: OAPCA Regulation 1, Article 7 Notice of Construction and Application for Approval (and associated definition changes in OAPCA Regulation 1, Article 1, Section 1.07 Definitions).

Purpose: To amend sections of the OAPCA regulation to address programmatic issues between the state and local implementations of New Source Review.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: Amendatory Sections:

Section 1.07, include new definitions used in new sections of Article 7, revisions to the definition of *major modification* and *control officer*, and other minor changes. New definitions and the revision to *major modification* are copied directly from chapter 173-400 WAC. *Control officer* was revised to include the term Executive Director.

Section 7.05, clarify wording regarding issuance of approval orders. New sections also address these issues.

New Sections:

Section 7.17, add requirements for new sources in nonattainment areas. Requirements are copied directly from WAC 173-400-112(2), except for minor changes to authority.

Section 7.18, add requirements for new sources in attainment or unclassifiable areas. Requirements are copied directly from WAC 173-400-113(2), except for minor changes to authority.

Section 7.19, add requirements for replacement or substantial alteration of emission control technology at an existing stationary source. Requirements are copied directly from WAC 173-400-114, except for minor changes to authority.

Section 7.20, add requirements for change of conditions. Requirements are copied directly from WAC 173-400-110(10), except for minor changes to authority and procedure for requesting and processing the change of conditions.

Section 7.21, add requirements for application processing. Requirements are copied directly from WAC 173-400-110 (6) and (7), except for minor changes to authority and removal of language that applies to ecology only.

Reasons Supporting Proposal: OAPCA currently enforces both state and local New Source Review (NSR) regulations, which is confusing to the regulated community. These changes make OAPCA's NSR program complete and the regulated community will need only comply with local NSR regulations, once program approval is received from EPA. These changes will not affect how OAPCA currently implements NSR.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Richard Stedman, Executive Director, 909 Sleater Kinney Road S.E. #1, Lacey, WA 98503, (360) 438-8768.

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

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

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

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the Regulatory Fairness Act (chapter 19.85 RCW) because air pollution control authorities are not deemed state agencies (RCW 70.94.141).

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Olympic Air Pollution Control Authority, 909 Sleater Kinney Road S.E. #1, Lacey, WA 98503, on April 10, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Craig Weckesser by April 3, 2002.

Submit Written Comments to: Richard Stedman, Executive Director, Olympic Air Pollution Control Authority, 909 Sleater Kinney Road S.E. #1, Lacey, WA 98503, fax (360) 491-6308, by April 9, 2002.

Date of Intended Adoption: April 10, 2002.

February 14, 2002

Richard Stedman

Executive Director

SECTION 1.07 DEFINITIONS

When used in regulations of the Olympic Air Pollution Control Authority, the following definitions shall apply, unless they are preempted by definitions in individual Articles:

ACTUAL EMISSIONS means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a one year period which precedes the particular date and which is representative of normal source operation. The Authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) The Authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) For an emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

ADVERSE IMPACT ON VISIBILITY means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor visual experience of the Federal Class I area. This determination must be made on a

case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

AGRICULTURAL BURNING means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.

AGRICULTURAL OPERATION means the growing of crops, the raising of fowl or animals as gainful occupation.

AIR CONTAMINANT means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

AIR POLLUTION means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, property, or which unreasonably interferes with enjoyment of life and property. For the purpose of this Regulation, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

AIR POLLUTION EPISODE means a period when a forecast, alert, warning, or emergency air pollution state is declared, as stated in Chapter 173-435 WAC.

ALLOWABLE EMISSIONS means the emission rate calculated using the maximum rated capacity of the source (unless the stationary source is subject to limits enforceable by the Authority which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

- (a) The applicable standards as set forth in 40 CFR part 60 or 61;
- (b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or;
- (c) The emissions rate specified in an approval order, permit condition, or regulatory order issued by the Authority including those with a future compliance date.

ALTERATION means any addition to or enlargement or replacement; or any major modification or change of the design, capacity, process or arrangement; or any increase in the connected loading of equipment or control facility which will significantly increase or adversely affect the kind or amount of air contaminant emitted.

AMBIENT AIR means that portion of the atmosphere external to a building to which the general public has access.

AMBIENT AIR QUALITY STANDARD means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

ANCILLARY for the purpose of defining "source," means "related."

ATTAINMENT AREA means a geographic area designated by EPA at 40 CFR Part 81 as having attained the National Ambient Air Quality Standard for a given criteria pollutant.

AUTHORITY means the Olympic Air Pollution Control Authority.

AUTHORIZED PERMITTING AGENT means either the county, county fire marshal, fire districts, or county conservation district, provided an agreement has been signed with the local air pollution control authority or Department of Ecology.

BEST AVAILABLE CONTROL TECHNOLOGY (BACT) means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to this regulation which would be emitted from any proposed new or modified source which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing authority determines that technological or economic limitations on the application of the imposition of an emission standard is infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The term "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

BEST AVAILABLE RETROFIT TECHNOLOGY (BART) means any emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing source. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required.

BOARD means the Board of Directors of the Olympic Air Pollution Control Authority.

BUBBLE means a set of emission limits which allows an increase in emissions from a given emissions unit(s) in exchange for a decrease in emissions from another emissions unit(s), pursuant to RCW 70.94.155 and WAC 173-400-120.

CAPACITY FACTOR means the ratio of the average load on equipment or a machine for the period of time considered, to

the manufacturer's capacity rating of the machine or equipment.

CLASS I AREA means any area designated pursuant to § 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington state:

Alpine Lakes Wilderness;
 Glacier Peak Wilderness;
 Goat Rocks Wilderness;
 Mount Adams Wilderness;
 Mount Rainier National Park;
 North Cascades National Park;
 Olympic National Park;
 Pasayten Wilderness; and,
 Spokane Indian Reservation.

COMBUSTIBLE REFUSE means any burnable waste material containing carbon in a free or combined state other than liquid or gases.

COMBUSTION AND INCINERATION UNITS means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

COMMENCED CONSTRUCTION means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual onsite construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

CONCEALMENT means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

CONTROL APPARATUS means any device which prevents or controls the emission of any air contaminant.

CONTROL OFFICER means the Air Pollution Control Officer of the Olympic Air Pollution Control Authority. Executive Director means the same as Control Officer.

CRITERIA POLLUTANT means a pollutant for which there is established a National Ambient Air Quality Standard at 40 CFR Part 50. The criteria pollutants are carbon dioxide (CO), particulate matter, ozone (O3), sulfur dioxide (SO2), lead (Pb), and nitrogen dioxide (NO2).

DAYLIGHT HOURS means the hours between official sunrise and official sunset.

DIRECTOR means director of the Washington State Department of Ecology or duly authorized representative.

DISPERSION TECHNIQUE means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

ECOLOGY means the Washington State Department of Ecology.

EMISSION means a release of air contaminants into the ambient air.

EMISSION LIMITATION or EMISSION STANDARD means requirement established by the EPA, Ecology, or the Author-

ity which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

EMISSION POINT means the location (place in horizontal plane and vertical elevation) at which an emission enters the atmosphere.

EMISSION REDUCTION CREDIT (ERC) means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

EMISSION UNIT means any part of a source or a stationary source which emits or would have the potential to emit any pollutant subject to regulation.

EPA means the United States Environmental Protection Agency (USEPA).

EQUIPMENT means any stationary or portable device, or any part thereof, capable of causing the emission of any air contaminant into the atmosphere.

EXCESS EMISSION means emissions of an air pollutant in excess of an emission standard or emission limitation.

EXCESS STACK HEIGHT means that portion of a stack which exceeds the greater of sixty five meters or the calculated stack height described in WAC 173-400-200(2).

FACILITY is defined as all emission units in the same industrial grouping located on contiguous or adjacent properties and under common ownership of control.

FEDERAL CLEAN AIR ACT (FCAA) means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. & 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

FEDERALLY ENFORCEABLE means all limitations and conditions which are enforceable by EPA, including those requirements developed under 40 CFR Parts 60 and 61, requirements within any established under 40 CFR 52.21 or under a SIP approved new source review regulation, including operating permits issued under chapter 173-401 WAC and expressly requires adherence to any permit issued under these programs.

FEDERAL LAND MANAGER means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

FOSSIL FUEL FIRED STEAM GENERATOR means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

FUEL BURNING EQUIPMENT means any equipment, device or contrivance used for the burning of any fuel, and all appurtenances thereto, including ducts, breechings, control equipment, fuel feeding equipment, ash removal equipment, combustion controls, stacks, chimneys, etc., used for indirect heating in which the material being heated is not contacted by and adds no substances to the products of combustion.

FUGITIVE DUST means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

FUGITIVE EMISSIONS means emissions which do not pass, and which could not reasonably pass, through a stack, chimney, vent, or other functionally equivalent opening.

GARBAGE means refuse, animal or vegetable matter as from a kitchen, restaurant or store.

GENERAL PROCESS UNIT means an emissions unit using a procedure or combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

GENERATING EQUIPMENT means any equipment, device, process or system that creates any air contaminant(s) or toxic air pollutant(s).

GOOD ENGINEERING PRACTICE (GEP) refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

HOG-FUEL means wood slabs, edging, trimmings, etc., which have been put through a "hog" to reduce them to a uniform small size, and also includes shavings from planing mills, sawdust from saw-kerfs, bits of bark, chips and other small recovered products from the manufacture of wood products or any combination thereof.

IDENTICAL UNITS means units installed and operated in a similar manner on the same premises provided the materials handled, processed, or burned are substantially the same in composition and quantity and their design, mode of operation, connected devices and types and quantities of discharge are substantially the same.

IMPAIRED AIR QUALITY means a condition declared by the department or a local air authority in accordance with the following criteria:

(a) Meteorological conditions are conducive to accumulation of air contamination concurrent with:

(1) Particulate that is ten micron and smaller in diameter (PM-10) at or above an ambient level of sixty (60) micrograms per cubic meter measured on a twenty-four-hour average; or

(2) Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight-hour average.

(b) Air quality that threatens to exceed other limits established by the department or a local air authority.

INCINERATOR means a furnace used primarily for the thermal destruction of waste.

IN OPERATION means engaged in activity related to the primary design function of the source.

INTEGRAL VISTA means a view perceived from within a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the Class I area.

LIDAR (Light Detection and Ranging) means the EPA alternate method 1 determination of the opacity of emissions from stationary sources remotely by lidar.

LOWEST ACHIEVABLE EMISSION RATE (LAER) means for any source that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

MAJOR MODIFICATION means any physical change, or change in the method of operation, of a major source that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act. Any net emissions increase that is considered significant for volatile organic compounds and nitrogen oxides shall be considered significant for ozone. A physical change or change in the method of operation shall not include:

(a) Routine maintenance, repair, and replacement;

(b) Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(c) Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;

(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(e) Use of an alternative fuel or raw material by a source which:

(1) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a Prevention of Significant Deterioration permit or Notice of Construction Approval; or

(2) the source is approved to use under any permit issued under regulations approved pursuant to this section;

(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976 in a Prevention of Significant Deterioration permit or a Notice of Construction Approval.

(g) Any change in ownership of a source.

(h) The addition, replacement, or use of a pollution control project (as defined in 40 CFR 51.166, in effect on July 1, 2001) at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(1) When the permitting agency has reason to believe that the pollution control project would result in a significant net emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of title I of the Federal Clean Air Act, if any; and

(2) The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation.

(i) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with the SIP, and other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

MAJOR SOURCE means:

(a) Any source which:

(1) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the state or Federal Clean Air Act;

(2) Is located in a "marginal" or "moderate" ozone non-attainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen;

(3) Is located in a "serious" carbon monoxide nonattainment area where sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or

(4) Is located in a "serious" particulate matter (PM-10) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM-10 emissions.

(5) Emits or has the potential to emit 10 tons or more per year of any toxic air pollutant or 25 tons per year of any combination of toxic air pollutants.

(b) Any physical change that would occur at a source not qualifying under (a) of this subsection as a major source, if the change would constitute a major source by itself;

(c) A major source that is major for volatile organic compounds or nitrogen oxides shall be considered major for ozone;

(d) The fugitive emissions of a source shall not be included in determining for any of the purposes of this section whether it is a major source, unless the source belongs to one of the following categories of sources or the source is a major source solely due to paragraphs (a)(3) or (a)(4) of this subsection:

- (1) Coal cleaning plants (with thermal dryers);
- (2) Kraft pulp mills;
- (3) Portland cements plants;
- (4) Primary zinc smelters;
- (5) Iron and steel mills;
- (6) Primary aluminum ore reduction plants;
- (7) Primary copper smelters;
- (8) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;
- (9) Hydrofluoric, sulfuric, or nitric acid plants;
- (10) Petroleum refineries;
- (11) Lime plants;
- (12) Phosphate rock processing plants;
- (13) Coke oven batteries;
- (14) Sulfur recovery plants;
- (15) Carbon black plants (furnace process);
- (16) Primary lead smelters;
- (17) Fuel conversion plants;
- (18) Sintering plants;
- (19) Secondary metal production plants;
- (20) Chemical process plants;

(21) Fossil fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;

(22) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;

(23) Taconite ore processing plants;

(24) Glass fiber processing plants;

(25) Charcoal production plants;

(26) Fossil fuel fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and

(27) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.

MANDATORY CLASS I FEDERAL AREA means any area defined in § of the FCAA, Subpart D as amended through the adoption date of this rule. The mandatory Class I federal areas in Washington state are as follows:

Alpine Lakes Wilderness;

Glacier Peak Wilderness;

Goat Rocks Wilderness;

Mount Adams Wilderness;

Mount Rainier National Park;

North Cascades National Park;

Olympic National Park;

Pasayten Wilderness.

MASKING means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

MATERIALS HANDLING means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

MODIFICATION means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such sources or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) means an ambient air quality standard set by EPA at 40 CFR Part 50 and includes standards for carbon monoxide (CO), particulate matter, ozone (O3), sulfur dioxide (SO2), lead (Pb), and nitrogen dioxide (NO2).

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) means the federal regulations set forth in 40 CFR Part 61.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES means the federal rules in 40 CFR Part 63.

NATURAL CONDITIONS means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

NET EMISSIONS INCREASE means:

(a) The amount by which the sum of the following exceeds zero:

(1) Any increase in actual emissions from a particular change or change in method of operation at a source; and

(2) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.

(c) An increase or decrease in actual emissions is creditable only if:

(1) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC. Any emissions increases occurring over the life of the ERC shall be counted against the ERC.

(2) Ecology or the Authority has not relied on it in issuing an order of approval for the source under regulations approved pursuant to CFR Part 51, Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21 which the order or permit is in effect when the increase in actual emissions from the particular change occurs.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(1) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(2) It is federally enforceable at and after the time that actual construction on the particular change begins;

(3) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(4) Ecology or the Authority has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR 51 Subpart I or Ecology or the Authority has not relied on it in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

NEW SOURCE means:

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted; and

(b) Any other project that constitutes a new source under the Federal Clean Air Act.

NEW SOURCE PERFORMANCE STANDARDS (NSPS) means the federal regulations set forth in 40 CFR Part 60.

NONATTAINMENT AREA means a clearly delineated geographic area which has been designated by EPA and promulgated as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants, which

includes carbon monoxide, fine particulate matter (PM-10) sulfur dioxide, ozone, and nitrogen dioxide.

NOTICE OF CONSTRUCTION APPLICATION means a written application to permit construction of a new source, modification of an existing source, or replacement or substantial alteration of control technology at an existing source. Replacement or substantial alteration of control technology does not include routine maintenance, repair, or parts replacement.

NUISANCE means an emission that unreasonably interferes with the use and enjoyment of property.

OPACITY means the degree to which an object seen through a plume is obscured, stated as a percentage.

OPEN BURNING means the combustion of material in an open fire or in an open container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.

OPEN FIRE means a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator or kiln.

ORDER OF APPROVAL OR APPROVAL ORDER means a regulatory order issued by Ecology or the Authority to approve the Notice of Construction Application for a proposed new source or modification or the replacement or substantial alteration of control technology at an existing stationary source, after review of all information received including public comment as required under Article 5 and Article 7.

OWNER means and includes the person who owns, leases, supervises or operates the equipment or control apparatus.

PARTICULATE MATTER OR PARTICULATES means any liquid, other than water, or any solid, which is so finely divided as to be capable of becoming windblown or being suspended in air, or other gas or vapor.

PARTICULATE MATTER EMISSIONS means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by a preapproved method by the Authority.

PARTS PER MILLION (ppm) means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

PERMIT means a written warrant or license granted by the Board, Control Officer, or duly authorized Representative or Agent.

PERSON means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

PM₁₀ means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

PM₁₀ EMISSIONS means finely divided solid or liquid material, including condensible particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a

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test method specified in the Washington State Implementation Plan (SIP).

POTENTIAL CONTROLLED EMISSIONS means the emissions from a facility determined as if the facility was operated at maximum capacity, 8,760 hours per year with control equipment operating. Operating control equipment can be considered only if the affect such controls have on emissions is federally enforceable.

POTENTIAL TO EMIT means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a source.

POTENTIAL UNCONTROLLED EMISSIONS means the emissions from a facility determined as if the facility was operated at maximum capacity, 8,760 hours per year with control equipment NOT operating.

PREVENTION OF SIGNIFICANT DETERIORATION (PSD) means the program set forth in WAC 173-400-141. Ecology has adopted the federal PSD program contained in 40 CFR 52.21 with some changes, which are described in WAC 173-400-141.

PROCESS means any equipment, device apparatus, chemical, natural element, procedure, effort, or any combination thereof which performs a service, function, use, or method, leading to an end of a particular performance, or manufacturing production.

PROJECTED WIDTH means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

REASONABLE ALTERNATIVES means disposal alternatives to open burning that cost less than eight dollars fifty cents per cubic yard. After July 1993, this amount shall be adjusted periodically by department policy.

REASONABLY ATTRIBUTABLE means attributable by visual observation or any other technique the Authority deems appropriate.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by quality, and the capital and operating costs of the additional controls. RACT requirements for any source category shall be adopted only after notice and opportunity for comment are afforded.

RECREATIONAL FIRE means barbecues and campfires, using charcoal, natural gas, propane, or natural wood, which occur in designated areas, or on private property. Fires used for debris disposal purposes are not considered recreational fires.

REFUSE means waste as defined in Section 1.07 of this Regulation.

REGULATION 1 means any regulation, or any subsequently adopted additions or amendments thereto, of the Olympic Air Pollution Control Authority.

REGULATORY ORDER means an order issued by Ecology or the Authority to an air contaminant source which approves a notice of construction application, limits emissions and/or establishes other air pollution control requirements.

REPRESENTATIVE or AGENT means any person authorized by the Control Officer of the Authority to represent him in an official and specific manner.

RESIDENTIAL means a two or single family unit.

RUBBISH means waste as defined in Section 1.07 of the Regulation.

SALVAGE OPERATION means any operation conducted in whole or in part for the salvaging or reclaiming of any product.

SIGNIFICANT means a rate of emissions equal to or greater than any one of the following rates:

Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter (PM)	25
Fine particulate matter (PM ₋₁₀)	15
Volatile organic compounds (VOC)	40
Lead	0.6
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10
Total reduced sulfur (including H ₂ S)	10
Reduced Sulfur compounds (including H ₂ S)	10
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO ₂ and hydrogen chloride)	40

SIGNIFICANT VISIBILITY IMPAIRMENT means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

SILVICULTURAL BURNING means burning on any land the Department of Natural Resources protects per RCW 70.94.-030(13), 70.94.660, 70.94.690, and pursuant to Chapter 76.04 RCW.

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SOURCE means all of the emissions unit(s) and all of the pollutant emitting activities which belong to the same industrial grouping, including quantifiable fugitive emissions, that are located on one or more contiguous properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Pollutant emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.

SOURCE CATEGORY means all sources of the same type or classification.

STACK means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

STACK HEIGHT means the height of an emission point measured from the ground level elevation at the base of the stack.

STANDARD CONDITIONS means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

STANDARD CUBIC FOOT OF GAS means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor and at standard conditions.

STATE ACT means the Washington Clean Air Act, Chapter 70.94 RCW, as amended.

STATE IMPLEMENTATION PLAN (SIP) means the Washington SIP in 40 CFR Part 52, subpart WW. The SIP contains state, local and federal regulations and orders, the state plan and compliance schedules approved and promulgated by EPA, for the purpose of implementing, maintaining, and enforcing the National Ambient Air Quality Standards.

STATIONARY SOURCE means any source as defined in this section which is fixed in location temporarily or permanently. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216 of the FCAA.

SULFURIC ACID PLANT means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

TEMPORARY means a period of time not to exceed one (1) year.

TOTAL REDUCED SULFUR (TRS) means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 or an approved equivalent method and expressed as hydrogen sulfide.

TOTAL SUSPENDED PARTICULATE means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1988.

TOXIC AIR POLLUTANT(S) (TAP) means any class A or Class B toxic air pollutant listed in WAC 173-460-150 and/or WAC 173-460-160.

UNCLASSIFIABLE AREA means an area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard for the criteria pollutant and that is listed by EPA at 40 CFR Part 81.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA) shall be referred to as EPA.

URBAN GROWTH AREA means an area defined by RCW 36.70A.030.

VENT means any opening through which gaseous emissions are exhausted into the ambient air.

VISIBILITY IMPAIRMENT means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

VISIBILITY IMPAIRMENT OF CLASS I AREAS means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

VOLATILE ORGANIC COMPOUND (VOC) means:

(a) Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any organic compound other than the following, which have negligible photochemical activity: Methane; ethane, methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,1-trichloro 2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22); trifluoromethane (FC-23); 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); and perfluorocarbon compounds which fall into these classes:

(1) Cyclic, branched, or linear completely fluorinated alkanes;

(2) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations; and

(3) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by the Authority.

(c) As a precondition to excluding these negligibly reactive compounds as VOC or at any time thereafter, Ecology or the Authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of Ecology or the Authority, the amount of negligibly reactive compounds in the source's emissions.

WASTE means unproductive, worthless, useless or rejected material.

WASTE-WOOD BURNER means equipment or facility used solely for the combustion-disposal of waste wood without heat recovery. Such burners shall include, but not be limited to, a wigwam burner, a silo-type burner, or an air-curtain burner.

WIGWAM or TEPEE BURNER - see Waste-wood Burner.

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

SECTION 7.05 ISSUANCE OF APPROVAL ORDER

(a) ~~As soon as practicable after receipt of Notice of Construction and Application for Approval, and, if public notice is required pursuant to Section 7.04, after consideration of any comments and testimony received,~~ The Board or Control Officer shall issue either an Approval Order for the proposed project or an Order to Deny Approval (if an Order that the construction, installation or establishment of a new air contaminant source will not be in accordance with the applicable federal, state, and local requirements with the applicable emissions standards as that are in effect at the time of filing the Notice of Construction and Application for Approval) according to the timeline established in Section 7.21. Failure to comply with any term or condition of an Approval Order constitutes a violation of this section and is subject to penalties pursuant to RCW 70.94.430 and RCW 70.94.431.

(b) No approval will be issued unless, upon the information required by Section 7.01 and 7.03 evidences to the Control Officer or the Board that:

~~(1) The equipment or control apparatus is designed and will be installed to operate without causing violation of any law or regulation of the Authority.~~

~~(2) Upon request of the Control Officer or Board, equipment or control apparatus having a stack three (3) feet or more in diameter is provided with:~~

~~(i) (1) Sampling ports of a size, number and location as the Authority may require; and~~

~~(ii) (2) Safe access to each port; and~~

~~(iii) (3) Such other sampling and testing facilities as the Control Officer or Board may require.~~

~~(3) The equipment incorporates all known available and reasonable methods of emission control and will meet the requirements of all applicable Standards of Performance promulgated by the United States Environmental Protection Agency.~~

(c) If the Board or Control Officer determines that the construction, installation or establishment of a new air contaminant source or sources will not comply with all laws or regulations of the Authority, the Board or Control Officer shall issue an Order for the prevention of the construction, installation or establishment of the air contaminant source or sources; and

(1) The Order shall be in writing;

(2) The Order shall set forth the objections in detail with reference to the specific law or section or sections of the Regulation that will not be met by the proposed construction, installation or establishment;

(3) The Order shall be signed by the Control Officer or an authorized representative.

(d) Any Order issued pursuant to this section shall become final unless, no later than twenty (20) days after the date the Order is served pursuant to Section 3.21 of the Regulation, the owner or applicant petitions for a reconsideration of the Order, stating reasons for the reconsideration.

(1) The Board or Control Officer shall consider the petition and shall within thirty (30) days give written notice of approval or disapproval of the petition, setting forth the reasons for disapproval.

(2) If the petition of the owner or applicant is disapproved, the owner or applicant may appeal to the Pollution Control Hearings Board of the State of Washington, pursuant to Section 3.17 of this Regulation.

(e) Any Order issued or the failure to issue such an order or approval, shall not relieve any person from their obligation to comply with any emission control requirement or with any other provision of law.

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

NEW SECTION

SECTION 7.17 Requirements for new sources in non-attainment areas.

(a) The Authority shall issue the order of approval to establish a new source in a nonattainment area if it determines that the proposed project satisfies each of the following requirements:

(1) The proposed new source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, national emission standards for hazardous air pollutants for source categories, emission standards adopted under chapter 70.94 RCW and applicable emission standards in Regulation 1.

(2) The proposed new source will employ BACT for all air contaminants, except that if the new source is a major stationary source or the proposed modification is a major modification it will achieve LAER for the air contaminants for which the area has been designated nonattainment and for which the proposed new source or modification is major.

(3) The proposed new source will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the SIP and will comply with WAC 173-400-113 (2)(c) for all air contaminants for which the area has not been designated nonattainment.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification, the permitting agency has determined, based on review of an analysis performed by the source of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(5) If the proposed new source or the proposed modification is major for the air contaminant for which the area is designated nonattainment, allowable emissions from the proposed new source or modification of that air contami-

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nant are offset by reductions in actual emissions from existing sources in the nonattainment area. Emission offsets must be sufficient to ensure that total allowable emissions from existing major stationary sources in the nonattainment area, new or modified sources which are not major stationary sources, and the proposed new or modified source will be less than total actual emissions from existing sources (before submitting the application) so as to represent (when considered together with the nonattainment provisions of section 172 of the Federal Clean Air Act) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:

(i) The proposed new level of allowable emissions of the source or emissions unit(s) providing the reduction must be less than the current level of actual emissions of that source or emissions unit(s). No emission reduction can be credited for actual emissions which exceed the current allowable emissions of the source or emissions unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders, or permits required by the Federal Clean Air Act, including the SIP, cannot be credited.

(ii) The emission reductions must provide for a net air quality benefit. For marginal ozone nonattainment areas, the total emissions of volatile organic compounds or total emissions of nitrogen oxides are reduced by a ratio of 1.1 to 1 for the area in which the new source is located. For any other nonattainment area, the emissions offsets must provide a positive net air quality benefit in the nonattainment area. Determinations on whether emissions offsets provide a positive net air quality benefit will be made in accordance with the guidelines contained in 40 CFR 51 Appendix S (in effect on July 1, 2000).

(iii) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the order of approval for the new or modified source is effective. An emission reduction credit issued under WAC 173-400-131 may be used to satisfy some or all of the offset requirements of this subsection.

(6) If the proposed new source is a major stationary source or the proposed modification is a major modification, the owner or operator has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Washington are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules in the SIP.

(7) If the proposed new source is a major stationary source within the meaning of WAC 173-400-113(1), or the

proposed modification is a major modification within the meaning of WAC 173-400-113(1), it meets the requirements of the PSD program in WAC 173-400-141 for all air contaminants for which the area has not been designated nonattainment.

(8) If the proposed new source or modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the source meets all applicable requirements of that chapter.

(9) If the proposed new source is a major stationary source within the meaning of WAC 173-400-113(1), or the proposed modification is a major modification within the meaning of WAC 173-400-113(1), the project meets the Special protection requirements for federal Class I areas in WAC 173-400-117.

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.

NEW SECTION

SECTION 7.18 Requirements for new sources in attainment or unclassifiable areas.

(a) The Authority shall issue an order of approval to establish a new source or modification in an attainment or unclassifiable area if it determines that the proposed project satisfies each of the following requirements:

(1) The proposed new source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, national emission standards for hazardous air pollutants for source categories, emission standards adopted under chapter 70.94 RCW and applicable emission standards in Regulation 1.

(2) The proposed new source or modification will employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification.

(3) Allowable emissions from the proposed new source or modification will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any ambient air quality standard. This requirement will be considered to be met if the projected impact of the allowable emissions from the proposed new source or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment area does not exceed the following levels for the pollutants for which the area has been designated nonattainment:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	=	=	0.5 mg/m ³	=	2 mg/m ³
SO2	1.0 µg/m ³	5 µg/m ³	=	25 µg/m ³	30 µg/m ³

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
PM10	1.0 µg/m ³	5 µg/m ³	=	=	=
NO2	1.0 µg/m ³	=	=	=	=

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

(4) If the proposed **new source** is a **major stationary source** or the proposed **modification** is a **major modification**, it meets all applicable requirements of WAC 173-400-141.

(5) If the proposed **new source** or the proposed **modification** will emit any **toxic air pollutants** regulated under chapter 173-460 WAC, the source meets all applicable requirements of that program.

(6) If the proposed **new source** is a **major stationary source** or the proposed **modification** is a **major modification**, the project meets the Special protection requirements for federal **Class I areas** of WAC 173-400-117.

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.

NEW SECTION

SECTION 7.19 Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.

(a) Any **person** proposing to replace or substantially alter the **emission control technology** installed on an existing **stationary source** or **emission unit** shall file a **notice of construction application** with the Authority. Replacement or substantial alteration of control technology does not include routine maintenance, repair or similar parts replacement.

(b) For projects not otherwise reviewable under Article 7, the **Authority** may:

(1) Require that the owner or operator employ **RACT** for the affected **emission unit**;

(2) Prescribe reasonable operation and maintenance conditions for the control equipment; and

(3) Prescribe other requirements as authorized by chapter 70.94 RCW.

(c) Within thirty days of receipt of a **notice of construction application** under this section **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 to complete the application. Within thirty days of receipt of a complete **notice of construction application** under this section **ecology** or the **authority** shall either issue an **order of approval** or a proposed **RACT determination** for the proposed project.

(d) Construction shall not "**commence**," on a project subject to review under this section until the **Authority** issues a final **order of approval**. However, any **notice of construction application** filed under this section shall be deemed to be approved without conditions if the **Authority**

takes no action within thirty days of receipt of a complete **notice of construction application**.

(e) Approval to replace or substantially alter **emission control technology** shall become invalid if 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. 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.

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.

NEW SECTION

SECTION 7.20 Change of conditions.

(a) The owner or operator may request, at any time, a change in conditions of an **approval order** and the **permitting agency** may approve the request provided the **permitting agency** finds that:

(i) The change in conditions will not cause the **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**;

(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**; and

(v) The revised order meets the requirements of Article 7, as applicable.

(b) Actions taken under this subsection are subject to the public involvement provisions of Section 7.04.

(c) Requests shall be made on forms provided by the Authority and shall follow the procedures and timelines for a Notice of Construction application as specified in Article 7. The fee schedule found in Section 7.13 shall also apply to these requests.

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.

PROPOSED

NEW SECTION**SECTION 7.21 APPLICATION PROCESSING**

(a) Within thirty days after receiving a notice of construction application or PSD permit application, 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 to complete the application.

(b) Within sixty days of receipt of a complete notice of construction application, the Authority shall either issue a final decision on the application per Section 7.05 or initiate public notice under Section 7.04 on a proposed decision, followed as promptly as possible by a final decision.

(c) 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 in chapter 173-401 WAC.

(d) A PSD permit application under WAC 173-400-141, a notice of nonattainment area construction application for a major modification in a nonattainment area, or a notice of construction application for a major stationary source in a nonattainment area must also comply with WAC 173-400-171.

(e) 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 the permitting agency.

(f) If the new source is a major stationary source or the change is a major modification, the permitting agency shall:

(i) Submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA; and

(ii) Send a copy of the final approval order to EPA.

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 02-05-080
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed February 20, 2002, 10:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-05-115.

Title of Rule: Safety standards for telecommunications, chapter 296-32 WAC; Safety standards for electrical work-

ers, chapter 296-45 WAC; and Safety standards for construction workers, chapter 296-155 WAC.

Purpose: State-initiated amendments are proposed in response to stakeholder requests that the department adopt permanent rules to protect construction site/work zone employees from traffic hazards created by job-site vehicles.

Listed below are the specific rule amendments the department is proposing to protect workers on foot from the traffic hazards created by construction site/work zone vehicles. These proposed amendments have been developed with the participation of representatives from business, labor, the Washington State Department of Transportation and the Department of Labor and Industries.

AMENDED SECTIONS:**WAC 296-155-110 Accident prevention program.**

- Revises WAC 296-155-110 (6)(d) as a result of the proposed traffic safety training requirement in new section WAC 296-155-603 Traffic safety training, and moves WAC 296-155-110 (6)(d) to (e) and 296-155-110 (6)(e) to (f).

WAC 296-155-165 Lighting and illumination.

- Reorganizes the section into three subsections for clarity.
- Amends WAC 296-155-165(1) to incorporate specific lighting requirements for indoor/outdoor and task/non-task work areas.
- Amends WAC 296-155-165(2) to a performance-based requirement, requiring outdoor lighting in specific areas on construction sites and in work zones when general lighting of an entire area is not feasible during hours of darkness or during periods of limited visibility.
- Amends WAC 296-155-165(3) to state that outdoor site lighting must not create a disabling glare for workers, vehicle operators and passing motorists.

WAC 296-155-200 General requirements for personal protective equipment (PPE).

- Retitles the section for clarity. The proposed section title is "General requirements for personal protective equipment (PPE)."
- Reorganizes and rewrites the section content according to clear rule-writing principles to improve its clarity and increase its usefulness.
- Updates appropriate WAC references to reflect the department's new core safety and health rules (chapter 296-800 WAC).
- Adds WAC 296-155-200(9) regarding the use of high-visibility safety garments and hard hats by construction site and work zone employees, during daylight hours, whose duties are performed in areas and under conditions where they are exposed to hazards created by moving vehicles. These requirements are consistent with the requirements in WAC 296-155-305(5).
- Adds WAC 296-155-200(10) regarding the use of high-visibility safety garments and hard hats by construction site and work zone employees, during hours of darkness, whose duties are performed in areas and under conditions where they are exposed to hazards created

by moving vehicles. These requirements are consistent with the requirements in WAC 296-155-305(5).

WAC 296-155-605 Vehicle operating requirements.

- Retitles the section to reflect the proposed new safety requirements for construction site/work zone vehicles. The proposed section title is "Vehicle operating requirements."
- Creates a new section that brings together in one place various vehicle operating requirements that are scattered throughout several current rule sections of chapter 296-155 WAC.
- Creates new subsections by combining and rewriting current requirements according to clear rule-writing principles, including changing "shall" to "must."
- WAC 296-155-605(1), eliminate redundancies in current requirement.
- WAC 296-155-605(2), updated the current requirement by replacing "oil," which is now illegal as a dust suppressant, with "an environmentally approved substance." Clarified when operators and drivers must use respiratory protection. Specified which respiratory protection requirements must be followed.
- WAC 296-155-605(3), replaced "whenever visibility conditions warrant additional light" to "all vehicles operating on a site or in a zone." Replaced "at least two headlights and taillights" with "must comply with the manufacturer's specifications regarding headlights, brake lights and taillights." All required lights must be in operable condition.
- WAC 296-155-605(5), no new requirements. Rewritten for clarity.
- WAC 296-155-605(7), "First bullet," added "and/or pinch points" and "or other employees" to increase employee safety.
- WAC 296-155-605(7), "Second bullet," added the word "assigned" to clarify that only certain operators, drivers or experienced persons can crank start a vehicle. This helps make sure that inexperienced or unfamiliar persons do not try to crank start vehicles and, as a result, injure themselves.
- WAC 296-155-605(7), "Third bullet," for clarity, replaced "haulage bodies" with "vehicles."
- WAC 296-155-605(7), "Fourth bullet," no new requirements. Rewritten for clarity.
- WAC 296-155-605(7), "Fifth bullet," no new requirements. Rewritten for clarity.
- Adds WAC 296-155-605(4) improving worker on foot safety by increasing lighting requirements for large vehicles operating on job sites and in work zones while allowing employers flexibility in complying with the requirements.
- Adds WAC 296-155-605(6) improving worker on foot safety by requiring that all employees effectively communicate with the driver/operator before approaching or boarding their vehicle. Allows employers flexibility in determining what "effective communication" is.

WAC 296-155-610 Vehicle fender requirements.

- Retitles the section to reflect the proposed new safety requirements for construction site/work zone vehicles. The proposed section title is "Vehicle fender requirements."
- Creates a new section placing vehicle fender requirements that are contained in WAC 296-155-610 and 296-155-615 together in one place.
- Creates new subsections by combining and rewriting current requirements according to clear rule-writing principles. See the following table:
- WAC 296-155-610(1), no new requirements. Rewritten for clarity.
- WAC 296-155-610(2), deleted the first paragraph in WAC 296-155-610 (2)(n) because it is unnecessary.
- Incorporated mud flaps into this vehicle fender subsection. Made mud flaps a requirement for vehicles that are not designed with fenders.

WAC 296-155-615 Powered industrial trucks.

- Retitles the section to accurately reflect its content. The proposed section title is "Powered industrial trucks."
- The proposed amended section contains requirements only affecting forklifts. Many of the requirements contained in the current WAC 296-155-615 are being moved to new sections containing safety requirements for construction site/work zone vehicles.
- Deletes WAC 296-155-615 (1)(g) and (h) because they are unnecessary.
- Renumbers the following subsections and subparts of WAC 296-155-615 as follows:
 - WAC 296-155-615 (1)(f) to 296-155-608(3).
 - WAC 296-155-615 (2)(b) to 296-155-615(2).
 - WAC 296-155-615 (2)(c) to 296-155-605(8).
 - WAC 296-155-615(3) to 296-155-615 through 296-155-615(8).

WAC 296-155-655 General protection requirements.

- Retitles the section to make it more descriptive of the section's content.
- Rewrites WAC 296-155-655(4) to incorporate reference to the new high-visibility safety garment and hard hat requirements in WAC 296-155-200 (9) and (10).

WAC 296-32-240 Employee protection in work areas.

- Retitles the section to clarify that the section's content applies to all work areas covered by chapter 296-32 WAC.
- Rewrites the section according to clear rule-writing principles, including changing "shall" to "must."
- Adds WAC 296-32-240(4) to incorporate reference to the new high visibility safety garment and hard-hat requirements in WAC 296-155-200 (9) and (10).
- Adds WAC 296-32-240(5) to incorporate the general safety requirements contained in WAC 296-155-601 through 296-155-612.

WAC 296-45-52530 Employee protection in work areas.

- Retitles the section to clarify that the section's content applies to all work areas covered by chapter 296-45 WAC.
- Adds WAC 296-45-52530(4) to incorporate reference to the new high visibility safety garment and hard-hat requirements in WAC 296-155-200 (9) and (10).
- Adds WAC 296-45-52530(5) to incorporate the general safety requirements contained in WAC 296-155-601 through 296-155-612.

NEW SECTIONS:**WAC 296-155-601 Internal traffic safety regulations for construction sites and work zones.**

- States clearly that WAC 296-155-601 through 296-155-612 are minimum internal traffic safety regulations for construction sites and work zones whose purpose is to make sure workers are protected from motor vehicle hazards while working on a site or in a zone.
- Includes a definition of "motor vehicle" or "vehicle" that is used in WAC 296-155-601 through 296-155-612.

WAC 296-155-602 Site-specific internal traffic safety plans.

- Adds, for the purpose of improving worker-on-foot safety, the requirement that employers must develop, implement, maintain and update site-specific internal traffic safety plans for certain types of jobs.
- Clarifies that a site-specific internal traffic safety plan is required for all jobs lasting more than one day that involve at least five workers, and include at least one vehicle that is an integral part of the job, or on job sites where there are multiple vehicles that are an integral part of the job, regardless of number of workers present, or on work sites where there are multiple employers, and include vehicles that are an integral part of the job.
- Clarifies that on multi-employer job sites requiring more than one internal traffic safety plan, it is the responsibility of the general contractor to make sure that the separate plans are coordinated and communicated to all employers.
- Identifies the minimum content for any required site-specific internal traffic safety plan.

WAC 296-155-603 Traffic safety training.

- Adds, for the purpose of improving worker-on-foot safety, the requirement that any employer who must develop and implement an internal site-specific internal traffic safety plan must provide appropriate and effective on site traffic safety training to all site and work zone employees. Allows employers to determine what is "appropriate and effective."
- Gives examples of acceptable training formats.
- Lists the basic elements that acceptable traffic safety training must cover.

WAC 296-155-604 Minimum qualifications for all vehicle operators and drivers. For the purpose of improving construction site and work zone safety, this section requires that:

- Employers must make sure that only qualified and authorized employees operate or drive job site vehicles; and
- Operator or driver certification and/or training and experience must be relevant to the specific type of vehicle assigned to the operator or driver.

WAC 296-155-606 Operating vehicles with obstructed views.

- Adopts a new section to reduce hazards created when vehicles with obstructed views are operated on construction sites or in work zones. This section brings together various obstructed view and backing requirements that are now in WAC 296-155-610 and 296-155-615.
- Most of the requirements in this section are a result of combining and rewriting current requirements according to clear rule-writing principles, including changing "shall" to "must."
- Adds a note encouraging the use of careful planning in an effort to minimize backing.
- Except for subsection (4), the new subsections do not substantially change current requirements.
- WAC 296-155-606(1), no new requirements. Rewritten for clarity.
- WAC 296-155-606(2), added "obstructed side view" as a hazard that must be addressed.
- WAC 296-155-606(3), improved worker on foot safety by allowing the use of lights that may be more effectively seen than amber colored ones. Replaced "amber colored strobe lights" in the current code with "strobe lights capable of being seen during daylight hours."
- WAC 296-155-606(4) Improved ground personnel safety by requiring:
 - The use of mechanical devices to eliminate vehicle blind spots while the vehicle backs up.
 - The use of spotters if ground personnel are present and the mechanical devices have not eliminated the vehicle's blind spots.
 - That the vehicles not back up until the spotter communicates to the driver/operator that the area is clear of all ground personnel.
- WAC 296-155-606(5), changed "Bidirectional machines" to "all vehicles," "Horn" to "audible warning device," and "Either direction" to "any direction."

WAC 296-155-607 Vehicle cab requirements.

- Creates a new section to improve vehicle cab safety, bringing together in one section, vehicle cab requirements that are currently in WAC 296-155-605, 296-155-610 and 296-155-615.
- The requirements in this section are the result of combining and rewriting current requirements according to clear rule-writing principles, including changing "shall" to "must."
- This new section does not contain any new requirements.

- WAC 296-155-607(1), the "cracked glass" requirement is moved to WAC 296-155-607(2).
- WAC 296-155-607 (2) and (5), no new requirements. Rewritten for clarity.
- WAC 296-155-607(3), this requirement was rewritten for clarity and incorporated here. This requirement was also left in WAC 296-155-615 because it applies to forklifts as well.
- WAC 296-155-607(4), for clarity, replaced "haulage vehicles" with "vehicles."

WAC 296-155-608 Vehicle seat, seat belt, and rollover protection requirements.

- Creates a new section bringing together in one section vehicle seat and seat belt requirements that are currently in WAC 296-155-610 and 296-155-615.
- The requirements in this section are the result of combining and rewriting current requirements according to clear rule-writing principles, including changing "shall" to "must."
- This new section does not contain any new requirements.
- WAC 296-155-608(1), clarified CFR reference.
- WAC 296-155-608 (2), (3) and (4), no new requirements. Rewritten for clarity.
- WAC 296-155-608 (5) and (6), separated current subpart into two subsections for clarity. No new requirements.

WAC 296-155-609 Vehicle brake and brake light requirements.

- Creates a new section bringing together in one section vehicle brake and brake light requirements that are currently in WAC 296-155-610 and 296-155-615.
- The requirements in this section are the result of combining and rewriting current requirements according to clear rule-writing principles, including changing "shall" to "must."
- This new section does not contain any new requirements.
- WAC 296-155-609 (1) and (2), no new requirements. Rewritten for clarity.
- WAC 296-155-609(3), eliminated unnecessary dates. Separated requirements for different types of vehicles into separate subsections. No new requirements.

WAC 296-155-611 Vehicle inspection, maintenance, and repair requirements.

- Creates a new section bringing together in one section various vehicle inspection, maintenance and repair requirements that are now in WAC 296-155-605, 296-155-610 and 296-155-615.
- Most of the requirements in this section are a result of combining and rewriting current requirements according to clear rule-writing principles, including changing "shall" to "must." See the table below.
- There are new requirements in this section.
- WAC 296-155-611(1), added requirement that inspections must occur after a driver/operator's lunch break as well as before the start of their work shift. Added

"automatic reverse warning devices" to the list of "parts, systems and accessories" that must be inspected. Replaced "horn" with "audible warning device." Moved the requirement that all defects must be corrected before a vehicle is returned to service to WAC 296-155-611(7).

- WAC 296-155-611 (2), (5), (6) and (9), no new requirements. Rewritten for clarity.
- WAC 296-155-611(7), clarifies how defective vehicles must be handled. Added the requirements that defective vehicles must be reported to a designated maintenance person, promptly taken out of service and inspected.
- WAC 296-155-611(8), emphasizes that a vehicle must be made inoperable when it is repaired or maintained.
- WAC 296-155-611(10), moved the vehicle cab requirements for windshields, wipers, defoggers, etc. to WAC 296-155-607(1).
- Adds WAC 296-155-611(3) as a minimum requirement to make sure vehicles are properly maintained. Properly maintained vehicles means safer operation and a reduction in vehicular hazards on construction sites and in work zones.
- Adds WAC 296-155-611(4) to make sure that vehicle drivers and operators have access to the "owner's manual" for the vehicles to which they are assigned. Access to such manuals helps them operate their assigned vehicles safely thereby reducing vehicular hazards for ground personnel.

WAC 296-155-612 Vehicle parking requirements.

- Creates a new section, bringing together in one place, various vehicle parking and parking related requirements that are now in WAC 296-155-605, 296-155-610, and 296-155-615.
- The requirements in this section are a result of combining and rewriting current requirements according to clear rule-writing principles, including changing "shall" to "must." There are no new substantive requirements in this section.
- WAC 296-155-612(1), replaced current requirements with new language requiring that all untended vehicles must have their parking break set and parked according to the manufacturer's specifications. "Manufacturer's specifications" is used because parking requirements can vary based upon type of vehicle, type of engine, parking location, climate, etc.
- WAC 296-155-612 (2), (3) and (5), no new requirements. Rewritten for clarity.
- WAC 296-155-612(4), replaced "heavy machinery and equipment" with "any vehicle."

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

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

Small Business Economic Impact Statement

The department concludes that there will be a disproportionate impact on small businesses and has taken steps to mitigate the impact. The department has undertaken the following mitigation steps:

1. To trigger the rule, a job must last more than one day and have more than four workers and one vehicle, with the vehicle being an integral part of the job. This exempts some small businesses from having to comply with the proposed rule.
2. The department will provide consultation services to businesses to assist them in complying with the proposed rule.

Introduction: Last year, in response to a request from stakeholders representing construction site/work zone workers on foot, the Department of Labor and Industries (L&I) began a process for developing rules to protect construction site/work zone workers on foot from vehicular hazards on job sites.

The need for such rules is apparent when national and state injury statistics are examined. Nationally, in the highway and street construction industry (SIC 1611) alone, more than 100 workers are killed and over 20,000 injured each year. Vehicles and equipment operating in and around construction sites are involved in over half of the worker fatalities in this industry.

Data from the Census of Fatal Occupational Injuries (CFOI) indicate that of the 841 work-related fatalities in the highway construction industry between 1992 and 1998, 465 were vehicle or equipment related incidents that occurred in a work zone. The table below summarizes the CFOI data.

Table 1: 1992-1998 Vehicle Related Fatalities - Highway or Street Construction

Fatality Grouping	Number	Percent
Vehicle or equipment related	465	55.3
Other event	27	3.2
Total occurred in work zones:	492	58.5
Vehicle or equipment related	198	23.5
Other event	151	18.0
Total occurred outside of work zone:	349	41.5
Total vehicle fatalities	841	100

Of the 465 vehicle and equipment related fatalities within a work zone, 318 (68.4%) resulted from a worker on foot being killed by a vehicle. Construction trucks (61%) and machines (30%) were the primary sources of worker on foot fatalities.

Washington state statistics show a similar pattern. L&I's records indicate that from 1995-2000, there were 7 fatal and 105 nonfatal accidents at construction work sites caused by motor vehicles striking employees. During the past 10 weeks there have been three fatalities in Washington state involving construction vehicles on job sites: Two fatalities caused by dump trucks backing up and one fatality as a result of equipment rolling over.

Rule Development Process: In December 2000, the department hosted a stakeholder meeting (43 attended) to discuss ways to improve traffic safety on construction sites. At that meeting, a volunteer stakeholder work group was established to help the department develop appropriate rule language. This work group was comprised of representatives from labor, business, the Washington State Department of Transportation and L&I. Using suggestions collected at the December 2000 stakeholder meeting, the work group met six times from January 2001 through July 2001 to develop proposed rule changes.

Work Group Recommendations: As a result of these meetings, the work group is proposing several new WAC sections (WAC 296-155-601 through 296-155-612) covering general traffic safety requirements for construction sites and work zones. (Much of the content in these new sections is the result of combining, reorganizing and reformatting current requirements in chapter 296-155 WAC.) The following is a list of the proposed new minimum requirements contained in WAC 296-155-601 through 296-155-612:

- **WAC 296-155-602**, requires a site-specific internal traffic safety plan for certain jobs.
- **WAC 296-155-603**, requires traffic safety training for on-site and work zone employees.
- **WAC 296-155-604(2)**, requires that vehicle operator/driver certification, training and experience be relevant to the vehicle assigned to them.
- **WAC 296-155-605(4)**, increases vehicle lighting requirements.
- **WAC 296-155-605(6)**, requires that effective communication take place between an employee and a vehicle operator/driver before the employee approaches or boards the operator/driver's vehicle.
- **WAC 296-155-606(2)**, requires that all vehicles with obstructed views to the rear be equipped with an audible reverse warning device that is in operable condition, can be heard above surrounding noise levels, and is automatically activated when the vehicle is placed in reverse gear.
- **WAC 296-155-606(4)**, requires the use of mechanical devices to eliminate blind spots from vehicles with obstructed views to the rear. If mechanical devices do not eliminate the blind spots, a spotter must be used and the vehicle must not be backed up until the spotter communicates to the driver/operator that it is safe to do so.

PROPOSED

- **WAC 296-155-611(3)**, requires that the manufacturer's maintenance schedule be followed for all construction/work zone vehicles.
- **WAC 296-155-611(4)**, requires that all construction site/work zone vehicle cabs (except passenger cars and pickup trucks) contain a copy of the manufacturer's operating and technical manual.
- **WAC 296-155-611(7)**, requires all construction site/work zone vehicle defects, which prevent safe operation and/or threaten an employee's safety be reported to a designated maintenance person.
- **WAC 296-155-611(8)**, requires that all construction site/work zone vehicles must be rendered inoperable while repairs or maintenance are performed.
- The work group also proposes amending the following WAC sections:
- **WAC 296-155-100 APP**, to accommodate the proposed internal traffic safety plans and traffic safety-training requirements.
- **WAC 296-155-165 Lighting and illumination**, adding a performance-based lighting requirement for all outdoor work places.
- **WAC 296-155-200 Personal protective equipment**, rewriting and reformatting the section to increase clarity and increasing the high visibility requirements for safety garments and helmets worn by certain employees on construction sites and in work zones.
- **WAC 296-155-655 General requirements**, references the new personal protective equipment (PPE) requirements in WAC 296-155-200.
- **WAC 296-155-240 Employee protection in public work areas**, improve clarity and reference new PPE requirements in WAC 296-155-200 and general requirements in WAC 296-155-601 to 296-155-612.
- **WAC 296-155-52530 Employee protection in public work areas**, improve clarity and reference new PPE requirements in WAC 296-155-200 and general requirements in WAC 296-155-601 to 296-155-612.

Several of the new requirements constitute either minor changes or the incorporation of current industry practice. The department believes that the requirements in the underlined sections listed above have the most significant potential for increasing business costs. These five amendments are presented in further detail in the next section.

Significant Rule Changes: The five significant proposed rule changes are presented in detail below.

1. Internal Traffic safety plan:

WAC 296-155-602 Site-specific internal traffic safety plans.

(1) Employers on jobs lasting more than one day and where there are more than four workers and one vehicle, with the vehicle being an integral part of the job, must:

- Develop and implement a site-specific internal traffic safety plan that is communicated to all workers on the site or in the zone;
- Maintain and update the plan when appropriate; and
- Keep a current copy of the plan on site and make it available, upon request, to employees, their designated representatives and representatives of the department.

(2) On construction sites or in work zones involving multiple employers where more than one internal traffic safety plan is required, it is the responsibility of the general contractor to make sure that the separate plans are coordinated and communicated to all employers. General contractors may meet this requirement for themselves and their sub-contractors by developing a comprehensive plan that addresses all traffic safety issues on the work site.

(3) The site-specific internal traffic safety plan must include:

- The methods used by workers on foot, vehicle operator/drivers and traffic control personnel to communicate with each other.
- Who is responsible for monitoring all internal traffic communication.
- A diagram of the site or zone illustrating:
 - a. Traffic patterns, traffic volumes and speed limits;
 - b. Areas where workers on foot are prohibited (pedestrian free areas);
 - c. Locations for storing and servicing materials, vehicles and equipment;
 - d. Location of all vehicle entrances and exits;
 - e. Location of delivery and pickup areas;
 - f. Location of "No-back up" areas;
 - g. Size and location of buffer areas and physical barriers that establish "traffic free" zones; and
 - h. Placement of traffic control devices used on public highways according to MUTCD, Part VI (1995 Edition-Revision 4) recommendations and guidelines and that reflect the actual traffic condition and requirements of the site or zone.
- A list of standard terms that identify and describe the type and/or class of vehicles, equipment, machinery and personnel that will be used.

This proposed requirement applies only to those job or work sites where the vehicle is an integral part of the work, and to jobs lasting more than one day involving more than four workers and one or more vehicles. In general, passenger cars and light trucks used by workers for transportation to the job site would not be included in this proposed requirement. The general contractor has the responsibility of coordinating internal traffic safety plans, which means sub-contractors may not have to develop traffic safety plans. The department anticipates that after your business has established an internal traffic safety plan for a project, you may be able to use the existing plan, with only minor modifications, to meet future internal traffic plan requirements.

2. Traffic Safety Training:

WAC 296-155-603 Traffic safety training.

(1) Employers who are required to develop and implement a site-specific internal traffic safety plan must provide on-site traffic safety training to all site and zone workers in a format that is appropriate and effective.

Note: Examples of acceptable training formats are:

- On-site safety orientations.
- Tailgate safety meetings.
- Worker/Operator safety classes.

(2) Safety training must include, but is not limited to, the:

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- Procedures for inspecting, maintaining, operating and parking assigned vehicles.
- The importance of being familiar with the manufacturer's manual (owner's manual) when operating or driving any vehicles other than a passenger car or light truck.
- The location, size and shape of vehicle blind areas.
- Vehicle payload limitations and operating grade limitations.
- Traffic patterns, volumes, speed limits and the types of vehicles operating on site;
- The importance of receiving proper training in the use of assigned vehicles.
- The content of the site-specific internal traffic safety plan.

This proposed requirement requires training only when an internal traffic safety plan is mandated. The department has left it up to the employer to determine how the traffic safety training would be conducted. Traffic safety training can be informal and combined with other types of required training.

3. Vehicles with Obstructed Views to the Rear:

WAC 296-155-606 Operating vehicles with obstructed views.

(4) All site or work zone vehicles with an obstructed view to the rear must be able to eliminate the obstructed view through the use of one of the following before backing up:

- An operable device that effectively eliminates the obstructed view; or
- A spotter.

Note: When a spotter is used, the vehicle must not back up until the spotter has communicated to the driver/operator that the area to which the vehicle is backing is clear of all ground personnel.

Currently, a construction site vehicle with an obstructed rear view that cannot be eliminated by a mechanical device must have an audible warning device (typically just for backing up) or use a spotter when foot traffic is present. The proposed rule will require an audible warning device and a spotter, when mechanical devices cannot eliminate the obstructed rear view. If mechanical devices eliminate the obstructed rear view, a spotter is not necessary, but the audible warning device is still required. Anyone can serve as a spotter for vehicles; a specialized employee dedicated to serving as a spotter is not required by this rule.

This requirement will not apply to passenger cars, and light trucks. However, light trucks with obstructed rear views or blind spots must use a spotter when backing in an area where foot traffic is present. Mechanical devices that eliminate vehicle blind spots include mirrors; infrared sensing devices and rear mounted video cameras. Note, that on many construction vehicles normal rearview mirrors do not eliminate blind spots. Spotters can communicate to the vehicle driver using hand signals or a radio communication device.

4. Lighting and Illumination - Out doors:

WAC 296-155-165 Lighting and illumination.

Current requirement

(1) Indoor and outdoor work place lighting, for both task and nontask activities, must meet the requirements listed in the table below:

Table 2: Indoor and Outdoor Illumination requirements

Activity	Minimum acceptable average lighting level in an area: (Foot-candles)	A single measurement used to determine the average lighting level* cannot be less than: (Foot-candles)
Indoor task	10	5
Outdoor task	5	2.5
Nontask activities for both indoor and outdoor	3	1.5

Note that the above table is a current lighting requirement that can also be found in the WISHA Safety and Health Core Rules: WAC 296-800-21 [296-800-210], effective 9/1/2001.

New requirements:

(2) When general lighting of an entire outdoor area is not feasible during hours of darkness or during periods of limited visibility, employers must make sure that sufficient lighting is installed on the site or in the zone to illuminate:

- Potentially hazardous objects;
- Emergency control equipment; and
- Vehicle and worker-on-foot traffic lanes.

(3) Site lighting must not create a disabling glare for workers, vehicle operators and passing motorists.

Note: Some methods of reducing glare are:

- Raising or lowering the height of lighting equipment;
- Using glare-free light balloons and glare screens; and
- Driving through and observing the lighted area from various directions.

Table 2 above, which specifies minimum required indoor and outdoor lighting levels, was brought over to WAC 296-155-165 from the WISHA Safety and Health Core Rules: WAC 296-800-210. This table represents current requirements for construction sites and should not result in the need for additional lighting equipment. The two subsections above, WAC 296-155-165 (2) and (3), are new and will require employers to illuminate potentially hazardous objects, emergency equipment, and vehicle and traffic lanes, only when it is not feasible to provide general lighting to an entire outdoor area. In addition employers will be required to limit disabling glare from site lighting. The employer is allowed to choose the most efficient method of meeting the lighting requirements listed above. The ground personnel stakeholder group developed the proposed lighting and illumination requirement.

5. High Visibility Safety Garments:

WAC 296-155-200 General requirements for personal protective equipment (PPE).

(9) Construction site and work zone employees, whose duties are performed during daylight hours in areas and under

circumstances where they are exposed to hazards created by moving vehicles, must, at a minimum, wear:

- A high visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999, American National Standard for High-Visibility Safety Apparel.
 - a. Specifically, a garment containing at least 775 square inches of background material and 201 square inches of retroreflective material that encircles the torso and is placed to provide 360 degrees visibility around the employee.
 - b. The acceptable high visibility colors are fluorescent yellow/green, fluorescent orange/red or fluorescent red.
 - c. This high visibility safety garment must always be worn as an outer garment; and

- When required by WAC 296-155-205 Head protection, a high visibility hard hat, whose color is white, yellow, yellow-green, orange or red.
- When snow or fog limit visibility, the employee must wear pants of any high visibility color other than white.

(10) Construction site and work zone employees, whose duties are performed during hours of darkness in areas and under circumstances where they are exposed to hazards created by moving vehicles, must, at a minimum, wear:

- A high visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999, American National Standard for High-Visibility Safety Apparel over white coveralls, or other coveralls or trousers that have retroreflective banding on the legs designed according to ANSI/ISEA 107-1999 standards; and
- A high visibility hard hat that is marked with at least 12 square inches of retroreflective material applied to provide 360 degrees of visibility.
- For the purpose of this rule, "hours of darkness" means one-half hour before sunset and one-half hour after sunrise.
- When snow or fog limit visibility, pants, coveralls, or rain gear in a highly visible color with retroreflective banding on the legs designed according to ANSI/ISEA 107-1999 must be worn.

The ground personnel stakeholder group developed this proposed rule change, which mirrors the current garment requirements for flaggers. Many construction sites or work zones already follow these visibility requirements. A high visibility garment with an ANSI/ISEA label will meet this proposed requirement.

Assessing Economic Impact: The Regulatory Fairness Act, chapter 19.85 RCW, requires that the economic impact of proposed regulations on small businesses be examined relative to their impact on large businesses. The act outlines the requirements for a small business economic impact statement (SBEIS). For the purposes of an SBEIS the term small business is defined as a business entity that has the purpose of making a profit and has fifty or fewer employees. The agency must prepare an SBEIS when a proposed rule, or rule amendments, have the potential of placing a more than minor economic impact on business.

Industries potentially impacted by the proposed rule amendments: The department has identified the following industries that potentially would be impacted by the proposed amendments to chapter 296-155 WAC. The information is from the labor market and economic analysis division of the Employment Security Department and represents 1998 employment numbers.

Table 3: Industries groups potentially impacted by the proposed amendments

SIC	Description	Small Business	Large Business	Total
1521	Gen. Bldg contractors	17,597	1,369	18,966
1541	Industrial bldg & warehouses	1,253	2,187	3,440
1542	Nonresidential construction	7,498	5,461	12,959
16 (all)	Heavy construction	10,446	7,991	18,437
1771	Concrete work	4,608	516	5,124
1791	Structural Steel erection	779	954	1,733
1794	Evacuation work	2,291	263	2,554
1795	Wrecking & demolition	NA	NA	456
4813*	Telephone communications	3,556	31,440	34,996
491*	Electrical services	4,075	11,351	15,426
493*(estimate)	Gas production and distribution	550	2,600	3,150
Total employees at construction or work sites				66,348

*The department estimates that only 5% of the employees at these SIC codes will be engaged in activities at construction sites or work sites.

Economic survey: A cover letter, fact sheet and economic survey were sent to approximately 700 individuals representing approximately 650 businesses. A total of 92 surveys were returned of which 86 contained enough information to be used in the economic analysis, giving a survey response rate of approximately 13%. Forty-six of the returned surveys were from small businesses and 40 were from large businesses.

Estimating compliance costs for the proposed amendments: The responses from the 86 surveys were used to estimate compliance costs for small and large business sectors. Costs were also estimated for each of the five significant proposed amendments that were included in the survey. Low, central and high compliance costs scenarios were developed and are described in detail below.

Data Treatment: While the survey data was generally used as reported, a few respondents may have misinterpreted the questions, based their responses on incorrect assumptions, or responded in a strategic manner, thus giving unrealistically high cost numbers. There are two commonly used

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techniques for dealing with unrealistically high survey results or outliers. The first is alpha trimming where a small number of high and low outliers are removed from the data set. The second technique involves using internal expertise to establish an upper bound estimate for a particular survey question. The second technique was used for the high visibility garment cost estimate (maximum costs of 30, 50 or 70 dollars per garment depending on scenario), and could be used to set an upper time limit for the training element of the proposed rule. However, upper bound limits cannot be easily set for the other survey cost elements, as this would require detailed knowledge of the industry practices, the particular business being surveyed, and potential job sites. Only the business owner/manager has detailed knowledge of the first two components and is familiar with the third (potential future job sites). Out of necessity the alpha trimming technique was used to deal with data outliers. Three high cost surveys were removed, as were three low cost surveys, for a total of six surveys removed from the data set.

Two respondents said that they always used spotters, but also included compliance costs for the spotter requirement of the proposed rule. These values were not included in the analysis as compliance costs for the proposed changes.

Several survey respondents determined that they were in compliance with the illumination requirement section and also put down a compliance cost. These cost values were not included in the analysis. A few respondents predicted increased costs, but were unable to estimate their costs. Imputed compliance costs were added for these respondents.

Survey respondents selected whether they were, or were not, in compliance with the proposed requirements for high visibility garments. If not currently in compliance with the proposed, the respondents were to estimate the number of high visibility garments necessary for their ground personnel and the associated cost of these garments. As with the other section, a few respondents stated that they were in compliance, yet also put down a compliance cost. These costs were not included in the analysis. A few imputed cost values were added for those unable to estimate compliance cost.

Assumptions involved in estimating the economic impact of the proposed rule: It was assumed that a manager/owner would prepare the traffic safety plan at a cost of 40 dollars per hour. In the survey owners estimated the number of plans per year and time required for each plan. For the entire survey group the estimated average and median number of annual plans per business was 33 and 6 respectively, while the average and median time per plan was estimated at 5.9 and 2.0 hours respectively. Note the large differences between the average and median values. This is indicative of skewed response distributions: The distributions are not normally distributed, and have a long tails towards the right, or high value, side of the distribution curve. When encountering skewed response distributions economic analysts often use median values instead of average values. Under the proposed rule general contractors are expected to coordinate traffic plan development and implementation. For this analysis it was assumed that subcontractors respondents would spend half of the traffic plan preparation time indicated in their survey responses: General contractors would assume more responsibility for plan preparation.

For training workers on the elements of the traffic safety plan, employee costs were assumed to be 25 dollars per hour. Survey respondents estimated the time required to train the workers on the elements of the traffic safety plan. It was assumed that all construction workers would receive training. Average, weighted average and median training times were used in the cost calculations.

Survey recipients were asked to estimate the cost for the proposed requirement to reducing worksite hazards from vehicles with obstructed views. Respondents estimated the number of hours of spotter time necessary to comply with the proposed requirement, and the cost of "mechanical devices" to reduce vehicle blind spots. A number of respondents thought the requirement would impact them, but were unable to estimate costs, giving responses like "large," "huge," "unknown" or "do not know." These "incomplete" surveys do not represent zero cost responses, so an imputed compliance cost, derived using the average or median compliance cost per construction worker, derived from the completed surveys, was calculated.

Assumptions for the high, intermediate and low cost scenarios:

- Developing the internal traffic safety plan: Same approach for all three cost scenarios.
- Employee training costs:
 1. High training costs = number needing training X half of total number of sites X average training time X \$25/hr.
 2. Intermediate training costs = number needing training X 3 training sessions per year X average (weighted) training time X \$25/hr.
 3. Low intermediate training costs = number needing training X 1 training session per year X median (weighted) training time X \$25/hr.
- Vehicles with obstructed views to the rear: Imputed costs for spotters and mechanical devices:
 1. High and intermediate cost scenarios = number of construction workers at responding business x average annual cost for spotters or mechanical devices (per construction worker).
 2. Low cost scenario = number of construction workers at responding business x median annual cost for spotters or mechanical devices (per construction worker).
- Workplace illumination requirements: Same for all three cost scenarios.
- High visibility garment requirement: An upper bound was set for the high garment requirement:
 1. High cost scenario - upper bound set at 70 dollars per construction worker.
 2. Intermediate cost scenario - upper bound set at 50 dollars per construction worker.
 3. Lower cost scenario - upper bound set at 30 dollars per construction worker.

Estimated Compliance Costs: Compliance costs were estimated using the adjusted survey results, and the assumptions and scenario criteria listed above. Costs were determined for small business (those businesses with 50 or fewer employees) and large business (51 or more employees), and

all business (large and small). Table 1 illustrates the estimated compliance costs for small and large business using the high, intermediate and low cost methods. To better compare the relative impact of these costs, they are expressed as

cost per employee and construction worker (approximately 75% of employees were categorized as construction workers).

Table 4: Estimate compliance costs for small and large businesses

Cost Scenario	Category	Small Business	Large Business	Overall
High Cost	Total rule cost	\$401,274	\$4,658,353	\$5,059,627
	Costs per business	\$12,540	\$120,212	\$67,317
	Cost per employee	\$572	\$566	\$566
	Cost per const. worker	\$717	\$798	\$791
Intermediate Cost	Total rule cost	\$399,451	\$2,774,403	\$3,173,854
	Costs per business	\$13,774	\$71,139	\$46,674
	Cost per employee	\$569	\$337	\$355
	Cost per const. worker	\$713	\$476	\$496
Low Cost	Total rule cost	\$390,210	\$2,560,389	\$2,950,600
	Costs per business	\$9,517	\$65,651	\$36,882
	Cost per employee	\$556	\$311	\$330
	Cost per const. worker	\$697	\$439	\$461
Total employees	Employees	702	8,234	8,936
	Construction workers	560	5,834	6,394

The intermediate cost scenario in Table 4 reveals that the estimated financial impact is slightly higher for the small business sector: Costs per employee for small business are 70% greater relative to large business costs: 569 dollars versus 337 dollars per employee. Expressed on a construction worker basis estimated compliance costs are 50% higher for small business: 713 dollars versus 476 dollars per construction worker.

Table 5 summarizes the proposed rule costs by small and large business category for the five key sections of the rule that were included in the survey. The section of the survey

dealing with reducing worksite hazards from ground personnel exposure to construction site vehicles with obstructed views (section 3) contributed the largest amount to total compliance cost: Approximately 257 dollars per employee or 72% of total cost. The estimated cost for spotters of backing vehicle with obstructed views (a subcategory cost of section 3) was 163 dollars overall and accounted for 46% of total cost. Costs for traffic safety training and high visibility garments were relatively small at 23 and 5 dollars per employee respectively.

Table 5: Component compliance costs for small and large business

Survey section*	Component Description	Small Business		Large Business		All	
		Component compliance cost	Per employee cost	Component compliance cost	Per employee cost	Component compliance cost	Per employee cost
1	Internal traffic safety plan	\$45,235	\$64	\$300,580	\$37	\$345,815	\$39
2	Traffic safety training	\$18,572	\$26	\$184,978	\$22	\$203,550	\$23
3	Vehicles with obstructed view spotter mech. devices	\$295,905	\$422	\$1,996,379	\$242	\$2,292,284	\$257
		\$249,315	\$355	\$1,205,498	\$146	\$1,454,813	\$163
		\$46,590	\$66	\$790,881	\$96	\$837,470	\$94
4	Night lighting requirements	\$30,189	\$43	\$261,365	\$32	\$291,555	\$33
5	High visibility garments	\$9,550	\$14	\$31,100	\$4	\$40,650	\$5
	Total	\$399,451	\$569	\$2,774,403	\$337	\$3,173,854	\$355

Categorical survey responses are summarized by survey section in Table 6. As expected the proposed requirement of an internal traffic safety plan impacts large business more

often than small business: Requirement would "apply frequently" to 30% of small business and 59% of large business. A sizable fraction, 49%, of large businesses currently imple-

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ment some type of traffic control plan at their construction sites, while only 27% of small business does so. Both business size categories project about the same amount of training per employee, 30 minutes for small business versus 33 minutes for large business. Similar fractions of large and small business use spotters for vehicles with obstructed rearward views: 19% of small and 18% of large always use spotters. A larger fraction of large business will meet the proposed illumination requirements for work during hours of darkness: 80% of large business and 67% of small business. Similarly a larger fraction of large business meets the proposed high visibility garment requirement for ground personnel: 72% for large business and 57% for small business.

Table 6: Summary of categorical survey responses

Survey section	Topic	Category	Small Business	Large Business
1	Internal traffic safety plan	Applies frequently	14	23
			31%	58%
		Applies occasion	13	12
			29%	30%
		Applies rarely	12	5
			27%	13%
		Never applies	6	0
	13%	0%		
	Currently have plans	12	19	
		27%	48%	
	Do not have plans	33	21	
		73%	53%	
2	Traffic safety training	No. sites requiring training	568	1639
		Avg no. sites per business	13	41
		Average training time (min.)	30.3	33
		<i>weighted</i>	29.8	25.6
		Median training time (min.)	29.8	26
	<i>weighted</i>	19.1	17.7	
3	Vehicles with obstructed view	Always use spotters	8	8
			19%	20%
		Sometimes use spotters	27	26
			63%	65%
		Rarely use spotters	3	5
	7%	13%		
	Never use spotters	5	1	
		12%	3%	

	Additional effort necessary	22	26	
		52%	67%	
	No additional effort necessary	20	13	
		48%	33%	
4	Night lighting	Work during darkness	28	36
			62%	90%
		Do not Meet requirement	17	4
			19	29
			68%	81%
		Do not Need additional lighting	9	7
		15	15	
		41%	41%	
	Do not	22	22	
5	High visibility garments	Meet garment requirement	24	27
			56%	73%
		Do not	19	10
			44%	27%
		Number garments required	254	1314
	Average number garments required	13	94	

Note responses reflect respondent's perception of whether the proposed rule, or rule subsection applies.

Conclusions: The survey results reveal that there will be a somewhat greater financial impact on small businesses if the proposed rule is adopted. Estimated compliance costs were 70% higher for the small businesses surveyed: Average large business employee cost of 337 dollars versus average small business employee costs of 569 dollars. Expressed as costs per construction worker the estimated costs were 50% higher for small businesses: 713 dollars for small businesses versus 476 dollars per construction worker at large businesses. The projected statewide compliance costs are 22 million dollars.

The department believes that the actual compliance costs will be lower than the survey derived compliance costs and that the small business costs in particular are significantly lower. The reasons for these beliefs are as follows:

1. Even with data trimming, and the use of median values in some calculations there is still reason to believe that responses were high. Some respondents may have believed that a traffic plan was required at every worksite, or that smaller vehicles like pickup trucks would always require a spotter when backing up.
2. The overall response rate for the smaller businesses was low. The department believes that the cause of the low response rate could be that many small businesses realized that the rule did not apply to them and therefore did not bother to respond to the sur-

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vey. This effect would bias the average compliance cost figure for small businesses upward.

3. Many large businesses operate as general contractors, while most small businesses are subcontractors. The proposed rule requires general contractors to insure that subcontractors comply with the rule, in effect placing a higher burden on the general contractor. The department believes that this higher burden is not adequately reflected in the survey results.

The department concludes that there will be a disproportionate impact on small businesses and has taken steps to mitigate the impact. The department has undertaken the following mitigation steps.

1. To trigger the rule, a job must last more than one day and have more than four workers and one vehicle, with the vehicle being an integral part of the job. This exempts some small businesses from having to comply with the proposed rule.
2. The department will provide consultation services to businesses to assist them in complying with the proposed rule.

A copy of the statement may be obtained by writing to Greg Nothstein, Economic Analyst, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, phone (360) 902-6805, fax (360) 902-4202.

RCW 34.05.328 applies to this rule adoption. The department has determined that the proposed rules are "significant legislative rules."

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on April 22, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by March 19, 2002, (360) 902-5484.

Submit Written Comments to: Tracy Spencer, Standards Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, fax (360) 902-5529, or electronically to Tracy Spencer, Standards Manager, WISHA Services Division, spet235@lni.wa.gov, by 5:00 p.m. on May 3, 2002. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: May 15, 2002.

February 20, 2002

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-155-110 Accident prevention program. (1) Exemptions. Workers of employers whose primary business is other than construction, who are engaged solely in maintenance and repair work, including painting and decorating, are exempt from the requirement of this section provided:

- (a) The maintenance and repair work, including painting and decorating, is being performed on the employer's premises, or facility.
- (b) The length of the project does not exceed one week.

(c) The employer is in compliance with the requirements of WAC 296-800-140 Accident prevention program, and WAC 296-800-130, Safety committees and safety meetings.

(2) Each employer ((~~shall~~)) must develop a formal accident-prevention program, tailored to the needs of the particular plant or operation and to the type of hazard involved. The department may be contacted for assistance in developing appropriate programs.

(3) ((~~The following are the minimal program elements for all employers:~~

~~A safety orientation program describing the employer's safety program and including:~~) At a minimum, an accident prevention program must include a safety orientation program consisting of the following:

- (a) How, where, and when to report injuries, including instruction as to the location of first-aid facilities.
- (b) How to report unsafe conditions and practices.
- (c) The use and care of required personal protective equipment.
- (d) The proper actions to take in event of emergencies including the routes of exiting from areas during emergencies.

(e) Identification of the hazardous gases, chemicals, or materials involved along with the instructions on the safe use and emergency action following accidental exposure.

(f) A description of the employer's total safety program.

(g) An on-the-job review of the practices necessary to perform the initial job assignments in a safe manner.

(4) Each accident-prevention program ((~~shall~~)) must be outlined in written format.

(5) Every employer ((~~shall~~)) must conduct crew leader-crew safety meetings as follows:

(a) Crew leader-crew safety meetings ((~~shall~~)) must be held at the beginning of each job, and at least weekly thereafter.

(b) Crew leader-crew meetings ((~~shall~~)) must be tailored to the particular operation.

(6) Crew leader-crew safety meetings ((~~shall~~)) must include or address the following:

(a) A review of any walk-around safety inspection conducted since the last safety meeting.

(b) A review of any citation to assist in correction of hazards.

(c) An evaluation of any accident investigations conducted since the last meeting to determine if the cause of the unsafe acts or unsafe conditions involved were properly identified and corrected.

(d) ((~~Attendance shall be documented.~~

~~Subjects discussed shall be documented.)) A review and update of the site-specific internal traffic safety plan, when required.~~

(e) Documentation of attendance.

(f) Documentation of subjects discussed.

Note: Subcontractors and their employees may, with the permission of the general contractor, elect to fulfill the requirements of subsection (5)(a) and (b) of this section by attending the prime contractors crew leader-crew safety meeting. Any of the requirements of subsections (6)(a), (b), (c), and (7) of this section not satisfied by the prime contractors safety meetings shall be the responsibility of the individual employers.

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(7) Minutes of each crew leader-crew meeting ((~~shall~~)) must be prepared and a copy ((~~shall~~)) must be maintained at the location where the majority of the employees of each construction site report for work each day.

(8) Minutes of crew leader-crew safety meetings ((~~shall~~)) must be retained by the employer for at least one year and ((~~shall~~)) must be made available for review by personnel of the department, upon request.

(9) Every employer ((~~shall~~)) must conduct walk-around safety inspections as follows:

(a) At the beginning of each job, and at least weekly thereafter, a walk-around safety inspection ((~~shall~~)) must be conducted jointly by one member of management and one employee, elected by the employees, as their authorized representative.

(b) The employer ((~~shall~~)) must document walk-around safety inspections and such documentation ((~~shall~~)) must be available for inspection by personnel of the department.

(c) Records of walk-around inspections ((~~shall~~)) must be maintained by the employer until the completion of the job.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-165 Lighting and illumination. ((~~(1)~~)) ~~Lighting which is adjusted to provide a margin of safety in production and inspection tasks shall be provided and maintained. The minimum level of task lighting in all indoor work places shall be an average of ten foot-candles measured thirty inches above the floor. MSHA approved cap lights are acceptable for use in tunnel headings.~~

~~(2) Whenever general lighting of an entire area is not provided, illumination sufficient to provide visibility of potentially hazardous objects and emergency control equipment shall be supplied. The minimum level of nontask lighting in all indoor work places shall be an average of three foot-candles measured thirty inches above the floor.~~

~~(3) Diffusion and distribution of artificial and natural light. Artificial light sources shall be installed with regard to mounting height, spacing and reflectors or other suitable accessories so as to secure a reasonably uniform distribution of illumination and to avoid glare and sharply defined shadows which could temporarily reduce a person's ability to see clearly.~~

~~Note: This section establishes minimal levels of illumination for safety purposes only. Guidelines pertaining to optimal levels of lighting and illumination may be found in Practice for Industrial Lighting ANSI/IES RP7-1979.~~

~~(4) The minimum levels specified in subsections (1) and (2) of this section represent averages with the lowest level in an area to be no less than fifty percent of the indicated value.)) (1) Indoor and outdoor workplace lighting, for both task and nontask activities, must meet the requirements listed in the table below:~~

Lighting Table

<u>Activity</u>	<u>Minimum acceptable average lighting level in an area: (Foot-candles)</u>	<u>Any one single measurement used to determine the average lighting level* cannot be less than: (Foot-candles)</u>
<u>Indoor task</u>	<u>10</u>	<u>5</u>
<u>Outdoor task</u>	<u>5</u>	<u>2.5</u>
<u>Nontask activities for both indoor and outdoor</u>	<u>3</u>	<u>1.5</u>

**Lighting levels must be measured at thirty inches above the floor/working surface at the task.*

(2) When general lighting of an entire outdoor area is not feasible during hours of darkness or during periods of limited visibility, employers must make sure that sufficient lighting is installed on the site or in the zone to illuminate:

- Potentially hazardous objects;
- Emergency control equipment; and
- Vehicle and worker-on-foot traffic lanes.

(3) Site lighting must not create a disabling glare for workers, vehicle operators and passing motorists.

- Note: Some methods of reducing glare are:
- Raising or lowering the height of lighting equipment;
 - Using glare-free light balloons and glare screens; and
 - Driving through and observing the lighted area from various directions.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-155-200 General requirements for personal protective equipment (PPE). ((~~(1)~~)) Application:

~~(a) Protective equipment, including personal protective equipment for eyes, face, head, hearing, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.~~

~~(b) Employee owned equipment. Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment.~~

~~(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed.~~

~~(2) Construction personnel shall comply with plant or job safety practices and procedures, peculiar to particular industries and plants, relating to protective equipment and procedures when engaged in construction work in such plants or job sites.~~

(3) The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates a need for using such equipment to reduce the hazards to the employees.

(4) Where there is a danger of contact with moving parts of machinery, or the work process is such that a hazard exists:

(a) The clothing of employees shall fit closely about the body.

(b) Dangling neck wear, bracelets, wristwatches, rings, or similar articles shall not be worn by employees.

(5) Employees, whose duties are performed in areas and under circumstances where they are exposed to the danger of moving vehicles, shall wear work vests of highly visible materials, or equivalent distinguishing apparel.

(6) Employers shall ensure that employees wear no less than a short sleeved shirt, long pants, and shoes. Employees shall wear no less than a short sleeved shirt, long pants, and shoes. Shoes shall meet the requirements of WAC 296-155-212.

Note: For additional personal protective and life saving equipment requirements, refer to WAC 296-800-160.)

(1) PPE includes, but is not limited to, protective clothing, respiratory devices, protective shields and barriers, and personal protective equipment for:

- Eyes;
- Face;
- Head;
- Arms and legs;
- Hearing.

(2) PPE must be used and maintained in a sanitary and reliable condition so employees are protected from:

- Process and/or environmental hazards;
- Chemical hazards;
- Radiological hazards; or
- Mechanical irritants that can cause physical injury or impairment if absorbed, inhaled, or touched.

(3) If employees provide their own PPE, the employer must make sure that the equipment is:

- Adequate for the work assigned; and
- Properly maintained in a sanitary and reliable condition.

(4) All PPE must be designed and constructed to protect employees when properly used.

(5) The employer is responsible for requiring employees to wear appropriate PPE in all operations where:

- Employees are exposed to hazardous conditions; or
- Chapter 296-155 WAC, Part C indicates using such equipment is necessary to reduce hazards to employees.

(6) Employers must make sure that employees performing construction work at a plant, construction site or in a work zone, comply with any plant or job safety practices and procedures related to PPE that are specific to that particular plant and/or industry.

(7) Employers must make sure that construction site or work zone employees wear, at a minimum:

- A short-sleeved shirt that covers the top of the shoulder and has material extending down the arm;
- Long pants that have legs extending past the knee when the wearer stands, and leave no exposed skin on the leg; and

• Shoes that meet the requirements of WAC 296-155-212.

Note: For additional personal protective and life saving equipment requirements refer to WAC 296-800-160.

(8) Employers must make sure that employees exposed to potential hazards from moving machinery parts or the work process:

- Wear clothing that fits closely about the body.
- Not wear dangling neckwear, bracelets, wristwatches, rings, or similar articles.

(9) Employers must make sure that construction site and work zone employees, whose duties are performed during daylight hours in areas and under circumstances where they are exposed to hazards created by moving vehicles, at a minimum, wear:

• A high-visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999, American National Standard for High-Visibility Safety Apparel.

– Specifically, a garment containing at least 775 square inches of background material and 201 square inches of retroreflective material that encircles the torso and is placed to provide 360 degrees visibility around the employee.

– The acceptable high-visibility colors are fluorescent yellow/green, fluorescent orange/red or fluorescent red.

– This high-visibility safety garment must always be worn as an outer garment; and

• A high-visibility hard hat whose color is white, yellow, yellow-green, orange or red, when required by WAC 296-155-205 (Head protection).

• Pants of any high-visibility color other than white, when snow or fog limit visibility.

(10) Employers must make sure that construction site and work zone employees, whose duties are performed during hours of darkness in areas and under circumstances where they are exposed to hazards created by moving vehicles, at a minimum, wear:

• A high-visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999, American National Standard for High-Visibility Safety Apparel over white coveralls, or other coveralls or trousers that have retroreflective banding on the legs designed according to ANSI/ISEA 107-1999 standards; and

• A high-visibility hard hat that is marked with at least 12 square inches of retroreflective material applied to provide 360 degrees of visibility.

• Pants, coveralls, or rain gear in a highly visible color with retroreflective banding on the legs, designed according to ANSI/ISEA 107-1999, when snow or fog limit visibility.

Note: • You may purchase copies of ANSI/ISEA 107-1999 by writing:

American National Standards Institute

11 West 42nd Street

New York, NY 10036

OR

Contacting the ANSI website at:

<http://web.ansi.org/>

• You may read a copy of ANSI/ISEA 107-1999 at any Washington state library.

• For the purpose of this rule, "hours of darkness" means from one half-hour before sunset to one half-hour after sunrise.

NEW SECTION

WAC 296-155-601 Internal traffic safety regulations for construction sites and work zones.

• WAC 296-155-601 through 296-155-612 establish minimum internal traffic safety regulations for construction sites and work zones.

• The purpose of these regulations is to make sure that workers are protected from motor vehicle hazards while working on construction sites or in work zones.

• For the purpose of these regulations, "vehicle" means all vehicles and mobile equipment or machinery used on a construction site or in a work zone that require an operator or a driver who must sit or stand on the vehicle to perform their work.

NEW SECTION

WAC 296-155-602 Site-specific internal traffic safety plans. (1) On jobs lasting more than one day and where there is at least one vehicle that is an integral part of the job and where there are at least five workers;

or

On job sites with multiple vehicles that are an integral part of the job, regardless of the number of workers;

or

On multiple employer worksites where there are vehicles that are on integral part of the job;

The employer must:

• Develop and implement a site-specific internal traffic safety plan that is communicated to all workers on the site or in the zone;

• Maintain and update the plan when appropriate; and

• Keep a current copy of the plan on site and make it available, upon request, to employees, their designated representatives and representatives of the department.

(2) On multiple employer worksites, it is the responsibility of the general contractor to make sure that the separate plans are coordinated and communicated to all employers and employees. General contractors may meet this requirement for themselves and their subcontractors by developing a comprehensive plan that addresses all traffic safety issues on the worksite.

(3) The site-specific internal traffic safety plan must include:

• Methods used by workers on foot, vehicle operator/drivers and traffic control personnel to communicate with each other.

• Identifying who is responsible for monitoring all internal traffic communication.

• A diagram of the site or zone illustrating:

– Traffic patterns, traffic volumes and speed limits;

– Areas where workers on foot are prohibited (pedestrian free areas);

– Locations for storing and servicing materials, vehicles and equipment;

– Location of all vehicle entrances and exits;

– Location of delivery and pickup areas;

– Location of "no-back up" areas;

– Size and location of buffer areas and physical barriers that establish "traffic free" zones; and

– Placement of traffic control devices used on public highways according to MUTCD, Part VI (1988 Edition-Revision 4A issued February 19, 1998) recommendations and guidelines and that reflect the actual traffic condition and requirements of the site or zone.

• A list of standard terms that identify and describe the type and/or class of vehicles, equipment, machinery and personnel that will be used.

NEW SECTION

WAC 296-155-603 Traffic safety training. (1) Employers who are required to develop and implement a site-specific internal traffic safety plan must provide on-site traffic safety training to all site and zone workers in a format that is appropriate and effective.

Note: Examples of acceptable training formats are:

• On-site safety orientations.

• Tailgate safety meetings.

• Worker/operator safety classes.

(2) Safety training must include, but is not limited to, the:

• Procedures for inspecting, maintaining, operating and parking assigned vehicles.

• Importance of being familiar with the manufacturer's manual (owner's manual) when operating or driving any vehicles other than a passenger car or light truck.

• Location, size and shape of vehicle blind areas.

• Vehicle payload limitations and operating grade limitations.

• Traffic patterns, volumes, speed limits and the types of vehicles operating on site;

• Importance of receiving proper training in the use of assigned vehicles.

• Content of the site-specific internal traffic safety plan.

NEW SECTION

WAC 296-155-604 Minimum qualifications for all vehicle operators and drivers. (1) Employers must make sure that only qualified and authorized employees operate or drive on-site vehicles.

(2) An operator or driver's certificate and/or training and experience must be relevant to the specific type of vehicle that they are assigned.

AMENDATORY SECTION (Amending WSR 98-05-046, filed 2/13/98, effective 4/15/98)

WAC 296-155-605 ((Equipment)) Vehicle operating requirements. (((1) General requirements:

(a) ~~All equipment left unattended at night, adjacent to a highway in normal use, or adjacent to construction areas where work is in progress, shall have appropriate lights or reflectors, or barricades equipped with appropriate lights or reflectors, to identify the location of the equipment.~~

PROPOSED

(b) All tire servicing of multi-piece and single-piece rim wheels are subject to the requirements of WAC 296-155-61701 through 296-155-61713.

(c)(i) Heavy machinery, equipment, or parts thereof, which are suspended or held aloft by use of slings, hoists, or jacks shall be substantially blocked or cribbed to prevent falling or shifting before employees are permitted to work under or between them. Bulldozer and scraper blades, end loader buckets, dump bodies, and similar equipment, shall be either fully lowered or blocked when being repaired or when not in use. All controls shall be in a neutral position, with the motors stopped and brakes set, unless work being performed required otherwise.

(ii) Whenever the equipment is parked, the parking brake shall be set. Equipment parked on inclines shall have the wheels chocked and the parking brake set.

(d) The use, care and charging of all batteries shall conform to the requirements of part I of this chapter.

(e) All cab glass shall be safety glass, or equivalent, that introduces no visible distortion affecting the safe operation of any machine covered by this part.

(f) All equipment covered by this part shall comply with the requirements of WAC 296-155-525 (3)(a) when working or being moved in the vicinity of power lines or energized transmitters.

(g) Where traffic is diverted onto dusty surfaces, good visibility shall be maintained by the suppression of dust, through the periodic application of oil or water to the grade surface, as required.

(h) No equipment, vehicle, tool, or individual shall operate within 10 feet of any power line or electrical distribution equipment except in conformity with the requirements of WAC 296-155-525 (3)(a).

~~(2) Specific requirements. (Reserved.))~~ (1) All construction site or work zone vehicles must comply with WAC 296-155-428 (1)(e) requirements when operated in the vicinity of power lines, energized transmitters or electrical distribution equipment.

(2) Whenever construction site or work zone activities and/or traffic create dust that significantly reduces visibility, an environmentally approved substance that suppresses dust and restores visibility must be applied to the appropriate ground surfaces. Vehicle operators and drivers exposed to harmful dust must comply with chapter 296-62 WAC Part E (Respiratory protection) requirements.

(3) All vehicles operating on a site or in a zone must comply with the manufacturer's specification regarding headlights, brake lights and taillights. If headlights, brake lights and/or taillights are required, they must be in operable condition.

(4) During hours of darkness or periods of limited visibility, all large vehicles such as trucks, tractors, trailers, buses and off-road machines operating on a site or in a zone must be equipped with:

- Sufficient light to do their job safely.
- Light strips or reflective tape that effectively increases their visibility and clearly outlines their size on all sides of the vehicle.
- Low-level lighting so operators can see workers on foot in the vicinity of the vehicle.

(5) Employers must make sure that:

• Vehicles only operate on access roads or grades that can safely accommodate them.

• All site or work zone emergency access ramps and berms are constructed to restrain and control runaway vehicles.

(6) Employers must make sure that all employees effectively communicate with a vehicle's driver or operator before approaching the vehicle or boarding it.

(7) Employers must make sure that:

• Scissors points and/or pinch points on all front-end loaders and similar vehicles that are hazardous to an operator, driver or other employees during normal operations of the vehicle are guarded.

• Only assigned operators, drivers or experienced persons start construction site or work zone vehicle motors that require crank starting.

• Operating levers controlling hoisting or dumping devices on vehicles have a latch or some other device that prevents accidental starting or tripping of the levers.

• Trip handles for dump truck tailgates are located so the operator or driver is clear when dumping.

• Winch lines, except when a nonspliced end is required, are maintained in good condition with a spliced eye, knob or hook in the working end.

(8) For the purposes of chapter 296-155 WAC, Parts M (Motor vehicles, mechanized equipment, and marine operations) and Part L (Cranes, derricks, hoists, elevators, and conveyors), the names, terms and descriptions for measurement of dimensions of machinery and attachments must be those described in *Society of Automotive Engineers 1970 Handbook*, pages 1088 through 1103.

(9) The safety requirements, ratios, or limitations applicable to machines or attachment usage covered in Power Crane and Shovel Association's Standards numbers 4 and 5 of 1983 or numbers 1 and 2 of 1968, and No. 3 of 1969, are the standards that apply to cranes, machines, and attachments in chapter 296-155 WAC, Part M (Motor vehicles, mechanized equipment, and marine operations).

NEW SECTION

WAC 296-155-606 Operating vehicles with obstructed views.

Note: Employers are strongly encouraged to minimize the use of backing through careful planning and the maintenance of drive throughs free from obstructions.

(1) Employers must make sure that all vehicle operators or drivers, whose view to the rear of their vehicle is not obstructed, look to the rear of their vehicle while operating it in reverse.

(2) Employers must make sure that all vehicles, except passenger cars and light trucks, with obstructed rear or side views are equipped with an audible reverse warning device that:

- Is in operable condition;
- Can be heard above the surrounding noise level and from at least fifteen feet from the rear of the vehicle; and
- Is automatically activated when the vehicle is operated in reverse gear.

(3) Employers must make sure that strobe lights, capable of being seen during daylight hours, are used as warning devices on vehicles, except passenger cars and light trucks, when site or work zone noise levels cause audible reverse warning devices to be ineffective.

(4) All site or work zone vehicles with an obstructed view to the rear must be able to eliminate the obstructed view through the use of one of the following before backing up:

- An operable device that effectively eliminates the obstructed view; or

- A spotter.

Note: When a spotter is used, the vehicle must not back up until the spotter has communicated to the driver/operator that the area to which the vehicle is backing is clear of all ground personnel.

(5) All vehicles must have an audible warning device that:

- Has a sound clearly distinguishable from the surrounding site or zone noise;
- Is easily activated by the operator or driver when the vehicle is moving in any direction; and
- Is maintained in an operative condition.

NEW SECTION

WAC 296-155-607 Vehicle cab requirements. (1) All vehicles with cabs must be equipped with:

- Windshields, powered wipers, and rear view mirrors in operable condition; and
- Operable defogging or defrosting devices if operating in areas or under conditions that cause fogging or frosting of any cab glass.

(2) All glass installed in vehicle cabs must:

- Be safety glass or its equivalent; and
- Not cause any visible distortion that prevents safe operation of the vehicle.

(3) Steering (spinner) knobs must not be attached to a vehicle steering wheel unless the steering mechanism prevents road reaction from spinning the steering wheel. If steering knobs are used, they must be mounted within the outer ring or edge of the steering wheel.

(4) All vehicles loaded by cranes, power shovels, loaders, or similar equipment, must have a cab shield and/or canopy that adequately protects the operator or driver from shifting or falling materials.

(5) When tools and materials are transported in a vehicle cab or compartment with employees, they must be secured to prevent movement and possible injury to the employees.

NEW SECTION

WAC 296-155-608 Vehicle seat, seat belt, and rollover protection requirements. (1) Vehicles used to transport employees must have:

- A firmly secured seat for each employee riding on the vehicle;
- Seat belts for each seat that comply with the seat belt and anchorage requirements in the U.S. Department of Transportation's Federal Motor Vehicle Safety Standards for:
 - Seat belt assemblies in 49 CFR Part 571.209; and

- Seat belt assembly anchorages in 49 CFR Part 571.210.
- (2) Employers must not allow employees to:
 - Get on or off any vehicle while it is in motion.
 - Ride or operate, except mechanics and operators in training on earth-moving equipment, a vehicle unless they sit in a seat and wear a seat belt.

(3) Seat belts are not required on vehicles that:

- Are designed only for standup operation; or
- Do not have a rollover protective structure (ROPS) or adequate canopy protection.

Note: See chapter 296-155 WAC, Part V - Rollover protection structures and overhead protection for rollover protective structures and overhead protection requirements.

(4) All crawler or wheel tractors, agricultural and industrial tractors, and similar vehicles must have:

- Seat belts for operators to use when they are seated to perform normal vehicle operations, even though back hoes, breakers, or other similar attachments are used for excavating or other work.
- Waterproof and comfortable seat cushions for operators to use whenever they operate the vehicle.

(5) Seat belts for wheel type agricultural and light industrial tractors must comply with the seat belt requirements of Society of Automotive Engineers J333a-1970 (Operator Protection for Agricultural and Light Industrial Tractors) or J1194-94.

(6) Seat belts for track type tractors, wheel tractor-scrappers, wheel loaders, motor graders, and similar types of construction equipment must comply with the requirements of the Society of Automotive Engineers, J386-1969 (Seat Belts for Construction Equipment) or J386-1997.

NEW SECTION

WAC 296-155-609 Vehicle brake and brake light requirements. (1) All vehicles except earth-moving equipment such as scrapers, loaders, crawler or wheel tractors, bulldozers, off-highway trucks, graders, agricultural and industrial tractors, and similar equipment must have brake lights in operable condition.

(2) All vehicles must have a service brake system, an emergency brake system, and a parking brake system that are maintained in operable condition. These systems may use common components.

(3) All earth-moving vehicles such as scrapers, loaders, tractors, bulldozers, graders, off-highway trucks and similar vehicles must be equipped with a service braking system capable of stopping and holding the equipment fully loaded.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-610 (~~Motor vehicles~~) Vehicle fender requirements. ~~((1) Coverage. Motor vehicles as covered by this part include any vehicles that operate on a construction site. The requirements of this section do not apply to equipment for which rules are prescribed in WAC 296-155-615.~~

~~(2) General requirements:~~

~~(a) All vehicles shall have a service brake system, an emergency brake system, and a parking brake system. These~~

systems may use common components, and shall be maintained in operable condition.

(b) Before leaving a motor vehicle unattended:

(i) The motor shall be stopped.

(ii) Parking brake engaged and wheels turned into curb or berm when parked on an incline.

(iii) When parking on an incline and there is no curb or berm, the wheels shall be chocked or otherwise secured.

(c)(i) Whenever visibility conditions warrant additional light, all vehicles, or combinations of vehicles, in use shall be equipped with at least two headlights and two taillights in operable condition.

(ii) All vehicles, or combination of vehicles, shall have brake lights in operable condition regardless of light conditions.

(d) All vehicles shall be equipped with an adequate audible warning device at the operator's station and in an operable condition.

(e) No employer shall allow the use of any motor vehicle equipment having an obstructed view to the rear unless:

(i) Vehicles other than passenger cars and pickups shall have an automatic reverse signal alarm audible above the surrounding noise level no less than fifteen feet from the rear of the vehicle or:

(ii) The vehicle is backed up only when an observer signals that it is safe to do so.

(f) All vehicles with cabs shall be equipped with windshields, powered wipers, and rear view mirrors. Cracked and broken glass shall be replaced. Vehicles operating in areas or under conditions that cause fogging or frosting of the windshields shall be equipped with operable defogging or defrosting devices.

(g) All haulage vehicles, whose pay load is loaded by means of cranes, power shovels, loaders, or similar equipment, shall have a cab shield and/or canopy adequate to protect the operator from shifting or falling materials.

(h) Tools and material shall be secured to prevent movement when transported in the same compartment with employees.

(i) Vehicles used to transport employees shall have seats firmly secured and adequate for the number of employees to be carried.

(j) Seat belts and anchorages meeting the requirements of 49 CFR Part 571 (Department of Transportation, Federal Motor Vehicle Safety Standards) shall be installed in all motor vehicles.

(k) Trucks with dump bodies or raiseable platforms, beds, or boxes shall be equipped with positive means of support, permanently attached, and capable of being locked in position to prevent accidental lowering of the body while maintenance or inspection work is being done.

(l) Operating levers, controlling hoisting or dumping devices on haulage bodies, shall be equipped with a latch or other device which will prevent accidental starting or tripping of the mechanism.

(m) Trip handles for tailgates of dump trucks shall be so arranged that, in dumping, the operator will be in the clear.

(n) All rubber-tired motor vehicle equipment manufactured on or after May 1, 1972, shall be equipped with fenders. All rubber-tired motor vehicle equipment manufactured

before May 1, 1972, shall be equipped with fenders not later than October 1, 1974. Mud flaps may be used in lieu of fenders whenever motor vehicle equipment is not designed for fenders.

(o) All vehicles in use shall be checked at the beginning of each shift to assure that the following parts, equipment, and accessories are in safe operating condition and free of apparent damage that could cause failure while in use: Service brakes, including trailer brake connections; parking system (hand brake); emergency stopping system (brakes); tires; horn; steering mechanism; coupling devices; seat belts; operating controls; and safety devices. All defects shall be corrected before the vehicle is placed in service. These requirements also apply to equipment such as lights, reflectors, windshield wipers, defrosters, fire extinguishers, steps and handholds for vehicle access, etc., where such equipment is necessary.) (1) All pneumatic-tired earth-moving haulage equipment such as trucks, scrapers, tractors, and trailing units whose maximum speed exceeds fifteen miles per hour must be equipped with fenders on all wheels unless wheels without fenders do not create a hazard from flying materials. Fenders must meet the requirements of Society of Automotive Engineers SAE J321a-1970 (Fenders for Pneumatic-Tired Earth-moving Haulage Equipment) or J321b-2000.

(2) If a vehicle is not designed for fenders, mud flaps must be installed instead.

NEW SECTION

WAC 296-155-611 Vehicle inspection, maintenance, and repair requirements.

(1) For all vehicles in use at a site or in a zone, the employer must make sure that the following parts, systems and accessories are inspected at the beginning of each shift and following the driver/operator's lunch break:

- Service brakes, including trailer brake connections, and coupling devices.

- Parking system (hand brake) and emergency stopping system (brakes).

- Automatic reverse warning devices and all other safety devices.

- Tires; audible warning devices; steering mechanism, seat belts; operating controls, lights, reflectors, windshield wipers, defrosters, fire extinguishers, and steps.

(2) To prevent accidental lowering, vehicles with dump bodies, platforms, beds, or boxes that can be raised must be equipped with a positive support that is permanently attached to the vehicle and is locked in position while maintenance or inspection work is performed on the dump body, platform, bed or box.

(3) For all site or work zone vehicles, employers must make sure that manufacturers' maintenance schedules are followed.

(4) Except for passenger cars and light trucks, employers must make sure that each vehicle cab contains a copy of the manufacturer's operating and/or technical manual.

(5) All tire servicing on large vehicles such as trucks, tractors, trailers, buses and off-road machines must comply with the requirements in WAC 296-155-61701 through 296-155-61713.

PROPOSED

(6) Use, storage, maintenance and charging of all vehicle batteries must comply with the requirements in WAC 296-155-437, Batteries and battery charging.

(7) Employers must make sure that all vehicles with defects that prevent the safe operation of the vehicle and/or threaten an employee's safety are:

- Reported to a designated maintenance person;
- Promptly taken out of service and inspected; and
- Repaired before the vehicle is returned to service.

(8) When a vehicle is repaired or maintained on-site or in a work zone, its controls, except for those needed to perform the repair or maintenance, must be made inoperable so the vehicle cannot move while the repair or maintenance is performed.

(9) All bulldozer and scraper blades, end-loader buckets, dump bodies, carryall gates and similar vehicle components must either be fully lowered to the ground or positively blocked when maintenance and/or repairs are performed on them.

(10) All cracked and broken glass in vehicle cabs must be replaced.

NEW SECTION

WAC 296-155-612 Vehicle parking requirements. (1)

All unattended vehicles must:

- Have their parking brakes set; and
- Be parked according to the manufacturer's specifications.

(2) All unattended vehicles parked on inclines must have their:

- Parking brakes set; and
- Wheels turned into the curb or berm; or
- Wheels chocked or positively secured in some other way if there is no curb or berm.

(3) During hours of darkness, all unattended vehicles parked next to a highway that is open to traffic or a construction site or work zone where work is in progress must be:

- Clearly illuminated and visible by lights or reflectors; or
- Protected by barricades equipped with illuminating lights or reflectors.

(4) Any vehicle or related part that is suspended or held aloft by slings, hoists, or jacks must be positively blocked or cribbed before any employee can work under or next to it.

(5) When parked, all bulldozer and scraper blades, carryall gates, end-loader buckets, dump bodies, and similar vehicle components must either be fully lowered to the ground or positively blocked.

AMENDATORY SECTION (Amending WSR 00-01-176, filed 12/21/99, effective 3/1/00)

WAC 296-155-615 ((Material handling equipment.))

Powered industrial trucks. ((1) Earthmoving equipment; general.

(a) ~~These rules apply to the following types of earthmoving equipment: Scrapers, loaders, crawler or wheel tractors, bulldozers, off-highway trucks, graders, agricultural and industrial tractors, and similar equipment. The promulgation~~

~~of specific rules for compactors and rubber-tired "skid-steer" equipment is reserved pending consideration of standards currently being developed.~~

~~(b) Seat belts.~~

~~(i) Seat belts shall be provided on all equipment covered by this section and shall meet the requirements of the Society of Automotive Engineers, J386-1969, Seat Belts for Construction Equipment. Seat belts for agricultural and light industrial tractors shall meet the seat belt requirements of Society of Automotive Engineers J333a-1970, Operator Protection for Agricultural and Light Industrial Tractors.~~

~~(ii) Seat belts need not be provided for equipment which is designed only for standup operation.~~

~~(iii) Seat belts shall not be provided for equipment which does not have rollover protective structure (ROPS) or adequate canopy protection.~~

~~(c) Access roadways and grades.~~

~~(i) No employer shall move or cause to be moved construction equipment or vehicles upon any access roadway or grade unless the access roadway or grade is constructed and maintained to accommodate safely the movement of the equipment and vehicles involved.~~

~~(ii) Every emergency access ramp and berm used by an employer shall be constructed to restrain and control runaway vehicles.~~

~~(d) Brakes. All earthmoving equipment mentioned in WAC 296-155-615 (1)(a) shall have a service braking system capable of stopping and holding the equipment fully loaded, as specified in Society of Automotive Engineers SAE J237, Loader-Dozer 1971, J236, Graders 1971, and J319b, Scrapers 1971. Brake systems for self-propelled rubber-tired off-highway equipment manufactured after January 1, 1972 shall meet the applicable minimum performance criteria set forth in the following Society of Automotive Engineers Recommended Practices:~~

- Self-propelled _____ SAE J319b-1971
scrapers
- Self-propelled _____ SAE J236-1971
graders
- Trucks and _____ SAE J166-1971
wagons
- Front-end loaders _____ SAE J237-1971
and dozer

~~(e) Fenders. Pneumatic-tired earthmoving-haulage equipment (trucks, scrapers, tractors, and trailing units) whose maximum speed exceeds 15 miles per hour, shall be equipped with fenders on all wheels to meet the requirements of Society of Automotive Engineers SAE J321a-1970, Fenders for Pneumatic-Tired Earthmoving-Haulage Equipment. An employer may, of course, at any time seek to show under WAC 296-155-010, that the uncovered wheels present no hazard to personnel from flying materials.~~

~~(f) Rollover protective structures (ROPS). See Part V of this chapter for requirements for rollover protective structures and overhead protection.~~

~~(g) Rollover protective structures for off-highway trucks. The promulgation of standards for rollover protective~~

structures for off-highway trucks is reserved pending further study and development.

~~(h) Specific effective dates—Brakes and fenders. Equipment mentioned in WAC 296-155-615 (d) and (e) and manufactured after January 1, 1972, which is used by any employer after that date, shall comply with the applicable rules prescribed therein concerning brakes. Equipment mentioned in WAC 296-155-615 (d) and (e) and manufactured before January 1, 1972, which is used by any employer after that date, shall meet the applicable rules prescribed herein not later than October 1, 1974. It should be noted that employers may request variations from the applicable brakes standards required by this part. Employers wishing to seek variations from the applicable brakes rules may submit any requests for variations in accordance with WAC 296-155-010. Any statements should specify how the variation would protect the safety of the employees by providing for any compensating restrictions on the operation of equipment.~~

~~(i) Audible alarms.~~

~~(i) All bidirectional machines, such as rollers, compactors, front-end loaders, bulldozers, and similar equipment, shall be equipped with a horn, distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.~~

~~(ii) No employer shall permit earthmoving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.~~

~~(iii) In circumstances where the surrounding noise level is of such amplitude that reverse signal alarms are not effective, amber strobe lights shall be used.~~

~~(iv) Operators of equipment which does not have an obstructed view to the rear shall look to the rear while operating the equipment in reverse.~~

~~(j) Scissor points. Scissor points on all front-end loaders, which constitute a hazard to the operator during normal operation, shall be guarded.~~

~~(k) Tractor motors shall be cranked only by operators or other experienced persons.~~

~~(l) Waterproof and comfortable seat cushions shall be provided on tractors at all times when working.~~

~~(m) Riders, except mechanics and persons in training to operate equipment, shall not be allowed on equipment unless a seat with a seatbelt is provided and used.~~

~~(n) Winch lines shall be maintained in good condition and provided with spliced eye, knob or hook in working end, except under conditions where unspliced end is required.~~

~~(o) No repairs on blade or dozer equipment shall be initiated unless motor has been stopped and dozer blade is resting on the ground or securely blocked. The same shall apply to carry-all gates.~~

~~(p) Bulldozer blades and carryall gates shall rest on the ground or on blocking when machines are not in operation.~~

~~(q) Operator shall not leave controls of tractor with master clutch engaged.~~

~~(r) Personnel shall not get on or off machine while machine is in motion.~~

~~(s) Where excessive dust conditions are created, such areas shall be sprinkled with water to maintain dust at a minimum.~~

~~(t) Respirators shall be worn by operators when subject to harmful dust exposure.~~

~~(2) Excavating and other equipment.~~

~~(a) Tractors covered in subsection (1) of this section shall have seat belts as required for the operators when seated in the normal seating arrangement for tractor operation, even though backhoes, breakers, or other similar attachments are used on these machines for excavating or other work.~~

~~(b) For the purposes of this part and of Part L of this chapter, the nomenclatures and descriptions for measurement of dimensions of machinery and attachments shall be as described in Society of Automotive Engineers 1970 Handbook, pages 1088 through 1103.~~

~~(c) The safety requirements, ratios, or limitations applicable to machines or attachment usage covered in Power Crane and Shovel Association's Standards No. 1 and No. 2 of 1968, and No. 3 of 1969, shall be complied with, and shall apply to cranes, machines, and attachments under this part.~~

~~(3) Lifting and hauling equipment)) Powered industrial trucks (other than equipment covered under Part L of this chapter)((-)) and industrial trucks (including forklifts) ((shall)) must meet ((the)) training and other requirements of WAC 296-24-230, ((296-155-605)) 296-155-601 through 296-155-612 and the following:~~

~~((a)) (1) Lift trucks, stackers, etc., shall have the rated capacity clearly posted on the vehicle so as to be clearly visible to the operator. When auxiliary removable counterweights are provided by the manufacturer, corresponding alternate rated capacities also ((shall)) must be clearly shown on the vehicle. These ratings ((shall)) must not be exceeded.~~

~~((b)) (2) No modifications or additions which affect the capacity or safe operation of the equipment ((shall)) must be made without the manufacturer's or professional engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, ((shall)) must be changed accordingly. In no case ((shall)) must the original safety factor of the equipment be reduced.~~

~~((c)) (3) If a load is lifted by two or more trucks working in unison, the proportion of the total load carried by any one truck ((shall)) must not exceed its capacity.~~

~~((d)) (4) Steering or spinner knobs ((shall)) must not be attached to the steering wheel unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin. The steering knob ((shall)) must be mounted within the periphery of the wheel.~~

~~((e)) (5) All high lift rider industrial trucks ((shall)) must be equipped with overhead guards which meet the configuration and structural requirements as defined in paragraph 502 of American National Standards Institute B56.1-1975, Safety Standards for Powered Industrial Trucks, or B56.1-1993, Safety Standards for Low-lift and High-lift Trucks.~~

~~((f)) (6) All industrial trucks in use ((shall)) must meet the applicable requirements of design, construction, stability, inspection, testing, maintenance, and operation, as defined in American National Standards Institute B56.1-1975, Safety~~

Standards for Powered Industrial Trucks, or B56.1-1993, Safety Standards for Low-lift and High-lift Trucks.

~~((g))~~ (7) Unauthorized personnel ~~((shall))~~ must not be permitted to ride on powered industrial trucks. A safe place to ride ~~((shall))~~ must be provided where riding of trucks is authorized.

~~((h))~~ (8) When a forklift truck is used for elevating workers a platform ~~((shall))~~ must be specifically built for that purpose and ~~((shall))~~ must comply with the following requirements:

~~((i))~~ (a) The platform ~~((shall))~~ must be securely attached to the forks and ~~((shall))~~ must have standard guardrails and toeboards on all open sides.

~~((ii))~~ (b) The hydraulic system of the forklift ~~((shall))~~ must be so designed that the lift mechanism will not drop faster than one hundred thirty-five feet per minute in the event of a failure in any part of the system. Forklifts used for elevating platforms ~~((shall))~~ must be identified that they are so designed.

~~((iii))~~ (c) A safety strap ~~((shall))~~ must be installed or the control lever ~~((shall))~~ must be locked to prevent the boom from tilting.

~~((iv))~~ An operator shall be at the controls of the forklift equipment while persons are on the platform.

~~((v))~~ The operator shall be in the normal operating position while raising or lowering the platform.

~~((vi))~~ (d) Whenever a truck is equipped with vertical hoisting controls, elevatable with the lifting carriage or forks, the following precautions must be taken for the protection of personnel being elevated:

- Provide a platform secured to the lifting carriage and/or forks.

- Provide means whereby personnel on the platform can shut off power to the truck.

- Provide such protection from falling objects as is necessarily indicated by the operating conditions.

(e) When the platform is not equipped with controls, an operator must be at the controls of the forklift equipment, and stationed in the normal operating position, when raising or lowering personnel on the platform.

(f) The vehicle ((shall)) must not travel from point to point while workers are on the platform except that inching or maneuvering at very slow speed is permissible.

~~((vii))~~ (g) The area between workers on the platform and the mast ~~((shall))~~ must be adequately guarded to prevent contact with chains or other shear points.

~~((viii))~~ (h) All platforms ~~((shall))~~ must be visually inspected daily or before each use by the person in charge of the work being performed, and ~~((shall))~~ must be tested as frequently as is necessary to maintain minimum safety factors.

~~((ix))~~ Whenever a truck, except for high lift order picker trucks, is equipped with vertical hoisting controls elevatable with the lifting carriage or forks, the following precautions shall be taken for the protection of personnel being elevated:

- (A) Provide a platform secured to the lifting carriage and/or forks.

- (B) Provide means whereby personnel on the platform can shut off power to the truck.

- (C) Provide such protection from falling objects as indicated necessary by the operating conditions.

AMENDATORY SECTION (Amending WSR 99-17-094, filed 8/17/99, effective 12/1/99)

WAC 296-155-655 General protection requirements.

(1) Surface encumbrances. All surface encumbrances that are located so as to create a hazard to employees ~~((shall))~~ must be removed or supported, as necessary, to safeguard employees.

(2) Underground installations.

(a) The location of utility installations, such as sewer, telephone, fuel, electric, water lines, or any other underground installations that reasonably may be expected to be encountered during excavation work, ~~((shall))~~ must be located prior to opening an excavation.

(b) Utility companies or owners ~~((shall))~~ must be contacted within established or customary local response times, advised of the proposed work, and asked to locate the underground utility installation prior to the start of actual excavation.

(c) When excavation operations approach the location of underground installations, the exact location of the installations ~~((shall))~~ must be determined by safe and acceptable means.

(d) While the excavation is open, underground installations ~~((shall))~~ must be protected, supported, or removed as necessary to safeguard employees.

(3) Access and egress.

(a) Structural ramps.

(i) Structural ramps that are used solely by employees as a means of access or egress from excavations ~~((shall))~~ must be designed by a competent person. Structural ramps used for access or egress of equipment ~~((shall))~~ must be designed by a competent person qualified in structural design, and ~~((shall))~~ must be constructed in accordance with the design.

(ii) Ramps and runways constructed of two or more structural members ~~((shall))~~ must have the structural members connected together to prevent displacement.

(iii) Structural members used for ramps and runways ~~((shall))~~ must be of uniform thickness.

(iv) Cleats or other appropriate means used to connect runway structural members ~~((shall))~~ must be attached to the bottom of the runway or ~~((shall))~~ must be attached in a manner to prevent tripping.

(v) Structural ramps used in lieu of steps ~~((shall))~~ must be provided with cleats or other surface treatments on the top surface to prevent slipping.

(b) Means of egress from trench excavations. A stairway, ladder, ramp or other safe means of egress ~~((shall))~~ must be located in trench excavations that are 4 feet (1.22 m) or more in depth so as to require no more than 25 feet (7.62 m) of lateral travel for employees.

(4) ~~(Exposure to vehicular traffic. Employees exposed to public vehicular traffic shall be provided with, and shall wear, warning vests or other suitable garments marked with or made of reflectorized or high-visibility material.)~~ The employer must make sure that construction site and work zone employees, whose duties are performed in areas and under circumstances where they are exposed to hazards created by moving vehicles, comply with the personal protective equipment requirements in WAC 296-155-200 (9) and (10).

(5) Exposure to falling loads. No employee ~~((shall))~~ must be permitted underneath loads handled by lifting or digging equipment. Employees ~~((shall))~~ must be required to stand away from any vehicle being loaded or unloaded to avoid being struck by any spillage or falling materials. Operators may remain in the cabs of vehicles being loaded or unloaded when the vehicles are equipped, in accordance with WAC ~~((296-155-610(2)(g)))~~ 296-155-607(4), to provide adequate protection for the operator during loading and unloading operations.

(6) Warning system for mobile equipment. When mobile equipment is operated adjacent to an excavation, or when such equipment is required to approach the edge of an excavation, and the operator does not have a clear and direct view of the edge of the excavation, a warning system ~~((shall))~~ must be utilized such as barricades, hand or mechanical signals, or stop logs. If possible, the grade should be away from the excavation.

(7) Hazardous atmospheres.

(a) Testing and controls. In addition to the requirements set forth in parts B-1, C, and C-1 of this chapter (296-155 WAC) to prevent exposure to harmful levels of atmospheric contaminants and to assure acceptable atmospheric conditions, the following requirements ~~((shall))~~ apply:

(i) Where oxygen deficiency (atmospheres containing less than 19.5 percent oxygen) or a hazardous atmosphere exists or could reasonably be expected to exist, such as in excavations in landfill areas or excavations in areas where hazardous substances are stored nearby, the atmospheres in the excavation ~~((shall))~~ must be tested before employees enter excavations greater than 4 feet (1.22 m) in depth.

(ii) Adequate precautions ~~((shall))~~ must be taken to prevent employee exposure to atmospheres containing less than 19.5 percent oxygen and other hazardous atmospheres. These precautions include providing proper respiratory protection or ventilation ~~((in accordance with parts [as required by]))~~ according to chapter 296-62 WAC, part E and ~~((by))~~ chapter 296-155 WAC, part (j) B-1 ~~((and C) of this chapter [respectively]))~~ requirements.

(iii) Adequate precaution ~~((shall))~~ must be taken, such as providing ventilation, to prevent employee exposure to an atmosphere containing a concentration of a flammable gas in excess of 10 percent of the lower flammable limit of the gas.

(iv) When controls are used that are intended to reduce the level of atmospheric contaminants to acceptable levels, testing ~~((shall))~~ must be conducted as often as necessary to ensure that the atmosphere remains safe.

(b) Emergency rescue equipment.

(i) Emergency rescue equipment, such as breathing apparatus, a safety harness and line, or a basket stretcher, ~~((shall))~~ must be readily available where hazardous atmospheric conditions exist or may reasonably be expected to develop during work in an excavation. This equipment ~~((shall))~~ must be attended when in use.

(ii) Employees entering bell-bottom pier holes, or other similar deep and confined footing excavations, ~~((shall))~~ must wear a harness with a lifeline securely attached to it. The lifeline ~~((shall))~~ must be separate from any line used to handle materials, and ~~((shall))~~ must be individually attended at all

times while the employee wearing the lifeline is in the excavation.

Note: See chapter 296-62 WAC, Part M for additional requirements applicable to confined space operations.

(8) Protection from hazards associated with water accumulation.

(a) Employees ~~((shall))~~ must not work in excavations in which there is accumulated water, or in excavations in which water is accumulating, unless adequate precautions have been taken to protect employees against the hazards posed by water accumulation. The precautions necessary to protect employees adequately vary with each situation, but could include special support or shield systems to protect from cave-ins, water removal to control the level of accumulating water, or use of a safety harness and lifeline.

(b) If water is controlled or prevented from accumulating by the use of water removal equipment, the water removal equipment and operations ~~((shall))~~ must be monitored by a competent person to ensure proper operation.

(c) If excavation work interrupts the natural drainage of surface water (such as streams), diversion ditches, dikes, or other suitable means ~~((shall))~~ must be used to prevent surface water from entering the excavation and to provide adequate drainage of the area adjacent to the excavation. Excavations subject to runoff from heavy rains ~~((will))~~ require an inspection by a competent person and compliance with subdivisions (a) and (b) of this subsection.

(9) Stability of adjacent structures.

(a) Where the stability of adjoining buildings, walls, or other structures is endangered by excavation operations, support systems such as shoring, bracing, or underpinning ~~((shall))~~ must be provided to ensure the stability of such structures for the protection of employees.

(b) Excavation below the level of the base or footing of any foundation or retaining wall that could ~~((be))~~ reasonably be expected to pose a hazard to employees ~~((shall))~~ must not be permitted, except when:

(i) A support system, such as underpinning, is provided to ensure the safety of employees and the stability of the structure; or

(ii) The excavation is in stable rock; or

(iii) A registered professional engineer has approved the determination that the structure is sufficiently removed from the excavation so as to be unaffected by the excavation activity; or

(iv) A registered professional engineer has approved the determination that such excavation work will not pose a hazard to employees.

(c) Sidewalks, pavements, and appurtenant structure ~~((shall))~~ must not be undermined unless a support system or another method of protection is provided to protect employees from the possible collapse of such structures.

(10) Protection of employees from loose rock or soil.

(a) Adequate protection ~~((shall))~~ must be provided to protect employees from loose rock or soil that could pose a hazard by falling or rolling from an excavation face. Such protection ~~((shall))~~ must consist of scaling to remove loose material~~((s))~~, installation of protective barricades at intervals

as necessary on the face to stop and contain falling material(~~(s)~~), or other means that provide equivalent protection.

(b) Employees (~~(shall)~~) must be protected from excavated or other materials or equipment that could pose a hazard by falling or rolling into excavations. Protection (~~(shall)~~) must be provided by placing and keeping such materials or equipment at least 2 feet (.61 m) from the edge of excavations, or by the use of retaining devices that are sufficient to prevent materials or equipment from falling or rolling into excavations, or by a combination of both if necessary.

(11) Inspections.

(a) Daily inspections of excavations, the adjacent areas, and protective systems (~~(shall)~~) must be made by a competent person for evidence of a situation that could result in possible cave-ins, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions. An inspection (~~(shall)~~) must be conducted by the competent person prior to the start of work and as needed throughout the shift. Inspections (~~(shall)~~) must also be made after every rainstorm or other hazard increasing occurrence. These inspections are only required when employee exposure can (~~(be)~~) reasonably be anticipated.

(b) Where the competent person finds evidence of a situation that could result in a possible cave-in, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions, exposed employees (~~(shall)~~) must be removed from the hazardous area until the necessary precautions have been taken to ensure their safety.

(12) Fall protection.

(a) Walkways (~~(shall)~~) must be provided where employees or equipment are required or permitted to cross over excavations. Guardrails which comply with chapter 296-155 WAC, Part K (~~(shall)~~) must be provided where walkways are 4 feet or more above lower levels.

(b) Adequate (~~(barrier)~~) physical barrier protection (~~(shall)~~) must be provided at all remotely located excavations. All wells, pits, shafts, etc., (~~(shall)~~) must be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, shafts, etc., (~~(shall)~~) must be backfilled.

AMENDATORY SECTION (Amending WSR 01-07-075, filed 3/20/01, effective 4/20/01)

WAC 296-32-240 Employee protection in (~~(public)~~) work areas. (1)(a) Before work begins in the vicinity of vehicular or pedestrian traffic that may endanger employees, traffic control signs, devices, and barriers must be positioned and used according to the requirements of chapter 296-155 WAC, Part E. When flaggers are used, employers(~~(-responsible contractors and/or project owners)~~) must comply with the requirements of WAC 296-155-305.

(b) During hours of darkness, warning lights must be prominently displayed and excavated areas must be enclosed with protective barricades.

(2) When work exposes energized or moving parts that are normally protected, danger signs (~~(shall)~~) must be displayed and barricades erected to warn other personnel in the area.

(3) The employer (~~(shall insure)~~) must make sure that (~~(an)~~) any employee (~~(finding any)~~) who finds crossed or fallen wires (~~(which)~~) that create or may create a hazardous situation at the work area does the following:

(a) Remains on guard or adopts other adequate means to warn other employees of the danger, and

(b) (~~(Has)~~) Notifies the proper authority (~~(notified)~~) at the earliest practical moment.

(4) The employer must make sure that construction site and work zone employees, whose duties are performed in areas and under circumstances where they are exposed to hazards created by moving vehicles, comply with the personal protective equipment requirements in WAC 296-155-200 (9) and (10).

(5) The employer whose construction site work zone employees perform duties in areas and under circumstances where they are exposed to hazards created by moving vehicles, must comply with the requirements in WAC 296-155-601 through 296-155-612.

AMENDATORY SECTION (Amending WSR 01-07-075, filed 3/20/01, effective 4/20/01)

WAC 296-45-52530 Employee protection in (~~(public)~~) work areas. (1)(a) Before work begins in the vicinity of vehicular or pedestrian traffic that may endanger employees, traffic control signs, devices, and barriers must be positioned and used according to the requirements of chapter 296-155 WAC, Part E.

(b) When flaggers are used, employers(~~(-responsible contractors and/or project owners)~~) must comply with the requirements of WAC 296-155-305.

(2) During hours of darkness, warning lights must be prominently displayed.

(3) Excavated areas must be protected with barricades.

(4) The employer must make sure that construction site and work zone employees, whose duties are performed in areas and under circumstances where they are exposed to hazards created by moving vehicles, comply with the personal protective equipment requirements in WAC 296-155-200 (9) and (10).

(5) The employer whose construction site and work zone employees perform duties in areas and under circumstances where they are exposed to hazards created by moving vehicles, must comply with the requirements in WAC 296-155-601 through 296-155-612.

WSR 02-06-032

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed February 26, 2002, 1:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-15-004.

Title of Rule: WAC 458-20-260 Oil spill response and administration tax.

Purpose: To provide guidance to taxpayers necessary to meet the requirements set forth in chapter 82.23B RCW, Oil spill response tax.

Statutory Authority for Adoption: RCW 82.23B.050 and 82.32.300.

Statute Being Implemented: Chapter 82.23B RCW.

Summary: This rule explains the provisions of chapter 82.23B RCW, Oil spill response tax. The rule explains the imposition of the tax, when a taxable event occurs, and how to take exemptions and credits applied against the tax.

Reasons Supporting Proposal: To amend the current rule to reflect legislative changes (chapter 449, Laws of 1997) and to recognize current business practices to assist taxpayers in complying with the law.

Name of Agency Personnel Responsible for Drafting: Anne Solwick, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6129; Implementation: Claire Hesselholt, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6124; and Enforcement: Russell W. Brubaker, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6131.

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: Chapter 82.23B RCW imposes the oil spill response and oil spill administration tax on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of Washington. This rule provides pertinent definitions; explains the imposition and base of the tax; advises of the reporting requirements; explains that the tax is collected and paid by the marine terminal operator or, in the alternative, paid by a holder of a direct pay permit; explains the exemptions and credits allowed by law against the tax; and explains and provides examples on computing the credit amount. The purpose of the rule is to provide guidance to those required to pay the oil spill response and administration tax. The effect of the rule is that those required to pay the oil spill response and administration tax will have a reference to assist them in complying with the law.

Proposal Changes the Following Existing Rules: This proposal is to amend an existing rule (WAC 458-20-260). The proposal explains the imposition of the tax with respect to increase in volume of previously taxed product and clarifies and provides examples on computing and documenting previously taxed product. Additionally, the proposal strikes outdated and/or unnecessary information.

The proposed rule changes presumptions regarding whether tax was previously paid on product received at a marine terminal from a waterborne vessel or barge. Rule 260 currently explains that it is presumed, subject to rebuttal, that all product received from in-state locations was previously taxed and that all product received from out-of-state locations are subject to tax. The proposed rule provides that any receipt of product in Washington is presumed, subject to rebuttal, to be subject to tax.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule and the amend-

ments do not impose any performance requirement or duty upon any business that is not already imposed by statute.

RCW 34.05.328 does not apply to this rule adoption. This is an interpretive rule as defined in RCW 34.05.328.

Hearing Location: Capitol Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on April 12, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985, or (360) 570-6175.

Submit Written Comments to: Anne Solwick, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail annes@dor.wa.gov, by April 12, 2002.

Date of Intended Adoption: April 30, 2002.

February 26, 2002

Claire Hesselholt, Rules Manager
Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 92-24-049, filed 11/30/92, effective 12/31/92)

WAC 458-20-260 Oil spill response and administration tax. (1) **Introduction.** This ~~((section))~~ rule explains ~~((and implements))~~ the provisions of chapter 82.23B RCW which imposes an oil spill response tax and an oil spill administration tax ~~((, effective October 1, 1991, and as amended by chapter 73, Laws of 1992, effective October 1, 1992)).~~ The taxes are imposed upon the privilege of receiving crude oil or petroleum products at a marine terminal in this state from a waterborne vessel or barge operating ~~((through or upon))~~ on the navigable waters of this state. ~~((This section provides applicable definitions, the rate and measure of the tax, the tax payment and reporting procedure, and describes an exemption and a credit against tax.))~~

(2) **Definitions.** For purposes of this ~~((section))~~ rule, the following terms will apply.

(a) "Tax" means the oil spill response and oil spill administration taxes imposed by chapter 82.23B RCW.

(b) "Barrel" means a unit of measurement of volume equal to forty-two United States gallons of crude oil or petroleum product.

(c) "Crude oil" means any naturally occurring liquid hydrocarbon at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline.

(d) "Department" means the department of revenue.

(e) "Marine terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products to or from a waterborne vessel or barge.

(f) "Navigable waters" means those waters of the state and their adjoining shorelines, that are subject to the ebb and flow of the tide, including the Columbia and Snake rivers.

(g) "Person" has the meaning provided in RCW 82.04.030.

(h) "Petroleum product" means any liquid hydrocarbons at atmospheric temperature and pressure that are the product of the fractionation, distillation, or other refining or processing of crude oil, and that are used as, useable as, or may be

refined as fuel or fuel blendstock, including but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and fuels containing a blend of alcohol and petroleum.

(i) "Taxpayer" means the person owning crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal in this state from a waterborne vessel or barge and who is liable for the tax.

(j) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of travelling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

(k) "Previously taxed product" means any crude oil or petroleum product which has been received in this state in a manner subject to the tax and upon which the tax has been paid.

~~((1)) "Offloading" means the physical act of moving crude oil or petroleum product from a waterborne vessel or barge to a marine terminal.))~~

(3) ~~((Tax rate and measure.))~~ **Imposition, base, and reporting of tax.** The tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating ~~((through or across))~~ on the navigable waters of this state. The tax is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge.

~~(a) ((The oil spill response tax is imposed at the rate of two cents per barrel of crude oil or petroleum product received.))~~ The tax is due for payment together with the timely filing of the return upon which it is reported, on or before the twenty-fifth day of the month following the month in which the taxable receipt occurs. In case any receipt commences on the last day of any month and extends past midnight, the receipt at the election of the marine terminal may be deemed to have occurred during the following month or may be deemed to have been completed at midnight and commenced at the instant after midnight. However, once a marine terminal has elected a timing option such election remains in effect until permission is obtained from the department to elect otherwise.

~~(b) ((The oil spill administration tax is imposed at the rate of three cents per barrel of crude oil or petroleum product received.))~~

~~((e))~~ The number of barrels received ~~((shall))~~ must be computed as the net barrels received by the marine terminal operator. Net barrels ~~((shall))~~ must be computed by using an industry standard adjustment to gross barrels ~~((offloaded))~~ received to account for variations in temperature and content of water or other nonpetroleum substances.

(4) **Tax collection by the marine terminal operator.** Unless the taxpayer has been issued a direct payment certificate as provided in subsection (5) of this ~~((section))~~ rule, the operator of any marine terminal located in this state where crude oil or petroleum products are received and placed into storage tanks is responsible for the collection of the tax from the taxpayer.

(a) Failure to collect the tax from the taxpayer and remit it to the department will cause the marine terminal operator to become personally liable for the tax, unless the marine terminal operator has billed the taxpayer for the tax or notified the taxpayer in writing of the imposition of the tax.

~~((i))~~ The tax has been billed to a taxpayer when an invoice, statement of account, or notice of imposition of the tax is mailed or delivered to the taxpayer by the terminal operator within the operator's normal billing cycle and separately states the dates of receipt, rate of tax, number of barrels received and placed into storage tanks, and the amount of the tax required to be collected.

~~((ii))~~ A taxpayer has been notified of the imposition of the tax when, within twenty days from the date of receipt, a notice is mailed or delivered to the taxpayer, or to an agent of the taxpayer authorized to accept notices of this type other than the marine terminal operator ~~((, which))~~. This notice must separately state ~~((s))~~ the dates of receipt, rate of tax, number of barrels received into storage tanks, and the amount of the tax required to be collected.

~~((iii))~~ Marine terminal operators ~~((shall))~~ must maintain a record of the names and addresses of taxpayers billed for the tax, or in cases where taxpayers are sent written notification of the imposition of the tax, the names and addresses of the persons to whom notice is sent. Such records ~~((shall))~~ must indicate those persons billed or notified from whom the tax has been collected. Upon request, the records shall be made available for inspection by the department.

(b) The tax collected ~~((shall))~~ must be held in trust by the terminal operator until paid to the department. ~~((e))~~ The tax ~~((collected shall be))~~ is due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the tax is collected.

~~((d))~~ ~~((c))~~ A terminal operator who relies in good faith upon a direct payment certificate (see subsection (5) of this rule) issued to a taxpayer ~~((shall be))~~ is relieved from any liability for the collection of the tax from the taxpayer. A marine terminal operator ~~((shall))~~ is likewise ~~((be))~~ relieved from liability for collection of the tax from a taxpayer if the marine terminal operator relies in good faith upon a current roster of certificate holders published by the department which bears the name of a taxpayer.

(5) **Direct payment to the department.** Any taxpayer may apply to the department in writing for permission to pay the tax directly to the department. Upon approval of the department, any taxpayer making application for direct payment ~~((shall))~~ will be issued a direct payment certificate entitling the taxpayer to pay the tax directly to the department.

(a) In order to qualify for direct payment, the taxpayer must meet the following requirements:

(i) The taxpayer must be registered with the department.

(ii) The taxpayer must file a bond with the department in an amount equal to two months estimated liability for the tax, but in no event less than ten thousand dollars. The bond ~~((shall))~~ must be executed by the taxpayer as principal, and by a corporation approved by the department and authorized to engage in business as a surety company in this state, as surety. Two months estimated tax liability shall be the total

number of barrels received and placed into the storage tanks of a marine terminal in this state by the taxpayer during the two months in the immediately preceding twelve-month period with the highest number of barrels received multiplied by the total tax rate. If the department determines that the result of the foregoing calculation does not represent a fair estimate of the actual tax liability which the taxpayer is expected to incur, it may set the bond requirement at such higher amount as the department determines in its judgment will secure the payment of the tax. The bond requirement may be waived upon proof satisfactory to the department that the taxpayer has sufficient assets located in this state to insure payment of the tax.

(iii) The taxpayer must be current in all of its tax obligations to the state having filed all returns as required by Title 82 RCW.

(b) The department may, from time to time, review the amount of any bond filed by a taxpayer possessing a direct payment certificate and may, upon twenty days written notice to the taxpayer, require such higher bond as the department determines to be necessary to secure the payment of the tax. The filing of a substitute bond in such higher amount (~~shall be~~) is a condition to the continuation of the right to make direct payment under this section.

(c) A direct payment certificate issued under this section may be revoked by the department if the taxpayer fails to maintain a current registration, fails to file a substitute bond within twenty days from a written request, or becomes delinquent in the payment of the tax.

(d) The department (~~shall~~) maintains a current roster of all taxpayers who have a direct payment certificate. Copies of the roster (~~shall be~~) are made available on a monthly basis to any interested person requesting to be placed on the roster subscription list. Requests to be placed on the subscription list should be mailed to the (~~Miscellaneous Tax Division~~) Department of Revenue, Taxpayer Services, attn: Public Records, P.O. Box (~~(47470)~~) 47478, Olympia, WA 98504-~~(7470)~~ 7478.

(e) Applications for a direct payment certificate shall be in writing and shall include the name and address of the applicant, the applicant's registration number if currently registered, and the name and phone number of a contact person. The application shall also contain a statement that if the application is approved, the taxpayer consents to the public disclosure that the taxpayer has been granted a direct payment certificate, or if the certificate is later revoked, the taxpayer consents to the public disclosure of the fact of revocation. Applications should be mailed to the (~~Miscellaneous Tax Division~~) Department of Revenue, Taxpayer Account Administration, P.O. Box (~~(47470)~~) 47476, Olympia, WA 98504-~~(7470)~~ 7476.

(6) **Exemption - previously taxed crude oil or petroleum products.** The tax applies only to the first receipt of crude oil or petroleum products (~~(into the storage tanks of)~~) at a marine terminal in this state. RCW 82.23B.030 provides an exemption (~~(is available)~~) for the subsequent receipt (~~(into storage tanks)~~) at a marine terminal in this state of previously taxed crude oil or petroleum products. This exemption applies even though the previously taxed (~~product is~~) crude

oil or petroleum products are refined or processed prior to subsequent transportation and receipt (~~(into storage tanks)~~).

~~((a) Crude oil or petroleum products received and placed into storage tanks for the first time at a marine terminal in this state which have been commingled with previously taxed product present a special problem in determining the amount of tax properly due. In such cases the amount of tax due is equal to the difference between the total number of barrels received and placed into storage tanks and the number of barrels of previously taxed product multiplied by the total tax rates. Due to the difficulty of determining the amount of tax due under such circumstances the following rebuttable presumptions shall apply:~~

~~(i) All crude oil or petroleum products loaded on a vessel and shipped from a point within this state will be presumed, subject to rebuttal, to be previously taxed product. The subsequent receipt at a point within this state of such product will be treated as exempt from the tax.~~

~~(ii) All crude oil or petroleum products loaded on a vessel and shipped from a point outside this state will be presumed to be crude oil or petroleum products received for the first time in this state. The subsequent receipt at a point within this state of such crude oil or petroleum products will be treated as subject to the tax.~~

~~(b) The presumptions in this subsection may be rebutted upon proof of the number of barrels of previously taxed product received into storage tanks in this state.~~

~~(c) **Example.** The presumptions in this subsection (6) can be illustrated by the following example:~~

~~A previously taxed petroleum product is loaded on an ocean going barge at a marine terminal located on Puget Sound in Washington. The barge is towed to Portland, Oregon where the petroleum product is offloaded and commingled with a similar product which has not been subjected to the tax. Later, commingled product is loaded onto a barge which is towed up the Columbia River to a marine terminal located in Pasco, Washington and, where it is offloaded and placed into storage tanks. The petroleum products loaded onto the barge in Portland would be presumed, subject to rebuttal, to be subject to the tax when received in Pasco.)~~

(7) **Presumption.** Any receipt of crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state is presumed to be subject to the tax.

(a) A person may rebut this presumption by documenting that the crude oil or petroleum products received were previously subject to the tax. The proof may be in the form of information on the invoice from the seller stating that all or a specific, stated portion of the crude oil or petroleum products were previously subject to the tax.

(b) Example. Crude oil is received at a marine terminal in this state and the tax is remitted. The crude oil is then commingled with crude oil from a source not involving a receipt at a marine terminal such as a receipt from a pipeline or a tank car. The commingled crude oil is refined into two petroleum products such as jet kerosene and unleaded gasoline. The petroleum products are then placed on separate waterborne vessels or barges and are shipped to a second marine terminal in this state. The receipt of petroleum products at the second

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marine terminal is presumed to be subject to the tax. The presumption may be rebutted by proof of what portion of each product of the shipment was previously subject to tax. Proof may be made by means of information on the invoice.

(c) Example. Petroleum product is received at a marine terminal in this state and the tax is remitted. Substances that were not previously subject to the tax are added to the petroleum product resulting in an increase of the volume of the petroleum product. The petroleum product is then placed on a waterborne vessel or barge and received at a second marine terminal in this state. Upon receipt at the second marine terminal the tax is due on the incremental increase in volume of the petroleum product caused by the addition of the substances.

(8) Export credit. A credit is allowed against the tax (~~imposed~~) for any crude oil or petroleum products (~~previously received in a manner subjected to the tax and subsequently~~) exported from or sold for export from the state.

(a) An export credit may be taken by any person (~~exporting~~) who exports or (~~selling~~) sells for export any previously taxed product (~~who has paid the tax on such product to a marine terminal operator or the department. An export credit may also be taken by any person who has purchased previously taxed product and who subsequently exports the product or sells the product for export, provided that such person has been invoiced for and has paid the tax to its seller. Any such invoice must state the amount of the tax passed on to the purchaser and identify the product to which the tax amount relates by type and quantity~~). When the person taking the export credit is not the person who remitted the tax, the proof of payment of tax may be made by information on an invoice that conforms to the requirements set forth in subsection (7)(a) of this rule.

(b) A person exports (~~previously taxed~~) product when (~~they~~) he or she actually transports the product beyond the borders of this state for purposes of sale, or delivers the product to a common carrier for delivery and subsequent sale or use at a point outside this state. Documentation of export is described in (d) of this subsection.

(c) A person sells (~~previously taxed~~) product for export when as a necessary incident to a contract of sale the seller agrees to, and does deliver previously taxed product:

- (i) To the buyer at a destination outside this state;
- (ii) To a carrier consigned to and for transportation to a destination outside this state;
- (iii) To the buyer alongside or aboard a vessel or other vehicle of transportation under circumstances where it is clear that the process of exportation of the product has begun; or
- (iv) Into a pipeline for transportation to a destination outside this state.

In all circumstances there must be a certainty of export evidenced by some overt step taken in the export process. A sale for export will not necessarily be deemed to have occurred if the product is merely in storage awaiting shipment, even though there is reasonable certainty that the product will be exported. The intention to export, as evidenced for example, by financial and contractual relationships does not indicate certainty of export if the product has not commenced

its journey outside this state. The product must actually enter the export stream. Sales of petroleum products by delivery into the fuel tank of a vessel or other vehicle in quantities greater than one hundred gallons will be considered placed into the export stream, provided the vessel or vehicle is immediately destined for a point outside this state and the seller obtains and keeps the documentary evidence provided in (d) of this subsection.

(d) (~~A person claiming credit for sales for export under this subsection (7) must document the fact the product was placed into the export process. This fact~~) A person who takes the credit for export must show that the previously taxed product was exported or sold for export. An export or a sale for export may be shown by obtaining and keeping any of the following documentary evidence:

- (i) A bona fide bill of lading in which the seller is the shipper/consignor and by which the carrier agrees to transport the product to the buyer at a destination outside this state; or
- (ii) A written certification in substantially the following form:

Certificate of Export

I hereby certify that the crude oil or petroleum products specified herein, purchased by or transferred to the undersigned from (seller or transferor), have been received into the export stream and are for export for sale or use outside Washington state. I will become liable for any tax credit granted (seller or transferor) pertaining to any crude oil or petroleum products which are not so exported outside Washington state. This certificate is given with full knowledge of, and subject to the legally prescribed penalties for fraud.

Registration No. Type of Business
 (If applicable)

Firm Name Registered Name
 (If different)

Authorized Signature

Title

Identity of Product
 (Kind and amount by volume)

Date ; or

(iii) Documents consisting of:

- (A) Purchase orders or contracts of sale which show that the seller is required to place the product into the export stream, e.g., "f.a.s. vessel"; and
- (B) Local delivery receipts, tripsheets, waybills, warehouse releases, etc., reflecting how and when the product was delivered into the export stream; and
- (C) When available, records showing that the products were packaged, numbered or otherwise handled in a way which is exclusively attributable to products sold for export.

(e) Only the export or sale for export of crude oil or petroleum products will qualify for the export credit. Crude oil or petroleum products will not be eligible for the export credit if, prior to export, they are subject to further processing or used as ingredients in other compounds unless the resulting products are themselves crude oil or petroleum products.

(f) Crude oil or petroleum products delivered to purchasers in other states pursuant to location exchange agreements will not qualify for the export credit unless the crude oil or petroleum products were previously subject to the tax and credit has not yet been taken. A location exchange agreement is any arrangement where crude oil or petroleum products located in this state are exchanged through an accounts crediting system, or any other method, for like substances located in other states. Any person acquiring previously taxed product in this state for which no credit has been taken may claim a credit on any such product subsequently exported or sold for export, provided all of the requirements set forth in ~~((this))~~ subsections ~~((7))~~ (8) and (9) of this rule have been met.

~~((Example. An oil company enters into a location exchange agreement with a competitor which provides for the delivery of one thousand barrels of petroleum products to a local storage facility owned by the competitor. In exchange for the petroleum products delivered in Washington the competitor delivers one thousand barrels of like petroleum products to the oil company's storage facilities in California. The delivery of petroleum products in California would not constitute an export or sale for export of the products delivered in Washington even though the products are of like quality and quantity. If the competitor delivers products which have been previously subject to the tax and no credit has been taken, the delivery of products in California may qualify for the credit. The subsequent export of the petroleum products received by the competitor in Washington would qualify for the credit if the competitor has been invoiced for and has paid the tax to the exchanging oil company.))~~

(g) Persons claiming this credit must maintain records necessary to verify that the credit taking qualifications have been met. For this purpose any person claiming a credit who maintains those records required by WAC 458-20-19301 (Multiple activities tax credit), subsection (9), will be considered to have satisfied the requirements of this subsection.

~~((8))~~ (9) **Amount of credit.** The amount of the credit will be equal to the tax previously paid ~~((by the person claiming the credit))~~ on the crude oil or petroleum product exported or sold for export and for which credit has not already been taken. In no event will a credit be allowed in excess of the tax paid on the product exported or sold for export.

(a) In the case of a person claiming credit who is not the taxpayer, the credit will be equal to that portion of the tax billed on an invoice which relates to the particular product exported or sold for export.

In order to determine the amount of tax reflected on an invoice which relates to a particular product exported or sold for export, it may be necessary to convert the tax paid from a rate per barrel to a rate per gallon or some other unit of measurement. This conversion is computed by taking the total amount of tax paid on an invoice for a particular product and dividing that figure by the total quantity of the product expressed in terms of the unit of measurement used for export. The credit is then computed by multiplying the converted rate times the quantity of product exported or sold for

export. ~~((In no event will a credit be allowed in excess of the tax paid on the product exported or sold for export.))~~

~~((Due to the fungible nature of crude oil and petroleum products it will sometimes be impossible for a person claiming a credit to determine exactly the rate of tax invoiced for a specific quantity of oil being exported or sold for export. The physical handling of oil or petroleum products requires that products of like kind be stored in bulk. This commingling results in product bearing tax passed on at different rates making it difficult to determine the amount of credit applicable to an export sale. Under such circumstances))~~ When the product exported is previously taxed product commingled with untaxed product, a person claiming the export credit may compute the ~~((tax))~~ amount of previously taxed product using one of the following methods:

(i) First-in, first-out method. Under this method the export credit is computed by treating existing inventory as sold before later acquired inventory.

(ii) Average of tax paid method. Under this method the export credit is determined by calculating the average rate of tax paid on all inventory. This method requires computing the tax by making adjustments in the rate of tax paid on all product on hand as it is removed from or added to storage.

(iii) Any other method approved by the department.

(c) The use of one of the methods set forth in this subsection ~~((8))~~ (9) to account for tax paid on commingled crude oil or petroleum products ~~((shall))~~ constitutes an election to continue using the method selected. Once selected, no change in accounting method ~~((will be))~~ is permitted without the prior consent of the department.

(d) Examples. The following are examples of the way in which the credit is to be computed:

(i) A petroleum products distributor purchases 100 barrels each of premium unleaded gasoline and regular unleaded gasoline. The invoice from the refiner separately states that the invoice includes \$5.00 of tax for each of the two types of products. The distributor pays the invoiced amount and later sells 2,000 gallons of the premium unleaded and 4,000 gallons of the regular unleaded to a retailer located outside Washington. In order to compute the amount of credit on the export sales the distributor must convert the tax paid from barrels to gallons. Since there are 42 US gallons in a barrel and 200 barrels purchased, the number of gallons equals 8400 (42 × 200). The per gallon tax paid on both products is equal to .119 cents per gallon (\$10.00 ÷ 8400). The distributor would be eligible for credit equal to \$2.38 for the premium unleaded (2,000 × \$.00119) and \$4.76 for the regular unleaded (4,000 × \$.00119).

(ii) Example. A petroleum products distributor purchases 100 barrels of unleaded gasoline on which ((it will use to blend with 30 barrels of ethanol to produce gasohol)) the tax has been remitted for a portion. The invoice for the unleaded separately states that the total price includes \$4.00 of tax. This previously taxed product is commingled with 30 barrels of gasoline received through a pipeline, that is, product that is not subject to tax. The distributor ~~((pays the invoiced amount and))~~ sells 2,940 gallons of ~~((gasohol))~~ commingled product to a retailer for sale outside Washington. The tax paid on the ~~((unleaded))~~ previously taxed prod-

uct is equal to .095 cents per gallon ($\$4.00 \div 4200$). Since the exported product has been blended with ((a component)) product that has not been taxed, only 76.9% of the exported product is eligible for credit ($100 \div 130$). The credit ((would be)) is $\$2.15 (2,940 \times .769 \times \$0.0095)$.

(iii) Example. A petroleum distributor purchases 100 barrels of gasoline and receives from the seller an invoice that states that the tax has been paid on 90% of the shipped product. The distributor exports the 100 barrels. The petroleum distributor may claim an export credit of \$4.50. (90% of 100 barrels equals 90 barrels times the tax rate of \$.05 equals \$4.50.)

(iv) Example. A petroleum distributor purchases 100 barrels of unleaded gasoline from refinery A and later purchases 100 barrels from refinery B. The distributor stores all of its unleaded gasoline in a single storage tank. The invoice from refinery A separately states the amount of tax on the gasoline as \$5.00 and the refinery B invoice states the tax as \$4.00. The distributor pays the two invoiced amounts and sells 2,100 gallons of the commingled unleaded to a retailer located outside Washington. The distributor then purchases 100 more barrels of unleaded gasoline from distributor C. Distributor C's invoice separately states the tax as \$3.00. Following payment of the invoice, the distributor exports an additional 2,100 gallons of unleaded. The distributor could choose to calculate the tax using one of the methods of accounting described in (b) of this subsection.

(A) Under the first-in, first-out method the distributor would treat all 4,200 gallons sold as if it was the unleaded gasoline purchased from refinery A. Under this method, the credit would be equal to .119 cents per gallon ($\$5.00 \div 4,200$) or \$5.00 total ($\$.00119 \times 4,200$).

(B) Under the average of tax paid method the distributor would recompute the tax paid on average for the entire commingled amount making adjustments as gasoline is sold or gasoline is added. Prior to the addition of the purchases from refinery B or distributor C, the rate would be .119 cents per gallon ($\$5.00 \div 4,200$). Following the addition of the 100 barrels from refinery B the tank contains 8,400 gallons. The rate of tax would now be .107 cents per gallon ($(\$5.00 + \$4.00) \div 8,400$). Out of this amount 2,100 gallons is exported in the first sale. The credit for this sale would be equal to \$2.25 ($\$.00107 \times 2,100$). ((After the addition of the 100 barrels from distributor C, the tank contains 10,500 gallons (8,400 - 2,100 + 4,200). In order to recompute the tax, the total tax paid on the remaining gasoline after the first sale must be computed. After withdrawal of the 2,100 gallons of unleaded for the first sale, the total tax paid on the remainder would be \$6.74 $((8,400 - 2,100) \times \$.00107)$. The addition of the 100 barrels from distributor C causes the total tax for the stored amount to rise to \$9.74 $(\$6.74 + \$3.00)$. The average rate of tax is now .093 cents per gallon $(\$9.74 \div 10,500)$. The credit for the second export sale would be \$1.95 $(\$.00093 \times 2,100)$.)

~~(9) Credit for use of petroleum products.~~ Effective March 26, 1992, any person having paid the tax imposed by this chapter may claim a refund or credit for the following:

~~(a) The use of petroleum products, as a consumer, for a purpose other than as a fuel. For this purpose, the term consumer shall be defined as provided in RCW 82.04.190; or~~

~~(b) The use of petroleum products as a component or ingredient in the manufacture of an item which is not a fuel.~~

~~(c) The amount of refund or credit claimed may not exceed the amount of tax paid by the person making such claim on the petroleum products so consumed or used.~~

~~(10) How and when to pay tax.~~ The tax must be reported on special return forms prescribed by the department. The tax is due for payment together with the timely filing of the return upon which it is reported, on the twenty-fifth day of the month following the month in which the taxable receipt into storage tanks occurs. In case any offloading commences on the last day of any month and extends past midnight, the receipt will be deemed to have occurred during the following month.

~~(11) How and when to claim credits.~~ Persons who pay tax under a direct payment certificate and persons who are both taxpayers and marine terminal operators should claim credits as an offset against tax liability reported on the same return when possible. The tax return form provides a line for reporting the tax and a line and supporting schedule for taking credits as an offset against the tax reported. Persons claiming credit who are not required to file returns reporting liability for the tax may claim credits on forms provided by the department for this purpose. It is not required that any documents or other evidences of entitlement to credits be submitted with the report. Such proofs must be retained in permanent records for the purpose of verification of credits taken.

~~(12) Sales to United States government.~~ The tax does not apply to the receipt into storage tanks of crude oil or petroleum products owned by the United States government. The United States government is also not required to collect the tax as a marine terminal operator when the United States government owns the facilities where crude oil or petroleum products are received. However, owners of crude oil or petroleum products received and placed into the storage tanks of marine terminals owned by the United States government remain liable for the tax. In such instances the taxpayer is required to report the tax on forms supplied by the department. The tax is due for payment along with a completed return on the twenty-fifth day of the month following the month in which receipt into storage tanks occurred.)

WSR 02-06-037
PROPOSED RULES
GAMBLING COMMISSION
[Filed February 26, 2002, 3:59 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-23-090.

Title of Rule: Charitable/nonprofit organization qualification reviews; amendatory sections WAC 230-08-255 Bona fide charitable or nonprofit organizations—Significant progress required—Procedures—Exception and 230-04-064

Certification procedure—All new licenses—Formal commission approval.

Purpose: Currently, staff perform qualification reviews on Group IV and V charitable and nonprofit organizations each year and present the reviews to the commission each year. Staff will continue to review qualifications each year, however, formal presentations to the commission will be changed from once a year, to once every three years.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Purpose above and Explanation of Rule below.

Reasons Supporting Proposal: See Purpose above and Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Bob Berg, Lacey, (360) 486-3452.

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 also Purpose above.

WAC 230-08-255, several changes are proposed to the current qualification review procedures. First, organizations with pending administrative actions will not come before the commission for a qualification review until the action has been resolved. They would do so after the charges are resolved. Secondly, staff will continue to perform reviews on Group III, IV and V organizations each year; however, Group IV and V commission presentations will occur once every three years, rather than each year. This amendment strengthens the agency's regulatory program by giving staff more time to work with all licensees rather than primarily reviewing the qualifications of larger (Group IV and V) licensees.

WAC 230-04-064, currently, this rule encompasses two separate regulatory processes. First, this rule requires all new applicants for a gambling license to be approved by the commission prior to being issued a gambling license. Secondly, this rule sets forth the qualification review procedures for licensed charitable and nonprofit organizations, operating in Group IV or V. For streamlining purposes, the qualification review process has been moved from this rule to WAC 230-08-255, which contains significant process procedures nonprofit licensees must adhere to. Now all requirements for relating to charitable and nonprofit organizations making progress toward their stated purpose are contained in one rule. Furthermore, the remaining language regarding the initial application approval process has been reworded so it is easier to read.

Proposal Changes the Following Existing Rules: See Purpose and Explanation of Rule 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.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on April 12, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by April 1, 2002, TDD (360) 486-3637, or (360) 486-3447.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, by April 1, 2002.

Date of Intended Adoption: April 12, 2002.

February 25, 2002

Susan Arland

Rules Coordinator

PROPOSED

AMENDATORY SECTION (Amending Order 358, filed 7/15/98, effective 1/1/99)

WAC 230-04-064 Certification ((~~procedure—All~~) of new 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 the request of the director, 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 ser-~~

vice 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) 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.)) **Procedures.**

(1) To determine if an individual, organization, and all other applicants for a gambling license are qualified to hold a license, staff shall:

(a) Investigate the qualifications of each applicant;

(b) Prepare a recommendation for the commission; and

(c) Present the recommendation to the commission at a public meeting.

Additional requirements for charitable organizations.

(2) As part of the review process, bona fide charitable or nonprofit organizations shall clearly demonstrate that progress has been made in meeting its stated purpose(s) in order to be granted the privilege of raising funds from authorized gambling activities.

Formal commission approval.

(3) The commission shall review each application at a public meeting. Each qualified applicant shall be issued the license requested. If the commission does not approve the

application, it shall be returned to staff for further investigation.

AMENDATORY SECTION (Amending Order 393, filed 11/17/00, effective 12/31/00)

WAC 230-08-255 Bona fide charitable or nonprofit organizations—Qualification review—Significant progress required((—Procedures))—Exception. A charitable or nonprofit organization requesting to be certified to conduct gambling activities must demonstrate it has made significant progress toward its stated purposes during the period under review. The following definitions and procedures will apply:

Progress toward stated purpose.

(1) An organization will be deemed to have made progress toward its stated purposes when it:

(a) Complies with all requirements set forth in its bylaws and articles of incorporation;

(b) Actively engages in providing services to the public or its members during the entire period under consideration, and such services directly relate to the stated purposes of the organization;

(c) Has held elections to select officers at least once in the previous two years; and

(d) Has held a general membership meeting to conduct the business of the organization at least once in the previous two years.

Available resources for stated purpose.

(2) An organization's progress towards its stated purpose will be deemed significant when a substantial portion of its available resources are used for providing program services during the period under review.

For purposes of this section, available resources:

(a) Include the income generated by or from the following sources for the period under review:

(i) All net fund-raising activities, including net gambling income;

(ii) Grants, gifts, and contributions from private sources; and

(iii) Public support.

(b) Does not include:

(i) Funds generated in periods other than the period under review;

(ii) Funds that are raised or contributed from outside the organization for purposes of purchasing land or capital assets or to endow future operations when such funds are specifically identified by the board or contributors as restricted and separately recorded in the organization's records;

(iii) Fees paid by members or the public to receive services or to participate in specific activities. Such fees shall be classified as a reduction to both program service and supporting service expenses on a pro rata basis and as a reduction to resources available for providing services in the current period; or

(iv) Net income from the sale of assets.

Groups IV and V - Significant progress.

(3) In addition to the criteria outlined above, any organization requesting to be certified to operate gambling activities at Group IV or V levels, as defined in WAC 230-12-076, shall demonstrate it has made significant progress by providing evidence that:

(a) It has expended at least sixty percent of net gambling income earned in the organization's most recently completed fiscal year on functional expenses to operate the organization's programs. Functional expenses consist of both program and supporting services; and

(b) Available resources were utilized in an efficient manner during the period. Available resources will be deemed to be utilized in an efficient manner when no more than thirty-five percent of total functional expenses are utilized to provide supporting services as defined by WAC 230-02-279: Provided, That if more than fifty percent of total program services expenses was utilized to provide program services through indirect methods (those which are external to the organization) such as grants, contributions, and/or scholarships, then supporting services expenses shall not exceed twenty percent of functional expenses.

Groups III, IV, and V - Formal qualification review.

(4) Any organization requesting to be certified to conduct gambling activities in:

(a) Group IV or V - shall be reviewed by commission staff and every three years a summary of the organization's qualifications shall be prepared and provided to the commission for review at a public meeting. At least one representative from the organization shall be present at the public meeting when the summary of their qualification review is presented; and

(b) Group III - may be reviewed by commission staff at the request of the director. A summary of the organization's qualifications, as required by this subsection, may be prepared by staff and provided to the commission for review.

Gambling income not separate from other income.

~~((4))~~ (5) When an organization does not keep gambling income separate from all other income of the organization, the amount of net gambling income required to provide functional expenses in the year under review shall be the pro rata portion of net gambling income compared to the total net revenue from all sources.

Waivers.

~~((5))~~ (6) An organization that is unable to demonstrate it has made significant progress by complying with the financial standards and procedures set forth elsewhere in this section may request the director to waive all or portions of the requirements. The following requirements and procedures shall be used to evaluate waivers:

(a) In determining whether to grant such a waiver, the director may consider the following:

(i) Whether the organization's inability to comply is temporary and due to unusual circumstances;

(ii) Whether the organization is reserving funds to start or expand specific programs in the future;

(iii) Whether the organization utilizes a substantial amount of capital assets that are not subject to depreciation or amortization to provide program services. Examples are: Fully depreciated building or equipment; fully amortized leasehold improvements; assets which are not normally depreciated such as land used for athletic fields, riding areas, parks, etc.; and

(iv) Whether the organization conducts a substantial portion of its services through volunteers.

(b) In order for the director to consider a waiver, the organization shall meet the following requirements:

(i) The organization's board shall acknowledge in writing that they are aware of the circumstances, have taken steps to correct the situation which prevented compliance, and have approved a plan that addresses delivery of program services in the future; and

(ii) The organization must expend at least twenty-five percent of its net gambling income to provide program services in the current period; however, the purchase of nondepreciable assets for program purposes may be considered as part of this percentage.

(c) The director will provide the licensee a hearing pursuant to WAC 230-50-010(6), if a waiver will be denied.

WSR 02-06-038

PROPOSED RULES

GAMBLING COMMISSION

[Filed February 26, 2002, 4:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-23-091.

Title of Rule: Manufacturer/distributor credit, amendatory sections WAC 230-12-330 Availability of gambling equipment and related products and services—Prices—Contracts—Discounts—Restrictions—Expectations, 230-12-340 Sale of gambling equipment, devices, supplies, paraphernalia, and related services—Credit prohibited—Exceptions, and 230-30-106 Punchboard and pull-tab flares restrictions—Standards—Substitute flares.

Purpose: To restructure procedures regarding manufacturers which hold a trade account with a gambling equipment distributor, who is delinquent with payments. And to allow special pricing transactions to be made over a period of seven consecutive days, rather than only one day.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: WAC 230-12-340, currently, if a distributor is late making payments toward a trade account with a manufacturer, the manufacturer notifies agency staff. Staff sends letters to all manufacturers notifying them that the distributor is delinquent and any sales to such distributor shall be made on a cash basis only. Frequently, after the notice of delinquency is sent by staff, the delinquent account is immediately brought current. Staff distribute a second notice to manufacturers that sales to the distributor no longer need to be on a cash basis only. This process requires significant time and

paperwork by staff. The proposed amendment requires the manufacturer holding a delinquent distributor account to notify other manufacturers that a distributor is delinquent with payments, rather than staff distributing the notice. Manufacturers will still be required to make sales on a cash basis only to the delinquent distributor, until the account is brought current. The manufacturer holding the delinquent account will then notify other manufacturers when the account is brought current, rather than staff distributing the notice.

Reasons Supporting Proposal: See Purpose and Summary above and Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Bob Berg, Lacey, (360) 486-3452.

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: Also, see Purpose and Summary above.

WAC 230-12-330, this rule requires manufacturers and distributors to sell gambling products and services for the same price and terms to all licensees wishing to make a purchase. Products and services may be sold at a discount when certain procedures, as set forth in this rule, are followed. Currently, discounts are only allowed on a single transaction and cannot be given over a period of time. The proposed amendment would allow for special pricing transactions to be made over a period of seven consecutive days. This would be accomplished via blanket orders, which could be released and invoiced at different intervals during a seven-day period. The proposed amendment allows greater flexibility for licensees choosing to offer discounts.

WAC 230-30-106, currently, merchandise prizes are assigned winning numbers consecutively, starting with the highest value prize being assigned the lowest available winning number. This requirement will stay the same; however, language was added to clarify that prizes shall be numbered consequently, *in order of value*. This will ensure consistency in accounting procedures among licensees and make auditing these games easier for staff.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Explanation of Rule 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.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on April 12, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by April 1, 2002, TDD (360) 486-3637, or (360) 486-3447.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, by April 1, 2002.

Date of Intended Adoption: April 12, 2002.

February 25, 2002

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-08-011, filed 3/18/98, effective 7/1/98)

WAC 230-12-330 Availability of gambling equipment and related products and services—Prices—Contracts—Discounts—Restrictions—Exceptions. Manufacturers and distributors shall make their products and services available to all licensees without discrimination. Except as authorized by this section, gambling equipment, devices, related paraphernalia or supplies, and services shall be offered to any licensee wishing to purchase such, for the same price and terms. The following restrictions, procedures, and exceptions apply to prices and terms related to sales of gambling-related products or services:

((*What are the restrictions on prices of gambling products and services?*)) **Pricing shall be consistent - exceptions.**

(1) **Discriminatory prices are prohibited.** Prices are considered discriminatory when identical or similar items or services are offered to different persons for a different price or under different terms or conditions: Provided, That prices set under the following criteria shall not be considered discriminatory:

(a) **Prices that are established in advance** and available for review by the commission and customers prior to accepting a sales order utilizing such. For purposes of this section, prices are deemed to be established and available when they have been mailed or transmitted by facsimile to the commission at least forty-eight hours prior to completing sales transactions or accepting orders for products or services;

(b) **Separate and different price schedules** established by manufacturers or distributors for transactions conducted with licensees at different marketing levels when such prices are progressively lower at each marketing level above the operator level;

(c) **Prices that are based upon the delivery location** of an item or service. If the price of an item or service is based upon "free on board" (FOB) terms at a specific location, such price may be varied based upon delivery at a different location, if such is justified by objective evidence. The burden of proof regarding such price differentiation is borne by the seller. Such prices are subject to all other requirements of this section; and

(d) **Short-term price reductions or "sales"** by manufacturers or distributors are authorized when every licensee is afforded an opportunity to participate. For purposes of this section licensees will be deemed to have been afforded an opportunity to participate when:

(i) All prices and terms are clearly posted at all sales outlets for the benefit of operators and provided to all customers serviced by mobile sales representatives;

(ii) Manufacturers provide full details of the sale to all licensed distributors, including prices and terms, at least

forty-eight hours prior to accepting orders for products or services being offered at a sale price. Such notice shall be by mail or telephone facsimile; and

(iii) Any limitations or conditions of the sale are clearly stated in advertisements or notices for such sale.

~~((Can licensees enter into contracts that either require or restrict use of gambling-related products or services?))~~ **Contracts restricting sales not allowed.**

(2) Except as set forth in WAC 230-12-230, licensees shall not enter into contracts that directly or indirectly restrict the distribution or use of gambling equipment, devices, paraphernalia, supplies, or services: Provided, That holders of proprietary rights to products or services that have been gained through patents, copyrights, trademarks, or other similar rights bestowed by state or federal law or by courts shall be allowed to enter into license agreements with manufacturers that restrict the ability to manufacture or distribute products or services if all other requirements of this section are met. The following transactions are prohibited:

(a) An operator or distributor shall not agree to deal in, purchase, sell, lease, or operate any particular brand or brands of gambling device or equipment to the exclusion of any other brand of gambling device or equipment;

(b) A manufacturer or distributor, or licensed representative or employee thereof, shall not sell or offer to sell, lease, or loan any gambling-related product, service, or merchandise if such is contingent upon the purchase or order of another product, service, or merchandise; and

(c) Except as set forth in this subsection, no person shall enter into any agreement, express or implied, that prohibits a person from selling or providing any gambling-related product or service within a particular geographic area: Provided, That -

(i) Licensed manufacturers, distributors, and service suppliers may enter into such agreements with its licensed representative; and

(ii) An operator may enter into an agreement with a licensed service supplier that is supplying only management or consulting services when such agreement only restricts the service supplier from supplying the same or similar services to other operators within a specified geographic area.

~~((Are discounts allowed?))~~ **Discounts.**

(3) Manufacturers and distributors may offer discounts of base prices that are authorized by this section when such discounts are nondiscriminatory. For purposes of this title, discounts will be deemed to be nondiscriminatory when:

(a) Offered to all licensees on the same terms;

(b) The scheme upon which the discount is based is in writing and submitted to the commission at least forty-eight hours prior to being offered;

(c) The discount applies ~~((only to a single sales transaction and does not relate to a level of sales made over a period of time))~~ to multiple sales transactions, which are made over a period of time not to exceed one week. For purposes of this section, one week shall be defined as seven consecutive days; and

(d) The level of a discount is based only upon any of the following criteria:

(i) The amount of product sold or the dollar value of the sale;

(ii) Whether the purchaser makes full payment in cash at time of sale;

(iii) Whether the purchaser makes final payment for a transaction within a predetermined time period for sales made under "trade account" terms; and

(iv) Any other structure or terms, subject to preapproval by the director. The manufacturer shall pay for the approval process and any additional requirements necessary to assure compliance with this section.

~~((Can manufacturers or distributors elect to limit their sales to a specific market level?))~~ **Limiting sales to specific market levels.**

(4) A licensed manufacturer or distributor may elect to limit sales of products and services to licensees at any marketing level. For purposes of this section, marketing levels are defined as manufacturer, distributor, and operator. If a manufacturer or distributor elects to make sales to any licensee at a marketing level, sales must be made to all licensees at the same level: Provided, That if the distributor is in violation of WAC 230-12-340, the manufacturer shall not be required to make sales to that distributor: Provided further, That transactions between a manufacturer and distributor, when both are owned and operated by the same persons, are considered internal to that business. For purposes of this section, internal transactions are not considered sales at a different marketing level. All other restrictions of this section apply to such sales. For example:

(a) A licensed manufacturer may elect to sell or provide products and services only to distributors; or

(b) A licensed distributor may elect to sell or provide products and services only to operators.

~~((Can manufacturers or distributors establish minimum purchase requirements?))~~ **Minimum purchasing requirements not allowed - exceptions.**

(5) Manufacturers or distributors shall not set minimum purchase requirements for any product or service, except as authorized below:

(a) Minimum purchase requirements are not allowed for purchases made under prepaid or cash on delivery (COD) terms: Provided, That manufacturers may establish and charge a reasonable fee for services to handle an order for products or services below a specified level, if such policy is in writing and provided to distributors prior to accepting orders;

(b) Minimum purchase restrictions may be set for transactions between manufacturers and distributors that are conducted using trade account terms, as authorized by WAC 230-12-340;

(c) Discounts may be set based upon a minimum purchase amount as authorized by subsection (3) of this section; and

(d) Minimum purchase restrictions may be placed on products being offered for a bargain or "sale" price if a bar-

gain or "sale" price is established for any and all levels of purchases under such terms.

((Are there restrictions on the sale of nongambling products or services sold to licensees by manufacturers or distributors?)) **Sales of nongambling products and services.**

(6) A manufacturer or distributor shall not grant licensees, nor shall such licensees accept, more favorable prices, credit terms, or other arrangements than those extended to nonlicensed persons purchasing identical or similar nongambling goods or services. The price of nongambling goods or services sold to licensees shall be in conformity with the open market price in the locality where sold. The terms of such sales shall not exceed those normally granted in accordance with the customary business practice of the particular trade in the locality where such sales are made.

((Do the restrictions set forth in this section apply to class III transactions?)) **Transactions with tribal casinos.**

(7) This section shall not apply to transactions conducted with tribal governments operating class III casinos under tribal/state compacts or with management companies operating such casinos on the behalf of tribal governments.

AMENDATORY SECTION (Amending Order 365, filed 10/9/98, effective 1/1/99)

WAC 230-12-340 Sale of gambling equipment, devices, supplies, paraphernalia, and related services—Credit prohibited—Exceptions. The use of credit in the sale of gambling equipment, devices, related supplies or paraphernalia, and services is prohibited. Except as authorized by this section, all sales of such shall be transacted on a cash basis. The following definitions, restrictions, and procedures apply to this section:

(1) *((For purposes of this section;))* **All licensed manufacturers and distributors may sell gambling equipment such as dispensers, bingo blowers, roulette wheels, etc., and gambling-related support equipment through capital lease agreements or other financing arrangements to operators subject to the following conditions and requirements:**

(a) The cost of a single item, or group of similar and related items included in the sale, exceeds one thousand dollars;

(b) The term of the contract does not exceed forty-eight months;

(c) All terms of the contract are in writing and copies of such agreements are provided to the commission within thirty days of execution;

(d) The manufacturer or distributor retains only a security interest in the item sold and cannot obtain any ownership interest in the licensee, or exercise any control over the use of the item in the licensed activity;

(e) The amount of payments is not based on the size or level of gambling activity and is determined by use of a standard amortization schedule for the term and stated interest rate;

(f) The interest rate charged by the contract is set at the time of sale and does not vary during the term of the contract; and

(g) The contract does not require the purchaser to directly or indirectly purchase any other products or services from the seller.

Definitions.

(2) The following definitions only apply to subsections (3) through (9) of this section:

(a) "Manufacturers and distributors" refers only to the manufacturers and distributors of pull-tabs, punch boards, and bingo supplies.

(b) A "cash basis" means full payment is received by the seller on or before actual delivery of the product or service to the purchaser;

~~((b))~~ (c) A "trade account" is a payment system that allows distributors to place orders for inventory or services from manufacturers or distributors and to make payment for such within a specific period of time after shipment of the product or completion of the service;

~~((e))~~ (d) "Prescribed time period" is the maximum period of time a distributor has to pay for purchases of goods or services made under trade account terms prior to being restricted to cash basis terms. The time period begins when a product is shipped or service completed and ends on the date payment is actually delivered to the manufacturer or distributor, or if delivered by the U.S. mail, the U.S. postmark date of the envelope containing the payment. For purposes of this section, prescribed time period means no later than sixty days after shipment of the products or completion of the services ~~((for all sales made on or after January 1, 1998)).~~

Authorized transactions.

~~((2))~~ (3) For purposes of this WAC title, the following transactions are authorized and shall not be deemed as credit or loans of money when applicable requirements are met:

(a) Purchases of goods and services from manufacturers or distributors when paid for by checks that meet the requirements of WAC 230-12-350;

(b) Purchases of goods or services by distributors from manufacturers or other distributors when utilizing trade account terms and the requirements of subsection ~~((3))~~ (4) of this section are followed;

(c) Promissory notes between manufacturers and distributors for payment of debts incurred prior to the effective date of this section ~~((when such notes are issued under the conditions set forth in this section));~~

(d) Purchases made under capital lease agreements when the requirements of this section are followed;

(e) All transactions between manufacturers or distributors and tribal governments or companies certified to manage class III gambling activities operated under a tribal/state compact are exempt from all provisions of this section;

(f) Charitable or nonprofit organizations licensed to conduct bingo may purchase bingo cards and bingo supplies from distributors and/or manufacturers and receive such without making immediate payment if payment is made, by check or cash, no later than thirty days after delivery of the

product. If the distributor or manufacturer does not receive payment within thirty days, they must immediately restrict the licensee to sales on a cash on delivery basis until payment is received. Licensees paying for bingo supplies on terms other than a cash basis must document on the purchase invoice the date paid and the check number; and

(g) The sales of nongambling equipment, fixtures, supplies, or commodities to licensees are exempt from all provisions of this section when the requirements of WAC 230-12-330 are met.

Trade account conditions.

~~((3))~~ (4) Manufacturers and distributors may allow distributors to establish "trade accounts" to purchase gambling-related inventory or services without making immediate payment under the following conditions:

(a) Trade account terms, if offered to any distributor, shall be made available to all distributors without discrimination: Provided, That trade accounts may be restricted to distributors that:

(i) Meet objective credit criterion established by a manufacturer or distributor. Such criterion must be in writing, available to the commission for review, and provided to any distributor upon request. A manufacturer or distributor may include a distributor's payment history as a part of the trade account approval criterion;

(ii) Meet minimum purchase requirements established by the manufacturer: Provided, That the minimum purchase requirement shall not be greater than five hundred dollars per transaction;

(b) Trade account terms shall not allow a manufacturer or distributor to gain any ownership or financial interest in a licensee. This section is not intended to prohibit or restrict a manufacturer or distributor from gaining a security interest in inventory sold for credit, as authorized by the Uniform Commercial Code: Provided, That this section shall not allow a manufacturer to obtain an interest in inventory sold by any other manufacturer under trade account terms;

(c) A distributor shall make full payment for all goods or services purchased under trade account terms within the prescribed time period. Failure to pay within the prescribed time period may be deemed solicitation of credit by the distributor.

Procedures for past due accounts - notification and sales restrictions.

~~((4))~~ (5) When a distributor fails to pay for goods or services purchased under trade account terms within the prescribed time period, the creditor manufacturer or distributor shall comply with the procedures set forth below. Failure to comply with these procedures may result in the manufacturer or distributor being deemed to have extended credit to the distributor. The following procedures must be followed when a distributor fails to make required payments:

(a) Notify the delinquent distributor (~~and the commission~~) of failure to pay by telephone no later than the end of the next business day;

(b) Restrict sales of all goods and services to the delinquent distributor no later than the end of the third business

day after the default: Provided, That sales may be made to a delinquent distributor on a cash basis only;

(c) Notify the commission and all licensed manufacturers and distributors in writing by letter, facsimile or e-mail no later than the end of the fifth business day after default. Written notification shall include at least the following:

(i) The distributor's name;

(ii) The invoice or shipping order numbers involved in the transaction;

~~(iii) (The dollar amount of the delinquent account;~~

~~(iv))~~ The date the item was shipped or service was provided; and

~~((v) A statement of whether the distributor has filed a complaint regarding billings and whether the amount owed is in dispute;~~

~~(vi) Any agreements between the parties to clear the debt, including terms, payment schedule, and any third party guarantors of the debt;~~

~~(vii) The interest rate or service charge, if such is charged;~~

~~(viii) Whether a security interest in the inventory or any other assets of the licensed distributor or individual owners of the distributor has been obtained or is in effect; and~~

~~(ix) Any other information requested by the commission.~~

(5) If the director does not receive notice that the debtor distributor has corrected the conditions which caused the default prior to the end of the seventh business day after initial notice was received, all licensed manufacturers and distributors will be notified that such distributor has been restricted to cash basis terms. Initial notification shall be by telephone or facsimile on the next business day, followed by written notification within ten days. The manufacturer or distributor shall immediately notify the commission by telephone or facsimile upon receipt of payment. If notified prior to the end of the seventh business day after initially notifying the commission, the director will stop all proceedings and allow the reporting manufacturer or distributor to continue trade account terms without taking further action.

(6) Upon receipt of notification from the commission that a distributor has been restricted, manufacturers and distributors shall immediately cease sales, shipments of products, and providing of services to the delinquent distributor on other than a cash basis.

(7) Any distributor that has been restricted by the director under this section shall remain restricted until all delinquent accounts with any reporting manufacturer or distributor are current and the director has been notified of such. The director shall utilize the following guidelines and procedures for removing trade account sales restrictions:

(a) First delinquent payment within a calendar year—The director shall notify all manufacturers by telephone or facsimile no later than the next business day after receiving notification that a delinquent distributor is current and that trade account sales may continue. Written notification shall be made within ten days; or

(b) Second and subsequent violations within a calendar year—The director may restrict a distributor to a cash basis for a period not to exceed sixty days beginning on the date of notification that a delinquent distributor is current. In this event, the director shall notify the delinquent distributor and

all manufacturers and distributors in writing of the date when trade account terms may be continued:

~~(8) Gambling related products or services purchased by distributors prior to January 1, 1998, shall be paid in full no later than March 31, 1998. Any distributor failing to comply with this requirement shall be restricted to making purchases on a cash basis until all such accounts are paid in full. The director shall utilize the procedures set forth in subsections (5), (6), and (7) of this section to impose or remove restrictions imposed under this subsection: Provided, That creditor manufacturers and distributors may convert amounts owed by distributors at January 1, 1998, into a promissory note utilizing the procedures and restrictions set forth in this section.~~

~~(9) Manufacturers and distributors who elect to convert amounts owed from distributors at the effective date of this section to a promissory note shall utilize the following procedures and restrictions:~~

~~(a) Written notification of conversion to a promissory note, including a copy of such note, must be received by the commission no later than March 31, 1998;~~

~~(b) The promissory note shall not grant the manufacturer the ability to influence the management of the distributor's business: Provided, That in the case of legal bankruptcy, the terms and conditions of a bankruptcy order shall govern;~~

~~(c) The promissory note shall amortize the balance owed over a certain period that does not exceed sixty months;~~

~~(d) Manufacturers or distributors electing to grant promissory notes authorized by this section shall make such provisions available to all distributors with outstanding balances at the effective date of this section under the same conditions and terms;~~

~~(e) Terms of the promissory note shall require the following:~~

~~(i) Minimum monthly payment of the principal;~~

~~(ii) Interest rate, if any is imposed;~~

~~(iii) Full description of all collateral; and~~

~~(iv) Adequate details of the procedures to be followed for late payments and/or default;~~

~~(f)) (iv) Any other information requested by the commission.~~

Cash only sales to delinquent distributors.

(6) Upon receipt of notification from the manufacturer that a distributor has a delinquent account, manufacturers and distributors shall immediately cease sales, shipments of products, and providing services to the delinquent distributor on other than a cash basis.

Notification of payment on past due accounts.

(7) The manufacturer shall notify the commission and all manufacturers and distributors in writing by letter, facsimile or e-mail, no later than the next business day after receiving payment from the delinquent distributor for the outstanding account. Trade account sales may then resume with all manufacturers.

(8) The distributor that was placed on a credit hold shall notify the commission in writing by letter, facsimile or e-mail, no later than the next business day after payment has

been made to the manufacturer in which they were delinquent.

Failure to pay promissory notes.

~~(9) A creditor manufacturer or distributor shall immediately notify the commission if a distributor fails to abide by the terms of the promissory note and the process being pursued to correct the situation. ((The director may, depending upon circumstances, impose restrictions set forth in subsections (5), (6), and (7) of this section on purchases under trade account terms for the delinquent distributor.~~

~~(10) Licensed manufacturers and distributors may sell gambling equipment such as dispensers, bingo blowers, roulette wheels, etc., and gambling related support equipment through capital lease agreements or other financing arrangements to operators subject to the following conditions and requirements:~~

~~(a) The cost of a single item, or group of similar and related items included in the sale, exceeds one thousand dollars;~~

~~(b) The term of the contract does not exceed forty eight months;~~

~~(c) All terms of the contract are in writing and copies of such agreements are provided to the commission within thirty days of execution;~~

~~(d) The manufacturer or distributor retains only a security interest in the item sold and cannot obtain any ownership interest in the licensee, or exercise any control over the use of the item in the licensed activity;~~

~~(e) The amount of payments is not based on the size or level of gambling activity and is determined by use of a standard amortization schedule for the term and stated interest rate;~~

~~(f) The interest rate charged by the contract is set at the time of sale and does not vary during the term of the contract; and~~

~~(g) The contract does not require the purchaser to directly or indirectly purchase any other products or services from the seller.))~~

AMENDATORY SECTION (Amending Order 402, filed 6/19/01, effective 7/20/01)

WAC 230-30-106 Punch board and pull-tab flares restrictions—Standards—Substitute flares. The following restrictions, standards, and procedures apply to the use of flares and substitute flares:

Only manufacturers to produce flares - exception.

(1) Except as set forth in subsection (6) of this section, the flare advertising prizes available from the operation of any punch board, or any series of pull-tabs, shall be made by the manufacturer only and shall not be altered by any operator or distributor;

One flare per game.

(2) No person shall place or have out in public view more than one flare advertising the prizes available from the operation of any punch board, or from any series of pull-tabs;

Displaying flares.

(3) Flares shall be placed as follows:

(a) Only upon the upper face, or on the top of any punch board; or

(b) In plain view and in the vicinity of any pull-tab dispensing device or container. If the flare is not attached to the dispensing device or container, a numerical or alphabetical reference shall be included directly on the flare and dispensing device or container clearly indicating which flare corresponds to which series.

Standards for flares.

(4) Flares shall meet the following standards:

(a) Flares must clearly set out each of the prizes available and the numbers or symbols which win each prize. For progressive jackpot series, the progressive jackpot meter board shall be considered a supplement to the flare. Reference to such shall be made on the flare;

(b) Flares must set out the winning numbers or symbols for prizes of over twenty dollars in cash, or merchandise worth more than twenty dollars at retail, in such a manner that each may be easily and clearly deleted or marked off as each prize is won and awarded. For the purposes of this subsection the retail value of a merchandise prize shall be the amount actually paid by the licensed operator plus fifty percent of that actual cost;

(c) The cost to the player for each punch or pull-tab shall be clearly posted on the flare;

(d) The manufacturer shall clearly set out on the flare the series number assigned to that punch board or pull-tab series by the manufacturer. For pull-tab series, this number shall be clearly displayed on the face of the flare. This series number shall not be altered by the distributor or operator;

(e) The flare shall contain the Washington state identification and inspection services stamp number assigned to the board or series, as required by WAC 230-08-017;

(f) For pull-tab series, the total number of pull-tabs originally in the series shall be clearly disclosed on the face of the flare. ~~((Effective July 1, 1997,))~~ The following flares shall prominently display the ticket count in one-half inch size lettering on the flare;

(i) Any newly designed flare;

(ii) Any previously designed flare for pull-tab series with a ticket count over six thousand, which has not yet been packaged;

(g) Flares must contain the manufacturer of the board or series. A stamp, seal, or label which identifies the manufacturer may be substituted if the commission has been informed of such prior to its use.

Bonus pull-tab flares.

(5) Additional standards for bonus pull-tab flares:

(a) The manufacturer shall develop and use at least twenty-five different versions of flares (face sheets) for each form number of a bonus series. Flares which contain prizes that are determined after the player receives the corresponding winning chance shall be constructed so that it is impossible to determine the prizes prior to removing the prize covering, in any manner or by any device. Face sheets shall be uti-

lized in such a manner so as to ensure random distribution during the manufacturing and packing process;

(b) The middle or advance level shall be labeled with the term "ADVANCE SECTION" with a minimum one-quarter inch size lettering;

(c) The top tier level shall be labeled with the term "BONUS SECTION" with a minimum one-quarter inch size lettering;

(d) The number of winners which could be awarded in the top tier level shall be clearly noted on the flare with a minimum three-eighths inch size lettering. In addition, the number of winners and the number of advances in each advance level shall be clearly displayed;

(e) All prizes for each advance and bonus level shall be clearly displayed so that only the winners within the possible combinations are shown. Where applicable, the word "OR" shall be used to illustrate the possible combinations in which the bonus prizes can be won. Duplicate references to prizes shall not be shown on the flare.

Substitute flares.

(6) A substitute flare may be utilized on punch boards or pull-tabs, unless otherwise restricted by commission rules, provided all the requirements of this subsection are met:

(a) Distributors may apply manufacturer-produced substitute flares to punch boards and pull-tab series;

(b) Licensed operators or distributors may make and use substitute flares on punch boards and pull-tab series which offer merchandise or combination merchandise-cash prizes.

(c) The responsibility for ensuring the substitute flare meets the requirements set forth in this section shall rest with the manufacturer, distributor, or operator who changes the original flare and attaches the substitute flare.

(d) All substitute flares must comply with the requirements of subsections (4) and (5) of this section;

(e) All substitute flares shall have the Washington state identification and inspection services stamp number and series number assigned to the punch board or pull-tab series permanently recorded in ink on the face of the substitute flare;

(f) The original manufacturer's flare shall be permanently defaced so it is unusable and the substitute flare shall be attached to the original manufacturer's flare so that the original Washington state identification and inspection services stamp and series number can be accessed for inspection;

(g) For flares converted from cash prizes to combination merchandise-cash prizes, at least fifty percent of the total value of prizes offered shall be merchandise; and

(h) Substitute flares which offer merchandise, or combination merchandise-cash, must utilize numbers, not symbols, to denote winners. ~~((The winning numbers on the substitute flare shall be selected from the winning numbers on the flare made by the manufacturer, or from the optional numbers placed on the back of the board by the manufacturer. Prizes must be assigned to the winning numbers consecutively, starting with the highest value prize being assigned the lowest available winning number.))~~ The substitute flare shall be constructed as follows:

(i) Winning numbers shall be selected from the flare made by the manufacturer, or from the manufacturer's designated winning numbers on the punch board;

(ii) The highest valued prize(s) shall be assigned to the lowest available winning number(s); and

(iii) The second highest valued prize(s) shall be assigned to the next lowest available winning number(s) and shall be repeated until all prizes are consecutively assigned winning numbers, based on their value: Provided, That if the substitute flare is made by a licensed distributor, the winning numbers may be selected sequentially from the original flare made by the manufacturer.

Happy hour pull-tab games.

(7) In addition to prizes established by manufacturers, pull-tab licensees may increase prizes or add additional prizes to punch boards or pull-tab series under the following conditions:

(a) Such prizes shall be cash or merchandise;

(b) The manufacturer's flare shall not be changed;

(c) Full details of the prizes, including requirements to qualify, shall be disclosed to players by means of an additional sign or notice that is permanently attached to the manufacturer's flare;

(d) The increase or additional prizes must be added to every prize that is within a tier or section of the flare;

(e) Documentation regarding all additional prizes shall be stapled or otherwise permanently attached to the winning punch or pull-tab for which such a prize is awarded. Minimum documentation shall include a description of the prize awarded and the name of the winner; and

(f) Bona fide charitable or nonprofit organizations shall limit games authorized in subsection (7) of this section to only one game in play at any point in time.

WSR 02-06-040

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 00-26—Filed February 27, 2002, 11:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-21-047.

Title of Rule: Floodplain management regulations, chapter 173-158 WAC.

Purpose: Current statutes do not allow the reconstruction of farmhouses or other residential structures if they are substantially damaged and are located within the regulatory floodway. As directed by the legislature through ESHB 1963 and ESHB 2934, ecology is amending the floodplain management regulations, chapter 173-158 WAC, to provide a process through which a waiver to the reconstruction prohibition can be provided as a recommendation to the local permitting authority.

Other Identifying Information: Under certain circumstances, described in the proposed rule change, reconstruction or replacement of substantially damaged farmhouses and

other residential structures may be allowed, even when they are located in the regulatory floodway.

Statutory Authority for Adoption: Chapter 86.16 RCW.

Statute Being Implemented: Chapter 86.16 RCW.

Summary: This rule change allows for the replacement of substantially damaged structures in the regulatory floodway under specific circumstances.

Reasons Supporting Proposal: This action is required pursuant to ESHB 1963 and ESHB 2934.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tim D'Acci, Headquarters, 407-6796.

Name of Proponent: Department of Ecology.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The department agrees with these negotiated rule changes.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Under the current regulations contained in the chapter 173-158 WAC, no reconstruction or replacement of a substantially damaged residential structure located in the floodway is allowed. This rule amendment would allow, under specific circumstances, the replacement residential structure located in the floodway is allowed. This rule amendment would allow, under specific circumstances, the replacement of either a farmhouse residence or an "other residential structure" in the floodway, provided the state and federal rules addressing such construction are met. This replacement or reconstruction would only be allowed when no other alternative is available, and the floodway characteristics are such that they present a minimal threat to safety.

Proposal Changes the Following Existing Rules: These changes are required by ESHB 1963 and ESHB 2934. See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.025 provides that a small business economic impact statement is not required for adoption of a rule described in RCW 34.05-310(4). RCW 34.05.310 (4)(b) applies to this case in that the proposed rule relates only to the Department of Ecology and local governments. RCW 34.05.310 (4)(e) also applies in that the proposed amendments to chapter 173-158 WAC are explicitly dictated by statute. See RCW 86.16.041 (3) through (5) for provisions relating to repair or replacement of farmhouses and other residential structures in floodways and for the development of assessment procedures and criteria required to implement subsections (3) and (4).

RCW 34.05.328 does not apply to this rule adoption. This proposal is exempted from the requirements of RCW 34.05.328 by subsections (5)(b)(ii) and (v). These subsections provide for exemptions for rules relating to internal government operations and for rules explicitly dictated by statute. See paragraph above.

Hearing Location: Walter Hall, 1226 West Casino Road, Everett, WA, on April 17, 2002, at 6:30 p.m.; and at the Yakima Valley Doubletree Hotel, 1507 North 1st Street, Yakima, WA, on April 18, 2002, at 6:30 p.m.

Assistance for Persons with Disabilities: Contact Mary Lynum by April 12, 2002, (360) 407-6908.

Submit Written Comments to: Scott McKinney, SEA Program, P.O. Box 47600, Olympia, WA 98504-7600, or e-mail smck461@ecy.wa.gov, fax (360) 407-6902, phone (360) 407-7297. Comments must be postmarked before April 25, 2002.

Date of Intended Adoption: June 28, 2002.

February 26, 2002

Linda Hoffman

Deputy Director

AMENDATORY SECTION (Amending WSR 90-21-089, filed 10/19/90, effective 11/19/90)

WAC 173-158-030 Definitions. For the purposes of this chapter the following definitions shall apply:

((1)) "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "one hundred year flood."

((2)) "Best available information" means in the absence of official flood insurance rate map data, communities can use data from other federal, state, or other sources provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

((3)) "Designated floodway" means the regulatory floodway which has been delineated on the flood insurance rate map (FIRM) or the flood boundary/floodway map (FBFM) of a community's flood insurance study and is included in the community's flood damage prevention ordinance.

((4)) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, extraction or drilling operations or storage of equipment or materials.

"Dwelling" means one or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling's occupants.

"Encroachment" means any alteration or development within the regulatory floodway that would result in any increase in flood levels during the occurrence of the base flood discharge.

"Farmhouse" means a single family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

((a)) The overflow of inland or tidal waters; and/or

((b)) The unusual and rapid accumulation of runoff of surface waters from any source.

((5)) "Flood insurance rate map (FIRM)" means the official map on which the federal insurance administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

((6)) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

((7)) "New construction" means structures for which the "start of construction" commenced on or after the effective date of the local ordinance.

((8)) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or any agency of the state or local governmental unit however designated.

((9)) "Replacement residential structure" means a residential structure built as a substitute for a previously existing residential structure of equivalent use and size.

"Residential structure" means a place in which one lives: Dwelling.

"Special flood hazard area" means an area subject to a base or one hundred year flood; areas of special flood hazard are shown on a flood hazard boundary map or flood insurance rate map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, or V.

((10)) "Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground. Manufactured homes are considered structures.

((11)) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

~~((12)) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:~~

~~(a) Before the improvement or repair is started; or~~

~~(b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

~~The term does not, however, include either:~~

~~(i) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or~~

~~(ii) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.~~

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((13)) "Substantial damage" means damage of any origin sustained by a structure where the cost of restoring the structure to its before damage condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement or building official and are the minimum necessary to assure safe living conditions; or

- Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

((14)) "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands have one or more of the following three attributes: ((a)) At least periodically, the land supports predominantly hydrophytes; ((b)) the substrate is predominantly undrained hydric soil; and ((c)) the substrate is non-soils and is saturated with water or covered by shallow water at some time during the growing season of each year.

AMENDATORY SECTION (Amending WSR 90-21-089, filed 10/19/90, effective 11/19/90)

WAC 173-158-070 Additional floodway requirements. The following additional state requirements are established in accordance with RCW 86.16.041.

(1) Special flood hazard areas with designated floodways. In addition to those NFIP requirements for designated floodways, communities with designated floodways shall restrict land uses within such areas to include the prohibition of construction or reconstruction of residential structures except for: (a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (b) repairs, reconstruction, or improvements to a structure the cost of which does not exceed fifty percent of the market value of the structure either (i) before the repair, reconstruction, or improvement is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes ((or to structures identified as historic places)) which have been identified by the local code enforcement or building official and are the minimum necessary to assure safe living conditions shall not be included in the fifty percent determination in (b) of this subsection. A residential dwelling located partially within a designated floodway will be considered as totally within a designated

floodway and must comply with this chapter. However, the floodway prohibition in this subsection does not apply to existing farmhouses in designated floodways that meet the provisions of WAC 173-158-075, or to residential dwellings other than farmhouses that meet the depth and velocity and erosion analysis provisions of WAC 173-158-076, or to structures identified as historical places.

(2) Special flood hazard areas without designated floodways. When a regulatory floodway for a stream has not been designated, the community may require that applicants for new construction and substantial improvements reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3 (b)(3) and (4), and (c)(10) of the NFIP regulations.

NEW SECTION

WAC 173-158-075 Existing farmhouse standards.

Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and which are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 shall be permitted subject to the following:

(1) The new farmhouse is a replacement for an existing farmhouse on the same farm site;

(2) There is no potential safe building site for a replacement farmhouse on the same farm site outside the designated floodway;

(3) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;

(4) A replacement farmhouse shall not exceed the total square footage of encroachment of the structure it is replacing;

(5) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;

(6) For substantial improvements, and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum one foot higher than the base flood elevation;

(7) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;

(8) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and

(9) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

NEW SECTION

WAC 173-158-076 Substantially damaged residential dwellings other than farmhouses. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the department, at the request of the local government, is authorized to assess the risk of harm to life and property posed by the specific conditions of the floodway. Based upon scientific analysis of depth, velocity, flood-related erosion and debris load potential, the department may exercise best professional judgment in recommending to the local permitting authority repair, replacement or relocation of a substantially damaged structure. The property owner shall be responsible for submitting to local government any information necessary to complete the assessment required by this section when such information is not otherwise available.

(1) Recommendation to repair or replace a substantially damaged residential structure located in the regulatory floodway shall be based on the flood characteristics at the site. In areas of the floodway that are subject to shallow and low velocity flooding, low flood-related erosion potential, and adequate flood warning time to ensure evacuation, the department may recommend the replacement or repair of the damaged structure. Any substantially damaged residential structure located in the regulatory floodway in a high risk zone based on the flood characteristics will not be recommended to be repaired or replaced. Flood warning times must be twelve hours or greater, except if the local government demonstrates that it has a flood warning system and/or emergency plan in operation. For purposes of this paragraph flood characteristics must include:

(a) Flood depths can not exceed more than three feet; flood velocities cannot exceed more than three feet per second.

(b) No evidence of flood-related erosion. Flood erosion will be determined by location of the project site in relationship to channel migration boundaries adopted by the local government. Absent channel migration boundaries, flood erosion will be determined by evidence of existing overflow channels and bank erosion.

At the request of local government, the department will prepare a report of findings and recommendations for local government concurrence on repair or replacement of substantially damaged residential structures located in the regulatory floodway.

Without a recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

(2) Before the repair, replacement, or reconstruction is started, all requirements of the National Flood Insurance Program, the state requirements adopted pursuant to RCW 86.16.031(8), and all applicable local regulations must be satisfied. In addition the following conditions must be met:

(a) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.

(b) A replacement residential structure is a residential structure built as a substitute for a previously existing residential structure of equivalent use and size.

(c) Repairs or reconstruction or replacement of a residential structure shall not increase the total square footage of floodway encroachment.

(d) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the base flood elevation.

(e) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.

(f) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.

(g) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

WSR 02-06-091**PROPOSED RULES****DEPARTMENT OF ECOLOGY**

[Order 01-09—Filed March 1, 2002, 3:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-18-044.

Title of Rule: Chapter 173-224 WAC, Wastewater discharge permit fees.

Purpose: To increase fees for fiscal year (FY) 2003 and 2004 up to the fiscal growth factor limit established by the Office of Financial Management. Establish first-time fees for aquatic pest control permits. Redefine how fees for animal units are calculated.

Statutory Authority for Adoption: Chapter 90.48 RCW, Water pollution control.

Statute Being Implemented: Chapter 90.48 RCW, Water pollution control.

Summary: Establishes annual fees for holders of wastewater and/or stormwater discharge permits.

Reasons Supporting Proposal: This rule resulted from the passage of Initiative 97 passed by Washington state voters in 1987 requiring the wastewater discharge permit program to be funded from annual permit fees by holders of wastewater and/or stormwater permits.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bev Poston, Olympia, Washington, (360) 407-6425.

Name of Proponent: Washington Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Ecology is required by law (RCW 90.48.465 Water pollution control) to collect fees from all holders of wastewater and/or stormwater discharge permits. The fees are required to fund the permit program. The proposed changes

will allow ecology to continue existing levels of service to the growing permit universe and maintain a base level of service if projected revenues fall below the legislative appropriation level for the 2003-2004 biennium.

Proposal Changes the Following Existing Rules:

- Increases annual fees for all permit holders by 2.79% for FY 2003 and 3.29% for FY 2004.
- Establishes a new definition for animal unit which results in a change to dairy fee calculations.
- Creates first time fees for aquatic pest control permits.
- Provides a detailed description on how ecology will process delinquent fee accounts.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No economic analysis of the new fees being proposed for aquatic pest control is required because ecology has chosen the least burdensome permitting activity for potential businesses, small and large alike. Ecology will issue general permit coverage to all but one group of permit holders. This saves businesses the cost of an application fee as well as the additional staff time necessary to obtain an individual permit. The only individual permit being written was specifically requested by the industry receiving that permit coverage. The fees will fall under the small business fee-reduction terms of WAC 173-224-090 Wastewater discharge permit fees. This section reduces permit fees for business with no more than one million dollars of revenue from the activity covered by the permit. To the extent there may be disproportionate impacts on small businesses, this provides mitigation, as would be required by the Regulatory Fairness Act (RCW 19.85.030) were a small business economic impact statement found to be necessary.

RCW 34.05.328 does not apply to this rule adoption. Under certain conditions, rules changing fee schedules are exempt from significant legislative rule cost benefit analysis (RCW 34.05.328) requirements. The exemptions apply to rules which set or adjust fees or rates pursuant to legislative standards. Legislative standards for these fees appear in RCW 90.48.465 (authorizing the fee) and in the biennial budget, which establishes the total revenue which can be collected. Further legislative standards are set through the fiscal growth factors pursuant to I-601. Ecology is proposing to increase fees to match the permit program operating budget established by the legislature. However, ecology will not increase fees beyond the fiscal growth limits for both state fiscal years 2003 and 2004 as determined by the Washington State Office of Financial Management.

Hearing Location: Ecology will hold a short workshop that will be immediately followed by a public hearing at the following locations, dates and times: Ecology Headquarters Building, Auditorium ROA/36, 300 Desmond Drive, Lacey, on April 11, 2002, at 1:30 p.m.; and at Big Bend Community College, Building 1400, Auditorium, 7662 Chanute Street N.E., Moses Lake, on April 15, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Bev Poston by March 29, 2002, TDD (360) 407-6206.

Submit Written Comments to: Bev Poston, Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, fax (360) 407-6426, by April 25, 2002.

Date of Intended Adoption: May 30, 2002.

February 28, 2002

Linda Hoffman

Deputy Director

AMENDATORY SECTION (Amending Order 99-03, filed 12/28/99, effective 1/28/00)

WAC 173-224-030 Definitions. "Administrative expenses" means those costs associated with issuing and administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

"Aggregate production" means the mining or quarrying of sand, gravel, or rock, or the production of concrete, or asphalt or a combination thereof.

"Aluminum and magnesium reduction mills" means the electrolytic reduction of alumina or magnesium salts to produce aluminum or magnesium metal.

"Animal unit" means one slaughter or feeder steer (~~(-1.4 mature dairy cow, 25 swine or as more fully defined in Appendix B of 40 CFR 122))~~ and 25 swine. Dairy cows are determined in the following manner: Jersey breed (nonmixed) = 0.9 milking cow, 0.9 dry cow, 0.22 heifers, and 0.22 calves; other breeds = 1.4 milking cow, 1.0 dry cow, 0.8 heifers, 0.5 calves.

"Annual permit fee" means the fee charged by the department for annual expenses associated with activities specified in RCW 90.48.465. This annual fee is based on the state's fiscal year (July 1 - June 30).

"bbls/d" means barrels per day of feedstock for petroleum refineries.

"bins/yr" means total standard bins used during the last complete calendar year by a facility in the crop preparing industry. The bins measure approximately 47.5 inches x 47.4 inches x 29.5 inches and hold approximately 870 pounds of fruit.

"Chemical pulp mill w/chlorine bleaching" means any pulp mill that uses chlorine or chlorine compounds in their bleaching process.

"Combined food processing waste treatment facility" means a facility that treats wastewater from more than one separately permitted food processor and receives no domestic wastewater or waste from industrial sources other than food processing.

"Combined industrial waste treatment" means a facility which treats wastewater from more than one industry in any of the following categories: Inorganic chemicals, metal finishing, ore concentration, organic chemicals, or photofinishers.

"Combined sewer overflow (CSO)" means the event during which excess combined sewage flow caused by inflow is discharged from a combined sewer, rather than conveyed to the sewage treatment plant because either the capacity of the treatment plant or the combined sewer is exceeded.

"Concentrated animal feeding operation" means an "animal feeding operation" that meets the criteria in Appendix B of 40 CFR 122 as presently enacted and any subsequent modifications thereto.

"Contaminants of concern" means a chemical for which an effluent limit is established (this does not include pH, flow, temperature, or other "nonchemical parameters"). Petroleum constituents will be considered as one contaminant of concern even if more than one effluent limit is established (e.g., Total Petroleum Hydrocarbons and BTEX).

"Crane" means a machine used for the hoisting and lifting of ship hulls.

"Crop preparing" means the preparation of fruit for wholesale or retail sale by washing and/or other processes in which the skin of the fruit is not broken and in which the interior part of the fruit does not come in direct contact with the wastewater.

"cu. yds/yr" means the total production from an aggregate production facility in cubic yards during the most recent completed calendar year.

"Department" means the department of ecology.

"Director" means the director of the department of ecology.

"Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with any groundwater infiltration or surface waters that may be present.

"Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of domestic wastewater together with such industrial waste as may be present.

"Existing operations" means those industrial operations requiring a wastewater discharge permit before July 1, 1993.

"EPA" means the United States Environmental Protection Agency.

"Fin fish rearing and hatching" means the raising of fin fish for fisheries enhancement or sale, by means of hatcheries, net pens, or other confined fish facilities.

"Flavor extraction" means the recovery of flavors or essential oils from organic products by steam distillation.

"Food processing" means the preparation of food for human or animal consumption or the preparation of animal byproducts, excluding crop preparing. This category includes, but is not limited to, fruit and vegetable processing, meat and poultry products processing, dairy products processing, beer production, rendering and animal feed production. Food processing wastewater treatment plants that treat wastes from only one separately permitted food processor must be treated as one facility for billing purposes.

"Hazardous waste clean up sites" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action other than RCRA corrective action sites.

"Industrial facility" means any facility not included in the definition of municipal/domestic facility.

"Industrial gross revenue" means the annual amount of the sales of goods and services produced using the processes regulated by the wastewater discharge permit.

"Industrial storm water" means an operation required to be covered under ecology's NPDES and state waste discharge baseline general permit for storm water discharges associated with industrial activities or modifications to that permit or having an individual wastewater permit for storm water only.

"MGD" means permitted flow expressed in million gallons per day.

"Manufacturing" means the making of goods and articles by hand or especially, by machinery into a manufactured product.

"Metal finishing" means the preparation of metal surfaces by means of electroplating, electroless plating, anodizing, coating (chromating, phosphating and coloring), chemical etching and milling, and printed circuit board manufacture.

"Municipal/domestic facility" means a publicly-owned facility treating domestic wastewater together with any industrial wastes that may be present, or a privately-owned facility treating solely domestic wastewater.

"Municipal gross revenue" means gross receipts from monthly, bimonthly, and/or quarterly user charges for sewer services received from all classes of customers;

Included in these user charges are user charges and fees based on wastewater constituents' strengths and characteristics including high-strength surcharges and charges based on biochemical oxygen demand, suspended solids, oil and grease, toxicants, heavy metals, and flow, etc.

Municipal gross revenue includes charges for receipt and treatment of septic tank wastes, holding tank wastes, chemical toilet wastes, etc.

Municipal gross revenue includes all amounts received from other municipalities for sewage interception, treatment, collection, or disposal.

Gross revenue excludes:

Amounts derived by municipalities directly from taxes levied for the support or maintenance of sewer services.

Late charges, penalties for nontimely payment by customers, interest on late payments, and all other penalties and fines.

Permit fees and compliance monitoring fees for wastewater discharge permits issued by municipalities with local pretreatment programs. Permit fees which are charged to cover the cost of providing sewer service are not excluded from municipal gross revenue.

Receipts by a municipality of special assessments or installments thereof and interests and penalties thereon, and charges in lieu of assessments.

Connection charges.

Revenues from sales of by-products such as sludge, processed wastewater, etc.

"Municipality" means a city, town, county, district, association, or other public body created by or in accordance with state law and that has jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under 33 U.S.C. Sec. 1288. State government agencies are not included in this definition.

"Noncontact cooling water with additives" means water used for cooling that comes into contact with corrosives.

"Noncontact cooling water without additives" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product, and which does not contain chemicals added by the permittee. The noncontact cooling water fee without additives category applies to those facilities which

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discharge only noncontact cooling water and which have no other wastewater discharges required to be permitted under RCW 90.48.160, 90.48.162, and 90.48.260.

"Nonferrous metals forming" means the manufacturing of semifinished products from pure metal or metal alloys other than iron or steel or of metals not otherwise classified in WAC 173-224-040(2).

"Nonoperating aggregate site" means a location where previous mining or processing has occurred; that has not been fully reclaimed; that has no current mining or processing, and that may include stockpiles of raw materials or finished products. The permittee may add or withdraw raw materials or finished products from the stockpiles for transportation off-site for processing, use, or sale and still be considered a nonoperating site. This definition can be found in ecology's *National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water, Storm Water, and Mine Dewatering Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations.*

"NPDES permit" means a National Pollutant Discharge Elimination System permit issued by the department under Section 402 of the federal Clean Water Act and RCW 90.48.260.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatever.

"Portable facility" means a facility that is designed for mobility and is moved from site to site for short term operations. A portable facility applies only to an asphalt batch plant, portable concrete batch plant and portable rock crusher.

"RCRA" means Resource Conservation Recovery Act clean up sites required to have a wastewater discharge permit resulting from a corrective action under relevant federal authorities or under chapters 70.105 and 70.105D RCW including chapters 173-303 and 173-340 WAC, and are not subject to cost recovery.

"Residential equivalent" means a single-family residence or a unit of sewer service that yields an amount of gross revenue equal to the annual user charge for a single-family residence. In cases where the permit holder does not maintain data on gross revenue, user charges, and/or the number of single-family residences that it serves, "residential equivalent" means an influent flow of two hundred fifty gallons per day.

"Sewer service" means the activity of receiving sewage deposited into and carried off by a system of sewers, drains, and pipes to a common point, or points, for disposal or for transfer to treatment for disposal, and activities involving the interception, transfer, storage, treatment, and/or disposal of sewage, or any of these activities.

"State waste discharge permit" means a permit required under RCW 98.48.260.

"Storm water" means an industrial operation or construction activity discharging storm water runoff as defined in 40 CFR 122.26 (b)(14) or facilities that are permitted as a significant contributor of pollutants as allowed in the federal Clean Water Act at Section 402 (p)(2)(E).

"Tons/yr." means the total production from an asphalt production facility in tons during the most recent completed calendar year.

"Vegetable/bulb washing" means the washing, packing, and shipping of fresh vegetables and bulbs when there is no cooking or cutting of the product before packing.

AMENDATORY SECTION (Amending Order 00-06, filed 6/9/00, effective 7/10/00)

WAC 173-224-040 Permit fee schedule. (1) Application fee. In addition to the annual fee, first time applicants (except those applying for coverage under a general permit) will pay a one time application fee of twenty-five percent of the annual permit fee, or \$250.00, whichever is greater. An application fee will be assessed for RCRA sites regardless of whether a new permit is being issued or an existing permit for other than the discharge resulting from the RCRA corrective action, is being modified.

(2) Industrial facility categories.

INDUSTRIAL FACILITY CATEGORIES	FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	(*FY 2002 ANNUAL PERMIT FEE AND BEYOND
Aluminum Alloys	\$12,229.00	\$12,580.00	\$12,915.00
Aluminum and Magnesium Reduction Mills			
a. NPDES Permit	72,117.00	74,187.00	76,160.00
b. State Permit	36,060.00	37,095.00	38,082.00
Aluminum Forming	36,687.00	37,740.00	38,744.00
Aggregate Production—Individual Permit Coverage			
a. Mining Activities			
1. Mining, screening, washing and/or crushing	2,105.00	2,165.00	2,223.00
2. Nonoperating aggregate site (fee per site)	87.00	89.00	91.00
b. Asphalt Production			
1. 0—< 50,000 tons/yr.	877.00	902.00	926.00
2. 50,000—< 300,000 tons/yr.	2,105.00	2,162.00	2,220.00

INDUSTRIAL FACILITY CATEGORIES		FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	((FY 2002 ANNUAL PERMIT FEE AND BEYOND
3.	300,000 tons/yr. and greater	2,631.00	2,707.00	2,779.00
e. Concrete Production				
1.	0 < 25,000 cu. yds/yr.	877.00	902.00	926.00
2.	25,000 < 200,000 cu. yds/yr.	2,105.00	2,162.00	2,220.00
3.	200,000 cu. yds/yr. and greater	2,631.00	2,707.00	2,779.00
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.				
d. Portable Facilities				
1.	Portable Rock Crushing Operations	2,105.00	2,165.00	2,223.00
2.	Asphalt Portable Batch Plant	2,105.00	2,165.00	2,223.00
3.	Concrete Portable Batch Plant	2,105.00	2,165.00	2,223.00
Aggregate Production—General Permit Coverage				
a. Mining Activities				
1.	Mining, screening, washing and/or crushing	1,473.00	1,515.00	1,555.00
2.	Nonoperating aggregate site (fee per site)	61.00	63.00	65.00
b. Asphalt Production				
1.	0 < 50,000 tons/yr.	614.00	632.00	649.00
2.	50,000 < 300,000 tons/yr.	1,474.00	1,516.00	1,556.00
3.	300,000 tons/yr. and greater	1,841.00	1,894.00	1,944.00
c. Concrete Production				
1.	0 < 25,000 cu. yds/yr.	614.00	632.00	649.00
2.	25,000 < 200,000 cu. yds/yr.	1,474.00	1,516.00	1,556.00
3.	200,000 cu. yds/yr. and greater	1,841.00	1,894.00	2,971.00
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.				
d. Portable Facilities				
1.	Portable Rock Crushing Operations	1,474.00	1,516.00	1,556.00
2.	Asphalt Portable Batch Plant	1,474.00	1,516.00	1,556.00
3.	Concrete Portable Batch Plant	1,474.00	1,516.00	1,556.00
Aquaculture				
a.	Finfish hatching and rearing—Individual Permit	3,669.00	3,774.00	3,874.00
b.	Finfish hatching and rearing—General Permit Coverage	2,569.00	2,643.00	2,713.00
c.	Shellfish hatching	126.00	130.00	133.00
Boat Yards—Individual Permit Coverage				
a.	With storm water only discharge	313.00	322.00	331.00
b.	All others	627.00	645.00	662.00
Boat Yards—General Permit Coverage				
a.	With storm water only discharge	219.00	225.00	231.00
b.	All others	439.00	452.00	464.00
Coal Mining and Preparation				
a.	< 200,000 tons per year	4,890.00	5,030.00	5,164.00
b.	200,000 < 500,000 tons per year	11,007.00	11,323.00	11,624.00
c.	500,000 < 1,000,000 tons per year	19,565.00	20,127.00	20,662.00

INDUSTRIAL FACILITY CATEGORIES		FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	(*FY 2002 ANNUAL PERMIT FEE AND BEYOND
d.	1,000,000 tons per year and greater	36,687.00	37,740.00	38,743.00
Combined Industrial Waste Treatment				
a.	<10,000 gpd	2,446.00	2,516.00	2,583.00
b.	10,000 < 50,000 gpd	6,114.00	6,289.00	6,456.00
e.	50,000 < 100,000 gpd	12,229.00	12,580.00	12,914.00
d.	100,000 < 500,000 gpd	24,458.00	25,160.00	25,829.00
e.	500,000 gpd and greater	36,687.00	37,740.00	38,744.00
Combined Food Processing Waste Treatment Facilities				
Combined Sewer Overflow System				
a.	<50 acres	2,446.00	2,516.00	2,583.00
b.	50 < 100 acres	6,114.00	6,289.00	6,456.00
e.	100 < 500 acres	7,339.00	7,550.00	7,751.00
d.	500 acres and greater	9,783.00	10,064.00	10,332.00
Commercial Laundry				
Concentrated Animal Feeding Operation				
a.	<200 Animal Units	125.00	129.00	132.00
b.	200 < 400 Animal Units	313.00	322.00	331.00
e.	400 < 600 Animal Units	627.00	645.00	662.00
d.	600 < 800 Animal Units	940.00	967.00	993.00
e.	800 Animal Units and greater	1,254.00	1,290.00	1,324.00
Crop Preparing - Individual Permit Coverage				
a.	0 < 1,000 bins/yr.	244.00	251.00	258.00
b.	1,000 < 5,000 bins/yr.	489.00	503.00	516.00
e.	5,000 < 10,000 bins/yr.	978.00	1,006.00	1,033.00
d.	10,000 < 15,000 bins/yr.	1,958.00	2,014.00	2,068.00
e.	15,000 < 20,000 bins/yr.	3,239.00	3,332.00	2,421.00
f.	20,000 < 25,000 bins/yr.	4,524.00	4,654.00	4,778.00
g.	25,000 < 50,000 bins/yr.	6,052.00	6,226.00	6,392.00
h.	50,000 < 75,000 bins/yr.	6,726.00	6,919.00	7,103.00
i.	75,000 < 100,000 bins/yr.	7,825.00	8,050.00	8,264.00
j.	100,000 < 125,000 bins/yr.	9,783.00	10,064.00	10,332.00
k.	125,000 < 150,000 bins/yr.	12,229.00	12,580.00	12,915.00
l.	150,000 bins/yr. and greater	14,675.00	15,096.00	15,498.00
Crop Preparing - General Permit Coverage				
a.	0 < 1,000 bins/yr.	170.00	175.00	180.00
b.	1,000 < 5,000 bins/yr.	342.00	352.00	362.00
e.	5,000 < 10,000 bins/yr.	685.00	705.00	724.00
d.	10,000 < 15,000 bins/yr.	1,371.00	1,410.00	1,448.00
e.	15,000 < 20,000 bins/yr.	2,268.00	2,333.00	2,395.00
f.	20,000 < 25,000 bins/yr.	3,167.00	3,258.00	3,345.00
g.	25,000 < 50,000 bins/yr.	4,236.00	4,358.00	4,474.00
h.	50,000 < 75,000 bins/yr.	4,708.00	4,843.00	4,972.00
i.	75,000 < 100,000 bins/yr.	5,478.00	5,635.00	5,786.00
j.	100,000 < 125,000 bins/yr.	6,848.00	7,045.00	7,232.00
k.	125,000 < 150,000 bins/yr.	8,560.00	8,806.00	9,040.00

	INDUSTRIAL FACILITY CATEGORIES		
	FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	(FY 2002 ANNUAL PERMIT FEE AND BEYOND)
1. 150,000 bins/yr. and greater	10,272.00	10,567.00	10,848.00
Dairies \$.50 per Animal Unit not to exceed \$878.00 for FY 2000, \$903.00 for FY 2001 and 927.00 for FY 2002			
Facilities Not Otherwise Classified—Individual Permit Coverage			
a. <1,000 gpd	1,223.00	1,258.00	1,291.00
b. 1,000—<10,000 gpd	2,446.00	2,516.00	2,583.00
c. 10,000—<50,000 gpd	6,114.00	6,290.00	6,457.00
d. 50,000—<100,000 gpd	9,783.00	10,064.00	10,332.00
e. 100,000—<500,000 gpd	19,565.00	20,027.00	20,560.00
f. 500,000—<1,000,000 gpd	24,457.00	25,159.00	25,828.00
g. 1,000,000 gpd and greater	36,687.00	37,740.00	38,744.00
Facilities Not Otherwise Classified—General Permit Coverage			
a. <1,000 gpd	857.00	882.00	905.00
b. 1,000—<10,000 gpd	1,712.00	1,761.00	1,808.00
c. 10,000—<50,000 gpd	4,281.00	4,404.00	4,521.00
d. 50,000—<100,000 gpd	6,848.00	7,045.00	7,232.00
e. 100,000—<500,000 gpd	13,695.00	14,088.00	14,463.00
f. 500,000—<1,000,000 gpd	17,120.00	17,611.00	18,079.00
g. 1,000,000 gpd and greater	25,681.00	26,418.00	27,121.00
Flavor Extraction			
a. Steam Distillation	125.00	129.00	132.00
Food Processing			
a. <1,000 gpd	1,222.00	1,257.00	1,290.00
b. 1,000—<10,000 gpd	3,118.00	3,207.00	3,292.00
c. 10,000—<50,000 gpd	5,564.00	5,724.00	5,876.00
d. 50,000—<100,000 gpd	8,743.00	8,904.00	9,232.00
e. 100,000—<250,000 gpd	12,229.00	12,580.00	12,915.00
f. 250,000—<500,000 gpd	16,081.00	16,543.00	16,983.00
g. 500,000—<750,000 gpd	20,177.00	20,756.00	21,308.00
h. 750,000—<1,000,000 gpd	24,457.00	25,159.00	25,828.00
i. 1,000,000—<2,500,000 gpd	29,961.00	30,821.00	31,641.00
j. 2,500,000—<5,000,000 gpd	33,629.00	34,594.00	35,514.00
k. 5,000,000 gpd and greater	36,687.00	37,740.00	38,744.00
Fuel and Chemical Storage			
a. <50,000 bbls	1,223.00	1,258.00	1,291.00
b. 50,000—<100,000 bbls	2,446.00	2,516.00	2,583.00
c. 100,000—<500,000 bbls	6,114.00	6,289.00	6,456.00
d. 500,000 bbls and greater	12,229.00	12,580.00	12,915.00
Hazardous Waste Clean-Up Sites			
a. Leaking Underground Storage Tanks (LUST)			
1. State Permit	3,208.00	3,300.00	3,388.00
2. NPDES Permit Issued pre-7/1/94	3,208.00	3,300.00	3,388.00
3. NPDES Permit Issued post-7/1/94	6,415.00	6,599.00	6,775.00
b. Non-LUST Sites			
1. 1 or 2 Contaminants of concern	6,272.00	6,452.00	6,624.00

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INDUSTRIAL FACILITY CATEGORIES		FY 2000	FY 2001	(*)FY 2002
2. >2 Contaminants of concern		ANNUAL PERMIT FEE	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE AND BEYOND
Ink Formulation and Printing				
a.	Commercial Print Shops	1,881.00	1,935.00	1,986.00
b.	Newspapers	3,136.00	3,226.00	3,312.00
c.	Box Plants	5,017.00	5,161.00	5,298.00
d.	Ink Formulation	6,272.00	6,452.00	6,624.00
Inorganic Chemicals Manufacturing				
a.	Lime Products	6,114.00	6,289.00	6,456.00
b.	Fertilizer	7,361.00	7,572.00	7,773.00
c.	Peroxide	9,783.00	10,064.00	10,332.00
d.	Alkaline Earth Salts	12,229.00	12,580.00	12,915.00
e.	Metal Salts	17,119.00	17,610.00	18,078.00
f.	Acid Manufacturing	24,457.00	25,159.00	25,829.00
g.	Chlor-alkali	48,916.00	50,320.00	51,659.00
Iron and Steel				
a.	Foundries	12,229.00	12,580.00	12,915.00
b.	Mills	24,479.00	25,181.00	25,851.00
Metal Finishing				
a.	< 1,000 gpd	1,466.00	1,508.00	1,548.00
b.	1,000 < 10,000 gpd	2,445.00	2,515.00	2,582.00
c.	10,000 < 50,000 gpd	6,113.00	6,288.00	6,455.00
d.	50,000 < 100,000 gpd	12,228.00	12,579.00	12,914.00
e.	100,000 < 500,000 gpd	24,456.00	25,158.00	25,827.00
f.	500,000 gpd and greater	36,685.00	37,738.00	38,742.00
Noncontact Cooling Water With Additives—Individual Permit Coverage				
a.	< 1,000 gpd	765.00	787.00	808.00
b.	1,000 < 10,000 gpd	1,528.00	1,572.00	1,614.00
c.	10,000 < 50,000 gpd	2,294.00	2,360.00	2,423.00
d.	50,000 < 100,000 gpd	5,351.00	5,505.00	5,651.00
e.	100,000 < 500,000 gpd	9,171.00	9,434.00	9,685.00
f.	500,000 < 1,000,000 gpd	12,995.00	13,368.00	13,724.00
g.	1,000,000 < 2,500,000 gpd	16,816.00	17,299.00	17,759.00
h.	2,500,000 < 5,000,000 gpd	20,634.00	21,226.00	21,791.00
i.	5,000,000 gpd and greater	24,457.00	25,159.00	25,828.00
Noncontact Cooling Water With Additives—General Permit Coverage				
a.	< 1,000 gpd	536.00	552.00	567.00
b.	1,000 < 10,000 gpd	1,069.00	1,100.00	1,129.00
c.	10,000 < 50,000 gpd	1,606.00	1,652.00	1,696.00
d.	50,000 < 100,000 gpd	3,746.00	3,854.00	3,957.00
e.	100,000 < 500,000 gpd	6,420.00	6,604.00	6,780.00
f.	500,000 < 1,000,000 gpd	9,097.00	9,358.00	9,607.00
g.	1,000,000 < 2,500,000 gpd	11,771.00	12,109.00	12,431.00
h.	2,500,000 < 5,000,000 gpd	14,444.00	14,858.00	15,253.00
i.	5,000,000 gpd and greater	17,120.00	17,611.00	18,079.00

INDUSTRIAL FACILITY CATEGORIES	FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	(FY 2002 ANNUAL PERMIT FEE AND BEYOND
Noncontact Cooling Water Without Additives—Individual Permit Coverage			
a. <1,000 gpd	612.00	630.00	647.00
b. 1,000—<10,000 gpd	1,223.00	1,258.00	1,291.00
c. 10,000—<50,000 gpd	1,835.00	1,888.00	1,938.00
d. 50,000—<100,000 gpd	4,281.00	4,404.00	4,521.00
e. 100,000—<500,000 gpd	7,339.00	7,550.00	7,751.00
f. 500,000—<1,000,000 gpd	10,394.00	10,692.00	10,981.00
g. 1,000,000—<2,500,000 gpd	13,452.00	13,838.00	14,206.00
h. 2,500,000—<5,000,000 gpd	16,508.00	16,982.00	17,434.00
i. 5,000,000 gpd and greater	19,565.00	20,127.00	20,662.00
Noncontact Cooling Water Without Additives—General Permit Coverage			
a. <1,000 gpd	428.00	441.00	453.00
b. 1,000—<10,000 gpd	857.00	882.00	905.00
c. 10,000—<50,000 gpd	1,284.00	1,321.00	1,356.00
d. 50,000—<100,000 gpd	2,996.00	3,082.00	3,164.00
e. 100,000—<500,000 gpd	5,137.00	5,284.00	5,425.00
f. 500,000—<1,000,000 gpd	7,276.00	7,485.00	7,684.00
g. 1,000,000—<2,500,000 gpd	9,417.00	9,687.00	9,945.00
h. 2,500,000—<5,000,000 gpd	11,556.00	11,888.00	12,204.00
i. 5,000,000 gpd and greater	13,695.00	14,088.00	14,623.00
Nonferrous Metals Forming	12,229.00	12,580.00	12,915.00
Ore Mining			
a. Ore Mining	2,446.00	2,516.00	2,583.00
b. Ore mining with physical concentration processes	4,891.00	5,031.00	5,165.00
c. Ore mining with physical and chemical concentration processes	19,565.00	20,127.00	20,662.00
Organic Chemicals Manufacturing			
a. Fertilizer	12,229.00	12,580.00	12,915.00
b. Aliphatic	24,457.00	25,159.00	25,828.00
c. Aromatic	36,687.00	37,740.00	38,744.00
Petroleum Refining			
a. <10,000 bbls/d	24,457.00	25,159.00	25,828.00
b. 10,000—<50,000 bbls/d	48,916.00	50,320.00	51,659.00
c. 50,000 bbls/d and greater	97,835.00	100,643.00	103,320.00
Photofinishers			
a. <1,000 gpd	978.00	1,006.00	1,034.00
b. 1,000 gpd and greater	2,446.00	2,516.00	2,583.00
Power and/or Steam Plants			
a. Steam Generation—Nonelectric	4,890.00	5,030.00	5,164.00
b. Hydroelectric	4,890.00	5,030.00	5,164.00
c. Nonfossil Fuel	7,338.00	7,549.00	7,750.00
d. Fossil Fuel	19,565.00	20,127.00	20,662.00

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INDUSTRIAL FACILITY CATEGORIES	FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	(**FY 2002 ANNUAL PERMIT FEE AND BEYOND
Pulp, Paper and Paper Board			
a. Fiber Recyclers	12,228.00	12,579.00	12,914.00
b. Paper Mills	24,457.00	25,159.00	25,828.00
c. Groundwood Pulp Mills			
1. < 300 tons per day	36,687.00	37,740.00	38,744.00
2. > 300 tons per day	73,373.00	75,479.00	77,487.00
d. Chemical Pulp Mills			
w/o Chlorine Bleaching	97,829.00	100,637.00	103,314.00
e. Chemical Pulp Mills			
w/Chlorine Bleaching	110,057.00	113,216.00	116,228.00
Radioactive Effluents and Discharges (RED)			
a. < 3 waste streams	23,674.00	24,353.00	25,001.00
b. 3 - < 8 waste streams	41,087.00	42,266.00	43,390.00
c. 8 waste streams and greater	67,672.00	69,614.00	71,466.00
RCRA Corrective Action Sites	17,189.00	17,682.00	18,152.00
Seafood Processing			
a. < 1,000 gpd	1,223.00	1,258.00	1,291.00
b. 1,000 - < 10,000 gpd	3,118.00	3,207.00	3,292.00
c. 10,000 - < 50,000 gpd	5,564.00	5,724.00	5,876.00
d. 50,000 - < 100,000 gpd	8,743.00	8,994.00	9,233.00
e. 100,000 gpd and greater	12,229.00	12,580.00	12,915.00
Shipyards			
a. Per crane, travel lift, small boat lift	2,446.00	2,516.00	2,583.00
b. Per drydock under 250 ft in length	2,446.00	2,516.00	2,583.00
c. Per graving dock	2,446.00	2,516.00	2,583.00
d. Per marine way	3,669.00	3,774.00	3,874.00
e. Per scrofolift	3,669.00	3,774.00	3,874.00
f. Per drydock over 250 ft in length	4,891.00	5,031.00	5,165.00
The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.			
Solid Waste Sites (nonstorm water)			
a. Nonputrescible	4,891.00	5,031.00	5,165.00
b. < 50 acres	9,783.00	10,063.00	10,331.00
c. 50 - < 100 acres	19,565.00	20,127.00	20,662.00
d. 100 - < 250 acres	24,457.00	25,159.00	25,828.00
e. 250 acres and greater	36,687.00	37,740.00	38,744.00
Storm Water (Unless specifically categorized elsewhere.)			
a. Individual Industrial Permits			
1. < 50 acres	2,446.00	2,516.00	2,583.00
2. 50 - < 100 acres	4,891.00	5,031.00	5,165.00
3. 100 - < 500 acres	7,338.00	7,549.00	7,750.00
4. 500 acres and greater	9,783.00	10,064.00	10,332.00
b. Facilities covered under the Industrial Storm Water General Permit	325.00	334.00	343.00

INDUSTRIAL FACILITY CATEGORIES	FY 2000 ANNUAL PERMIT FEE	FY 2001 ANNUAL PERMIT FEE	(FY 2002 ANNUAL PERMIT FEE AND BEYOND
e. Construction activities covered under the Industrial Storm-Water General Permit	325.00	334.00	343.00
Textile Mills	48,916.00	50,320.00	51,659.00
Timber Products			
a. Log Storage	2,446.00	2,516.00	2,583.00
b. Veneer	4,891.00	5,031.00	5,165.00
c. Sawmills	9,783.00	10,064.00	10,332.00
d. Hardwood, Plywood	17,119.00	17,610.00	18,078.00
e. Wood Preserving	24,457.00	24,159.00	24,802.00
Vegetable/Bulb Washing Facilities			
a. <1,000 gpd	81.00	83.00	85.00
b. 1,000 < 5,000 gpd	162.00	167.00	171.00
c. 5,000 < 10,000 gpd	322.00	331.00	340.00
d. 10,000 < 20,000 gpd	648.00	667.00	685.00
e. 20,000 and greater	1,072.00	1,103.00	1,132.00
Vehicle Maintenance and Freight Transfer			
a. <0.5 acre	2,446.00	2,516.00	2,583.00
b. 0.5 < 1.0 acre	4,891.00	5,031.00	5,165.00
c. 1.0 acre and greater	7,338.00	7,549.00	7,750.00
Water Plants - Individual Permit Coverage	3,058.00	3,146.00	3,230.00
Water Plants - General Permit Coverage	2,141.00	2,202.00	2,261.00
Wineries			
a. <500 gpd	250.00	257.00	
b. 500 < 750 gpd	501.00	515.00	518.00
c. 750 < 1,000 gpd	1,001.00	1,030.00	
d. 1,000 < 2,500 gpd	2,001.00	2,058.00	2,113.00
e. 2,500 < 5,000 gpd	3,191.00	3,283.00	3,370.00
f. 5,000 gpd and greater	4,380.00	4,506.00	4,626.00))

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INDUSTRIAL FACILITY CATEGORIES	FY 2003 ANNUAL PERMIT FEE	FY 2004 ANNUAL PERMIT FEE AND BEYOND
<u>Aluminum Alloys</u>	<u>\$13,292.00</u>	<u>\$13,729.00</u>
<u>Aluminum and Magnesium Reduction Mills</u>		
a. <u>NPDES Permit</u>	<u>78,385.00</u>	<u>80,964.00</u>
b. <u>State Permit</u>	<u>39,194.00</u>	<u>40,483.00</u>
<u>Aluminum Forming</u>	<u>39,875.00</u>	<u>41,187.00</u>
<u>Aggregate Production - Individual Permit Coverage</u>		
a. <u>Mining Activities</u>		
1. <u>Mining, screening, washing and/or crushing</u>	<u>2,287.00</u>	<u>2,362.00</u>
2. <u>Nonoperating aggregate site (fee per site)</u>	<u>94.00</u>	<u>97.00</u>
b. <u>Asphalt Production</u>		
1. <u>0 - < 50,000 tons/yr.</u>	<u>953.00</u>	<u>984.00</u>
2. <u>50,000 - < 300,000 tons/yr.</u>	<u>2,288.00</u>	<u>2,363.00</u>
3. <u>300,000 tons/yr. and greater</u>	<u>2,861.00</u>	<u>2,955.00</u>

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	<u>FY 2003</u> <u>ANNUAL</u> <u>PERMIT FEE</u>	<u>FY 2004</u> <u>ANNUAL</u> <u>PERMIT FEE AND</u> <u>BEYOND</u>
<u>INDUSTRIAL FACILITY CATEGORIES</u>		
<u>c. Concrete Production</u>		
<u>1. 0 - < 25,000 cu. yds/yr.</u>	<u>953.00</u>	<u>984.00</u>
<u>2. 25,000 - < 200,000 cu. yds/yr.</u>	<u>2,288.00</u>	<u>2,363.00</u>
<u>3. 200,000 cu. yds/yr. and greater</u>	<u>2,861.00</u>	<u>2,955.00</u>
<u>The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.</u>		
<u>d. Portable Operations</u>		
<u>1. Rock Crushing</u>	<u>2,287.00</u>	<u>2,362.00</u>
<u>2. Asphalt</u>	<u>2,287.00</u>	<u>2,362.00</u>
<u>3. Concrete</u>	<u>2,287.00</u>	<u>2,362.00</u>
<u>Aggregate Production - General Permit Coverage</u>		
<u>a. Mining Activities</u>		
<u>1. Mining, screening, washing and/or crushing</u>	<u>1,600.00</u>	<u>1,653.00</u>
<u>2. Nonoperating aggregate site (fee per site)</u>	<u>67.00</u>	<u>69.00</u>
<u>b. Asphalt Production</u>		
<u>1. 0 - < 50,000 tons/yr.</u>	<u>668.00</u>	<u>690.00</u>
<u>2. 50,000 - < 300,000 tons/yr.</u>	<u>1,601.00</u>	<u>1,654.00</u>
<u>3. 300,000 tons/yr. and greater</u>	<u>2,001.00</u>	<u>2,067.00</u>
<u>c. Concrete Production</u>		
<u>1. 0 - < 25,000 cu. yds/yr.</u>	<u>668.00</u>	<u>690.00</u>
<u>2. 25,000 - < 200,000 cu. yds/yr.</u>	<u>1,601.00</u>	<u>1,654.00</u>
<u>3. 200,000 cu. yds/yr. and greater</u>	<u>2,001.00</u>	<u>2,067.00</u>
<u>The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.</u>		
<u>d. Portable Operations</u>		
<u>1. Rock Crushing</u>	<u>1,601.00</u>	<u>1,654.00</u>
<u>2. Asphalt</u>	<u>1,601.00</u>	<u>1,654.00</u>
<u>3. Concrete</u>	<u>1,601.00</u>	<u>1,654.00</u>
<u>Aquaculture</u>		
<u>a. Finfish hatching and rearing - Individual Permit</u>	<u>3,987.00</u>	<u>4,118.00</u>
<u>b. Finfish hatching and rearing - General Permit Coverage</u>	<u>2,793.00</u>	<u>2,885.00</u>
<u>c. Shellfish hatching</u>	<u>138.00</u>	<u>142.00</u>
<u>Aquatic Pest Control</u>		
<u>a. Irrigation Districts</u>	<u>8,946.00</u>	<u>9,240.00</u>
<u>b. Mosquito Control Districts</u>	<u>2,375.00</u>	<u>2,453.00</u>
<u>c. Noxious</u>	<u>5,000.00</u>	<u>5,000.00</u>
<u>d. Nuisance Weed Control Only</u>	<u>100/acre</u>	<u>100/acre</u>
<u>e. Oyster Growers</u>	<u>32,064.00</u>	<u>33,119.00</u>
<u>f. Rotenone Control</u>	<u>17,813.00</u>	<u>18,399.00</u>
<u>Boat Yards - Individual Permit Coverage</u>		
<u>a. With storm water only discharge</u>	<u>340.00</u>	<u>351.00</u>
<u>b. All others</u>	<u>681.00</u>	<u>704.00</u>
<u>Boat Yards - General Permit Coverage</u>		
<u>a. With storm water only discharge</u>	<u>237.00</u>	<u>245.00</u>

<u>INDUSTRIAL FACILITY CATEGORIES</u>	<u>FY 2003 ANNUAL PERMIT FEE</u>	<u>FY 2004 ANNUAL PERMIT FEE AND BEYOND</u>
b. All others	478.00	494.00
<u>Coal Mining and Preparation</u>		
a. < 200,000 tons per year	5,314.00	5,489.00
b. 200,000 - < 500,000 tons per year	11,964.00	12,357.00
c. 500,000 - < 1,000,000 tons per year	21,266.00	21,966.00
d. 1,000,000 tons per year and greater	39,875.00	41,187.00
<u>Combined Industrial Waste Treatment</u>		
a. < 10,000 gpd	2,658.00	2,746.00
b. 10,000 - < 50,000 gpd	6,644.00	6,863.00
c. 50,000 - < 100,000 gpd	13,292.00	13,729.00
d. 100,000 - < 500,000 gpd	26,584.00	27,458.00
e. 500,000 gpd and greater	39,875.00	41,187.00
<u>Combined Food Processing Waste Treatment Facilities</u>	12,725.00	13,144.00
<u>Combined Sewer Overflow System</u>		
a. < 50 acres	2,658.00	2,746.00
b. 50 - < 100 acres	6,644.00	6,863.00
c. 100 - < 500 acres	7,978.00	8,240.00
d. 500 acres and greater	10,634.00	10,983.00
<u>Commercial Laundry</u>	340.00	351.00
<u>Concentrated Animal Feeding Operation</u>		
a. < 200 Animal Units	137.00	141.00
b. 200 - < 400 Animal Units	340.00	351.00
c. 400 - < 600 Animal Units	681.00	704.00
d. 600 - < 800 Animal Units	1,022.00	1,055.00
e. 800 Animal Units and greater	1,363.00	1,408.00
<u>Crop Preparing - Individual Permit Coverage</u>		
a. 0 - < 1,000 bins/yr.	265.00	274.00
b. 1,000 - < 5,000 bins/yr.	531.00	549.00
c. 5,000 - < 10,000 bins/yr.	1,063.00	1,098.00
d. 10,000 - < 15,000 bins/yr.	2,128.00	2,198.00
e. 15,000 - < 20,000 bins/yr.	3,521.00	3,636.00
f. 20,000 - < 25,000 bins/yr.	4,917.00	5,079.00
g. 25,000 - < 50,000 bins/yr.	6,579.00	6,795.00
h. 50,000 - < 75,000 bins/yr.	7,310.00	7,551.00
i. 75,000 - < 100,000 bins/yr.	8,506.00	8,786.00
j. 100,000 - < 125,000 bins/yr.	10,634.00	10,983.00
k. 125,000 - < 150,000 bins/yr.	13,292.00	13,729.00
l. 150,000 bins/yr. and greater	15,950.00	16,475.00
<u>Crop Preparing - General Permit Coverage</u>		
a. 0 - < 1,000 bins/yr.	185.00	191.00
b. 1,000 - < 5,000 bins/yr.	372.00	384.00
c. 5,000 - < 10,000 bins/yr.	745.00	770.00
d. 10,000 - < 15,000 bins/yr.	1,489.00	1,538.00
e. 15,000 - < 20,000 bins/yr.	2,465.00	2,546.00

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INDUSTRIAL FACILITY CATEGORIES		FY 2003 ANNUAL PERMIT FEE	FY 2004 ANNUAL PERMIT FEE AND BEYOND
f.	<u>20,000 - < 25,000 bins/yr.</u>	<u>3,442.00</u>	<u>3,556.00</u>
g.	<u>25,000 - < 50,000 bins/yr.</u>	<u>4,605.00</u>	<u>4,756.00</u>
h.	<u>50,000 - < 75,000 bins/yr.</u>	<u>5,117.00</u>	<u>5,285.00</u>
i.	<u>75,000 - < 100,000 bins/yr.</u>	<u>5,954.00</u>	<u>6,145.00</u>
j.	<u>100,000 - < 125,000 bins/yr.</u>	<u>7,444.00</u>	<u>7,689.00</u>
k.	<u>125,000 - < 150,000 bins/yr.</u>	<u>9,305.00</u>	<u>9,611.00</u>
l.	<u>150,000 bins/yr. and greater</u>	<u>11,165.00</u>	<u>11,532.00</u>
<u>Dairies \$.50 per Animal Unit; not to exceed \$954.00 for FY 2003 and \$985.00 for FY 2004 and beyond</u>			
<u>Facilities Not Otherwise Classified - Individual Permit Coverage</u>			
a.	<u>< 1,000 gpd</u>	<u>1,329.00</u>	<u>1,373.00</u>
b.	<u>1,000 - < 10,000 gpd</u>	<u>2,658.00</u>	<u>2,746.00</u>
c.	<u>10,000 - < 50,000 gpd</u>	<u>6,645.00</u>	<u>6,864.00</u>
d.	<u>50,000 - < 100,000 gpd</u>	<u>10,634.00</u>	<u>10,983.00</u>
e.	<u>100,000 - < 500,000 gpd</u>	<u>21,160.00</u>	<u>21,857.00</u>
f.	<u>500,000 - < 1,000,000 gpd</u>	<u>26,583.00</u>	<u>27,457.00</u>
g.	<u>1,000,000 gpd and greater</u>	<u>39,875.00</u>	<u>41,187.00</u>
<u>Facilities Not Otherwise Classified - General Permit Coverage</u>			
a.	<u>< 1,000 gpd</u>	<u>932.00</u>	<u>963.00</u>
b.	<u>1,000 - < 10,000 gpd</u>	<u>1,860.00</u>	<u>1,992.00</u>
c.	<u>10,000 - < 50,000 gpd</u>	<u>4,653.00</u>	<u>4,806.00</u>
d.	<u>50,000 - < 100,000 gpd</u>	<u>7,444.00</u>	<u>7,689.00</u>
e.	<u>100,000 - < 500,000 gpd</u>	<u>14,885.00</u>	<u>15,375.00</u>
f.	<u>500,000 - < 1,000,000 gpd</u>	<u>18,607.00</u>	<u>19,219.00</u>
g.	<u>1,000,000 gpd and greater</u>	<u>27,913.00</u>	<u>28,831.00</u>
<u>Flavor Extraction</u>			
a.	<u>Steam Distillation</u>	<u>137.00</u>	<u>141.00</u>
<u>Food Processing</u>			
a.	<u>< 1,000 gpd</u>	<u>1,328.00</u>	<u>1,372.00</u>
b.	<u>1,000 - < 10,000 gpd</u>	<u>3,388.00</u>	<u>3,499.00</u>
c.	<u>10,000 - < 50,000 gpd</u>	<u>6,048.00</u>	<u>6,247.00</u>
d.	<u>50,000 - < 100,000 gpd</u>	<u>9,503.00</u>	<u>9,816.00</u>
e.	<u>100,000 - < 250,000 gpd</u>	<u>13,292.00</u>	<u>13,729.00</u>
f.	<u>250,000 - < 500,000 gpd</u>	<u>17,479.00</u>	<u>18,055.00</u>
g.	<u>500,000 - < 750,000 gpd</u>	<u>21,930.00</u>	<u>22,652.00</u>
h.	<u>750,000 - < 1,000,000 gpd</u>	<u>26,583.00</u>	<u>27,457.00</u>
i.	<u>1,000,000 - < 2,500,000 gpd</u>	<u>32,750.00</u>	<u>33,827.00</u>
j.	<u>2,500,000 - < 5,000,000 gpd</u>	<u>36,551.00</u>	<u>37,754.00</u>
k.	<u>5,000,000 gpd and greater</u>	<u>39,875.00</u>	<u>41,187.00</u>
<u>Fuel and Chemical Storage</u>			
a.	<u>< 50,000 bbls</u>	<u>1,329.00</u>	<u>1,373.00</u>
b.	<u>50,000 - < 100,000 bbls</u>	<u>2,658.00</u>	<u>2,746.00</u>
c.	<u>100,000 - < 500,000 bbls</u>	<u>6,644.00</u>	<u>6,863.00</u>
d.	<u>500,000 bbls and greater</u>	<u>13,292.00</u>	<u>13,729.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY 2003 ANNUAL PERMIT FEE	FY 2004 ANNUAL PERMIT FEE AND BEYOND
<u>Hazardous Waste Clean Up Sites</u>		
a. <u>Leaking Underground Storage Tanks (LUST)</u>		
1. <u>State Permit</u>	3,487.00	3,601.00
2. <u>NPDES Permit Issued pre 7/1/94</u>	3,487.00	3,601.00
3. <u>NPDES Permit Issued post 7/1/94</u>	6,972.00	7,202.00
b. <u>Non-LUST Sites</u>		
1. <u>1 or 2 Contaminants of concern</u>	6,817.00	7,041.00
2. <u>> 2 Contaminants of concern</u>	13,632.00	14,081.00
<u>Ink Formulation and Printing</u>		
a. <u>Commercial Print Shops</u>	2,044.00	2,112.00
b. <u>Newspapers</u>	3,409.00	3,521.00
c. <u>Box Plants</u>	5,453.00	5,632.00
d. <u>Ink Formulation</u>	6,817.00	7,041.00
<u>Inorganic Chemicals Manufacturing</u>		
a. <u>Lime Products</u>	6,644.00	6,863.00
b. <u>Fertilizer</u>	8,000.00	8,263.00
c. <u>Peroxide</u>	10,634.00	10,983.00
d. <u>Alkaline Earth Salts</u>	13,292.00	13,729.00
e. <u>Metal Salts</u>	18,606.00	19,218.00
f. <u>Acid Manufacturing</u>	26,583.00	27,452.00
g. <u>Chlor-alkali</u>	53,167.00	54,916.00
<u>Iron and Steel</u>		
a. <u>Foundries</u>	13,292.00	13,729.00
b. <u>Mills</u>	26,606.00	27,482.00
<u>Metal Finishing</u>		
a. <u>< 1,000 gpd</u>	1,593.00	1,646.00
b. <u>1,000 - < 10,000 gpd</u>	2,657.00	2,745.00
c. <u>10,000 - < 50,000 gpd</u>	6,643.00	6,862.00
d. <u>50,000 - < 100,000 gpd</u>	13,291.00	13,728.00
e. <u>100,000 - < 500,000 gpd</u>	26,581.00	27,456.00
f. <u>500,000 gpd and greater</u>	39,873.00	41,185.00
<u>Noncontact Cooling Water With Additives - Individual Permit Coverage</u>		
a. <u>< 1,000 gpd</u>	832.00	859.00
b. <u>1,000 - < 10,000 gpd</u>	1,161.00	1,199.00
c. <u>10,000 - < 50,000 gpd</u>	2,494.00	2,576.00
d. <u>50,000 - < 100,000 gpd</u>	5,817.00	6,008.00
e. <u>100,000 - < 500,000 gpd</u>	9,968.00	10,295.00
f. <u>500,000 - < 1,000,000 gpd</u>	14,124.00	14,589.00
g. <u>1,000,000 - < 2,500,000 gpd</u>	18,278.00	18,879.00
h. <u>2,500,000 - < 5,000,000 gpd</u>	22,427.00	23,165.00
i. <u>5,000,000 gpd and greater</u>	26,583.00	27,457.00
<u>Noncontact Cooling Water With Additives - General Permit Coverage</u>		
a. <u>< 1,000 gpd</u>	583.00	602.00
b. <u>1,000 - < 10,000 gpd</u>	1,163.00	1,201.00

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<u>INDUSTRIAL FACILITY CATEGORIES</u>	<u>FY 2003 ANNUAL PERMIT FEE</u>	<u>FY 2004 ANNUAL PERMIT FEE AND BEYOND</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>1,745.00</u>	<u>1,803.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>4,073.00</u>	<u>4,207.00</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>6,977.00</u>	<u>7,207.00</u>
f. <u>500,000 - < 1,000,000 gpd</u>	<u>9,887.00</u>	<u>10,213.00</u>
g. <u>1,000,000 - < 2,500,000 gpd</u>	<u>12,794.00</u>	<u>13,215.00</u>
h. <u>2,500,000 - < 5,000,000 gpd</u>	<u>15,699.00</u>	<u>16,216.00</u>
i. <u>5,000,000 gpd and greater</u>	<u>18,607.00</u>	<u>19,219.00</u>
<u>Noncontact Cooling Water Without Additives - Individual Permit Coverage</u>		
a. <u>< 1,000 gpd</u>	<u>666.00</u>	<u>688.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>1,329.00</u>	<u>1,373.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>1,995.00</u>	<u>2,061.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>4,635.00</u>	<u>4,806.00</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>7,978.00</u>	<u>8,240.00</u>
f. <u>500,000 - < 1,000,000 gpd</u>	<u>11,297.00</u>	<u>11,668.00</u>
g. <u>1,000,000 - < 2,500,000 gpd</u>	<u>14,621.00</u>	<u>15,102.00</u>
h. <u>2,500,000 - < 5,000,000 gpd</u>	<u>17,943.00</u>	<u>18,533.00</u>
i. <u>5,000,000 gpd and greater</u>	<u>21,266.00</u>	<u>21,966.00</u>
<u>Noncontact Cooling Water Without Additives - General Permit Coverage</u>		
a. <u>< 1,000 gpd</u>	<u>466.00</u>	<u>481.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>932.00</u>	<u>963.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>1,396.00</u>	<u>1,442.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>3,256.00</u>	<u>3,364.00</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>5,583.00</u>	<u>5,766.00</u>
f. <u>500,000 - < 1,000,000 gpd</u>	<u>7,909.00</u>	<u>8,169.00</u>
g. <u>1,000,000 - < 2,500,000 gpd</u>	<u>10,235.00</u>	<u>10,572.00</u>
h. <u>2,500,000 - < 5,000,000 gpd</u>	<u>12,561.00</u>	<u>12,974.00</u>
i. <u>5,000,000 gpd and greater</u>	<u>14,885.00</u>	<u>15,375.00</u>
<u>Nonferrous Metals Forming</u>		
	<u>13,292.00</u>	<u>13,729.00</u>
<u>Ore Mining</u>		
a. <u>Ore Mining</u>	<u>2,658.00</u>	<u>2,746.00</u>
b. <u>Ore mining with physical concentration processes</u>	<u>5,315.00</u>	<u>5,490.00</u>
c. <u>Ore mining with physical and chemical concentration processes</u>	<u>21,266.00</u>	<u>21,966.00</u>
<u>Organic Chemicals Manufacturing</u>		
a. <u>Fertilizer</u>	<u>13,292.00</u>	<u>13,729.00</u>
b. <u>Aliphatic</u>	<u>26,583.00</u>	<u>27,457.00</u>
c. <u>Aromatic</u>	<u>39,875.00</u>	<u>41,187.00</u>
<u>Petroleum Refining</u>		
a. <u>< 10,000 bbls/d</u>	<u>26,582.00</u>	<u>27,457.00</u>
b. <u>10,000 - < 50,000 bbls/d</u>	<u>52,705.00</u>	<u>54,439.00</u>
c. <u>50,000 bbls/d and greater</u>	<u>106,337.00</u>	<u>109,836.00</u>
<u>Photofinishers</u>		
a. <u>< 1,000 gpd</u>	<u>1,063.00</u>	<u>1,098.00</u>
b. <u>1,000 gpd and greater</u>	<u>2,658.00</u>	<u>2,746.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY 2003 ANNUAL PERMIT FEE	FY 2004 ANNUAL PERMIT FEE AND BEYOND
<u>Power and/or Steam Plants</u>		
a. <u>Steam Generation - Nonelectric</u>	<u>5,314.00</u>	<u>5,489.00</u>
b. <u>Hydroelectric</u>	<u>5,314.00</u>	<u>5,489.00</u>
c. <u>Nonfossil Fuel</u>	<u>7,977.00</u>	<u>8,239.00</u>
d. <u>Fossil Fuel</u>	<u>21,266.00</u>	<u>21,966.00</u>
<u>Pulp, Paper and Paper Board</u>		
a. <u>Fiber Recyclers</u>	<u>13,291.00</u>	<u>13,728.00</u>
b. <u>Paper Mills</u>	<u>26,583.00</u>	<u>27,457.00</u>
c. <u>Groundwood Pulp Mills</u>		
1. <u>< 300 tons per day</u>	<u>39,875.00</u>	<u>41,187.00</u>
2. <u>> 300 tons per day</u>	<u>79,750.00</u>	<u>82,373.00</u>
d. <u>Chemical Pulp Mills</u>		
<u>w/o Chlorine Bleaching</u>	<u>106,331.00</u>	<u>109,829.00</u>
e. <u>Chemical Pulp Mills</u>		
<u>w/Chlorine Bleaching</u>	<u>119,622.00</u>	<u>123,557.00</u>
<u>Radioactive Effluents and Discharges (RED)</u>		
a. <u>< 3 waste streams</u>	<u>25,730.00</u>	<u>26,557.00</u>
b. <u>3 - < 8 waste streams</u>	<u>44,657.00</u>	<u>46,126.00</u>
c. <u>8 waste streams and greater</u>	<u>73,552.00</u>	<u>75,972.00</u>
<u>RCRA Corrective Action Sites</u>		
	<u>18,682.00</u>	<u>19,297.00</u>
<u>Seafood Processing</u>		
a. <u>< 1,000 gpd</u>	<u>1,329.00</u>	<u>1,373.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>3,388.00</u>	<u>3,499.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>6,048.00</u>	<u>6,247.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>9,503.00</u>	<u>9,816.00</u>
e. <u>100,000 gpd and greater</u>	<u>13,292.00</u>	<u>13,729.00</u>
<u>Shipyards</u>		
a. <u>Per crane, travel lift, small boat lift</u>	<u>2,658.00</u>	<u>2,746.00</u>
b. <u>Per drydock under 250 ft in length</u>	<u>2,658.00</u>	<u>2,746.00</u>
c. <u>Per graving dock</u>	<u>2,658.00</u>	<u>2,746.00</u>
d. <u>Per marine way</u>	<u>3,987.00</u>	<u>4,118.00</u>
e. <u>Per scrolift</u>	<u>3,987.00</u>	<u>4,118.00</u>
f. <u>Per drydock over 250 ft in length</u>	<u>5,315.00</u>	<u>5,490.00</u>
<u>The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.</u>		
<u>Solid Waste Sites (nonstorm water)</u>		
a. <u>Nonputrescible</u>	<u>5,315.00</u>	<u>5,490.00</u>
b. <u>< 50 acres</u>	<u>10,633.00</u>	<u>10,982.00</u>
c. <u>50 - < 100 acres</u>	<u>21,266.00</u>	<u>21,966.00</u>
d. <u>100 - < 250 acres</u>	<u>26,583.00</u>	<u>27,457.00</u>
e. <u>250 acres and greater</u>	<u>39,875.00</u>	<u>41,187.00</u>
<u>Storm Water (Unless specifically categorized elsewhere.)</u>		
a. <u>Individual Industrial Permits</u>		
1. <u>< 50 acres</u>	<u>2,658.00</u>	<u>2,746.00</u>

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INDUSTRIAL FACILITY CATEGORIES		FY 2003	FY 2004
		ANNUAL PERMIT FEE	ANNUAL PERMIT FEE AND BEYOND
2.	<u>50 - < 100 acres</u>	<u>5,315.00</u>	<u>5,490.00</u>
3.	<u>100 - < 500 acres</u>	<u>7,977.00</u>	<u>8,239.00</u>
4.	<u>500 acres and greater</u>	<u>10,634.00</u>	<u>10,983.00</u>
b.	<u>Facilities covered under the Industrial Storm Water General Permit</u>	<u>353.00</u>	<u>364.00</u>
c.	<u>Construction activities covered under the Industrial Storm Water General Permit</u>	<u>353.00</u>	<u>364.00</u>
<u>Textile Mills</u>		<u>53,167.00</u>	<u>54,916.00</u>
<u>Timber Products</u>			
a.	<u>Log Storage</u>	<u>2,658.00</u>	<u>2,746.00</u>
b.	<u>Veneer</u>	<u>5,315.00</u>	<u>5,490.00</u>
c.	<u>Sawmills</u>	<u>10,634.00</u>	<u>10,983.00</u>
d.	<u>Hardwood, Plywood</u>	<u>18,606.00</u>	<u>19,218.00</u>
e.	<u>Wood Preserving</u>	<u>25,526.00</u>	<u>26,366.00</u>
<u>Vegetable/Bulb Washing Facilities</u>			
a.	<u>< 1,000 gpd</u>	<u>87.00</u>	<u>90.00</u>
b.	<u>1,000 - < 5,000 gpd</u>	<u>177.00</u>	<u>183.00</u>
c.	<u>5,000 - < 10,000 gpd</u>	<u>349.00</u>	<u>361.00</u>
d.	<u>10,000 - < 20,000 gpd</u>	<u>705.00</u>	<u>728.00</u>
e.	<u>20,000 and greater</u>	<u>1,166.00</u>	<u>1,204.00</u>
<u>Vehicle Maintenance and Freight Transfer</u>			
a.	<u>< 0.5 acre</u>	<u>2,658.00</u>	<u>2,746.00</u>
b.	<u>0.5 - < 1.0 acre</u>	<u>5,315.00</u>	<u>5,490.00</u>
c.	<u>1.0 acre and greater</u>	<u>7,977.00</u>	<u>8,239.00</u>
<u>Water Plants - Individual Permit Coverage</u>		<u>3,324.00</u>	<u>3,434.00</u>
<u>Water Plants - General Permit Coverage</u>		<u>2,326.00</u>	<u>2,403.00</u>
<u>Wineries</u>			
a.	<u>< 500 gpd</u>	<u>271.00</u>	<u>280.00</u>
b.	<u>500 - < 750 gpd</u>	<u>544.00</u>	<u>562.00</u>
c.	<u>750 - < 1,000 gpd</u>	<u>1,089.00</u>	<u>1,124.00</u>
d.	<u>1,000 - < 2,500 gpd</u>	<u>2,174.00</u>	<u>2,246.00</u>
e.	<u>2,500 - < 5,000 gpd</u>	<u>3,469.00</u>	<u>3,583.00</u>
f.	<u>5,000 gpd and greater</u>	<u>4,761.00</u>	<u>4,918.00</u>

(*) Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2001.)

(a) Facilities other than those in the aggregate production, crop preparing, shipyard, or RCRA categories that operate within several fee categories or subcategories, shall be charged from that category or subcategory with the highest fee.

(b) The total annual permit fee for a water treatment plant that primarily serves residential customers may not exceed three dollars per residential equivalent. The number of residential equivalents is determined by dividing the facility's annual gross revenue in the previous calendar year by the

annual user charge for a single family residence that uses nine hundred cubic feet of water per month.

(c) Crop preparation and aggregate production permit holders are required to submit information to the department certifying annual production (calendar year) or unit processes. When required, the department will send the information form to the permit holder. The permit holder shall complete and return the information form to the department by the required due date. Failure to provide this information will result in a fee determination based on the highest subcategory the facility has received permit coverage in.

(i) Information submitted shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

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(B) In the case of a limited partnership, by an authorized general partner;

(C) In the case of a general partnership, by an authorized partner; or

(D) In the case of a sole proprietorship, by the proprietor.

(ii) The department may verify information submitted and, if it determines that false or inaccurate statements have been made, it may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(d) Fees for crop preparers discharging only noncontact cooling water without additives shall pay the lesser of the applicable fee in the crop preparing or noncontact cooling water without additives categories.

(e) Where no clear industrial facility category exists for placement of a permit holder, the department may elect to place the permit holder in a category with dischargers or permit holders that contain or use similar properties or processes and/or a category which contains similar permitting complexities to the department.

(f) Hazardous waste clean up sites and EPA authorized RCRA corrective action sites with whom the department has begun cost recovery through chapter 70.105D RCW shall not pay a permit fee under chapter 173-224 WAC until such time as the cost recovery under chapter 70.105D RCW ceases.

(g) Any permit holder, with the exception of nonoperating aggregate operations or a permitted portable facility, who

has not been in continuous operation within a consecutive eighteen-month period or who commits to not being in operation for a consecutive eighteen-month period or longer can have their permit fee reduced to twenty-five percent of the fee that they would be otherwise assessed. This nonoperating mode must be verified by the appropriate ecology staff. Once operations resume, the permit fee will be returned to the full amount.

Facilities who commit to the minimum eighteen-month nonoperating mode but go back into operation during the same eighteen-month period will be assessed permit fees as if they were active during the entire period.

(h) Facilities with subcategories based on gallons per day (gpd) shall have their annual permit fee determined by using the maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit, whichever is greater.

(i) RCRA corrective action sites requiring a waste discharge permit will be assessed a separate permit fee regardless of whether the discharge is authorized by a separate permit or by a modification to an existing permit for a discharge other than that resulting from the corrective action.

(3) MUNICIPAL/DOMESTIC FACILITIES

(a) The annual permit fee for a permit held by a municipality for a domestic wastewater facility issued under RCW 90.48.162 or 90.48.260 is determined as follows:

((+)) Residential Equivalents (RE)	FY 2000 Annual Permit Fee	FY 2001 Annual Permit Fee	*FY 2002 Annual Permit Fee and Beyond
<250,000	\$ 1.51 per RE	\$ 1.55 per RE	\$ 1.59 per RE
>250,000	.91 per RE	.94 per RE	.97 per RE

* Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2001.)

(i) Residential Equivalents (RE)	FY 2003 Annual Permit Fee	FY 2004 Annual Permit Fee and Beyond
<250,000	\$ 1.63	\$ 1.68
>250,000	.99	1.02

(ii) Municipal storm water permit annual fee for only those entities listed below will be:

((Name of Entity	FY 2000 Annual Permit Fee	FY 2001 Annual Permit Fee	*FY 2002 Annual Permit Fee and Beyond
King County	\$27,856.00	\$28,655.00	\$29,417.00
Snohomish County	27,856.00	28,655.00	29,417.00
Pierce County	27,856.00	28,655.00	29,417.00
Tacoma, City of	27,856.00	28,655.00	29,417.00
Seattle, City of	27,856.00	28,655.00	29,417.00
Department of Transportation	27,856.00	28,655.00	29,417.00
Clark County	27,856.00	28,655.00	29,417.00

* Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2001.)

Seattle, City of	30,276.00	31,272.00
Department of Transportation	30,276.00	31,272.00
Clark County	30,276.00	31,272.00

Name of Entity	FY 2003 Annual Permit Fee	FY 2004 Annual Permit Fee and Beyond
King County	\$30,276.00	\$31,272.00
Snohomish County	30,276.00	31,272.00
Pierce County	30,276.00	31,272.00
Tacoma, City of	30,276.00	31,272.00

Facilities listed in (a)(ii) of this subsection shall pay an annual fee for fiscal year 2000 and fiscal year 2001 regardless of the permit issuance date or the number of municipal storm water permits under which they are covered.

(b) The annual permit fee under RCW 90.48.162 or 90.48.260 that is held by a municipality which:

(i) Holds more than one permit for domestic wastewater facilities; and

(ii) Treats each domestic wastewater facility as a separate accounting entity, is determined as in (a) of this subsection.

A separate accounting entity is one that maintains separate funds or accounts for each domestic wastewater facility. Revenues are received from the users to pay for the costs of operating that facility.

(c) The sum of the annual permit fees for permits held by a municipality that:

(i) Holds more than one permit for domestic wastewater facilities issued under RCW 90.48.162 or 90.48.260; and

(ii) Does not treat each domestic wastewater facility as a separate accounting entity, as described in (b) of this subsection, is determined as in (a) of this subsection.

(d) The permit fee for a privately-owned domestic wastewater facility that primarily serves residential customers is determined as in (a) of this subsection. Residential customers are those whose lot, parcel or real estate, or building is primarily used for domestic dwelling purposes.

(e) The annual permit fee for privately owned domestic wastewater facilities must be determined by using the maximum daily flow or maximum monthly average permitted flow in million gallons per day, whichever is greater, as specified in the waste discharge permit. Permit fees for privately-owned domestic wastewater facilities that do not serve primarily residential customers and for state-owned domestic wastewater facilities are the following:

(Permitted Flows	FY 2000 Annual Permit Fee	FY 2001 Annual Permit Fee	*FY 2002 Annual Permit Fee and Beyond
.1 MGD and Greater	\$6,114.00	\$6,289.00	\$6,456.00
.05 MGD to <.1 MGD	2,446.00	2,516.00	2,583.00
.0008 MGD to <.05 MGD	1,223.00	1,258.00	1,291.00
<.0008 MGD	367.00	378.00	388.00

* Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2001.)

Permitted Flows	FY 2003 Annual Permit Fee	FY 2004 Annual Permit Fee and Beyond
.1 MGD and Greater	\$6,644.00	\$6,863.00
.05 MGD to <.1 MGD	2,658.00	2,746.00
.0008 MGD to <.05 MGD	1,329.00	1,373.00
<.0008 MGD	400.00	413.00

(f) The number of residential equivalents is calculated in the following manner:

(i) If the facility serves only single-family residences, the number of residential equivalents is the number of single-family residences that it served on January 1 of the previous calendar year.

(ii) If the facility serves both single-family residences and other classes of customers, the number of residential equivalents is calculated in the following manner:

(A) Calculation of the number of residential equivalents that the facility serves in its own service area. Subtract from the previous calendar year's gross revenue:

(I) Any amounts received from other municipalities for sewage interception, treatment, collection, or disposal; and

(II) Any user charges received from customers for whom the permit holder pays amounts to other municipalities for sewage treatment or disposal services. Divide the resulting figure by the annual user charge for a single-family residence.

(B) Calculation of the number of residential equivalents that the facility serves in other municipalities which pay amounts to the facility for sewage interception, treatment, collection, or disposal:

(I) Divide any amounts received from other municipalities during the previous calendar year by the annual user charge for a single-family residence. In this case "annual user charge for a single-family residence" means the annual user charge that the facility charges other municipalities for sewage interception, treatment, collection, or disposal services for a single-family residence. If the facility charges different municipalities different single-family residential user fees, then the charge used in these calculations must be that which applies to the largest number of single-family residential customers. Alternatively, if the facility charges different municipalities different single-family residential user fees, the permit holder may divide the amount received from each municipality by the annual user charge that it charges that municipality for a single-family residence and sum the resulting figures.

(II) If the facility does not charge the other municipality on the basis of a fee per single-family residence, the number of residential equivalents in the other municipality is calculated by dividing its previous calendar year's gross revenue by its annual user fee for a single-family residence. If the other municipality does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, the number of residential equivalents is calculated as in (f)(iv) of this subsection.

(III) If the other municipality serves only single-family residences, the number of residential equivalents may be calculated as in (f)(i) of this subsection.

The sum of the resulting figures is the number of residential equivalents that the facility serves in other municipalities.

(C) The number of residential equivalents is the sum of the number of residential equivalents calculated in (f)(ii)(A) and (B) of this subsection.

(iii) The annual user fee for a single-family residence is calculated by either of the following methods, at the choice of the permit holder:

(A) The annual user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed monthly, this is calculated by multiplying by twelve the monthly user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed bimonthly, the annual user fee is calculated by multiplying by

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six the bimonthly user fee for a single-family residence using one thousand eight hundred cubic feet of water per two-month period. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the fee used in these calculations must be that which applies to the largest number of single-family residential customers.

(B) The average annual user fee for a single-family residence. This average is calculated by dividing the previous calendar year's gross revenue from provision of sewer services to single-family residences by the number of single-family residences served on January 1 of the previous calendar year. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the gross revenue and number of single-family residences used in making this calculation must be those for all the single-family residential customers.

In either case, (f)(iii)(A) or (B) of this subsection, the permit holder must provide the department with a copy of its complete sewer rate schedule for all classes of customers.

(iv) If a permit holder does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, and therefore cannot use the methods described in (f)(i) or (ii) of this subsection to calculate the number of residential equivalents that it serves, then the number of residential equivalents that it serves is calculated by dividing the average daily influent flow to its facility for the previous calendar year by two hundred fifty gallons. This average is calculated by summing all the daily flow measurements taken during the previous calendar year and then dividing the resulting sum by the number of days on which flow was measured. Data for this calculation must be taken from the permit holder's discharge monitoring reports. Permit holders using this means of calculating the number of their residential equivalents must submit with their application a complete set of copies of their discharge monitoring reports for the previous calendar year.

(g) Fee calculation procedures for holders of permits for domestic wastewater facilities.

(i) Municipalities holding permits for domestic wastewater facilities issued under RCW 90.48.162 and 90.48.260, and holders of permits for privately-owned domestic wastewater facilities that primarily serve residential customers must complete a form certifying the number of residential equivalents served by their domestic wastewater system. The form must be completed and returned to the department within thirty days after it is mailed to the permit holder by the department. Failure to return the form could result in permit termination.

(ii) The form shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized partner;

(C) In the case of a general partnership, by an authorized partner;

(D) In the case of a sole proprietorship, by the proprietor;

or

(E) In the case of a municipal or other public facility, by either a ranking elected official or a principal executive officer.

(iii) The department may verify the information contained in the form and, if it determines that the permit holder has made false statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

AMENDATORY SECTION (Amending Order 99-03, filed 12/28/99, effective 1/28/00)

WAC 173-224-050 Permit fee computation and payments. (1) The department shall charge permit fees based on the permit fee schedule contained in WAC 173-224-040. The department may charge fees at the beginning of the year to which they apply. The department shall notify permit holders of fee charges by mailing billing statements. Permit fees must be received by the department within forty-five days after the department mails a billing statement. The department may elect to bill permit holders a prorated portion of the annual fee on a monthly, quarterly, or other periodic basis.

(2) ~~(Permit fee computation for individual permits. Computation of permit fees shall begin on the first day of each fiscal year, or in the case of facilities or activities not previously covered by permits, on the issuance date of the permit. In the case of applicants for state waste discharge permits who are deemed to have a temporary permit under RCW 90.48.200, computation shall begin on the sixty-first day after the department accepts a completed application. In the case of NPDES permit holders who submit a new, updated permit application containing information that could change their assigned permit fee, computation and permit fee category reassignment begins upon acceptance of the application by the department. Any facility that obtains permit coverage but fails to operate will still be obligated to pay the annual permit fee assessment until the permit has been terminated by the department. Permits terminated during the fiscal year will have their fees prorated as follows unless it results in an annual fee assessment of less than one hundred dollars. Ecology will not process refunds of one hundred dollars or less:)~~
Permit fee computation for individual permits. Computation of permit fees shall begin on the first day of each fiscal year. In the case of facilities or activities not previously covered by permits, fee computation begins on the issuance date of the permit excluding permits issued for aquatic pest control. Permits issued for aquatic pest control fee category shall pay the full annual fee assessment regardless of when permit coverage is granted. In the case of applicants for state waste discharge permits who are deemed to have a temporary permit under RCW 90.48.200, computation shall begin on the sixty-first day after the department accepts a completed application. In the case of NPDES permit holders who submit a new, updated permit application containing information that could change their assigned permit fee, computation and permit fee category reassignment begins upon acceptance of the application by the department. Any facility that obtains permit coverage but fails to operate will still be obligated to pay the annual permit fee assessment until the permit has been terminated by the department. Permits terminated during the fiscal

year will have their fees prorated, excluding permits issued for aquatic pest control, as follows unless it results in an annual fee assessment of less than one hundred dollars. Aquatic pest control permits issued during the fiscal year shall pay the full annual fee assessment regardless of when the permit termination is granted. Ecology will not process refunds of one hundred dollars or less:

(a) Permit coverage for up to three months will pay twenty-five percent of the annual permit fee;

(b) Permit coverage for three to six months will pay fifty percent of the annual permit fee;

(c) Permit coverage for six to nine months will pay seventy-five percent of the annual permit fee; and

(d) Permit coverage for nine months or greater will pay one hundred percent of the annual permit fee.

~~(3) ((Permit fee computation for general permits. Computation of fees for permittees covered under a general permit begins on the permit coverage date. Any facility that obtains permit coverage is obligated to pay the annual permit fee regardless of whether or not the facility has ever operated until the permit has been terminated by the department. Permits terminated during the fiscal year will have their fees prorated as described in subsection (2)(a), (b), (c) and (d) of this section unless it results in an annual fee assessment of less than one hundred dollars. Ecology will not process refunds of one hundred dollars or less.))~~ Permit fee computation for general permits. Computation of fees for permittees covered under a general permit, excluding those general permits issued for aquatic pest control, begins on the permit coverage date. Permits issued for aquatic pest control will pay the full annual fee assessment regardless of when the permit coverage begins. Any facility that obtains permit coverage is obligated to pay the annual permit fee regardless of whether or not the facility has ever operated until the permit has been terminated by the department. Permits terminated during the fiscal year excluding permits issued for aquatic pest control will have their fees prorated as described in subsection (2)(a), (b), (c), (d) of this section unless it results in an annual fee assessment of less than one hundred dollars. Aquatic pest control permits issued during the fiscal year shall pay the annual fee assessment for that fiscal year regardless of when the permit termination is granted. Ecology will not process refunds of one hundred dollars or less.

(4) Permit fees for sand and gravel (aggregate) general permit holders will be assessed as in subsection (3) of this section and:

(a) Nonoperating aggregate sites. A facility conducting mining, screening, washing and/or crushing activities excluding portable rock crushing operations is considered nonoperating for fee purposes if they are conducting these activities for less than ninety cumulative days during a calendar year. A facility producing no asphalt and/or concrete during the calendar year is also considered nonoperating for fee purposes.

(b) Nonoperating sites that become active for only concrete and/or asphalt production will be assessed a prorated fee for the actual time inactive. For the actual time a concrete and/or asphalt facility is active excluding asphalt portable batch plants and concrete portable batch plants, fees will be based on total production of concrete and/or asphalt.

(c) Fees for continuously active sites that produce concrete and/or asphalt excluding asphalt portable batch plants and concrete portable batch plants, will be based on the average of the three previous calendar years production totals. Existing facilities must provide the department with the production totals for concrete and/or asphalt produced during the previous three calendar years or for the number of full calendar years of operation if less than three. New facilities with no historical asphalt and/or concrete production data will have their first year fee based on the production levels reported on the application for coverage under the National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water, Storm Water, and Mine Dewatering Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations general permit. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(d) Asphalt portable batch plants, concrete portable batch plants and portable rock crushing operations will be assessed fees as in subsection (3) of this section. Each permitted operation must commit to being shut down for a minimum of twelve calendar months before the status can be changed to nonoperating.

(5) Fees for crop preparation general permit holders will be assessed as in subsection (3) of this section and will be computed on the three previous calendar years production totals. Existing facilities must provide the department with the production totals in the manner described in WAC 173-224-040 (2)(d). New facilities with no historical production data will have their first year fee based on the estimated production level for that year. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(6) Facilities with construction and industrial storm water general permit coverage will have their annual permit fees begin on the permit issuance date. Permit fee accrual will continue until the permit has been terminated by the department regardless if the activity covered under the permit has already ceased.

(7) Facilities with an existing NPDES and/or state wastewater discharge permit who also have obtained industrial and/or construction storm water general permit coverage shall only pay an annual fee based on the permit with the highest permit fee category assessment.

(8) Computation of fees shall end on the last day of the state's fiscal year, or in the case of a terminated permit, during the quarter the termination took place.

(9) The applicable permit fee shall be paid by check or money order payable to the "Department of Ecology" and

mailed to the Wastewater Discharge Permit Fee Program, P.O. Box 5128, Lacey, Washington 98509-5128.

(10) In the event a check is returned due to insufficient funds, the department shall consider the permit fee to be unpaid.

(11) Delinquent accounts. Permit holders are considered delinquent in the payment of fees if the fees are not received by the first invoice billing due date. ~~((The department will notify the delinquent permit holder by certified letter of its intent to turn the delinquent account over to a collection agency. Permit holders will have thirty days from receipt of the certified letter to bring the account up-to-date before the department turns it over for collection. Any delinquent account turned over for collection will be assessed a surcharge totaling twenty percent of the delinquent amount owed. The surcharge assessment is to recover the costs for collection. If the collection agency fails to recover the delinquent fees after twelve months, the department will terminate the permit for nonpayment of fees.))~~ Delinquent accounts will be processed in the following manner:

(a) Municipal and government entities shall be notified by certified mail that they have forty-five days to bring the delinquent account up-to-date. Accounts that remain delinquent after forty-five days may receive a permit revocation letter for nonpayment of fees.

(b) Nonmunicipal or nongovernment permit holders shall be notified by the department by certified mail that they have forty-five days to bring the delinquent account up-to-date. Accounts that remain delinquent after forty-five days will be turned over for collection. In addition, a surcharge totaling twenty percent of the delinquent amount owed will also be added. The surcharge is to recover the costs for collection. If the collection agency fails to recover the delinquent fees after twelve months, the permit holder may receive a permit revocation letter for nonpayment of fees.

**WSR 02-06-096
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed March 4, 2002, 4:09 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-099.

Title of Rule: WAC 388-478-0070 Monthly income and countable resource standards for medically needy and medically indigent programs and 388-478-0080 SSI-related categorically needy income level (CNIL) and countable resource standards.

Purpose: The department proposes to adopt increased federal standards.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.057, and 74.09.500.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, MAA, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1330.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules would adopt increased federal standards.

Proposal Changes the Following Existing Rules: Increases standards.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not affect businesses.

RCW 34.05.328 applies to this rule adoption. While this rule does meet the definition of a significant legislative rule as described in RCW 34.05.328, DSHS client eligibility rules are exempt per RCW 34.05.328 (5)(b)(vii).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on April 9, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by April 5, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m. April 9, 2002.

Date of Intended Adoption: Not sooner than April 10, 2002.

February 28, 2002

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-12-073, filed 6/4/01, effective 7/5/01)

WAC 388-478-0070 Monthly income and countable resource standards for medically needy (MN) and medically indigent (MI) programs. (1) Beginning January 1, ~~((2004))~~ 2002, the medically needy income level (MNIL) and MI monthly income standards are as follows:

(a) One person	\$(556.00)) \$71.00
(b) Two persons	\$592
(c) Three persons	\$667
(d) Four persons	\$742
(e) Five persons	\$858
(f) Six persons	\$975
(g) Seven persons	\$1,125
(h) Eight persons	\$1,242
(i) Nine persons	\$1,358
(j) Ten persons and more	\$1,483

PROPOSED

(2) The MNIL standard for a person who meets institutional status requirements is in WAC 388-513-1305(3).

(3) Countable resource standards for the MN and MI programs are:

- (a) One person \$2,000
- (b) Two persons \$3,000
- (c) For each additional family member add \$50

AMENDATORY SECTION (Amending WSR 01-12-073, filed 6/4/01, effective 7/5/01)

WAC 388-478-0080 SSI-related categorically needy income level (CNIL) and countable resource standards.

(1) The SSI-related CNIL standard is the same as the SSI monthly payment standard based upon the area of the state where the person lives. Area 1 is defined as the following counties: King, Pierce, Snohomish, Thurston, and Kitsap. Area 2 is all other counties. Beginning January 1, ~~((2001))~~ 2002, the CNIL monthly income standards are as follows:

	Area 1	Area 2
(a) Single person	\$(555.90) <u>570.90</u>	\$(535.45) <u>550.45</u>
(b) A legally married couple who are both eligible	\$(815.90) <u>836.90</u>	\$(796.00) <u>817.00</u>
(c) Supplied shelter	\$(357.05) <u>367.05</u>	\$(357.05) <u>367.05</u>

(2) The countable resource standards for the SSI-related CN medical program are:

- (a) One person \$2,000
- (b) A legally married couple \$3,000

WSR 02-06-097
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed March 4, 2002, 4:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-19-018.

Title of Rule: Amending WAC 388-523-0100 Medical extensions—Eligibility; and new WAC 388-523-0110 Medical extensions—Reporting requirements, 388-523-0120 Medical extensions—Premiums, and 388-523-0130 Medical extensions—Redeterminations.

Purpose: The proposed rules implement the establishment of premiums in the second six-month period of medical extension benefits.

Statutory Authority for Adoption: RCW 74.09.080.

Statute Being Implemented: RCW 74.09.080, ESSB 6153, subsection 209.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, MAA, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1330.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules would implement premiums in the second six-month period of medical extension benefits.

Proposal Changes the Following Existing Rules: Implements premiums in the second six-month period of medical extension benefits.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no impact on small businesses.

RCW 34.05.328 applies to this rule adoption. While this rule does meet the definition of a significant legislative rule as described in RCW 34.05.328, DSHS client eligibility rules are exempt per RCW 34.05.328 (5)(b)(vii).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on April 9, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by April 5, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m. April 9, 2002.

Date of Intended Adoption: Not sooner than April 10, 2002.

February 28, 2002
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-523-0100 Medical extensions—Eligibility.

(1) A family who received temporary assistance for needy families (TANF) ~~((or))~~, state family assistance (SFA) cash ~~((or related medical assistance))~~, or family medical program in any three of the last six months in the state of Washington is eligible for extended medical benefits when they ~~((are))~~ become ineligible for ~~((TANF/SFA related))~~ their current medical program because the family receives:

(a) ~~((They receive))~~ Child or spousal support, which exceeds the payment standard described in WAC ~~((388-478-0020))~~ 388-478-0065, and they are not eligible for any other categorically needy (CN) medical program; or

(b) ~~((Their earnings))~~ Increased earned income, resulting in income exceeding the ~~((TANF/SFA payment))~~ CN income standard described in ~~((subsection (1)(a)))~~ WAC 388-478-0065.

PROPOSED

~~(2) A family ((described in subsection (1)(a))) is eligible to receive ((four months of)) extended medical benefits beginning the month after termination from ((cash or TANF/SFA related medical assistance, provided the family includes a child as defined in WAC 388-404-0005.~~

~~(3) A family described in subsection (1)(b) is eligible to receive six months of extended medical benefits when:~~

~~(a) They continue to meet the eligibility requirements of a TANF/SFA related medical program, other than income; and~~

~~(b) The family includes a child.~~

~~(4) A family described in subsection (3) will not receive extended medical benefits for any family member who has been found ineligible for cash assistance because of fraud in any of the six months prior to the extended medical period.~~

~~(5) A family receiving extended medical benefits described in subsection (4) of this section is eligible for up to an additional six calendar months of extended medical benefits as long as:~~

~~(a) The family continues to include a child; and~~

~~(b) The family's gross earned income, after child care deductions in the preceding three months averages less than; one hundred eighty five percent of the Federal Poverty Level (FPL), as described in WAC 388-478-0075; and~~

~~(c) A caretaker relative has had earnings in each of the three previous months, prior to the month of request for the second six month extension; and~~

~~(d) The family reports to the department family earnings and child care costs relating to employment by the twenty-first day of the:~~

~~(i) Fourth month of the initial six month extension period; and~~

~~(ii) First month of the second six month extension; and~~

~~(iii) Fourth month of the second six month extension.~~

~~(6) Certain circumstances may prevent a family from meeting the requirements in subsection (5)(b), (c) and (d) of this section. If that occurs, good cause may exist and the family remains eligible for the additional six month medical extension. Reasons for good cause include, but are not limited to:~~

~~(a) Illness, mental impairment, injury, trauma, or stress; or~~

~~(b) Lack of understanding the reporting requirement due to a language barrier; or~~

~~(c) Transportation problems; or~~

~~(d) Payment for work in each month of the reporting period was paid in a different month than it was earned; or~~

~~(e) The client expected to be able to meet the family medical needs, but could not; or~~

~~(f) The client was given incorrect information about the reporting requirements.~~

~~(7) Postpartum and family planning extensions are described in WAC 388-462-0015)) TANF/SFA cash or family medical program for:~~

~~(a) Four months for a family described in subsection (1)(a) of this section; or~~

~~(b) Up to twelve months, in two six-month segments, for a family described in subsection (1)(b) of this section. For the purposes of this chapter, months one through six are the~~

initial six-month extension period. Months seven through twelve are the second six-month extension period.

(3) A family member is eligible to receive six months of medical extension benefits as described in subsection (2)(b) of this section unless:

(a) The individual family member:

(i) Moves out of state;

(ii) Dies;

(iii) Becomes an inmate of a public institution;

(iv) Leaves the household; or

(v) Does not cooperate, without good cause, with the division of child support or with third party liability requirements.

(b) The family:

(i) Moves out of state;

(ii) Loses contact with the department or the department does not know the whereabouts of the family; or

(iii) No longer includes a child as defined in WAC 388-404-0005(1).

(4) A family member is eligible to receive the second six months of medical extension benefits as described in subsection (2)(b) of this section unless:

(a) The family is no longer eligible for the reasons described in subsection (3)(a) or (b); or

(b) The individual family member is the caretaker adult who:

(i) Stops working or whose earned income stops;

(ii) Does not, without good cause, complete and return the completed medical extension report or otherwise provide the required income and child care information; or

(iii) Does not, without good cause, pay the billed premium amount for one month.

(5) A family described in subsection (3) will not receive medical extension benefits for any family member who has been found ineligible for TANF/SFA cash because of fraud in any of the six months prior to the medical extension period.

NEW SECTION

WAC 388-523-0110 Medical extensions—Reporting requirements. (1) The family must report family income and employment-related child care costs the family pays by the twenty-first day of:

(a) Month four of the extension period, for months one, two, and three; and

(b) Month seven of the extension period, for months four, five, and six.

(2) Circumstances may prevent a family from meeting the reporting requirements in subsection (1) of this section. The family remains eligible for the medical extension when good cause exists. Reasons for good cause include, but are not limited to:

(a) Illness, mental impairment, injury, trauma, or stress;

(b) Lack of understanding the reporting requirement due to a language barrier;

(c) Transportation problems;

(d) Payment for work in each month of the reporting period was paid in a different month than it was earned;

(e) The client expected to be able to meet the family medical needs, but could not; or

(f) The client was given incorrect information about the reporting requirements. Refer to WAC 388-422-0020 (4) and (5).

NEW SECTION

WAC 388-523-0120 Medical extensions—Premiums.

(1) **"Countable income"** means, for the purposes of determining the premium amount described in this chapter, all earned and unearned income of the adult family members except SSI cash assistance, minus the amount of employment-related child care paid for by the family. The earned and unearned income of an adult, living in the household, who is financially responsible for other members of the assistance unit is included, whether or not the person is an eligible member of the assistance unit.

(2) For a family whose first month of medical extension benefits occurs on or after February 2002, the department requires the family pay premiums for medical coverage provided during the second six-month medical extension period. The premium amount is one percent of the family's countable income per person/per month. This amount is rounded down to the nearest whole dollar.

(3) The premiums for:

(a) Months seven, eight, and nine are based solely on the average countable income received in months one, two and three of the medical extension period; and

(b) Months ten, eleven, and twelve are based solely on the average countable income received in months four, five, and six of the medical extension period.

(4) A subsequent change in income does not effect the premium amount described in subsection (2) and (3) of this section.

(5) When a family's premium is one month in arrears, the family is ineligible for the balance of the medical extension period unless good cause exists. Reasons for good cause include, but are not limited to:

(a) Illness, mental impairment, injury, trauma, or stress;

(b) Lack of understanding the premium payment requirement due to a language barrier;

(c) Transportation problems;

(d) The client did not pay the premium because they expected to be able to meet the family medical needs, but could not; or

(e) The client was given incorrect information or did not receive advance and adequate notice about the premium payment requirements. Refer to WAC 388-422-0020 (4) and (5).

(6) The department exempts individual family members from the premium requirements, as follows:

(a) Children;

(b) Pregnant women;

(c) American Indians and Alaska Natives; and

(d) Caretaker adults in a family whose countable income is under one hundred percent of the Federal Poverty Level based on family size as described in WAC 388-478-0075(2).

(7) When determining the exemption described in (6)(c), the department shall include in the household size an unborn child and a person who is financially responsible for other members of the assistance unit, whether or not the person is an eligible member of the assistance unit. A person receiving

SSI cash assistance is not included when determining the household size.

(8) The department determines a family's exemption from the premium requirement as described in subsection (6)(c) for:

(a) Months seven, eight and nine based solely on information available to the department at the time the premium for these months is calculated; and

(b) Months ten, eleven, and twelve based solely on information available to the department at the time the premium for these months is calculated.

(9) Any income change resulting in an individual meeting the exemption criteria in subsection (6)(c) after the establishment of the premium amount for months seven, eight and nine is used to calculate the premium amount for months ten, eleven, and twelve.

NEW SECTION

WAC 388-523-0130 Medical extension—Redetermination.

(1) When the department determines the family or an individual family member is ineligible during the medical extension period, the department must determine if they are eligible for another medical program.

(2) When a family reports a significant reduction of income, the family may be eligible for a family medical program instead of medical extension benefits.

(3) Postpartum and family planning extensions are described in WAC 388-462-0015.

WSR 02-06-102

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

(By the Code Reviser's Office)

[Filed March 5, 2002, 10:23 a.m.]

WAC 296-52-600, 296-52-60025, 296-52-60040, 296-52-60070, 296-52-60110, 296-52-62020, 296-52-63015, 296-52-64010, 296-52-64015, 296-52-64025, 296-52-64060, 296-52-64070, 296-52-66025, 296-52-67005, 296-52-67015, 296-52-67120, 296-52-67150, 296-52-67155, 296-52-67175, 296-52-67205, 296-52-67250, 296-52-68005, 296-52-68035, 296-52-68070, 296-52-69075, 296-52-69100, 296-52-70075, 296-52-71005, 296-52-71010, 296-52-71030, 296-52-71050, 296-52-71070 and 296-52-71085, proposed by the Department of Labor and Industries in WSR 01-16-145 appearing in issue 01-17 of the State Register, which was distributed on September 5, 2001, 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 02-06-105
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD**
[Filed March 5, 2002, 10:26 a.m.]

Original Notice.

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

Title of Rule: Title 136 WAC.

Purpose: Amends WAC 136-130-030 Project prioritization in the Puget Sound region and 136-130-070 Project prioritization in the southwest region.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Name of Agency Personnel Responsible for Drafting: Randy Hart, 2404 Chandler Court S.W., Suite 240, 753-5090; Implementation: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, 753-5090; and Enforcement: Jay Weber, 2404 Chandler Court S.W., Suite 240, 753-5090.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendments to WAC 136-130-030 Project prioritization in Puget Sound region (PSR), assigns RAP maximum rating points for the three project types.

Amendments to WAC 136-130-070 Project prioritization in southwest region (SWR), increases thirty-five points maximum for surface condition to fifty points maximum for surface conditions.

Proposal Changes the Following Existing Rules: See Explanation of Rule 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.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W.; Suite 240, Olympia, WA 98504-0913, on April 18, 2002, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Karen Pendleton by April 12, 2002, TDD (800) 833-6384, or (360) 753-5989.

Submit Written Comments to: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, fax (360) 586-0386, by April 12, 2002.

Date of Intended Adoption: April 18, 2002.

March 4, 2002
Jay P. Weber
Executive Director

AMENDATORY SECTION (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

WAC 136-130-030 Project prioritization in Puget Sound region (PSR). Each county in the PSR may submit projects requesting RATA funds not to exceed 80% of the forecasted regional apportionment. Each project shall be rated in accordance with the PSR RAP rating procedures. The PSR funding period shall allot a minimum of 25% of the forecasted regional apportionment to projects on roads classified

as major collectors (07) or minor collectors (08). ((PSR RAP rating points shall be assigned on the basis of twenty points for traffic volume, twenty-five points for accident history, fifteen points for structural condition, twenty-five points for geometric condition, and fifteen points for special use and need.))

PSR RAP maximum rating points for the three project types shall be assigned based on the following:

Rating Criteria:	Project Type:		
	Road	Intersection	Bridge
<u>Traffic Volume</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Accident History</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Structure</u>	<u>15</u>	<u>5</u>	<u>20</u>
<u>Geometry</u>	<u>25</u>	<u>35</u>	<u>20</u>
<u>Special Road Usage</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>TOTAL POINTS</u>	<u>100</u>	<u>100</u>	<u>100</u>

Bridge category projects that will not replace the structure must have federal funds committed to them prior to submittal for RATA funding.

Prioritization of PSR projects shall be on the basis of total PSR RAP rating points shown on the project worksheet and the prospectus form of the project application.

AMENDATORY SECTION (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

WAC 136-130-070 Project prioritization in southwest region (SWR). Each county in the SWR may submit projects requesting RATA funds not to exceed thirty percent of the forecasted SWR biennial apportionment. No bridge replacement projects will be funded. Each project shall be rated in accordance with the SWR RAP rating procedures. SWR RAP rating points shall be assigned on the basis of fifty road condition points, consisting of twenty-five points for structural condition and twenty-five points for surface condition, fifty points for geometrics, ten points for traffic volume and ten points for traffic accidents, except that portland cement concrete surfaces and asphalt surfaces with cement concrete bases shall have fifty points for road surface condition and no points for structural condition and except that gravel roads shall have ((thirty-five)) fifty points maximum for surface condition, and fifteen points maximum for roadbed width in geometrics and no other geometric points. Prioritization of SWR projects shall be on the basis of total SWR RAP rating points shown on the project worksheets and the prospectus form of the project application.

**WSR 02-06-109
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Filed March 5, 2002, 4:29 p.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 02-02-038.

Title of Rule: Priorities for handling surplus salmon eggs.

Purpose: Establish rules for surplus salmon and salmon eggs.

Statutory Authority for Adoption: RCW 77.100.060.

Statute Being Implemented: RCW 77.100.060.

Summary: Establishes priority of the uses of salmon and salmon eggs.

Reasons Supporting Proposal: Increase the number of spawning salmon and viable salmon eggs.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 600 Capitol Way, Olympia, (360) 902-2930; Implementation: Lew Atkins, 600 Capitol Way, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 600 Capitol Way, Olympia, (360) 902-2373.

Name of Proponent: 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: These rules implement chapter 337, Laws of 2001, which, in relevant part, require the department to adopt rules to establish the priority for uses of surplus salmon and salmon eggs. These rules will include allowing for escape of hatchery origin fish in order to restore salmon runs in the state.

Proposal Changes the Following Existing Rules: Modifies priority of use of surplus salmon eggs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Kittitas County Fairground, 512 North Poplar, Ellensburg, WA, on April 12-13, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by April 1, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98504-1091, fax (360) 902-2155, by April 5, 2002.

Date of Intended Adoption: April 12, 2002.

March 5, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 79-75, filed 9/7/79)

WAC 220-74-020 Priorities. (1) It is the duty of the department to assure that egg requirements for state hatcheries (~~and natural spawning escapements~~) are satisfied. Once these requirements have been met, eggs surplus to these requirements will be provided (~~to voluntary cooperative salmon culture programs under the supervision of the department, to qualified transferees and to qualified exchangees.~~

Once these requirements are satisfied, the eggs may be made available for sale under chapter 220-74 WAC.

~~Qualified transferees are governmental hatcheries in Washington and Oregon or hatcheries of federally approved tribes in Washington to whom eggs are moved, not sold, under the Interlocal Cooperation Act, chapter 39.34 RCW, for release or experiments designed to benefit the citizens of the state and private or other governmental laboratories to whom eggs are moved, not sold, for experiments designed to benefit the citizens of the state. Qualified exchangees are governmental entities who are provided eggs by the department and from whom the department obtains eggs on a mutually agreeable basis and for the benefit of the citizens of the state) as per RCW 77.95.210.~~

(2) Prioritized schedule for salmon production. Annually the department shall:

(a) Determine the salmon production capacity of department hatcheries;

(b) Determine the allowable numbers of hatchery-origin salmon that will be allowed to spawn naturally, by location;

(c) Make estimates of the number of adult salmon returning to department facilities;

(d) Solicit requests for viable salmon eggs from the following entities: Volunteer salmon rearing cooperatives established under chapter 77.100 RCW, regional fisheries enhancement groups established under chapter 77.95 RCW, lead entities for salmon recovery as established under chapter 77.85 RCW, government hatcheries in Washington, Oregon and Idaho, and hatcheries of federally recognized Indian tribes in Washington, Oregon and Idaho;

(e) Compile and submit for review by Indian tribes with treaty fishing rights a plan for replenishing fish runs through the use of available viable salmon eggs, including transfers to the entities listed in this subsection; and

(f) Offer an appeal mechanism to any entity denied a transfer of viable salmon eggs.

(3) The department will prioritize projects that utilize surplus viable salmon eggs and outplanting of adult fish. In such prioritization, the department will evaluate all proposed projects in terms of potential benefits and risks. In considering projects that involve placing adult, juvenile or eggs into a body of water, the biological factors that will be considered include, but are not limited to:

(a) Expected salmon recovery benefits;

(b) Effect on ongoing research and monitoring projects;

(c) Nutrient benefit;

(d) Habitat carrying capacity;

(e) Interspecies interactions;

(f) Disease risk;

(g) Ability to monitor effects of introduction;

(h) Biodiversity significance of the wild population;

(i) Genetic similarity of introduced and wild stocks;

(j) Status of populations under the Endangered Species Act or the salmonid stock inventory; and

(k) The proportional mix of hatchery-origin and wild fish.

(4) All projects will be evaluated consistent with documented department protocols and procedures, recovery plans and management agreements, including, but not limited to:

- (a) The WDFW Genetics Manual;
- (b) The WDFW Spawning Guidelines;
- (c) The WDFW Stock Transfer Guidelines;
- (d) The WDFW Fish Health Manual;
- (e) The Co-Managers Fish Disease Control Policy;
- (f) The WDFW Wild Salmonid Policy;
- (g) WDFW hatchery and genetics management plans;
- (h) WDFW fishery management and evaluation plans;
- (i) Rules developed under section 4(d) of the Endangered

Species Act; and

(j) Take permits issued under sections 7 and 10 of the Endangered Species Act.

(5) Prioritized schedule for egg sales. To encourage the use of surplus live salmon eggs available for sale for the optimum benefit of the citizens of the state, the following priorities will be followed, within practical limitations, in distributing surplus live salmon eggs resulting from returns to artificial production facilities:

(a) Sales to in-state aquaculturists when the eggs would be hatched, the resulting fry reared, by a person or corporation engaged in the fish industry in this state.

(b) Sales to private Oregon sea ranchers where fish are to be released for migration from Oregon sites to the Pacific Ocean and thus subject to the public capture fisheries of the state of Washington.

(c) Sales to the hatcheries located in California and Alaska where the fish are to be released at sites located in those states for migration to the Pacific Ocean for harvest by public capture fisheries and thus subjected to public capture by fishermen of the state of Washington.

(d) Sales to other state, federal and private aquaculture programs (~~which neither qualify as qualified transferees or exchangees nor meet the requirements of the first three priorities~~).

(e) Sales to foreign governmental entities (~~which are not qualified transferees or exchangees and to other foreign entities (corporations)~~).

- Hoisting and rigging;
- Structural steel assembly;
- Beam and column connections;
- Joist erection;
- Systems-engineered metal building erection; and
- Training.

The current sections in chapter 296-155 WAC, Part P, regarding steel erections will be repealed and replaced with the proposal.

REPEALED SECTIONS:

WAC 296-155-700 General requirements, 296-155-705 Flooring requirements, 296-155-710 Structural steel assembly, 296-155-715 Bolting, riveting, fitting-up, and plumbing-up, and 296-155-720 Safe walking surfaces on structural members.

NEW SECTIONS:

WAC 296-155-701 Scope.

- Provides the scope, application of the rule.

WAC 296-155-702 Definitions.

- Provides definitions applicable to the rule.

WAC 296-155-703 Site layout, site-specific erection plan and construction sequence.

- Provides requirements pertaining to layout, erection plans and construction sequence.

WAC 296-155-704 Hoisting and rigging.

- Provides requirements pertaining to hoisting and rigging, including multiple rigging procedures.

WAC 296-155-706 Structural steel assembly.

- Provides structural stability requirements during assembly.

WAC 296-155-707 Column anchorage.

- Establishes requirements for erection stability and anchoring.

WAC 296-155-708 Beams and columns.

- Provides requirements for placing and bracing of beams and columns.

WAC 296-155-709 Open web steel joists.

- Provides requirements for lateral stability, attachment of joists and girders, bridging, and the landing and placing of loads.

WAC 296-155-711 Systems-engineered metal buildings.

- Provides requirements for erection of system-engineered metal buildings.

WAC 296-155-714 Falling object protection.

- Provides requirements to secure items to prevent displacement.

WAC 296-155-716 Fall protection.

- Provides fall protection requirements.

WSR 02-06-114
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 6, 2002, 8:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-21-139 on October 24, 2001.

Title of Rule: Safety standards for construction work, chapter 296-155 WAC, Part P—Steel erection.

Purpose: The Federal Register, Volume 66, No. 12, January 18, 2001, adopted an OSHA final rule to amend 29 C.F.R. 1926. The rule:

- Enhances protections provided to workers engaged in steel erection;
- Updates general provisions that address steel erection;
- Sets performance-oriented criteria, where possible; and
- Contains requirements for:

WAC 296-155-717 Training.

- Provides requirements on training of employees.

WAC 296-155-72401 Appendix A—Guidelines for establishing the components of a site-specific erection plan: Nonmandatory guidelines for complying with WAC 296-155-703(5).

- Provides nonmandatory guidelines for site-specific erection.

WAC 296-155-72402 Appendix B—Acceptable test methods for testing slip-resistance of walking/working surfaces: Nonmandatory guidelines for complying with WAC 296-155-706 (2)(c).

- Provides nonmandatory guidelines on the testing of walking/working surfaces.

WAC 296-155-72403 Appendix C—Training: Nonmandatory guidelines for complying with WAC 296-155-717.

- Provides nonmandatory guidelines on training of employees.

WAC 296-155-72404 Appendix D—Perimeter columns: Nonmandatory guidelines for complying with WAC 296-155-708(5).

- Provides nonmandatory guidelines on beam and column safety.

WAC 296-155-72405—Appendix E—Double connections: Illustrations of a clipped end connection and a staggered connection: Nonmandatory guidelines for complying with WAC 296-155-708 (3)(a).

- Provides illustrations of proper clipped end and staggered connections.

WAC 296-155-72406 Appendix F—Typical installations for bridging: Nonmandatory guidelines for complying with chapter 296-155 WAC.

- Provides illustrations of proper bridging installations.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, 29 C.F.R. 1926, Vol. 66, No. 12, January 18, 2001.

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department is exempt from developing a small business economic impact statement because these proposed rule changes are exempt

from chapter 19.85 RCW referencing RCW 34.05.310 (4)(c). The proposed rule changes ensure conformity with federal regulations.

RCW 34.05.328 applies to this rule adoption. While the amendments may meet the criteria for significance, the department is exempt from complying with RCW 39.05.328 [34.05.328] because the proposed changes merely adopt by reference without material changes federal regulations (RCW 34.05.328 (5)(b)(iii)). Therefore an evaluation of probable benefits and costs of the rule amendments is not necessary.

Hearing Location: Department of Labor and Industries Building, Room S117, 7273 Linderson Way S.W., Tumwater, WA, on April 17, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by April 16, 2002, at (360) 902-5484.

Submit Written Comments to: Jim Hughes, Project Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, by 5:00 p.m. on April 25, 2002. In addition to written comments, the department will accept comments submitted to fax (360) 902-5529 and via e-mail to hugw235@lni.wa.gov. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: June 1, 2002.

March 6, 2002

Gary Moore

Director

NEW SECTION

WAC 296-155-701 Scope. (1)(a) This part applies to employers involved in the construction, alteration and repair of single or multistory buildings, bridges, and a variety of other structures. This part applies to employers involved in steel erection unless specifically excluded.

(b) Examples of steel erection structures include, but are not limited to:

Aerialways;	Aerospace facilities and structures;
Air and cable supported structures;	Amphitheatres;
Amusement park structures and rides;	Aqueducts;
Artistic and monumental structures;	Atriums;
Auditoriums;	Balconies;
Billboards;	Bins;
Bridges;	Canopies;
Car dumpers;	Catwalks;
Chemical process structures;	Conveyor supports and related framing;
Conveyor systems;	Cranes and craneways;
Curtain walls;	Draft curtains;
Elevator fronts;	Energy exploration structures;
Energy production, transfer and storage structures and facilities;	Entrances;
Fire containment structures;	Fire escapes;
Furnaces;	Geodesic domes;
Hi-bay structures;	Hoppers;
Industrial structures;	Lift slab/tilt-up structures;
Light towers;	Malls;
Metal roofs;	Mills;

PROPOSED

Monorails;	Ovens;
Overpasses;	Penthouses;
Platforms;	Power plants;
Racks and rack support structures and frames;	Radar and communication structures;
Rail, marine and other transportation structures;	Scoreboards;
Signage;	Single and multistory buildings;
Skylights;	Sound barriers;
Space frames;	Stackers/reclaimers;
Stacks;	Stadiums;
Stair towers;	Stairways;
Store fronts;	Systems-engineered metal buildings;
Trestles;	Underpasses;
Viaducts;	Water process and water containment structures; and
Window walls.	

(2)(a) Covered steel erection work includes the:

- Hoisting, laying out, placing, connecting, welding, burning, guying, bracing, bolting, plumbing and rigging of structural steel, steel joists, and metal buildings; and
- Installing metal decking, curtain walls, window walls, siding systems, miscellaneous metals, ornamental iron and similar materials.

(b) The following work is also covered by this part when done during, and are a part of, steel erection work:

Anchoring devices;	Building equipment;
Building specialties;	Cable stays;
Castings;	Cold formed steel framing;
Column covers;	Conveying systems;
Crane rails and accessories;	Detention or security equipment and doors, windows and hardware;
Doors; windows;	Elevator beams;
Enclosures and pockets;	Falsework for temporary supports of permanent steel members;
Fascias;	Fences and gates;
Ferrous metals and alloys;	Floor plates;
Gaskets;	Glass;
Gratings;	Grillage;
Handrails;	Hardware;
Hydraulic structures;	Joint fillers;
Ladders;	Louvers;
Metal decking and raceway systems and accessories;	Metal panels and panel wall systems;
Metal roofing and accessories;	Metal siding; bridge flooring;
Miscellaneous, architectural and ornamental metals and metal work;	Multipurpose supports;
Nonferrous metals and alloys;	Ornamental iron work, expansion control including bridge expansion joint assemblies;
Penthouse enclosures;	Perforated metals;
Permanent and temporary bents and towers;	Plastics and synthetic composite materials;

Railings;	Rigging, hoisting, laying out, placing, connecting, guying, bracing, dismantling, burning, welding, bolting, grinding, sealing, caulking, and all related activities for construction, alteration and/or repair of materials and assemblies such as structural steel;
Safety systems for steel erection;	Sealants and seals;
Sheet metal fabrications;	Shelf racks;
Skylights;	Slide bearings;
Soffit panels;	Stairs;
Steel and metal joists;	Stone and other nonprecast concrete architectural materials mounted on steel frames;
Structural cabling;	Structural metal framing and related bracing and assemblies; and
Trench covers.	

(3) Controlling contractor duties are specified in WAC 296-155-703 (1) and (3), 296-155-707 (2)(b), 296-155-714(2), and 296-155-716(5).

NEW SECTION

WAC 296-155-702 Definitions. Anchored bridging means that the steel joist bridging is connected to a bridging terminus point.

Bolted diagonal bridging means diagonal bridging that is bolted to a steel joist or joists.

Bridging clip means a device that is attached to the steel joist to allow the bolting of the bridging to the steel joist.

Bridging terminus point means a wall, a beam, tandem joists (with all bridging installed and a horizontal truss in the plane of the top chord) or other element at an end or intermediate point(s) of a line of bridging that provides an anchor point for the steel joist bridging.

Choker means a wire rope or synthetic fiber rigging assembly that is used to attach a load to a hoisting device.

Cold forming means the process of using press brakes, rolls, or other methods to shape steel into desired cross sections at room temperature.

Column means a load-carrying vertical member that is part of the primary skeletal framing system. Columns do not include posts.

Competent person (also defined in WAC 296-155-012) means one who can identify existing or predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization or authority by nature of their position to take prompt corrective measures to eliminate them. The person must be knowledgeable of the requirements of this part.

Connector means someone who, working with hoisting equipment, is placing and connecting structural members and/or components.

Constructibility means the ability to erect structural steel members in accordance with this part without having to alter the overall structural design.

Construction load (for joist erection) means any load other than the weight of the employee(s), the joists and the bridging bundle.

Controlled load-lowering means lowering a load by means of a mechanical hoist drum device that allows a load to be lowered with maximum control using the gear train or hydraulic components of the hoist mechanism. Controlled load lowering requires the use of the hoist drive motor, rather than the load hoist brake, to lower the load.

Controlling contractor means a prime contractor, general contractor, construction manager or any other legal entity that has the overall responsibility for the construction of the project—its planning, quality and completion.

Critical lift means a lift that:

- Exceeds seventy-five percent of the crane or derrick rated load chart capacity; or
- Requires the use of more than one crane or derrick.

Derrick floor means an elevated floor of a building or structure that has been designated to receive hoisted pieces of steel prior to final placement.

Double connection means an attachment method where the connection point is intended for two pieces of steel that share common bolts on either side of a central piece.

Double connection seat means a structural attachment that, during the installation of a double connection, supports the first member while the second member is connected.

Employee (and other terms of like meaning, unless the context of the provision containing such a term indicates otherwise) means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise.

Employer means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and an employee.

Erection bridging means the bolted diagonal bridging that is required to be installed prior to releasing the hoisting cables from the steel joists.

Final interior perimeter means the perimeter of a large permanent open space within a building such as an atrium or courtyard. This does not include openings for stairways, elevator shafts, etc.

Floor hole (decking hole) means an opening measuring less than twelve inches but more than one inch in its least dimension in any floor, roof, or platform through which

materials but not persons may fall, such as a belt hole, pipe opening, or slot opening.

Girt (in systems-engineered metal buildings) means a "Z" or "C" shaped member formed from sheet steel spanning between primary framing and supporting wall material.

Headache ball means a weighted hook that is used to attach loads to the hoist load line of the crane.

Hoisting equipment means lifting equipment designed to lift and position a load of known weight to a location at some known elevation and horizontal distance from the equipment's center of rotation. Hoisting equipment includes, but not limited to:

- Cranes;
- Derricks;
- Tower cranes;
- Barge-mounted derricks or cranes;
- Gin poles; and
- Gantry hoist systems.

Note: A come-a-long (a mechanical device, usually consisting of a chain or cable attached at each end, that is used to facilitate movement of materials through leverage) is not considered hoisting equipment.

Metal decking means a commercially manufactured, structural grade, cold rolled metal panel formed into a series of parallel ribs and includes metal floor and roof decks, standing seam metal roofs, other metal roof systems and other products such as bar gratings, checker plate, expanded metal panels, and similar products. After installation and proper fastening, these decking materials serve a combination of functions including: A structural element designed in combination with the structure to resist, distribute and transfer loads, stiffen the structure and provide a diaphragm action; a walking/working surface; a form for concrete slabs; a support for roofing systems; and a finished floor or roof.

Multiple lift rigging means a rigging assembly manufactured by wire rope rigging suppliers that facilitates the attachment of up to five independent loads to the hoist rigging of a crane.

Must means mandatory.

Permanent floor means a structurally completed floor at any level or elevation (including slab on grade).

Post means a structural member with a longitudinal axis that is essentially vertical, that:

- Weighs three hundred pounds or less and is axially loaded (a load presses down on the top end); or
- Is not axially loaded, but is laterally restrained by the above member. Posts typically support stair landings, wall framing, mezzanines and other substructures.

Project structural engineer of record means the registered, licensed professional responsible for the design of structural steel framing and whose seal appears on the structural contract documents.

Purlin (in systems-engineered metal buildings) means a "Z," "C," or "W" shaped member formed from sheet steel spanning between primary framing and supporting roof material.

Qualified person means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has

successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work, or the project.

Safety deck attachment means an initial attachment that is used to secure an initially placed sheet of decking to keep proper alignment and bearing with structural support members.

Shear connector means headed steel studs, steel bars, steel lugs, and similar devices which are attached to a structural member for the purpose of achieving composite action with concrete.

Steel erection means the construction, alteration or repair of steel buildings, bridges and other structures, including the installation of metal decking and all planking used during the process of erection.

Steel joist means an open web, secondary load-carrying member of one hundred forty-four feet (43.9 m) or less, designed by the manufacturer, used for the support of floors and roofs. This does not include structural steel trusses or cold-formed joists.

Steel joist girder means an open web, primary load-carrying member, designed by the manufacturer, used for the support of floors and roofs. This does not include structural steel trusses.

Steel truss means an open web member designed of structural steel components by the project structural engineer of record. For the purposes of this subpart, a steel truss is considered equivalent to a solid web structural member.

Structural steel means a steel member, or a member made of a substitute material (such as, but not limited to, fiberglass, aluminum or composite members). These members include, but are not limited to, steel joists, joist girders, purlins, columns, beams, trusses, splices, seats, metal decking, girts, and all bridging, and cold formed metal framing which is integrated with the structural steel framing of a building.

Systems-engineered metal building means a metal, field-assembled building system consisting of framing, roof and wall coverings. Typically, many of these components are cold-formed shapes. These individual parts are fabricated in one or more manufacturing facilities and shipped to the job site for assembly into the final structure. The engineering design of the system is normally the responsibility of the systems-engineered metal building manufacturer.

Tank means a container for holding gases, liquids or solids.

You means the employer.

NEW SECTION

WAC 296-155-703 Site layout, site-specific erection plan and construction sequence. (1) Before steel erection work can start the controlling contractor must ensure the steel erector is provided written notifications that:

- (a) The concrete in the footings, piers and walls and the mortar in the masonry piers and walls has attained either:
 - Seventy-five percent of the intended minimum compressive design strength; or

- Sufficient strength to support the loads imposed during steel erection.

The basis of these measurements is the appropriate ASTM standard test method of field cured samples.

- (b) Any repairs, replacements and modifications to the anchor bolts were done per WAC 296-155-707(2).

- (2) The steel erector must receive written notice that the concrete in the footings, piers and walls or the mortar in the masonry piers and walls has attained, on the basis of an appropriate ASTM standard test method of field-cured samples, either seventy-five percent of the intended minimum compressive design strength or sufficient strength to support the loads imposed during steel erection.

- (3) **Site layout.** The controlling contractor must ensure that the following is provided and maintained:

- (a) Adequate access roads into and through the site for the safe delivery and movement of derricks, cranes, trucks, other necessary equipment, and the material to be erected and means and methods for pedestrian and vehicular control.

Exception: This requirement does not apply to roads outside the construction site.

- (b) A firm, properly graded, drained area, readily accessible to the work with adequate space for the safe storage of materials and the safe operation of the erector's equipment.

- (4) **Preplanning of overhead hoisting operations.** All hoisting operations in steel erection must be preplanned to ensure that the requirements of WAC 296-155-704(4) are met.

- (5) **Site-specific erection plan.** Where employers elect, due to conditions specific to the site, to develop alternate means and methods that provide employee protection in accordance with WAC 296-155-704 (3)(e), 296-155-709 (1)(d) or (5)(d), a site-specific erection plan must be developed by a qualified person and be available at the worksite. Guidelines for establishing a site-specific erection plan are contained in Appendix A to this part.

- (6) Steel erection must be done under the supervision of a competent person who is present at the worksite.

NEW SECTION

WAC 296-155-704 Hoisting and rigging. (1) All the provisions of WAC 296-155-525 and 296-155-526 apply to hoisting and rigging.

- (2) In addition, subsections (3) through (5) of this section apply regarding the hazards associated with hoisting and rigging.

- (3) **General.**

- (a) Crane preshift visual inspection.

- (i) Cranes being used in steel erection activities must be visually inspected prior to each shift by a competent person. The inspection must include observation for deficiencies during operation and, as a minimum, must include:

- All control mechanisms for maladjustments;
- Control and drive mechanism for excessive wear of components and contamination by lubricants, water or other foreign matter;

- Safety devices, including boom angle indicators, boom stops, boom kick out devices, anti-two block devices, and load movement indicators where required;

- Air, hydraulic, and other pressurized lines for deterioration or leakage, particularly those which flex in normal operation;

- Hooks and latches for deformation, chemical damage, cracks, or wear;

- Wire rope reeving for compliance with hoisting equipment manufacturer's specifications;

- Electrical apparatus for malfunctioning, signs of excessive deterioration, dirt, or moisture accumulation;

- Hydraulic system for proper fluid level;

- Tires for proper inflation and condition;

- Ground conditions around the hoisting equipment for proper support, including ground settling under and around outriggers, ground water accumulation, or similar conditions;

- The hoisting equipment for level position; and

- The hoisting equipment for level position after each move and setup.

(ii) If any deficiency is identified, an immediate determination must be made by the competent person if the deficiency constitutes a hazard.

(iii) If the deficiency constitutes a hazard, the hoisting equipment must be removed from service until the deficiency has been corrected.

(iv) The operator is responsible for those operations under their direct control. Whenever there is any doubt as to safety, the operator must have the authority to stop and refuse to handle loads until safety has been assured.

(b) A qualified rigger (a rigger who is also a qualified person) must inspect the rigging prior to each shift in accordance with WAC 296-155-330.

(c) The headache ball, hook or load must not be used to transport personnel, except as provided in (d) of this subsection.

(d) Cranes or derricks may be used to hoist employees on a personnel platform when work under this part is being conducted if all the provisions of WAC 296-155-525 through 296-155-528 are met.

(e) Safety latches on hooks must not be deactivated or made inoperable except:

(i) When a qualified rigger has determined that the hoisting and placing of purlins and single joists can be performed more safely by doing so; or

(ii) When equivalent protection is provided in a site-specific erection plan.

(4) Working under loads.

(a) Routes for suspended loads must be replanned to ensure that no employee works directly below a suspended load except when:

(i) Engaged in the initial connection of the steel; or

(ii) Necessary for the hooking or unhooking of the load.

(b) When working under suspended loads, the following criteria must be met:

(i) Materials being hoisted must be rigged to prevent unintentional displacement;

(ii) Hooks with self-closing safety latches or their equivalent must be used to prevent components from slipping out of the hook; and

(iii) All loads must be rigged by a qualified rigger.

(5) Multiple lift rigging procedure.

(a) A multiple lift must only be performed if the following criteria are met:

- A multiple lift rigging assembly is used;

- A multiple lift is only permitted when specifically within the manufacturer's specifications and limitations;

- A maximum of five members are hoisted per lift;

- Only beams and similar structural members are lifted; and

- All employees engaged in the multiple lift have been trained in these procedures in accordance with WAC 296-155-717 (3)(a).

(b) Components of the multiple lift rigging assembly must be specifically designed and assembled with a maximum capacity for total assembly and for each individual attachment point. This capacity, certified by the manufacturer or a qualified rigger, must be based on the manufacturer's specifications with a five to one safety factor for all components.

(c) The total load must not exceed:

- The rated capacity of the hoisting equipment specified in the hoisting equipment load charts; and

- The rigging capacity specified in the rigging-rating chart.

(d) The multiple lift rigging assembly must be rigged with members:

- Attached at their center of gravity and maintained reasonably level;

- Rigged from top down; and

- Rigged at least seven feet (2.1 m) apart.

(e) The members on the multiple lift rigging assembly must be set from the bottom up.

(f) Controlled load lowering must be used whenever the load is over the connectors.

NEW SECTION

WAC 296-155-706 Structural steel assembly. (1) Structural stability must be maintained at all times during the erection process.

• Make sure that multistory structures have the following: Permanent floors installed as the erection of structural members progress;

- No more than eight stories between the erection floor and the upper-most permanent floor; and

- No more than four floors or forty-eight feet (14.6 m), whichever is less, of unfinished bolting or welding above the foundation or uppermost permanent secured floor.

Exception: The above applies except where the structural integrity is maintained as a result of design.

(2) Walking/working surfaces.

(a) Shear connectors and other similar devices.

(i) Shear connectors, reinforcing bars, deformed anchors or threaded studs must not be attached to the top flanges of beams, joists or beam attachments so they project vertically

from or horizontally across the top flange of the member until after the metal decking, or other walking/working surface has been installed. This becomes a tripping hazard. Examples of shear connectors are headed steel studs, steel bars or steel lugs.

(ii) Installation of shear connectors on composite floors. When shear connectors are used in construction of composite floors, roofs and bridge decks, employees must lay out and install the shear connectors after the metal decking has been installed, using the metal decking as a working platform.

(b) Slip resistance of metal decking. (Reserved.)

(c) Workers must not be permitted to walk the top surface of any structural steel member installed after July 18, 2006, that has been coated with paint or similar material. Except when documentation or certification is provided that the coating has achieved a minimum average slip resistance of .50 when measured with an English XL tribometer or equivalent tester on a wetted surface at a testing laboratory is provided. Such documentation or certification must be based on the appropriate ASTM standard test method conducted by a laboratory capable of performing the test. The results must be available at the site and to the steel erector. (Appendix B to this part references appropriate ASTM standard test methods that may be used to comply with this requirement.)

(d) Safe access must be provided to the working level. Employees must not slide down ropes, columns, or ladders.

(3) Plumbing-up.

(a) When deemed necessary by a competent person, plumbing-up equipment must be installed in conjunction with the steel erection process to ensure the stability of the structure.

(b) When used, plumbing-up equipment must be in place and properly installed before the structure is loaded with construction material such as loads of joists, bundles of decking or bundles of bridging.

(c) Plumbing-up equipment must be removed only with the approval of a competent person.

(4) Metal decking.

(a) Hoisting, landing and placing of metal decking bundles.

(i) Bundle packaging and strapping must not be used for hoisting unless specifically designed for that purpose.

(ii) If loose items such as dunnage, flashing, or other materials are placed on the top of metal decking bundles to be hoisted, such items must be secured to the bundles.

(iii) Bundles of metal decking on joists must be landed in accordance with WAC 296-155-709 (5)(d).

(iv) Metal decking bundles must be landed on framing members so that enough support is provided to allow the bundles to be unbanded without dislodging the bundles from the supports.

(v) At the end of the shift or when environmental or job site conditions require, metal decking must be secured against displacement.

(b) Roof and floor holes and openings. Metal decking at roof and floor holes and openings must be installed as follows:

(i) Framed metal deck openings must have structural members turned down to allow continuous deck installation

except where not allowed by structural design constraints or constructibility.

(ii) Roof and floor holes and openings must be decked over. Where large size, configuration or other structural design does not allow openings to be decked over (such as elevator shafts, stair wells, etc.) employees must be protected in accordance with chapter 296-155 WAC, Part C-1 or Part K.

(iii) Metal decking holes and openings must not be cut until immediately prior to being permanently filled with the equipment or structure needed or intended to fulfill its specific use and which meets the strength requirements of (c) of this subsection, or must be immediately covered.

(c) **Covering roof and floor openings.** Smoke dome or skylight fixtures that have been installed are not considered covers for the purpose of this section unless they meet the strength requirements of WAC 296-155-505 (4)(g) (Part K).

(d) **Decking gaps around columns.** Wire mesh, exterior plywood, or equivalent, must be installed around columns where planks or metal decking do not fit tightly. The materials used must be of sufficient strength to provide fall protection for personnel and prevent objects from falling through.

(e) Installation of metal decking.

(i) Metal decking must be laid tightly and immediately secured upon placement to prevent accidental movement or displacement.

(ii) During initial placement, metal decking panels must be placed to ensure full support by structural members.

(f) Derrick floors.

(i) A derrick floor must be fully decked and or planked and the steel member connections completed to support the intended floor loading.

(ii) Temporary loads placed on a derrick floor must be distributed over the underlying support members so as to prevent local overloading of the deck material.

NEW SECTION

WAC 296-155-707 Column anchorage. (1) General requirements for erection stability.

(a) All columns must be anchored by a minimum of four anchor rods (anchor bolts).

(b) Each column anchor rod (anchor bolt) assembly, including the column-to-base plate weld and the column foundation, must be designed to resist a minimum eccentric gravity load of three hundred pounds (136.2 kg) located eighteen inches (.46 m) from the extreme outer face of the column in each direction at the top of the column shaft.

(c) Columns must be set on level finished floors, pre-grouted leveling plates, leveling nuts, or shim packs which are adequate to transfer the construction loads.

(d) All columns must be evaluated by a competent person to determine whether guying or bracing is needed; if guying or bracing is needed, it must be installed.

(2) Repair, replacement or field modification of anchor rods (anchor bolts).

(a) Anchor rods (anchor bolts) must not be repaired, replaced or field-modified without the approval of the project structural engineer of record.

(b) Prior to the erection of a column, the controlling contractor must provide written notification to the steel erector if there has been any repair, replacement or modification of the anchor rods (anchor bolts) of that column.

NEW SECTION

WAC 296-155-708 Beams and columns. (1) General.

(a) During the final placing of solid web structural members, the load must not be released from the hoisting line until the members are secured with at least two bolts per connection. These bolts must be of the same size and strength as shown in the erection drawings, drawn up wrench-tight or the equivalent as specified by the project structural engineer of record.

Exception: See subsection (2) of this section.

(b) A competent person must determine if more than two bolts are necessary to ensure the stability of cantilevered members; if additional bolts are needed, they must be installed.

(2) **Diagonal bracing.** Solid web structural members used as diagonal bracing must be secured by at least one bolt per connection drawn up wrench-tight or the equivalent as specified by the project structural engineer of record.

(3)(a) **Double connections at columns and/or at beam webs over a column.** When two structural members on opposite sides of a column web, or a beam web over a column, are connected sharing common connection holes, at least one bolt with its wrench-tight nut must remain connected to the first member unless a shop-attached or field-attached seat or equivalent connection device is supplied with the member to secure the first member and prevent the column from being displaced (see Appendix E to this part for examples of equivalent connection devices).

(b) If a seat or equivalent device is used, the seat (or device) must be designed to support the load during the double connection process. It must be adequately bolted or welded to both a supporting member and the first member before the nuts on the shared bolts are removed to make the double connection.

(4) **Column splices.** Each column splice must be designed to resist a minimum eccentric gravity load of three hundred pounds (136.2 kg) located eighteen inches (.46 m) from the extreme outer face of the column in each direction at the top of the column shaft.

(5) **Perimeter columns.** Perimeter columns must not be erected unless:

(a) The perimeter columns extend a minimum of forty-eight inches (1.2 m) above the finished floor to permit installation of perimeter safety cables prior to erection of the next tier, except where constructibility does not allow (see Appendix D to this part);

(b) The perimeter columns have holes or other devices in or attached to perimeter columns at forty-two to forty-five inches (107-114 cm) above the finished floor and the midpoint between the finished floor and the top cable to permit

installation of perimeter safety cables required by WAC 296-155-760 (1)(b), except where constructibility does not allow. (See Appendix D to this part.)

NEW SECTION

WAC 296-155-709 Open web steel joists. (1) General.

(a) Where steel joists are used and columns are not framed in at least two directions with solid web structural steel members, a steel joist must be field-bolted at the column to provide lateral stability to the column during erection.

Exception: See (b) of this subsection. For the installation of this joist:

(i) A vertical stabilizer plate must be provided on each column for steel joists. The plate must be a minimum of six inch by six inch (152 mm by 152 mm) and must extend at least three inches (76 mm) below the bottom chord of the joist with a 13/16-inch (21 mm) hole to provide an attachment point for guying or plumbing cables.

(ii) The bottom chords of steel joists at columns must be stabilized to prevent rotation during erection.

(iii) Hoisting cables must not be released until the seat at each end of the steel joist is field-bolted, and each end of the bottom chord is restrained by the column stabilizer plate.

(b) Where constructibility does not allow a steel joist to be installed at the column:

(i) An alternate means of stabilizing joists must be installed on both sides near the column and must:

- Provide stability equivalent to (a) of this subsection;
- Be designed by a qualified person;
- Be shop installed; and
- Be included in the erection drawings.

(ii) Hoisting cables must not be released until the seat at each end of the steel joist is field-bolted and the joist is stabilized.

(c) Where steel joists at or near columns span sixty feet (18.3 m) or less, the joist must be designed with sufficient strength to allow one employee to release the hoisting cable without the need for erection bridging.

(d) Where steel joists at or near columns span more than sixty feet (18.3 m), the joists must be set in tandem with all bridging installed unless an alternative method of erection, which provides equivalent stability to the steel joist, is designed by a qualified person and is included in the site-specific erection plan.

(e) A steel joist or steel joist girder must not be placed on any support structure unless such structure is stabilized.

(f) When steel joist(s) are landed on a structure, they must be secured to prevent unintentional displacement prior to installation.

(g) No modification that affects the strength of a steel joist or steel joist girder must be made without the approval of the project structural engineer of record.

(h) Field-bolted joists.

(i) Except for steel joists that have been preassembled into panels, connections of individual steel joists to steel structures in bays of forty feet (12.2 m) or more must be fabricated to allow for field bolting during erection.

(ii) These connections must be field-bolted unless constructibility does not allow.

(i) Steel joists and steel joist girders must not be used as anchorage points for a fall arrest system unless written approval to do so is obtained from a qualified person.

(j) A bridging terminus point must be established before bridging is installed. (See Appendix E to this part.)

(2) Attachment of steel joists and steel joist girders.

(a) Each end of "K" series steel joists must be attached to the support structure with a minimum of two 1/8-inch (3 mm) fillet welds one inch (25 mm) long or with two 1/2-inch (13 mm) bolts, or the equivalent.

(b) Each end of "LH" and "DLH" series steel joists and steel joist girders must be attached to the support structure with a minimum of two 1/4-inch (6 mm) fillet welds two inches (51 mm) long, or with two 3/4-inch (19 mm) bolts, or the equivalent.

(c) Except as provided in (d) of this subsection, each steel joist must be attached to the support structure, at least at one end on both sides of the seat, immediately upon placement in the final erection position and before additional joists are placed.

(d) Panels that have been preassembled from steel joists with bridging must be attached to the structure at each corner before the hoisting cables are released.

(3) Erection of steel joists.

(a) Both sides of the seat of one end of each steel joist that requires bridging under Tables A and B must be attached to the support structure before hoisting cables are released.

(b) For joists over sixty feet, both ends of the joist must be attached as specified in subsections (2) and (4) of this section before the hoisting cables are released.

(c) On steel joists that do not require erection bridging under Tables A and B, only one employee must be allowed on the joist until all bridging is installed and anchored.

Table A—Erection of Bridging for Short Span Joists

Joist	Span	Joist	Span	Joist	Span
8L1	NM	22K10	40-0	14KCS1	NM
10K1	NM	22K11	40-0	14KCS2	NM
12K1	23-0	24K4	36-0	14KCS3	NM
12K3	NM	24K5	38-0	16KCS2	NM
12K5	NM	24K6	39-0	16KCS3	NM
14K1	27-0	24K7	43-0	16KCS4	NM
14K3	NM	24K8	43-0	16KCS5	NM
14K4	NM	24K9	44-0	18KCS2	35-0
14K6	NM	24K10	NM	18KCS3	NM
16K2	29-0	24K12	NM	18KCS4	NM
16K3	30-0	26K5	38-0	18KCS5	NM
16K4	32-0	26K6	39-0	20KCS2	36-0
16K5	32-0	26K7	43-0	20KCS3	39-0
16K6	NM	26K8	44-0	20KCS4	NM
16K7	NM	26K9	45-0	20KCS5	NM
16K9	NM	26K10	49-0	22KCS2	36-0
18K3	31-0	26K12	NM	22KCS3	40-0
18K4	32-0	28K6	40-0	22KCS4	NM
18K5	33-0	28K7	43-0	22KCS5	NM
18K6	35-0	28K8	44-0	24KCS2	39-0
18K7	NM	28K9	45-0	24KCS3	44-0
18K9	NM	28K10	49-0	24KCS4	NM

18K10	NM	28K12	53-0	24KCS5	NM
20K3	32-0	30K7	44-0	26KCS2	39-0
20K4	34-0	30K8	45-0	26KCS3	44-0
20K5	34-0	30K9	45-0	26KCS4	NM
20K6	36-0	30K10	50-0	26KCS5	NM
20K7	39-0	30K11	52-0	28KCS2	40-0
20K9	39-0	30K12	54-0	28KCS3	45-0
20K10	NM	10KCS1	NM	28KCS4	53-0
22K4	34-0	10KCS2	NM	28KCS5	53-0
22K5	35-0	10KCS3	NM	30KCS3	45-0
22K6	36-0	12KCS1	NM	30KCS4	54-0
22K7	40-0	12KCS2	NM	30KCS5	54-0
22K9	40-0	12KCS3	NM		

NM = Diagonal bolted bridging not mandatory for joists under 40 feet.

Table B—Erection Bridging for Long Span Joists

Joist	Span	Joist	Span
18LH02	33-0	28LH06	42-0
18LH03	NM	28LH07	NM
18LH04	NM	28LH08	NM
18LH05	NM	28LH09	NM
18LH06	NM	28LH10	NM
18LH07	NM	28LH11	NM
18LH08	NM	28LH12	NM
18LH09	NM	28LH13	NM
20LH02	33-0	32LH06	47-0 through 60-0
20LH03	38-0	32LH07	47-0 through 60-0
20LH04	NM	32LH08	55-0 through 60-0
20LH05	NM	32LH09	NM through 60-0
20LH06	NM	32LH10	NM through 60-0
20LH07	NM	32LH11	NM through 60-0
20LH08	NM	32LH12	NM through 60-0
20LH09	NM	32LH13	NM through 60-0
20LH10	NM	32LH14	NM through 60-0
24LH03	35-0	32LH15	NM through 60-0
24LH04	39-0	36LH07	47-0 through 60-0
24LH05	40-0	36LH08	47-0 through 60-0
24LH06	45-0	36LH09	57-0 through 60-0
24LH07	NM	36LH10	NM through 60-0
24LH08	NM	36LH11	NM through 60-0
24LH09	NM	36LH12	NM through 60-0
24LH10	NM	36LH13	NM through 60-0
24LH11	NM	36LH14	NM through 60-0
28LH05	42-0	36LH15	NM through 60-0

NM = Diagonal bolted bridging not mandatory for joists under 40 feet.

(d) Employees must not be allowed on steel joists where the span of the steel joist is equal to or greater than the span shown in Tables A and B except in accordance with WAC 296-155-709(4).

(e) When permanent bridging terminus points cannot be used during erection, additional temporary bridging terminus points are required to provide stability. (See Appendix E of this part.)

(4) Erection bridging.

(a) Where the span of the steel joist is equal to or greater than the span shown in Tables A and B, the following must apply:

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(i) A row of bolted diagonal erection bridging must be installed near the midspan of the steel joist;

(ii) Hoisting cables must not be released until this bolted diagonal erection bridging is installed and anchored; and

(iii) No more than one employee must be allowed on these spans until all other bridging is installed and anchored.

(b) Where the span of the steel joist is over sixty feet (18.3 m) through one hundred feet (30.5 m), the following must apply:

(i) All rows of bridging must be bolted diagonal bridging;

(ii) Two rows of bolted diagonal erection bridging must be installed near the third points of the steel joist;

(iii) Hoisting cables must not be released until this bolted diagonal erection bridging is installed and anchored; and

(iv) No more than two employees must be allowed on these spans until all other bridging is installed and anchored.

(c) Where the span of the steel joist is over one hundred feet (30.5 m) through one hundred forty-four feet (43.9 m), the following must apply:

(i) All rows of bridging must be bolted diagonal bridging;

(ii) Hoisting cables must not be released until all bridging is installed and anchored; and

(iii) No more than two employees must be allowed on these spans until all bridging is installed and anchored.

(d) For steel members spanning over one hundred forty-four feet (43.9 m), the erection methods used must be in accordance with WAC 296-155-708.

(e) Where any steel joist specified in subsections (3)(b), (4)(a), (b), and (c) of this section is a bottom chord bearing joist, a row of bolted diagonal bridging must be provided near the support(s). This bridging must be installed and anchored before the hoisting cable(s) is released.

(f) When bolted diagonal erection bridging is required by this section, the following must apply:

(i) The bridging must be indicated on the erection drawing;

(ii) The erection drawing must be the exclusive indicator of the proper placement of this bridging;

(iii) Shop-installed bridging clips, or functional equivalents, must be used where the bridging bolts to the steel joists;

(iv) When two pieces of bridging are attached to the steel joist by a common bolt, the nut that secures the first piece of bridging must not be removed from the bolt for the attachment of the second; and

(v) Bridging attachments must not protrude above the top chord of the steel joist.

(5) Landing and placing loads.

(a) During the construction period, the employer placing a load on steel joists must ensure that the load is distributed so as not to exceed the carrying capacity of any steel joist.

(b) Except for (d) of this subsection, no construction loads are allowed on the steel joists until all bridging is installed and anchored and all joist-bearing ends are attached.

(c) The weight of a bundle of joist bridging must not exceed a total of one thousand pounds (454 kg). A bundle of joist bridging must be placed on a minimum of three steel joists that are secured at one end. The edge of the bridging

bundle must be positioned within one foot (.30 m) of the secured end.

(d) No bundle of decking may be placed on steel joists until all bridging has been installed and anchored and all joist bearing ends attached, unless all of the following conditions are met:

(i) The employer has first determined from a qualified person and documented in a site-specific erection plan that the structure or portion of the structure is capable of supporting the load;

(ii) The bundle of decking is placed on a minimum of three steel joists;

(iii) The joists supporting the bundle of decking are attached at both ends;

(iv) At least one row of bridging is installed and anchored;

(v) The total weight of the bundle of decking does not exceed four thousand pounds (1816 kg); and

(vi) Placement of the bundle of decking must be in accordance with (e) of this subsection.

(e) The edge of the construction load must be placed within one foot (.30 m) of the bearing surface of the joist end.

NEW SECTION

WAC 296-155-711 Systems-engineered metal buildings. (1) All of the requirements of this part apply to the erection of systems-engineered metal buildings except WAC 296-155-707 (column anchorage) and WAC 296-155-709 (open web steel joists).

(2) Each structural column must be anchored by a minimum of four anchor rods (anchor bolts).

(3) Rigid frames must have fifty percent of their bolts or the number of bolts specified by the manufacturer (whichever is greater) installed and tightened on both sides of the web adjacent to each flange before the hoisting equipment is released.

(4) Construction loads must not be placed on any structural steel framework unless such framework is safely bolted, welded or otherwise adequately secured.

(5) In girt and eave strut-to-frame connections, when girts or eave struts share common connection holes, at least one bolt with its wrench-tight nut must remain connected to the first member unless a manufacturer-supplied, field-attached seat or similar connection device is present to secure the first member so that the girt or eave strut is always secured against displacement.

(6) Both ends of all steel joists or cold-formed joists must be fully bolted and/or welded to the support structure before:

(a) Releasing the hoisting cables;

(b) Allowing an employee on the joists; or

(c) Allowing any construction loads on the joists.

(7) Purlins and girts must not be used as an anchorage point for a fall arrest system unless written approval is obtained from a qualified person.

(8) Purlins may only be used as a walking/working surface when installing safety systems, after all permanent bridging has been installed and fall protection is provided.

(9) Construction loads may be placed only within a zone that is within eight feet (2.5 m) of the center line of the primary support member.

NEW SECTION

WAC 296-155-714 Falling object protection. (1) Securing loose items aloft. All materials, equipment, and tools, which are not in use while aloft, must be secured against accidental displacement.

(2) Protection from falling objects other than materials being hoisted. The controlling contractor must bar other construction processes below steel erection unless overhead protection for the employees below is provided.

NEW SECTION

WAC 296-155-716 Fall protection. (1) **General requirements.**

(a) Fall protection will be in accordance with chapter 296-155 WAC, Parts C-1 and K.

(b) During steel erection activities, fall protection must be as required by chapter 296-155 WAC, Parts C-1 and K. Additionally, on multistory structures, perimeter safety cables must be installed at the final interior and exterior perimeters of the floors as soon as metal decking has been installed. See Appendix D.

(2) **Connectors.** Each connector must: Have completed connector training in accordance with WAC 296-155-717.

(3) **Custody of fall protection.** Fall protection provided by the steel erector must remain in the area where steel erection activity has been completed, to be used by other trades, only if the controlling contractor or its authorized representative:

(a) Has directed the steel erector to leave the fall protection in place; and

(b) Has inspected and accepted control and responsibility of the fall protection prior to authorizing persons other than steel erectors to work in the area.

NEW SECTION

WAC 296-155-717 Training. (1) **Training personnel.** Training required by this section must be provided by a qualified person(s).

(2) **Fall hazard training.** The employer must provide a training program for all employees exposed to fall hazards as required by chapter 296-155 WAC, Part C-1.

(3) **Special training programs.** In addition to the training required in subsection (2) of this section, the employer must provide special training to employees engaged in the following activities:

(a) **Multiple lift rigging procedure.** The employer must ensure that each employee who performs multiple lift rigging has been provided training in the following areas:

(i) The nature of the hazards associated with multiple lifts; and

(ii) The proper procedures and equipment to perform multiple lifts required by WAC 296-155-704(5).

(b) **Connector procedures.** The employer must ensure that each connector has been provided training in the following areas:

(i) The nature of the hazards associated with connecting (see Appendix D for nonmandatory training guidelines); and

(ii) The establishment, access, proper connecting techniques, double connections, and work practices, required by WAC 296-155-708(3) and Part C-1, chapter 296-155 WAC.

NEW SECTION

WAC 296-155-72401 Appendix A—Guidelines for establishing the components of a site-specific erection plan: Nonmandatory guidelines for complying with WAC 296-155-703(5). (1) **General.** This appendix serves as a guideline to assist employers who elect to develop a site-specific erection plan in accordance with WAC 296-155-703(5) with alternate means and methods to provide employee protection in accordance with WAC 296-155-704

(3)(e) and 296-155-709 (5)(d).

(2) **Development of a site-specific erection plan.** Pre-construction conference(s) and site inspection(s) are held between the erector and the controlling contractor, and others such as the project engineer and fabricator before the start of steel erection. The purpose of such conference(s) is to develop and review the site-specific erection plan that will meet the requirements of this section.

(3) **Components of a site-specific erection plan.** In developing a site-specific erection plan, a steel erector considers the following elements:

(a) The sequence of erection activity, developed in coordination with the controlling contractor, that includes the following:

(i) The sequence of erection activity, developed in coordination with the controlling contractor, that includes the following:

- (i) Material deliveries;
- (ii) Material staging and storage; and
- (iii) Coordination with other trades and construction activities.

(b) A description of the crane and derrick selection and placement procedures, including the following:

- (i) Site preparation;
- (ii) Path for overhead loads; and
- (iii) Critical lifts, including rigging supplies and equipment.

(c) A description of steel erection activities and procedures, including the following:

- (i) Stability considerations requiring temporary bracing and guying;
- (ii) Erection bridging terminus point;
- (iii) Anchor rod (anchor bolt) notifications regarding repair, replacement and modifications;
- (iv) Columns and beams (including joists and purlins);
- (v) Connections;
- (vi) Decking; and
- (vii) Ornamental and miscellaneous iron.

(d) A description of the fall protection procedures that will be used to comply with Part C-1, chapter 296-155 WAC.

(e) A description of the procedures that will be used to comply with WAC 296-155-714.

(f) A description of the special procedures required for hazardous nonroutine tasks.

(g) A certification for each employee who has received training for performing steel erection operations as required by WAC 296-155-717.

(h) A list of the qualified and competent persons.

(i) A description of the procedures that will be utilized in the event of rescue or emergency response.

(4) Other plan information. The plan:

(a) Includes the identification of the site and project; and

(b) Is signed and dated by the qualified person(s) responsible for its preparation and modification.

NEW SECTION

WAC 296-155-72402 Appendix B—Acceptable test methods for testing slip-resistance of walking/working surfaces. Nonmandatory guidelines for complying with WAC 296-155-706 (2)(c). The following references provide acceptable test methods for complying with the requirements of WAC 296-155-706 (2)(c). *Standard test method for using a portable inclineable articulated strut slip tester (PIAST)(ASTM F1677-96) *standard test method for using a variable incidence tribometer (VIT)(ASTM F1679-96).

NEW SECTION

WAC 296-155-72403 Appendix C—Training: Nonmandatory guidelines for complying with WAC 296-155-717. The training requirements of WAC 296-155-717 will be deemed to have been met if employees have completed a training course on steel erection, including instruction in the provisions of this WAC that has been approved by the U.S.

Department of Labor Apprenticeship Training Employer Labor Services or an approved state apprenticeship council. A training program may include the following:

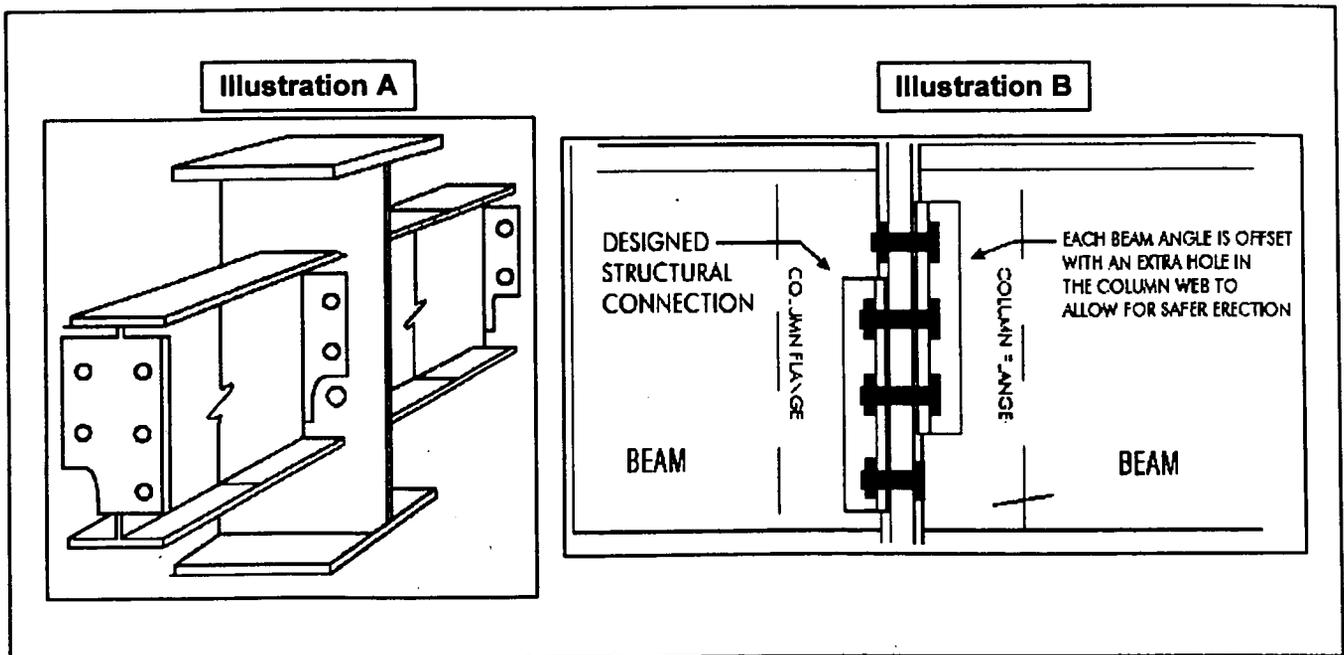
- Multiple lift rigging procedures;
- Structural steel assembly;
- Open web steel joists;
- Panelized joist erection;
- Preengineered metal buildings;
- Installation of steel decking; and
- Site conditions and construction sequence.

NEW SECTION

WAC 296-155-72404 Appendix D—Perimeter columns: Nonmandatory guidelines for complying with WAC 296-155-708(5). To protect the unprotected side or edge of a walking/working surface in multistory structures, when holes in the column web are used for perimeter safety cables, the column splice must be placed sufficiently high so as not to interfere with any attachments to the column necessary for the column splice. Column splices are recommended to be placed at every other or fourth levels as design allows. Column splices at third levels are detrimental to the erection process and should be avoided if possible.

NEW SECTION

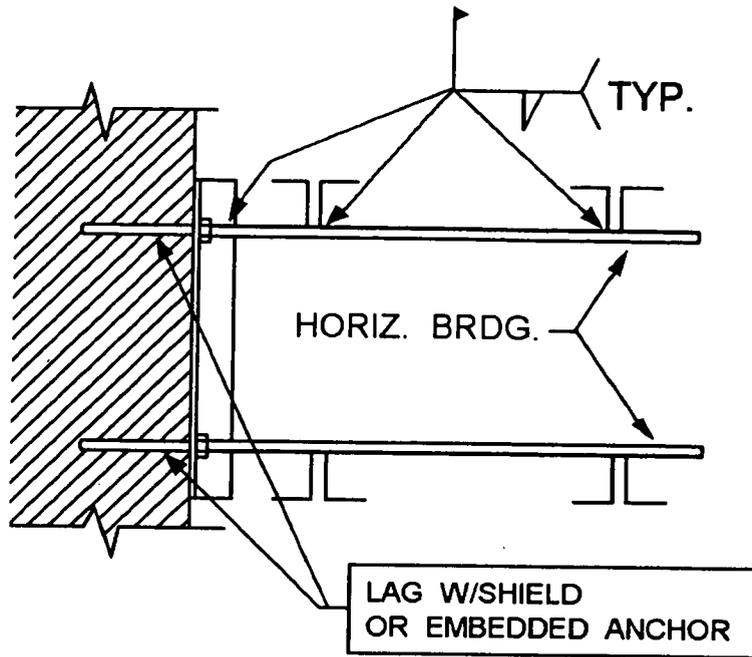
WAC 296-155-72405 Appendix E—Double connections: Illustrations of a clipped end connection and a staggered connection: Nonmandatory guidelines for complying with WAC 296-155-708 (3)(a).



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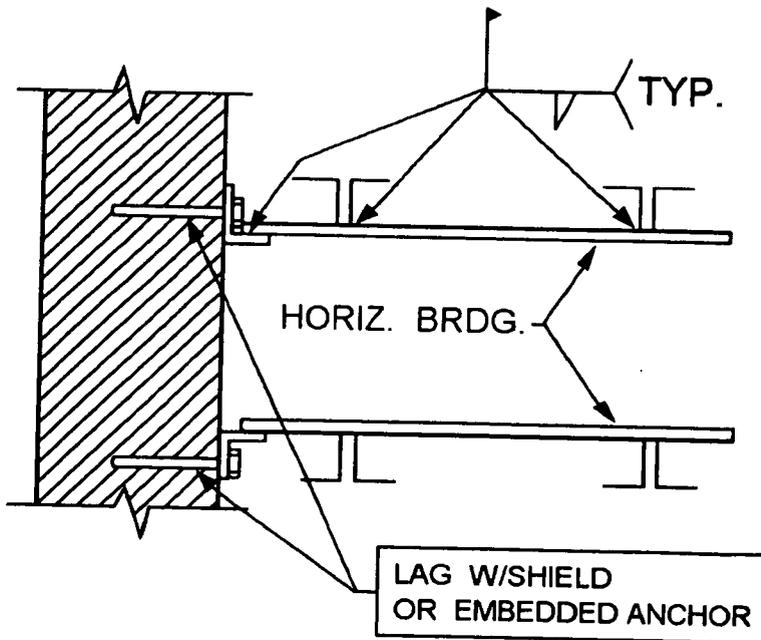
NEW SECTION

WAC 296-155-72406 Appendix F—Typical installations for bridging: Nonmandatory guidelines for complying with chapter 296-155 WAC. Employers must comply with fall restraint and fall arrest as stated in Part C-1, chapter 296-155 WAC.



(Illustration 1)

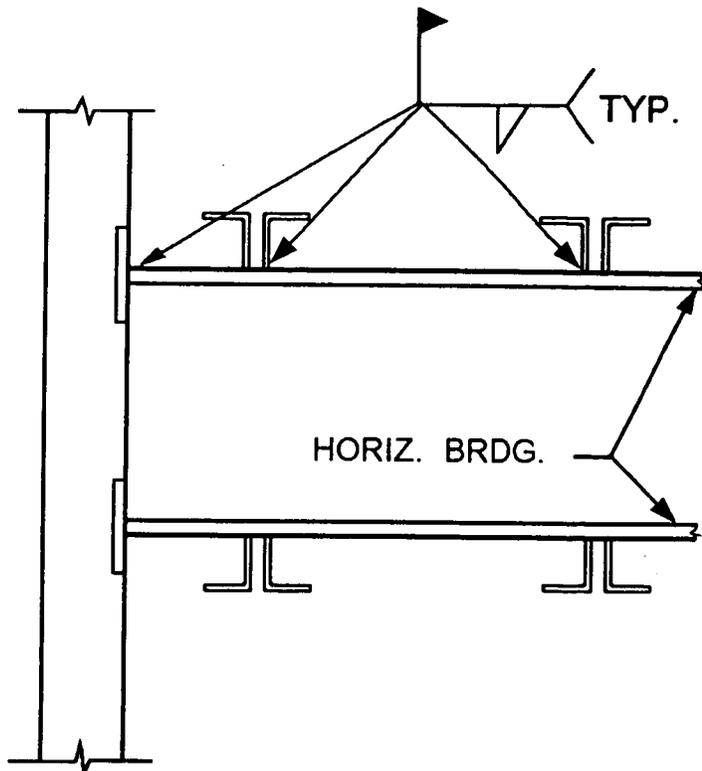
**HORIZONTAL BRIDGING
TERMINUS AT WALL**



(Illustration 2)

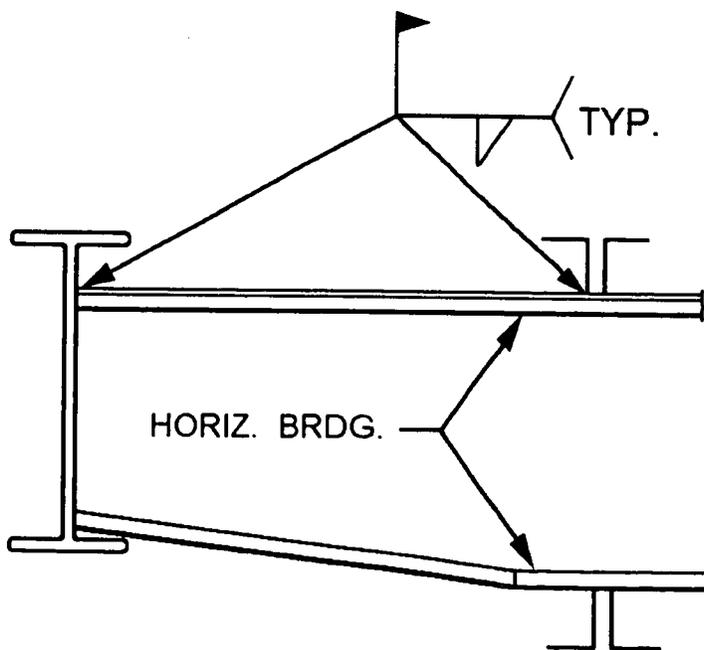
**HORIZONTAL BRIDGING
TERMINUS AT WALL**

PROPOSED



(Illustration 3)

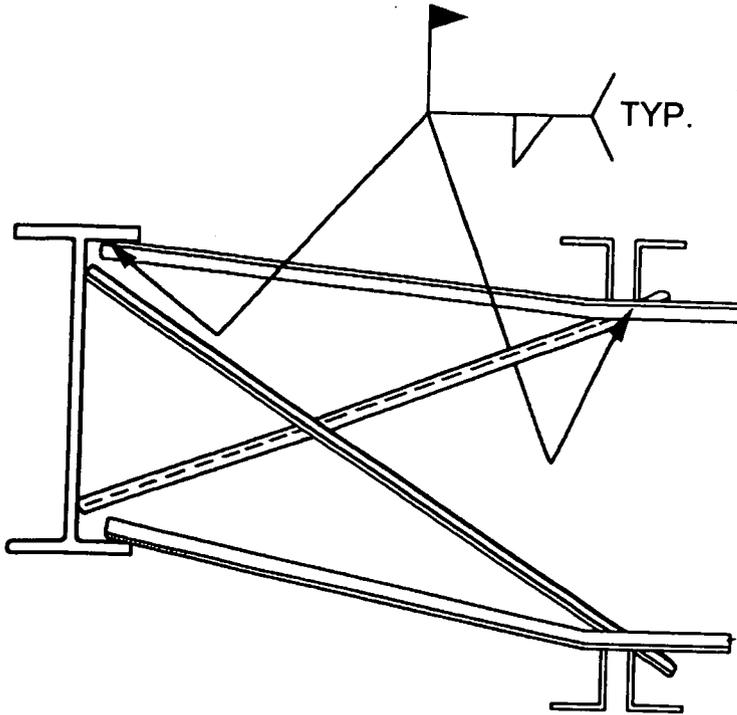
**HORIZONTAL BRIDGING
TERMINUS AT PANEL WALL**



(Illustration 4)

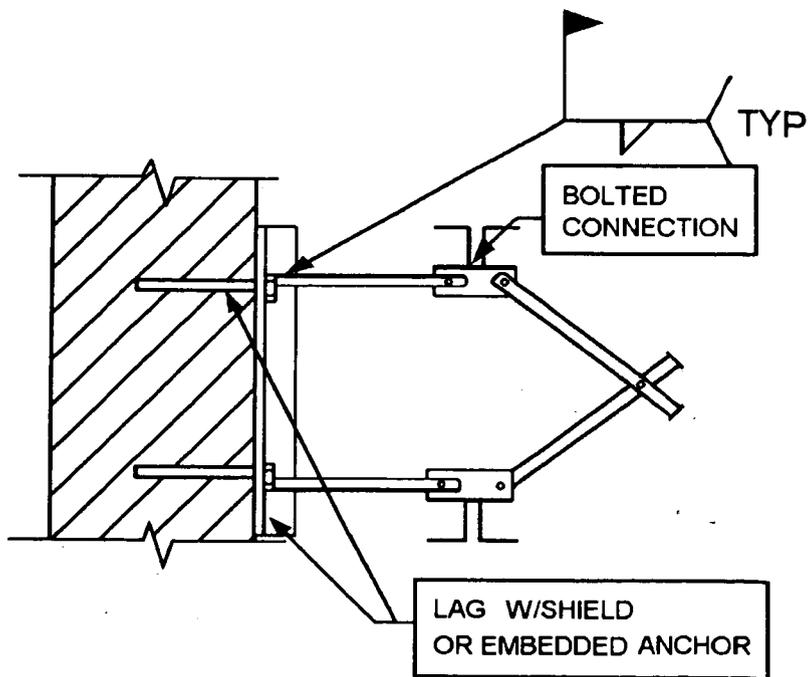
**HORIZONTAL BRIDGING
TERMINUS AT STRUCTURAL SHAPE**

PROPOSED



(Illustration 5)

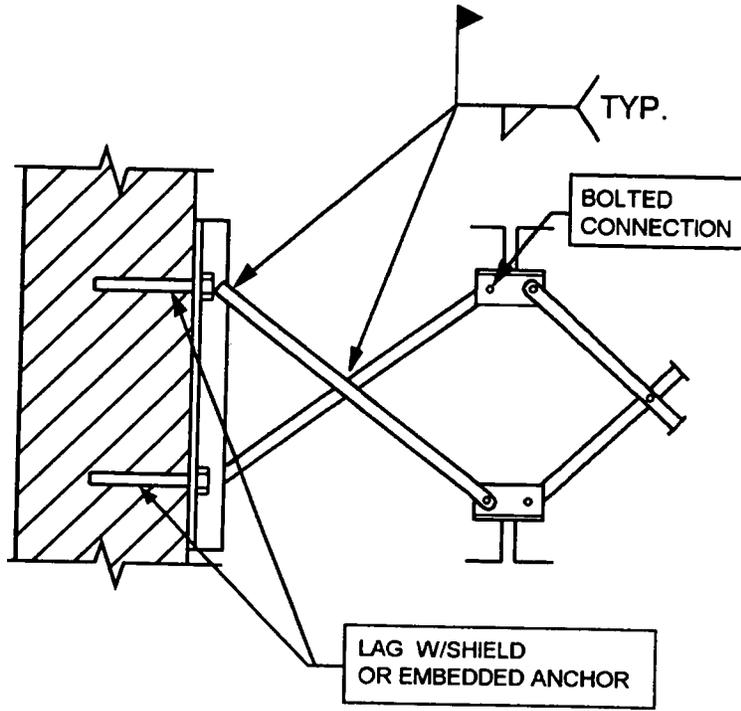
**HORIZONTAL BRIDGING TERMINUS
AT STRUCTURAL SHAPE
WITH OPTIONAL "X-BRIDGING"**



(Illustration 6)

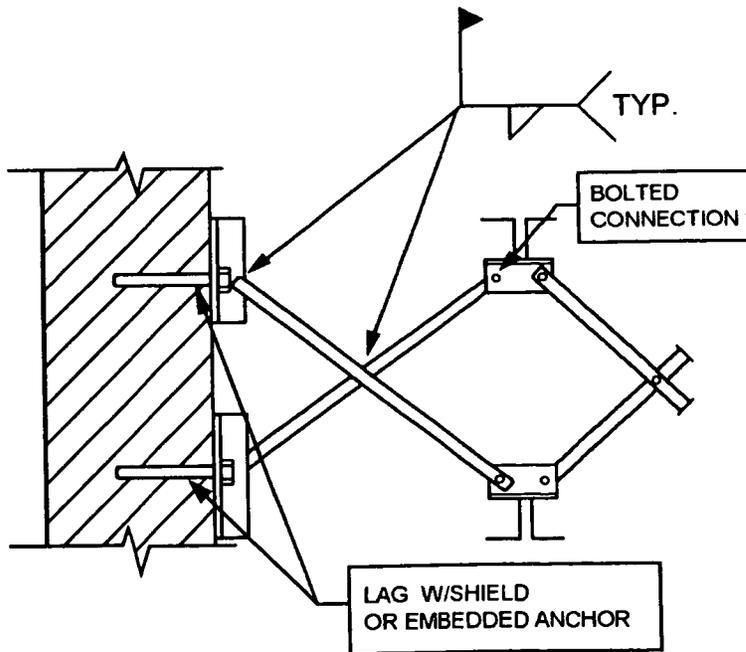
**BOLTED DIAGONAL BRIDGING
TERMINUS AT WALL**

PROPOSED



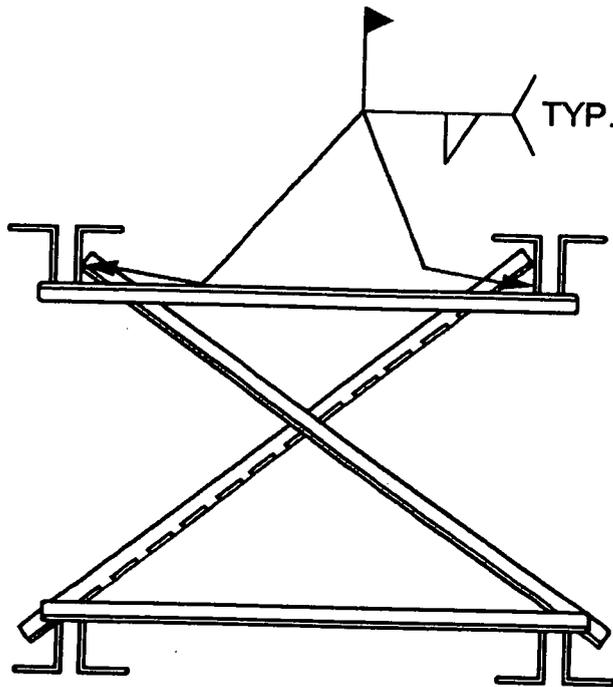
(Illustration 7)

**BOLTED DIAGONAL BRIDGING
TERMINUS AT WALL**



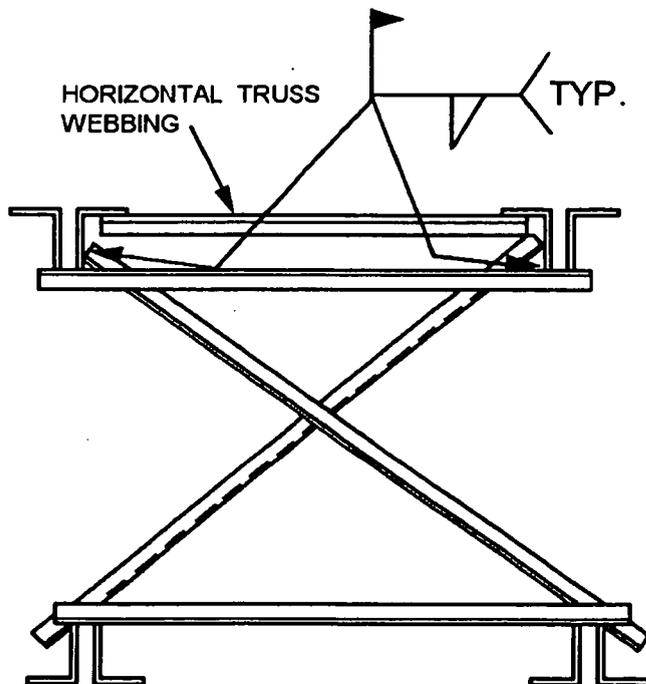
(Illustration 8)

**BOLTED DIAGONAL BRIDGING
TERMINUS AT WALL**



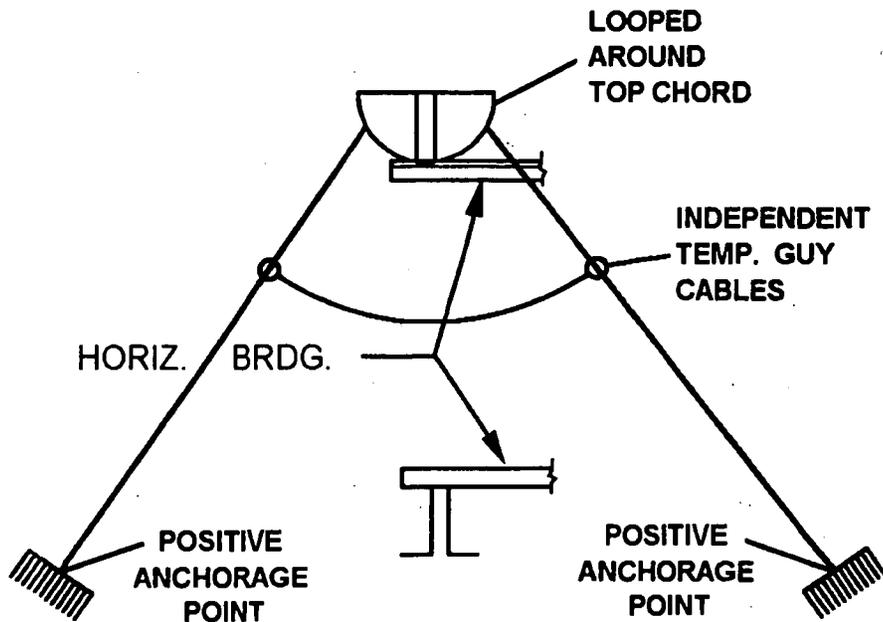
(Illustration 9)

**JOISTS PAIR BRIDGING
TERMINUS POINT**



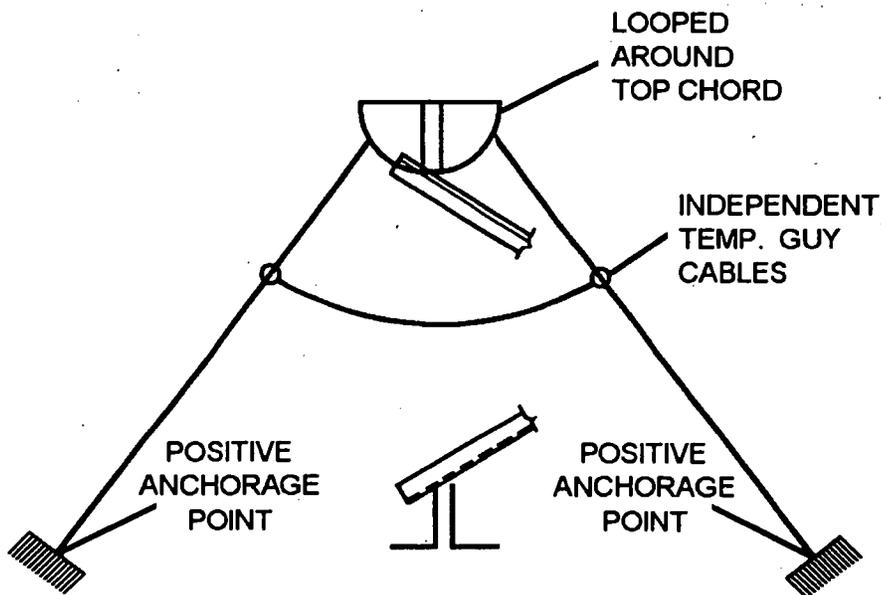
(Illustration 10)
**JOISTS PAIR BRIDGING
TERMINUS POINT
WITH HORIZONTAL TRUSS**

PROPOSED



(Illustration 11)

**HORIZONTAL BRIDGING
TERMINUS POINT
SECURED BY TEMP.
GUY CABLES**



(Illustration 12)

**DIAGONAL BRIDGING
TERMINUS POINT
SECURED BY TEMP.
GUY CABLES**

Employers must comply with fall restraint and fall arrest as stated in Part C-1, chapter 296-155 WAC.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-155-700	General requirements.
WAC 296-155-705	Flooring requirements.
WAC 296-155-710	Structural steel assembly.
WAC 296-155-715	Bolting, riveting, fitting-up, and plumbing-up.
WAC 296-155-720	Safe walking surfaces on structural members.

WSR 02-06-121
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 6, 2002, 10:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-02-055.

Purpose: To amend WAC 232-28-273 2001 Moose, bighorn sheep, and mountain goat seasons and permit quotas and 232-28-266 2000-2001, 2001-2002, 2002-2003 Landowner damage hunts.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: The amendment provides language changes for moose, bighorn sheep, and mountain goat permit quotas. The proposed changes are:

Moose - increase moose permits from ninety-two to ninety-four by adding one new moose hunt unit and adjust hunt area for GMU 124.

Bighorn sheep - decreasing bighorn sheep permits from twenty-two to twenty by decreasing permits in two sheep units.

Mountain goat - decrease mountain goat permits from twenty-four to twenty-one by decreasing mountain goat permits in three goat units.

Landowner damage hunts were established to aid the Washington Department of Fish and Wildlife when dealing with deer and elk damage complaints. Statewide quotas were established when the WAC was initially drafted. Those quotas have proven to be inadequate and need to be adjusted.

Reasons Supporting Proposal: **Moose.** Winter surveys and hunter reports indicate that moose populations are stable. As such, the department recommends status quo permit levels for existing hunt areas. Winter surveys and hunter reports also indicate moose are expanding into southwestern Stevens County. Based on a comparison of survey results between GMU 121 (Huckleberry) and GMU 109 (Threeforks), the department recommends adding a new moose hunt area (Huckleberry) with two permits.

Bighorn sheep. Survey results indicate that all bighorn sheep populations that are hunted are healthy, and either meet

or exceed population objectives. For these populations, permit levels are calculated using the number of adult rams in the population and lamb:ewe ratios (see *Bighorn Sheep Management Plan*). That adult ram segment has declined in two populations. Therefore, the department recommends reducing permit levels in those units accordingly.

Mountain goat. Survey results indicate that eight of eleven goat populations are stable or increasing, while three populations appear to have declined. Therefore, the department recommends reducing permit levels in those units accordingly.

Landowner damage hunts are an effective tool in dealing with deer and elk damage complaints but the present quotas are below the practical need.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington 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: The rule provides limited entry permit seasons for moose, bighorn sheep, and mountain goat. The purpose of the proposed changes is to maximize recreational hunter opportunity when consistent with the biological status of the species. The anticipated effects of the changes are increased hunter opportunity for moose and decreased opportunity for bighorn sheep and mountain goat.

Increase the statewide quota for elk landowner damage hunts from 100 to 500 to better address elk damage problems.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business. These recommended rule amendments regulate recreational hunters and do not directly regulate small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Kittitas County Fairgrounds, 512 North Poplar, Ellensburg, WA 98926, on April 12-13, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 29, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 25, 2002.

Date of Intended Adoption: April 12, 2002.

March 6, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 00-69 [01-69], filed 4/26/01, effective 5/27/01)

WAC 232-28-273 ((2001)) 2002 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

((2001)) 2002 Moose Permit Hunts

Who May Apply: Anyone may apply; 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, and raffle and auction hunts).

Bag Limit: One moose of either sex, EXCEPT antlerless only for the Mt. Spokane B Hunt and the Mt. Spokane Youth Hunt.

PROPOSED

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2001)) 2002 Permits
Kettle ((River) Range)	Oct. 1-Nov. 30	GMU 101, 105	Any Legal Weapon	1
Selkirk Mtns.	Oct. 1-Nov. 30	GMU 113	Any Legal Weapon	18
Mt. Spokane A	Oct. 1-Nov. 30	GMU 124 <u>east of Hwy 395</u>	Any Legal Weapon	15
Mt. Spokane B	Oct. 1-Nov. 30	GMU 124 <u>east of Hwy 395</u>	Any Legal Weapon	15
Mt. Spokane Youth Only.*	Oct. 1-Nov. 30	GMU 124 <u>east of Hwy 395</u>	Any Legal Weapon	10
49 Degrees North	Oct. 1-Nov. 30	GMU 117	Any Legal Weapon	22
Three Forks	Oct. 1-Nov. 30	GMU 109	Any Legal Weapon	6
Hangman	Oct. 1-Nov. 30	GMU 127, 130	Any Legal Weapon	5
Huckleberry	Oct. 1-Nov. 30	<u>GMU 121, 124 west of Hwy 395</u>	<u>Any Legal Weapon</u>	<u>2</u>

*Applicants must be eligible to purchase a youth moose permit application. Youth hunters must be accompanied by an adult during the hunt.

((2001)) 2002 Mountain Sheep (Bighorn) Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who drew a bighorn permit previously in Washington State. Only one bighorn sheep permit will be issued during an individual's lifetime. (Waived for raffle and auction hunts.)

Bag Limit: One bighorn ram.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2001)) 2002 Permits
Selah Butte	Sept. 15-Oct. 10	Sheep Unit 4	Any Legal Weapon	((4)) <u>3</u>
Umtanum	Sept. 15-Oct. 10	Sheep Unit 5	Any Legal Weapon	4
Cleman Mountain	Sept. 15-Oct. 10	Sheep Unit 7	Any Legal Weapon	((6)) <u>3</u>
Mt. Hull	Sept. 15-Oct. 10	Sheep Unit 10	Any Legal Weapon	0
Lincoln Cliffs	Sept. 15-Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene	Sept. 15-Oct. 10	Sheep Unit 13	Any Legal Weapon	((6)) <u>8</u>
Swakane	Sept. 15-Oct. 10	Sheep Unit 14	Any Legal Weapon	1

Mountain (Bighorn) Sheep Units:

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.

PROPOSED

Sheep Unit 12 Lincoln Cliffs: Permit Area: That part of Lincoln County north of Highway 2.

Sheep Unit 13 Quilomene: Permit Area: GMU 329.

Sheep Unit 14 Swakane: Permit Area: GMU 250.

((2001)) 2002 Mountain Goat Permit Hunts

Who May Apply: Anyone may apply; except those who drew a mountain goat permit in Washington state after 1998.

Starting in 1999, only one mountain goat permit will be issued during an individual's lifetime. (Waived for raffle and auction hunts.)

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.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2001)) 2002 Permits
Chelan North	Sept. 15-Oct. 31	Goat Unit 2-1	Any Legal Weapon	((2)) 1
Methow	Sept. 15-Oct. 31	Goat Unit 2-2	Any Legal Weapon	2
Naches Pass	Sept. 15-Oct. 31	Goat Unit 3-6	Any Legal Weapon	((3)) 2
Bumping River	Sept. 15-Oct. 31	Goat Unit 3-7	Any Legal Weapon	2
Tieton River	Sept. 15-Oct. 31	Goat Unit 3-9	Any Legal Weapon	3
Blazed Ridge	Sept. 15-Oct. 31	Goat Unit 3-10	Any Legal Weapon	((2)) 1
Kachess Ridge	Sept. 15-Oct. 31	Goat Unit 3-11	Any Legal Weapon	1
Jack Mountain	Sept. 15-Oct. 31	Goat Unit 4-9	Any Legal Weapon	0
Corral Pass	Sept. 15-Oct. 31	Goat Unit 4-38	Any Legal Weapon	2
Tatoosh	Sept. 15-Oct. 31	Goat Unit 5-2	Any Legal Weapon	3
Smith Creek	Sept. 15-Oct. 31	Goat Unit 5-3	Any Legal Weapon	1
Goat Rocks	Sept. 15-Oct. 31	Goat Unit 5-4	Any Legal Weapon	3

Mountain Goat Units:

Goat Unit 2-1 Chelan N. (Chelan County): Permit Area: Beginning at the mouth of Fish Creek on Lake Chelan (Moore Point); then northeast up Fish Creek and USFS trail 1259 to the Sawtooth crest near Deephole Spring; then southeast along the Sawtooth crest, which separates Chelan and Okanogan County, to Horsethief Basin and the headwaters of Safety Harbor Creek; then south along Safety Harbor Creek to Lake Chelan, then northwest along the north shore of Lake Chelan to the mouth of Fish Creek at Moore Point and the point of beginning.

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 Yakama 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 4-9 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 4-38 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).

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 00-50, filed 5/23/00, effective 6/23/00)

**WAC 232-28-266 2000-2001, 2001-2002, 2002-2003
Landowner damage hunts.**

LANDOWNER DAMAGE HUNTS

Deer:

Tag Required: Deer hunter must have a current valid, unaltered, unnotched deer tag on his/her person.

Hunting Method: Any legal weapon.

Season Framework:

2000-2001	2001-2002	2002-2003
August 1-	August 1-	August 1-
March 31	March 31	March 31

Location: Statewide

Legal Deer: Antlerless Only

Kill Quota: 600 Statewide

Elk:

Tag Required: Elk hunter must have a current valid, unaltered, unnotched elk tag on his/her person.

Hunting Method: Any legal weapon

Season Framework:

2000-2001	2001-2002	2002-2003
August 1-	August 1-	August 1-
March 31	March 31	March 31

Location: Statewide

Legal Elk: Antlerless Only

Kill Quota: ((400)) 500 Statewide

Special Notes: A landowner with deer/elk damage will enter into a Cooperative Agreement with WDFW and establish a boundary for deer/elk hunt, season dates within the framework and number of animals to be removed. Landowner agrees not to claim damage payments and will allow access to hunters during the general hunting seasons. Landowner selects hunters. A landowner damage access permit provided by the landowner will authorize the hunter to use an unused general deer/elk tag to hunt and kill a legal animal during the prescribed damage hunt season.

**WSR 02-06-122
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Filed March 6, 2002, 10:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-02-056.

Purpose: To amend WAC 232-12-011 Wildlife classified as endangered species and 232-12-014 Wildlife classified as protected shall not be hunted or fished.

Amend WAC 232-12-014 and 232-12-011 to reclassify the peregrine falcon from an endangered species to a sensitive species.

PROPOSED

Statutory Authority for Adoption: RCW 77.12.047, 77.12.655, 77.12.020.

Statute Being Implemented: RCW 77.12.047, 77.12.655, 77.12.020.

Summary: WAC 232-12-014, removes the peregrine falcon from the list of endangered species.

WAC 232-12-011, adds the peregrine falcon as a state sensitive species.

Reasons Supporting Proposal: The peregrine falcon is currently listed as a state endangered species (WAC 232-12-014). The use of DDT reduced the state's population to only five known breeding pairs in 1980. The population has recovered dramatically in the past twenty years with the ban on DDT use after 1972, increased protection for nesting habitat, and reintroduction of birds in eastern Washington. In 2001, the population of nesting peregrine falcons increased to seventy-two known pairs in the state.

The outlook for Washington's peregrine population is promising, although monitoring is warranted due to its small size, exposure to contaminants, and continued need to address management issues at individual sites. This population remains vulnerable due to its limited numbers. Environmental pollutants such as DDT have been demonstrated to impact peregrine populations across the species' broad geographic range. Because of the widespread presence of various industrial and agricultural chemicals in the environment, accumulations of these or other harmful pollutants may pose a threat to the ongoing recovery of Washington's population. Although eggshell thickness values have not returned to levels considered normal in the pre-DDT era, this does not appear to impair the growth of Washington's population. However, the department and cooperators continue to monitor the small number of known sites; and the department interacts with various landowners and agencies on disturbance and other issues that could jeopardize nest site occupancy at individual sites.

For these reasons, the department believes Washington's peregrine population is no longer threatened with extinction in the state, but it requires continued cooperative management and should be down-listed to sensitive status, but not delisted. A state sensitive species is considered "a species native to the state of Washington that is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or removal of threats" (WAC 232-12-297).

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington 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: WAC 232-12-014 identifies species of wild animals to be managed by the Department of Fish and Wildlife as endangered species; and WAC 232-12-011 identifies species to be managed as protected wildlife, subcategory threatened or sensitive species. This amendment changes the peregrine

falcon from a state endangered species to a state sensitive species. Sensitive species are in need of special management consideration to maintain healthy population levels and prevent them from becoming threatened or endangered. Land managing agencies and local, state, and federal governments may use these lists to consider the needs of species of special concern in land management decisions. One effect of this change will be that the state Forest Practices Act would no longer consider critical habitat for the peregrine falcon if it is not listed as endangered or threatened. This would have a minimal effect on the population because of the limited number of nest sites on state or private land that may be impacted by forest practices.

Proposal Changes the Following Existing Rules: See above.

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. This rule is not related to the hydraulics code.

Hearing Location: Kittitas County Fairgrounds, 512 North Poplar, Ellensburg, WA 98926, on April 12-13, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 29, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 25, 2002.

Date of Intended Adoption: April 12, 2002.

March 6, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 00-05, filed 1/24/00, effective 2/24/00)

WAC 232-12-014 Wildlife classified as endangered species. Endangered species include:

Common Name	Scientific Name
pygmy rabbit	<i>Brachylagus idahoensis</i>
fisher	<i>Martes pennanti</i>
gray wolf	<i>Canis lupus</i>
grizzly bear	<i>Ursus arctos</i>
sea otter	<i>Enhydra lutris</i>
sei whale	<i>Balaenoptera borealis</i>
fin whale	<i>Balaenoptera physalus</i>
blue whale	<i>Balaenoptera musculus</i>
humpback whale	<i>Megaptera novaeangliae</i>
black right whale	<i>Balaena glacialis</i>
sperm whale	<i>Physeter macrocephalus</i>
Columbian white-tailed deer	<i>Odocoileus virginianus leucurus</i>

PROPOSED

Common Name	Scientific Name
woodland caribou	<i>Rangifer tarandus caribou</i>
American white pelican	<i>Pelecanus erythrorhynchos</i>
brown pelican	<i>Pelecanus occidentalis</i>
((peregrine falcon))	((<i>Falco peregrinus</i>))
sandhill crane	<i>Grus canadensis</i>
snowy plover	<i>charadrius alexandrinus</i>
upland sandpiper	<i>Bartramia longicauda</i>
spotted owl	<i>Strix occidentalis</i>
western pond turtle	<i>Clemmys marmorata</i>
leatherback sea turtle	<i>Dermochelys coriacea</i>
mardon skipper	<i>Polites mardon</i>
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>
Oregon spotted frog	<i>Rana pretiosa</i>
northern leopard frog	<i>Rana pipiens</i>

AMENDATORY SECTION (Amending Order 00-149, filed 8/16/00, effective 9/16/00)

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>

(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>
Common Loon	<i>Gavia immer</i>
<u>Peregrine Falcon</u>	<u><i>Falco peregrinus</i></u>
Larch Mountain salamander	<i>Plethodon larselli</i>
Pygmy whitefish	<i>Prosopium coulteri</i>
Margined sculpin	<i>Cottus marginatus</i>
Olympic mudminnow	<i>Novumbra hubbsi</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>
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata;</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; all wildlife within Titlow Beach Marine Preserve, the Sund Rock Marine Preserve, the Colvos Passage Marine Preserve, and the conservation areas defined in chapter 220-16 WAC; 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.

WSR 02-06-123
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 6, 2002, 10:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-02-056.

Purpose: To amend WAC 232-28-279 2000-2002 Elk general seasons and 2001-2002 special permits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Elk general seasons are set on a three year basis and permit seasons are adjusted annually. Both general and permit seasons can be adjusted annually in response to elk population changes and damage complaints.

Reasons Supporting Proposal: Provides recreational elk hunting opportunity and protects elk from overharvest. Addresses elk damage problems.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington 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: Maintain general elk hunting season opportunities for 2002. Adjust special elk permits for 2002 in response to elk population changes and damage complaints.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule does not affect small business. These recommendations involve rules for recreational hunters and do not directly regulate small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Kittitas County Fairgrounds, 512 North Poplar, Ellensburg, WA 98926, on April 12-13, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 29, 2002, TDD (360) 920-2207, or (360) 920-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 25, 2002.

Date of Intended Adoption: April 12, 2002.

March 6, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-279 2000-2002 Elk general seasons and ~~((2001-2002))~~ 2002-2003 special permits.

Bag Limit: One (1) elk per hunter during the ~~((2001))~~ 2002 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 either Eastern 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 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, 249-251, 328, 329, and 335-368.

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 454, 564, 568, 574, 578, and 588 and Muzzleloader Area 941.

GMUs Closed to Elk Hunting: 418 (Nooksack), and 437 (Sauk) except for ML Elk Area 941, 485 (Green River), 490 (Cedar 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.

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs except permit only in GMUs 127 and 130 for modern firearm hunters and permit only for all hunters in GMUs 157 and 371. Modern firearm restrictions in GMU 334.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs except closed in GMUs 418, 437 (except for Muzzleloader Area 941), 485, 490, 522, 636 and modern firearm restrictions in

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portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 064 in GMU 638 (Quinault) is open to AHE hunters only. Elk hunting by permit only in GMUs 524, 556, 621, and PLWMA 600 (Pysht).

- WA - Western Washington Archery Tag
- WF - Western Washington Modern Firearm General Elk Tag
- WM - Western Washington Muzzleloader Tag

Modern Firearm Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

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 muzzle-loader, but only during modern firearm seasons.

Hunt Area	Elk Area	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Eastern Washington	EF	109 east of Aladdin-Northport Road through 117, 124 east of Hwy 395	Oct. 28-Nov. 5	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any bull
		157				Permit only
		145 through 154, 162 through 186, 249, that part of GMU 250 south of Hwy 2, 251, 328, 329, 335 through 368	Oct. 28-Nov. 5	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Spike bull
		372 excluding that portion east of Highway 241 and south of Rattlesnake Ridge			Sept. 1-Dec. 31	Any elk
		((372;)) 382	Sept. 1-Oct. 13	Sept. 1-15	Sept. 1-15	Antlerless
			Oct. 28-Nov. 5	Oct. 1-5	Oct. 1-5	Antlerless
				Oct. 6-15	Oct. 6-15	Any elk
	Dec. 9-13	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any elk		
	101, 105, 109 west of Aladdin-Northport Road, 121, 124 west of Hwy 395, 127-142	Oct. 28-Nov. 5	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any elk	
Western Washington	WF	407, 448, 460, 466, 504 through 520, 530, 550, 558, 560, 572, 601 through 618, 624 through 633, 638 through 684. Except AHE hunters only in Elk Area 064 in GMU 638, and Elk Area 066 in GMU 660.	Nov. 4-12	Nov. 3-11	Nov. 2-10	3 pt. min.
		501	Nov. 4-12	Nov. 3-11	Nov. 2-10	3 pt. min. or antlerless
		564, 568, 574 through 588	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any elk
		454	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any bull
		524, 556, 621, PLWMA 600	Nov. 4-12	Nov. 3-11	Nov. 2-10	Permit only

Archery Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid archery elk tag as listed below on his/her person for the area hunted.

Hunting Method: Bow and arrow only as defined by WAC 232-12-054.

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)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Early Archery Elk Seasons						
Eastern Washington	EA	101 through 142, 243, 247, 249, 250, 334	Sept. 1-14	Sept. 1-14	Sept. 1-14	Any elk
		145 ((through 154, 162)), 149, 163 through 186	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull
		154, 162 excluding National Forest and Rainwater Wildlife Area, 328, 329, 330, 335, 336, 340, 352, 356, 364	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull or antlerless
		113-117	Sept. 1-14	Sept. 1-14	Sept. 1-14	Any elk

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Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Western Washington	WA	454, 564, 568, 574, 578, 588	Sept. 1-14	Sept. 1-14	Sept. 1-14	Any elk
		407, 448, 501 through 505, 550, 554, 558, 560, 572, 652 ^a , 654, 660, 663, 666, 667 through 673, 684 and Long Island	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min. or antlerless
		460, 466, 506, 510, 513, 516, 520, 530, 601, 602, 603, 612 through 618, 624 through 633, 638 through 651, ((652,)) 653, 658, ((666,)) 681. AHE hunters only in Elk Area 064 in GMU 638, and Elk Area 066 in GMU 660. Permit only in PLWMA 600 in GMU 603.	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min.
Late Archery Elk Seasons						
Eastern Washington	EA	101, 105, 117 through 127	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any elk
		372		Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any elk
		178	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Antlerless only
		328, 335, 336, 346, 352, 364, 368	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Spike bull or antlerless
		That part of GMUs 352 and 360 south of Upper Nile Loop Road Bridge and north of Lower Nile Loop Road Bridge (near Woodshed Restaurant) and north and east of Nile elk fence.		Nov. 22-Jan. 31, 2002		Antlerless only
Western Washington	WA	407, 505, 652 ^a , 666, 667, 672, 681, Elk Area 066 in GMU 660, and Long Island. In GMU 681 closed between US Highway 101 and the Columbia River from Astoria-Megler toll bridge to the Wallacut River.	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	3 pt. min. or antlerless
		454, 564, 588	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	Any elk
		603, 612, 615, 638, and 648, ((and 652)) except closed in PLWMA 600 in GMU 603. AHE hunters only in Elk Area 064 in GMU 638 ((and Elk Area 066 in GMU 660)).	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	3 pt. min.
		506, 520, 530		Nov. 21-Dec. 2	Nov. 20-Dec. 1	3 pt. min. or antlerless
		506, 520, 530		Dec. 3-15	Dec. 2-15	3 pt. min.

^a That portion of GMU 652 bounded by Highways 167, 410, and 164. Not legal for antlerless.

Muzzleloader Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid muzzleloader elk tag as listed below on his/her person for the area hunted.

Hunting Method: Muzzleloader only as defined by WAC 232-12-051.

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)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Early Muzzleloader Elk Seasons						
Eastern Washington	EM	109, 247	Oct. 7-13	Oct. 6-12	Oct. 5-11	Any bull
		127 through 142	Oct. 7-13	Oct. 6-12	Oct. 5-11	Any elk
		172, 245, 250, 251 ^b , 342, 356, 368	Oct. 7-13	Oct. 6-12	Oct. 5-11	Spike bull

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Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
		ML 911	Aug. 19-Sept. 10	Aug. 15-Sept. 15	Aug. 15-Sept. 15	Spike bull or antlerless
		That part of GMU 368 east of the following boundary: Jump Off Road and the power lines to South Fork Cowiche Creek, west along South Fork Cowiche Creek to Road A 5500, east on A 5500 Road and south on A 5000 Road to North Fork Ahtanum Creek Road, south and west on North Fork Ahtanum Creek Road to A 2000, A 2000 to A 2400 Road, A 2400 Road to A 1000 Road and South Fork of Ahtanum Creek.	Oct. 7-13	Oct. 6-12	Oct. 5-11	Spike bull or Antlerless
Western Washington	WM	454, 564, 568, 684	Oct. 7-13	Oct. 6-12	Oct. 5-11	Any elk
		460, 504, 513, 530, 554, 602, 603, 607, ((652;)) 654, 660	Oct. 7-13	Oct. 6-12	Oct. 5-11	3 pt. min.
		501, 652 ^a , 666, 667	Oct. 7-13	Oct. 6-12	Oct. 5-11	3 pt. min. or antlerless
Late Muzzleloader Elk Seasons						
Eastern Washington	EM	101, 105, 121, that part of 124 west of Hwy 395		Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any Elk
		130 through 142	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any elk
		346	Nov. 11-15	Nov. 10-14	Nov. 9-13	Spike bull or antlerless
		ML Area 944	Nov. 22-Dec. 8			Spike bull or antlerless
		ML Area 911		Dec. 1-31	Dec. 1-31	Spike bull or antlerless
		That part of GMU 368 east of the following boundary: Jump Off Road and the power lines to South Fork Cowiche Creek, west along South Fork Cowiche Creek to Road A 5500, east on A 5500 Road and south on A 5000 Road to North Fork Ahtanum Creek Road, south and west on North Fork Ahtanum Creek Road to A 2000, A 2000 to A 2400 Road, A 2400 Road to A 1000 Road and South Fork of Ahtanum Creek.	Nov. 11-15	Nov. 10-14	Nov. 9-13	Spike bull or antlerless
Western Washington	WM	501, 505, 652 ^a , 666, 667	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	3 pt. min. or antlerless
		454, 564, 568, 684	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	Any elk
		574, 578	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any elk
		504, 550, 601((-652))	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	3 pt. min.

^aThat portion of GMU 652 bounded by Highways 167, 410, and 164. Not legal for antlerless.

^bGMU 251 (Mission) closed in the following area: Beginning at the junction of Naneum Ridge (WDFW Rd. 9) and Ingersol (WDFW Rd. 1) Roads; north and east on Ingersol Road to Colockum Road; east on Colockum Road and Colockum Creek to the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd. 14) and North Fork Road (WDFW Rd. 10.10) to Colockum Rd (WDFW Rd. 10); south-west on Colockum Road to the Naneum Ridge Road (WDFW Rd. 9); west on Naneum Ridge to Ingersol to the point of beginning.

Special Elk Hunts Open to Specified Tag Holders

License Required: A valid big game hunting license with an elk tag option.

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. In firearm restriction areas modern firearm hunters may hunt with a muzzleloader equipped with a scope.

Hunt Area	Elk Tag	Game Management Units	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Eastern Washington	EA, EM, EF	127 through 142, Advanced Hunter Education Graduates only.	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		Grant, Adams, Douglas, Franklin, Okanogan, and Benton (south of the Yakima River), and Chelan County (north of Hwy 2, except closed within 1/2 mile of the Columbia River in Douglas and Grant counties)	Oct. 28-Nov. 15	Oct. 27-Nov. 15	Oct. 26-Nov. 15	Any elk
	EM	ML Area 911, Advanced Hunter Education Graduates only.	Nov. 24-Dec. 3	Nov. 24-30	Nov. 23-30	Spike bull or antlerless
Western Washington	WF	568, 574, 578, 588	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any elk
	WF, WA, WM	564 (archery and muzzleloader methods only, modern firearm elk tag holders may hunt, but must use archery, muzzleloader or revolver type handgun equipment)	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any elk
	WM	Muzzleloader Area 941 (muzzleloader only)	11/1/2000 - 1/31/2001	11/1/2001 - 1/31/2002	11/1/2002 - 1/31/2003	Any elk
	WA	Muzzleloader Area 941 (archery only)	Oct. 1-31	Oct. 1-31	Oct. 1-31	Any elk

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	((2001)) 2002 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2001)) 2002 Permits
Modern Firearm Bull Permit Hunts					
Blue Creek A	Oct. ((22-Nov. 4)) 21-Nov. 3	Any Bull	EF	GMU 154	3
Watershed ^c	Oct. ((17-Nov. 4)) 26-Nov. 3	3 Pt. Min. or Antlerless	EA, EF, EM	GMU 157	40
((Dayton A))	((Oct. 22-Nov. 4))	((Any Bull))	((EF))	((GMU 162))	((6))
((Tucannon A))	((Oct. 22-Nov. 4))	((Any Bull))	((EF))	((Part of GMU 166))	((2))
Wenaha A	Oct. ((22-Nov. 4)) 21-Nov. 3	Any Bull	EF	GMU 169	5
Mountain View A	Oct. ((22-Nov. 4)) 21-Nov. 3	Any Bull	EF	GMU 172	8
Couse A	Oct. ((22-Nov. 4)) 21-Nov. 3	Any Bull	EF	GMU 181	1
((Grande Ronde A))	((Oct. 22-Nov. 4))	((Any Bull))	((EF))	((GMU 186))	((+))
Peaches Ridge A	Oct. ((22-Nov. 4)) 21-Nov. 3	Any Bull	EF	GMUs 336, 346	86
Goose Prairie A	Oct. ((22-Nov. 4)) 21-Nov. 3	Any Bull	EF	GMUs 352, 356	176
Bethel A	Oct. ((22-Nov. 4)) 21-Nov. 3	Any Bull	EF	GMU 360	120
Rimrock A	Oct. ((22-Nov. 4)) 21-Nov. 3	Any Bull	EF	GMU 364	103

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Hunt Name	((2001)) 2002 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2001)) 2002 Permits
Cowiche A	Oct. ((22-Nov-4)) <u>21-Nov. 3</u>	Any Bull	EF	GMU 368	26
Margaret A	Nov. 3-11	3 Pt. Min.	WF	GMU 524	18
Toutle A	Nov. 3-11	3 Pt. Min.	WF	GMU 556	90
Olympic A	Nov. 3-11	3 Pt. Min.	WF	GMU 621 ^b	21

^aPermit season is open for archery and muzzleloader, but hunt is the same as modern firearm and all hunters must wear hunter orange.

^(f)That part of GMU 166 west of the Tucannon River.)

^hThat part of GMU 621 south of the BPA power lines.

Modern Firearm Elk Permit Hunts (Only modern firearm and muzzleloader elk tag holders may apply.)

Three Forks	Oct. ((27-Nov-4)) <u>26-Nov. 3</u>	Any Elk	EF or EM	GMU 109	15
<u>Selkirk</u>	<u>Oct. 26-Nov. 3</u>	<u>Any Elk</u>	<u>EF or EM</u>	<u>GMU 113</u>	<u>15</u>
49 Degrees North	Oct. ((27-Nov-4)) <u>26-Nov. 3</u>	Any Elk	EF or EM	GMU 117	15
Mount Spokane	Oct. ((27-Nov-4)) <u>26-Nov. 3</u>	Any Elk	EF or EM	124 (E. of SR 395)	((50)) <u>75</u>
Blue Creek E	Oct. ((22-Nov-4)) <u>26-Nov. 3</u>	Antlerless	EF or EM	GMUs 149, 154	((50)) <u>100</u>
Dayton ((D)) <u>A^a</u>	Oct. ((22-Nov-4)) <u>26-Nov. 3</u>	Antlerless	EF or EM	GMUs 162, 163 ⁱ	((100)) <u>200</u>
<u>Dayton Bⁱ</u>	<u>Oct. 26-Nov. 3</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>GMU 162^a, 163</u>	<u>50</u>
Shushuskin((ⁱ)) ⁱ	Dec. 1-31	Antlerless	EF or EM	Elk Area 031	75
Malaga A((ⁱ)) ⁱ	((Sept. 1-Oct. 1)) <u>Aug. 17-Sept. 29</u>	Antlerless	EF or EM	Elk Area 032	((65)) <u>75</u>
Malaga B((ⁱ)) ⁱ	((Nov. 10-Dec. 31)) <u>Sept. 7-15</u>	((Antlerless)) <u>Any Elk</u>	EF or EM	Elk Area 032	((75)) <u>10</u>
<u>Malaga C</u>	<u>Nov. 4-Dec. 31</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>Elk Area 032</u>	<u>75</u>
<u>Malaga E</u>	<u>Nov. 11-17</u>	<u>Any Elk</u>	<u>EF or EM</u>	<u>Elk Area 032</u>	<u>5</u>
Peshastin A ⁱ	((Dec. 1-31)) <u>Aug. 17-25</u>	((Any Elk)) <u>Antlerless</u>	EF or EM	Elk Area 033	((5)) <u>20</u>
<u>Peshastin B</u>	<u>Aug. 19-25</u>	<u>Any Elk</u>	<u>EF or EM</u>	<u>Elk Area 033</u>	<u>5</u>
<u>Peshastin C</u>	<u>Sept. 16-29</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>Elk Area 033</u>	<u>20</u>
<u>Peshastin D</u>	<u>Sept. 21-29</u>	<u>Any Elk</u>	<u>EF or EM</u>	<u>Elk Area 033</u>	<u>5</u>
<u>Peshastin E</u>	<u>Nov. 30-Jan. 12</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>Elk Area 033</u>	<u>20</u>
<u>Peshastin F</u>	<u>Dec. 7-Jan. 12</u>	<u>Any Elk</u>	<u>EF or EM</u>	<u>Elk Area 033</u>	<u>5</u>
West Bar A	Oct. 22-31	Antlerless	EF or EM	GMU 330	10
West Bar B	Nov. 1-4	Antlerless	EF or EM	GMU 330	10
Taneum	Oct. 31-Nov. 4	Antlerless	EF or EM	GMU 336	((200)) <u>200</u>
Manastash	Oct. 31-Nov. 4	Antlerless	EF or EM	GMU 340	400
Observatory A	Oct. 22-Nov. 4	Any Elk	EF	GMUs 340, 342, 371	48
Umtanum A	Oct. 31-Nov. 4	Antlerless	EF or EM	GMU 342	400
Cleman ⁱ	Dec. 9-31	Antlerless	EF or EM	ML Area 944	75
Little Naches A	Oct. 31-Nov. 4	Antlerless	EF or EM	GMU 346	250
Little Naches B	Oct. 1-10	Any Bull	EF or EM	GMU 346	25
Nile	Oct. 31-Nov. 4	Antlerless	EF or EM	GMU 352	300
Bumping	Oct. 31-Nov. 4	Antlerless	EF or EM	GMU 356	530
Bethel B	Oct. 31-Nov. 4	Antlerless	EF or EM	GMU 360	275

Rimrock B	Oct. 31-Nov. 4	Antlerless	EF or EM	GMU 364	275
Cowiche B	Oct. 31-Nov. 4	Antlerless	EF or EM	GMU 368	180
Willapa Hills	Nov. 7-11	Antlerless	WF or WM	GMU 506	50
Raymond C	Dec. 1-31	Antlerless	WF or WM	Part of GMUs 506 and 673 ^k	15
Raymond D	Jan. 1-31, ((2002)) 2003	Antlerless	WF or WM	Part of GMUs 506 and 673 ^k	15
Raymond E	Feb. 1-28, ((2002)) 2003	Antlerless	WF or WM	Part of GMUs 506 and 673 ^k	15
Winston	Nov. 7-11	Antlerless	WF or WM	GMU 520	15
Margaret B	Nov. 7-11	Antlerless	WF or WM	GMU 524	10
Ryderwood	Nov. 7-11	Antlerless	WF or WM	GMU 530	40
Coweeman	Nov. 7-11	Antlerless	WF or WM	GMU 550	20
Toutle B	Nov. 7-11	Antlerless	WF or WM	GMU 556	30
Marble	Nov. 7-11	Antlerless	WF or WM	GMU 558	60
Carlton	Oct. 1-10	3-Pt. Min.	WF or WM	Elk Area 057	5
West Goat Rocks	Oct. 1-10	3-Pt. Min.	WF or WM	Elk Area 058	5
Mt. Adams	Oct. 1-10	3-Pt. Min.	WF or WM	Elk Area 059	5
Lewis River	Nov. 7-11	Antlerless	WF or WM	GMU 560	75
Siouxon	Nov. 7-11	Antlerless	WF or WM	GMU 572	50
Dungeness A	Nov. 28-Dec. 2	Antlerless	WF or WM	Part of GMU 621 ^l	6
Dungeness B	Nov. Dec 5-9	Antlerless	WF or WM	Part of GMU 621 ^l	6
Dungeness C	Dec. 12-16	Antlerless	WF or WM	Part of GMU 621 ^l	6
Satsop	Dec. 1-15	Antlerless	WF or WM	GMU 651	15
Puyallup A	Jan. 15-23, ((2002)) 2003	Antlerless	WF or WM	GMU 652	25
Mashel A	Dec. 15-23	Antlerless	WF or WM	Part of GMU 654 ^m	25
North Minot A	Oct. 20-31	Antlerless	WF or WM	Elk Area 067	30
Deschutes A	Jan. 15-23, ((2002)) 2003	Antlerless	WF or WM	GMU 666	10
Williams Creek	Nov. 7-11	Antlerless	WF or WM	GMU 673	40

^kThat part of GMUs 162 and 163 excluding National Forest lands and Rainwater Wildlife Area.

^jDamage hunt.

^kThat part of GMUs 506 and 673 within 1 mile of SR 6 between the east end of elk Prairie Rd and the Mallis Landing Rd.

^lThat part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River.

^mThat part of GMU 654 south of the Puyallup River.

Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)

Note-Fire Closures may limit access during early October seasons

Blue Creek B	Oct. ((1-12)) 1-11	Any Bull	EM	GMU 154	1
((Dayton B))	((Oct. 1-12))	((Any Bull))	((EM))	((GMU 162))	((+))
((Tucannon B))	((Oct. 1-12))	((Any Bull))	((EM))	((GMU 166))	((+))
Wenaha C	Oct. ((1-12)) 1-11	Any Bull	EM	GMU 169	1
Mountain View B	Oct. ((1-12)) 1-11	Any Bull	EM	GMU 172	1
Couse B	Oct. ((1-12)) 1-11	Any Bull	EM	GMU 181	1
((Grande Ronde B))	((Oct. 1-12))	((Any Bull))	((EM))	((GMU 186))	((+))
Peaches Ridge B	Oct. 1-12	Any Bull	EM	GMUs 336, 346	11

Goose Prairie B	Oct. 1-12	Any Bull	EM	GMUs 352, 356	22
Bethel C	Oct. 1-12	Any Bull	EM	GMU 360	17
Rimrock C	Oct. 1-12	Any Bull	EM	GMU 364	13
Cowiche C	Oct. 1-12	Any Bull	EM	GMU 368	6
Margaret C	Oct. 1-12	3 Pt. Min.	WM	GMU 524	3
Toutle C	Oct. 1-12	3 Pt. Min.	WM	GMU 556	15
Olympic B	Oct. 1-12	3 Pt. Min.	WM	GMU 621	3
Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)					
Blue Creek C ⁱ	((12/1/01-1/31/02)) <u>Dec. 1, 2002-Jan. 31, 2003</u>	Antlerless	EM	GMU 154	60
Columbia A ⁱ	Dec. 1-31	Antlerless	EM	Part of GMU 162 ⁿ , 163	((50)) <u>100</u>
Columbia B ⁱ	Jan. 1-31, ((2002)) <u>2003</u>	Antlerless	EM	Part of GMU 162 ⁿ , 163	((50)) <u>100</u>
<u>Columbia Cⁱ</u>	<u>Dec. 20-Jan. 31, 2003</u>	<u>Antlerless</u>	<u>EM</u>	<u>GMU 162^a</u>	<u>50</u>
Couse C ⁱ	Dec. 1-31	Antlerless	EM	GMU 181	25
Couse D ⁱ	Jan. 1-31, ((2002)) <u>2003</u>	Antlerless	EM	GMU 181	25
West Bar C	Oct. 1-12	Antlerless	EM	GMU 330	10
Observatory B	Oct. 1-12	Any Elk	EM	GMUs 340, 342, 371	9
Umtanum B	Oct. 6-12	Antlerless	EM	GMU 342	350
Stella A ⁽ⁱ⁾ ⁱ	Nov. 26-Dec. 15	Antlerless	WM	GMU 504	100
Stella B ⁽ⁱ⁾ ⁱ	Jan. 1-16, ((2002)) <u>2003</u>	Antlerless	WM	GMU 504	25
Toledo A ⁽ⁱ⁾ ⁱ	Jan. 1-16, ((2002)) <u>2003</u>	Antlerless	WM	Elk Area 029	30
Malaga D ⁽ⁱ⁾ ⁱ	Oct. 6-25	Antlerless	EM	Elk Area 032	75
<u>Malaga Fⁱ</u>	<u>Oct. 8-27</u>	<u>Antlerless</u>	<u>EM</u>	<u>Elk Area 032</u>	<u>75</u>
<u>Malaga Gⁱ</u>	<u>Oct. 8-27</u>	<u>Any Elk</u>	<u>EM</u>	<u>Elk Area 032</u>	<u>10</u>
((Peshastin Bⁱ))	((Aug. 18-Sept. 23))	((Antlerless))	((EM))	((Elk Area 033))	((20))
Mossyrock A ⁽ⁱ⁾ ⁱ	Jan. 1-16, ((2002)) <u>2003</u>	Antlerless	WM	Elk Area 052	((40)) <u>20</u>
Randle A ⁽ⁱ⁾ ⁱ	Jan. 1-16, ((2002)) <u>2003</u>	Antlerless	WM	Elk Area 053	15
Boistfort ⁽ⁱ⁾ ⁱ	Jan. 1-16, ((2002)) <u>2003</u>	Antlerless	WM	Elk Area 054	((20)) <u>40</u>
Yale ⁽ⁱ⁾ ⁱ	Nov. 26-Dec. 15	3 Pt. Min. or Antlerless	WM	GMU 554	75
Satsop	Oct. 6-14	Antlerless	WM	GMU 651	10
North River ⁽ⁱ⁾ ⁱ	Nov. 26-Dec. 15	Antlerless	WM	GMU 658	20
North Minot B ^j	Oct. 6-14	Antlerless	WM	Elk Area 067	30
Raymond A ^j	Oct. 1-31	Antlerless	WM	Part of GMUs 506 and 673 ^k	15

⁽ⁱ⁾_i Damage hunt.

^kThat part of GMUS 506 and 673 within 1 mile of SR6 between the east end of Elk Prairie Rd. and the Mallis Landing Rd.

ⁿThat part of GMU 162 east of North Touchet Rd, excluding National Forest. Mostly private land, winter road closures in GMU 162.

^aThat part of GMU 162 west of North Touchet Rd, excluding National Forest and Rainwater Wildlife Area.

Archery Permit Hunts (Only archery elk tag holders may apply.)

Note-Fire closures may limit access during September seasons.

Blue Creek D ((Dayton C)) ((Tucannon C))	Sept. 1-14 ((Sept. 1-14)) ((Sept. 1-14))	Any Bull ((Any Bull)) ((Any Bull))	EA ((EA)) ((EA))	GMU 154 ((GMU 162)) ((GMU 166))	2 ((4)) ((±))
Wenaha D	Sept. 1-14	Any Bull	EA	GMU 169	2
Mountain View C	Sept. 1-14	Any Bull	EA	GMU 172	6
Couse F ((Grande Ronde C))	Sept. 1-14 ((Sept. 1-14))	Any Bull ((Any Bull))	EA ((EA))	GMU 181 ((GMU 186))	1 ((±))
Peaches Ridge C	Sept. 1-14	Any Bull	EA	GMUs 336, 346	88
Observatory C	Sept. 1-14	Any Elk	EA	GMUs 340, 342, 371	40
Goose Prairie C	Sept. 1-14	Any Bull	EA	GMUs 352, 356	267
Bethel D	Sept. 1-14	Any Bull	EA	GMU 360	100
Rimrock D	Sept. 1-14	Any Bull	EA	GMU 364	87
Cowiche D	Sept. 1-14	Any Bull	EA	GMU 368	20
<u>Peshastin G</u>	<u>Sept. 1-15</u>	<u>Any Elk</u>	<u>EA</u>	<u>Elk Area 033</u>	<u>10</u>
Margaret D	Sept. 1-14	3 Pt. Min.	WA	GMU 524	8
Toutle D	Sept. 1-14	3 Pt. Min.	WA	GMU 556	55
Olympic C	Sept. 1-14	3 Pt. Min.	WA	GMU 621 ^h	6
Quinault	Nov. 21-Dec. 15	Antlerless	WA	That part of GMU 638 in the Quinault drainage	20
Mashel B ⁱ	Jan. 12-21, ((2002)) <u>2003</u>	Antlerless	WA	Part of GMU 654 ^m	40
Raymond B ⁱ	Nov. 16-30	Antlerless	WA	Part of GMUs 506 and 673 ^k	15
Satsop	Sept. 1-14	3 Pt. Min. or Antlerless	WA	GMU 651	15
Tanwax	Jan. 12-21, ((2002)) <u>2003</u>	Antlerless	WA	GMU 652, excluding areas bounded by Highways 167, 410, and 164.	35

^hThat part of GMU 621 south of the BPA power lines.

ⁱDamage hunt.

^kThat part of GMUs 506 and 673 within 1 mile of SR 6 between the east end of Elk Prairie Rd and the Mallis Landing Rd.

^lThat part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River.

^mThat part of GMU 654 south of the Puyallup River.

Advanced Hunter Education (AHE) Graduate Special Elk Permit Hunts (only AHE graduates may apply).

Toledo B	Jan. 17-31, ((2002)) <u>2003</u>	Antlerless	Any Elk Tag	Elk Area 029	20
Mossyrock B	Jan. 17-31, ((2002)) <u>2003</u>	Antlerless	Any Elk Tag	Elk Area 052	((±)) <u>20</u>
Randle B	Jan. 17-31, ((2002)) <u>2003</u>	Antlerless	Any Elk Tag	Elk Area 053	15
Quinault Ridge	Oct. 1-10	3-Pt. Min or Antlerless	Any Elk Tag	GMU 638	5
Chehalis Valley A	Sept. 15-30	Antlerless	Any Elk Tag	Elk Area 066	10
Chehalis Valley B	Oct. 1-31	Antlerless	Any Elk Tag	Elk Area 066	10
<u>Chehalis Valley C</u>	<u>Nov. 6-10</u>	<u>Antlerless</u>	<u>Any Elk Tag</u>	<u>Elk Area 066</u>	<u>15</u>
Chehalis Valley (C) E	Nov. 15-30	Antlerless	Any Elk Tag	Elk Area 066	10

PROPOSED

Chehalis Valley ((E)) F	Jan. 1-31, ((2002)) 2003	Antlerless	Any Elk Tag	Elk Area 066	10
Chehalis Valley ((F)) G	Feb. 1-28, ((2002)) 2003	Antlerless	Any Elk Tag	Elk Area 066	10

Persons of Disability Only - Special Elk Permit Hunts

Observatory D	Oct. 24-Nov. 7	Any Elk	EF or EM	GMUs 340, 342	5
Little Naches C	Oct. 1-10	Any Elk	EF, EM, EA	GMU 346	5
Little Naches D	Oct. 30-Nov. 7	Antlerless	EF, EM, EA	GMU 346	10
Centralia Mine A	Oct. 27-28	Antlerless	Any Elk Tag	Portion of GMU 667 ^o	2
Centralia Mine B	Nov. 3-4	Antlerless Only	Any Elk Tag	Portion of GMU 667 ^o	2
North Shore A	Oct. 1-31	Antlerless	Any Elk Tag	Part of GMU 658 ^p	5
North Shore B	Dec. 1-31	Antlerless	Any Elk Tag	Part of GMU 658 ^p	5
North Shore C	Jan. 1-31, ((2002)) 2003	Antlerless	Any Elk Tag	Part of GMU 658 ^p	5
Skookumchuck A	Nov. 17-25	Antlerless	Any Elk Tag	GMU 667	4
Skookumchuck B	Dec. 6-16	Antlerless	Any Elk Tag	GMU 667	4
Chehalis Valley D	Dec. 1-31	Antlerless	Any Elk Tag	Elk Area 066	15

^oPortion of GMU 667 within Centralia Mine.

^pThat part of GMU 658 south and west of SR 105 between Raymond and North River Bridge.

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

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

WSR 02-06-124
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 6, 2002, 10:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-02-055.

Purpose: To amend WAC 232-28-248 Special closures and firearm restriction areas, 232-28-02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions, and 232-28-02220 Game management units(GMUs)—Special game areas—Boundary descriptions—Elk area descriptions.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Firearm restriction areas are established by the Fish and Wildlife Commission to address safety concerns. Certain areas within game management units (GMUs) have restrictions pertaining to the legal weapons used during the hunting season.

Special game areas have been created within game management units to address wildlife damage and other issues that can not be addressed at the GMU level. There are currently eighteen elk areas defined throughout the state. The Washington Department of Fish and Wildlife (WDFW) proposes to designate deer areas to address wildlife damage and other issues pertaining to deer. Specifically, to add Deer

Area 051 to manage deer populations on Fisher and Hump islands on the Columbia River.

Muzzleloader areas were created to address elk damage problems as well as provide a recreational opportunity through hunting. The hunting activity within the current boundary of 944 pushes elk to a location where they can get around and through the elk fence and cause agricultural damage. Elk damage complaints have increased near the 911 area as well. Expanding the boundary of 911 would better address the increase in elk damage complaints.

Reasons Supporting Proposal: The number of elk in the Chinook Valley has increased. This area is relatively flat with a number of residences in and around the valley. When elk hunters converge on this area with modern rifles, it becomes an unsafe situation. Residents have expressed their concerns about safety to the department.

The Chehalis Valley has had an increase in development the last few years. The elk herd that uses the valley has also increased. The proposed expansion would make all of Elk Area 066 a firearm restricted area during the elk hunting season, alleviating safety concerns during the elk season.

The firearm restriction area for portions of Franklin, Grant, and Adams counties goes beyond the area of concern and should be eliminated. The area of concern, the Wahluke Unit, is under the jurisdiction of United States Fish and Wildlife Service (USFWS). The USFWS allows big game hunting on the Wahluke Unit with weapon restrictions that are already in place.

PROPOSED

The USFWS and WDFW plan to reintroduce the ESA listed Columbian white-tailed deer to Fisher/Hump Island in December of 2002. The reintroduction is part of the recovery plan for Columbian white-tailed deer. Recent surveys of the island revealed eight to ten black-tailed deer that need to be removed from the island before the reintroduction moves forward. Two special permit hunts are recommended for advanced hunter education graduates.

The current hunt on 944 pushes elk out on the east end of Cleman Mountain, past Meystre Canyon, where they penetrate the elk fence and cause orchard and hay damage. Proposed boundary change should result in most of these elk moving on to the Melotte feed site.

Expanding the border of Muzzleloader Area 911 would better address the increase in elk damage complaints near 911.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington 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: Address safety issues during hunting seasons.

WDFW proposes that the WAC be modified to include deer areas to provide WDFW with the flexibility needed to manage species in an area smaller than a GMU.

Expand the boundary for Muzzleloader Area 944 to better address elk damage issues.

Expand the boundary for Muzzleloader Area 911 to better address elk damage issues.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

These recommendations involve rules for recreational hunters and do not directly regulate small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Kittitas County Fairgrounds, 512 North Poplar, Ellensburg, WA 98926, on April 12-13, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 29, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Britnell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 25, 2002.

Date of Intended Adoption: April 12, 2002.

March 6, 2002
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-248 Special closures and firearm restriction areas.

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.

IT IS ILLEGAL TO HUNT 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 periods of April 15-May 15 and October 1-December 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 from April 15 to May 15 and 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 year round. 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 hunters, who may also take a black bear and/or cougar with the appropriate license/tag options, 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 652) is closed to the hunting of all wild animals (including wild birds) year around.

PROPOSED

- 6. Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit).
- 7. The Voice of America Dungeness Recreation Area County Park in Clallam County is closed to all hunting except Wednesdays, weekends, and holidays, from the first weekend in October to the end of January.

COUNTY
Clallam

Clark
Cowlitz

AREA
That portion of GMU 624 (Coyle) located within Clallam County.
GMU 564 (Battleground)
GMU 554 (Yale)
GMU 504 (Stella)
That portion of GMU 564 (Battleground) in Cowlitz County.
~~((That part of GMU 381 west of SR 17 and US Highway 395.))~~

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, to protect the Columbian White-tail Deer.
- 3. Willapa National Wildlife Refuge: Except for 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 "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. 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.

~~((Franklin, Grant and Adams))~~
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))~~ Chehalis Valley restriction applies only during elk seasons:

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 Bank Road to the Delezene Road; then south on the Delezene Road to a point 1 mile from the South Bank Road; southeast along a line 1 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.))~~ Beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on the Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of the South Bank Road to Delzene; Road, north along Delzene

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. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in the GMU 652 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 legal shotguns firing slugs or buckshot.

PROPOSED

COUNTY	AREA
	<u>Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to the Chehalis River; west along the Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 to the point of beginning.</u>
Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands.
Jefferson	Indian and Marrowstone islands.
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 652 (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.)
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.
Pacific	GMU 684 (Long Beach) west of Sand Ridge Road. The portion of GMU 658 (North River) south and west of State Highway 105 and Airport Road between Raymond and North River Bridge.

COUNTY	AREA
	<u>GMU 681 between U.S. Highway 101, Chinook Valley Road and the Columbia River from Astoria-Megler bridge to the Wallacut River.</u>
Pierce	GMU 652 (Anderson and Ketron islands) limited to archery, shotgun, and muzzleloader. McNeil Island closed to hunting. See GMU 652 restriction area outlined for King County. GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.
Snohomish	West of Highway 9.
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 Lummi Island and Point Roberts.

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 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions.

Muzzleloader Area No. 911 Fairview (Kittitas County): Begin at U.S. Highway 97 and First Creek (~~to Road~~); east on First Creek (~~to Road~~) to USFS 3507; south on USFS 3507 to (USFS 35 Road) to USFS 3517 Road; east on USFS 3517 Road to Lillard Hill Road and Wilson Creek Road; south on Wilson Creek Road to the BPA Powerlines (T19N; R19E; Section 19); east along the BPA Powerlines to the Colockum Pass Road (T19N; R20E; Section 16); south on Colockum Pass Road to the BPA Powerlines (T18N; R20E; Section 6); east along the BPA Powerlines to the Parke Creek Road; north on Parke Creek Road to Whiskey Jim Road; east on Whiskey Jim Road to Beacon Ridge Road; south on Beacon Ridge Road to Vantage Highway; east on Vantage Highway to Interstate 90 (I-90); west on I-90 (~~to Highway 97 and~~) to the Highline Canal at the trestle at milepost 123; south, west, and north along the boundary of GMU 334 (Ellensburg) to the cattleguard at Taneum Creek Road; west on I-90 to the BPA powerline crossing at Section 10, just west of Indian John Rest Area; west along the powerline to junction with Cabin Creek Road (1 mile south of railroad tracks in Easton); north on Cabin Creek Road to Easton and I-90; east on I-90

PROPOSED

to Exit 80; north on Bullfrog Road to State Route 903; north on State Route 903 to south edge of the city of Roslyn; north-east up No. 6 Canyon to the Roslyn Ridge Road and over the ridge to Carlson Canyon Road; east and northeast on Carlson Canyon to the Westfork Teanaway Road; east on the Westfork Road to the junction with Northfork Teanaway Road; north on Northfork Road to junction with Dickey Creek Road in the NE 1/4 of Section 29; east on Dickey Creek to USFS Road 9702; east on Road 9702, past Red Top Mountain, to USFS Road 9738 and east to State Route 97; south on State Route 97 to First Creek to the 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; south along S.R. 261 to S.R. 26; east on S.R. 26 to the Whitman County line; north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line; north along the Adams, Lincoln County line to Interstate 90; 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. 941 Skagit River (Skagit County): Beginning at the intersection of State Route 9 and 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 Highway; west on South Skagit Highway to State Route 9; north on State Route 9 to 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); north to USFS Road 1712; east on USFS Road 1712 (Clemen Ridge Road) to the ~~((east edge of Meyster Canyon; along the east side of Meyster Canyon to the elk fence; west along the elk fence to Waterworks Canyon and Highway 410 and to point of beginning-))~~ elk fence gate (T15N; R17E; Section 23 NE 1/4) at the top of Austin Spur Road; south and west along the elk fence to Highway 410 to the point of beginning.

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 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk and deer area descriptions.

Elk Area No. 029 Toledo (Lewis and Cowlitz counties): Beginning at the Cowlitz River and State Highway 505 junction; east along State Highway 505 to Eden Road; east along Eden Road to the Evans Road; east along the Evans Road to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the North Fork Toutle River to Alder Creek to the Weyerhaeuser 2400 Road; west along the Weyerhaeuser 2400 Road to the Weyerhaeuser 4400 Road to Johnson Creek and the South Fork Toutle River to State

Highway 504; east on Highway 504 to State Highway 505; north along Highway 505 to the Weyerhaeuser 1500 Road to Salmon Creek; west along Salmon Creek to the Cowlitz River; north along the Cowlitz River to the junction of State Highway 505 and point of beginning.

Elk Area No. 031 Shushuskin (Kittitas County): Beginning at Umtanum Road and the Yakima River; west along Umtanum Road to Manastash Road; west on Manastash Road to Cove Road; south and west on Cove Road to Hanson Road and Umtanum Creek; east (downstream) along Umtanum Creek to the Yakima River; north (upstream) along the Yakima River to the point of beginning.

Elk Area No. 032 Malaga (Kittitas and Chelan counties): Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; southwest along the powerline to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and West on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)

Elk Area No. 033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); west on USFS 7101 Road to Mission Creek Road; north on Mission Creek Road to USFS 7104 Road (Sand Creek Road); west on USFS 7104 Road (Sand Creek Road) to Camas Creek; west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; north along USFS 7200 Road to U.S. Highway 97; north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); north on the USFS 7300 Road to the Wenatchee River at Leavenworth; down the Wenatchee River and Columbia River to the point of beginning.

Elk Area No. 036 Riverbottom (Kittitas County): Beginning at the junction of Umtanum Road and State Route 821; south on State Route 821 and the Yakima River to Umtanum

Creek; west up Umtanum Creek to Umtanum Road; north on Umtanum Road to State Route 821 and the point of beginning.

Elk Area No. 041 Skagit (Skagit County): Begin at the intersection of CP 190 Road and CP 132 Road (Section 28, T36N, R5E); 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 & Mt. Baker-Snoqualmie National Forest Map)

Elk Area No. 050 Curtis (Lewis County): Beginning at the Boistfort Road, State Highway 6 intersection; west to the Mauerman Road; west and southwest on the Mauerman Road to the Pe Ell/McDonald Road; south and east on the Pe Ell/McDonald Road to the Lost Valley Road; south and southeast on the Lost Valley Road to the Boistfort Road; east and north along the Boistfort Road to State Highway 6 and point of beginning.

Elk Area No. 052 Mossyrock (Lewis County): Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 053 Randle (Lewis County): Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 Roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 054 Boistfort (Lewis County): Beginning at the Town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe

Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to the Winlock/Vader Road; 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; west on East Valley Road to the junction with Middle Valley Road (4.5 miles); 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. 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; southeast on the South Bank Road to Delezene Road; south on the Delezene Road to a point one mile from the South Bank Road; southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; east on the Oakville-Brooklyn Road to Oakville and Highway 12; 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; north to the shoreline of Lake Quinault; north along Lake Quinault to the Olympic National Park (ONP) boundary; east along ONP boundary to its intersection with the South Shore Road and U.S. Forest Service boundary; 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. 066 Chehalis Valley (Grays Harbor County): That portion of GMU 660 (Minot Peak) beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of South Bank Road to Delezene Road; north along Delezene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to Chehalis River; west on Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 and the point of beginning.

Elk Area((s)) No. 067 North Minot (Grays Harbor County): The portion of GMU 660 (Minot Peak) beginning at the junction on State Route 107 and the Melbourne A-line,

on the Melbourne A-line to the Vesta F-line; south on Vesta F-line to Vesta H-line (Vesta Creek Road); south on Vesta Creek Road to the North River Road; south and east on North River Road to the Brooklyn Road; east on Brooklyn Road to the Garrard Creek Road; east and north on Garrard Creek Road to the South Bank Road; east on South Bank to South State Street (Oakville); north on South State Street to US 12; northwest and west on US 12 to State Route 107; south and southwest on SR 107 to the Melbourne A-line and the point of beginning.

Deer Area No. 051 Fisher Island (Cowlitz County): The islands in the Columbia River known as Fisher Island and Hump Island in Game Management Unit 504.

WSR 02-06-125
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed March 6, 2002, 10:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-02-056.

Purpose: To amend WAC 232-28-277 2001, 2002, 2003 Big game and wild turkey auction permits and raffles.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Higher than expected bull elk mortality has occurred in Game Management Units (GMUs) 162 and 166. As a result of this high mortality, the department will be recommending that no branch-antlered bull tags be issued for GMUs 162 and 168 for the special permit season. Eastside elk auction tag and elk raffle tag holders would likely be hunting these two units.

Reasons Supporting Proposal: To maintain consistency, the Washington Department of Fish and Wildlife recommends that GMUs 162 and 168 also be closed to those hunters holding an auction elk tag or raffle elk tag.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 920-2932.

Name of Proponent: Washington 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: Adult bull elk mortality was higher than acceptable for management objectives.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business. These recommendations involve rules for recreational hunters and do not directly regulate small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Kittitas County Fairgrounds, 512 North Poplar, Ellensburg, WA 98926, on April 12-13, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 29, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Britnell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 25, 2002.

Date of Intended Adoption: April 12, 2002.

March 6, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 00-254, filed 1/31/01, effective 3/3/01)

WAC 232-28-277 2001, 2002, 2003 Big game and wild turkey auction permits and raffles.

BIG GAME AUCTION PERMITS

The director will select a conservation organization(s) to conduct the 2001, 2002, and 2003 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 and address of the successful bidder within ten days of the auction.

2001 AUCTION PERMIT HUNT(S)

SPECIES - ONE DEER PERMIT

Hunting season dates: September 1 - December 31, 2001

Hunt Area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs) and GMUs 157, 418, 485, and 522 are closed.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional any buck deer

SPECIES - ONE ELK PERMIT

Hunting season dates: September 15-30, 2001

Hunt Area: Statewide in any area open to general or permit season muzzleloader, archery, or modern firearm elk hunting during the 2001 season EXCEPT all Private Lands Wildlife Management Areas (PLWMAs) and GMUs 157 and 485 are closed.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One bull elk

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting season dates: September 1 - October 31, 2001
 Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), or Sheep Unit 13 (Quilomene).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One bighorn ram

SPECIES - ONE MOOSE PERMIT

Hunting season dates: October 1 - November 30, 2001
 Hunt Area: Any moose unit open during the 2001 season.
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
 Bag limit: One moose of either sex

SPECIES - ONE MOUNTAIN GOAT PERMIT

Hunting season dates: September 15 - October 31, 2001
 Hunt Area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
 Bag limit: One mountain goat of either sex

2002 AND 2003 AUCTION PERMIT HUNT(S)

SPECIES - ONE DEER PERMIT

Hunting season dates: September 1 - December 31, 2002 and 2003
 Hunt Area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs) and GMUs 157, 418, 485, and 522 are closed.
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
 Bag limit: One additional any buck deer

SPECIES - ONE WESTSIDE ELK PERMIT

Hunting Season Dates: September 1 - December 31, 2002 and 2003
 Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs) and GMUs 418, 485, and 522 are closed.
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
 Bag Limit: One additional any bull elk

SPECIES - ONE EASTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31, 2002 and 2003
 Hunt Area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs) and ((GMU)) GMUs 157, 162, and 166 are closed.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional any bull elk

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting Season Dates: September 1 - October 31, 2002 and 2003
 Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), Sheep Unit 13 (Quilomene), or Sheep Unit 14 (Swakane).

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag Limit: One bighorn ram

SPECIES - ONE MOOSE PERMIT

Hunting Season Dates: October 1 - November 30, 2002 and 2003
 Hunt Area: Any open moose unit.
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
 Bag Limit: One moose of either sex

SPECIES - ONE MOUNTAIN GOAT PERMIT

Hunting season dates: September 15 - October 31, 2002 and 2003
 Hunt Area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
 Bag limit: One mountain goat of either sex

RAFFLE PERMITS

Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct the 2001, 2002, and 2003 raffle(s). Selection of a conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. The organization shall notify the department of the name and address of the individual selected, and two alternatives, within two business days of the raffle.

2001 RAFFLE PERMIT HUNT(S)

DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer
 Open area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs) and GMUs 157, 418, 485, and 522 are closed.
 Open season: September 1 - December 31, 2001.
 Weapon: Any legal weapon EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader 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 area open to general or permit season muzzleloader, archery, or modern firearm elk hunting during the 2001 season, 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 2001 general or permit archery, muzzleloader, or modern firearm season.

Weapon: The raffle permit hunter may use 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.

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, 2001.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$10.00 including a 50-cent vendor fee.

MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex

Open area: Hunter may hunt in any moose unit open during the 2001 season.

Open season: October 1 - November 30, 2001.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

MOUNTAIN GOAT RAFFLE PERMIT HUNT

Bag limit: One mountain goat of either sex

Open area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Open season: September 15 - October 31, 2001.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

2002 AND 2003 RAFFLE PERMIT HUNT(S)

DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer

Open area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs) and GMUs 157, 418, 485, and 522 are closed.

Open season: September 1 - December 31, 2002 and 2003.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

WESTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs) and GMUs 418, 485, and 522 are closed.

Open season: September 1 - December 31, 2002 and 2003.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

EASTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs) and GMU 157 are closed.

Open season: September 1 - December 31, 2002 and 2003.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Number of permits: 1

Raffle ticket 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), Sheep Unit 12 (Lincoln Cliffs), Sheep Unit 13 (Quilomene), or Sheep Unit 14 (Swakane).

Open season: September 1 - October 31, 2002 and 2003.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$10.00 including a 50-cent vendor fee.

MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex

Open area: Any open moose unit.

Open season: October 1 - November 30, 2002 and 2003.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

MOUNTAIN GOAT RAFFLE PERMIT HUNT

Bag limit: One mountain goat of either sex

Open area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Open season: September 15 - October 31, 2002 and 2003.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle tickets cost: \$5.00 including a 50-cent vendor fee.

TURKEY RAFFLE PERMIT HUNTS

Bag limit: Three (3) additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.

Open area: Statewide.

Open season: April 1 - May 31, 2001, 2002, and 2003.

Weapon: Archery or shotgun only.

Number of permits: 2

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

Auction and raffle hunt permittee rules

(1) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.

(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.

(5) The permit is valid during the hunting season dates for the year issued.

(6) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.

(7) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.

WSR 02-06-126
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed March 6, 2002, 10:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-02-056.

Purpose: To amend WAC 232-28-278 2000-2002 Deer general seasons and 2001 special permits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Deer general seasons are set on a three-year basis and permit seasons are adjusted annually. Both general and permit seasons can be adjusted annually in response to deer population changes and damage complaints.

Reasons Supporting Proposal: Provides recreational, deer hunting opportunity and protects deer from overharvest. Addresses deer damage problems.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington 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: Maintain general deer hunting seasons opportunities for 2002.

Adjust special deer permits for 2002 in response to deer population changes and damage complaints.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business. These recommendations involve rules for recreational hunters and do not directly regulate small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Kittitas County Fairgrounds, 512 North Poplar, Ellensburg, WA 98926, on April 12-13, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 29, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by March 25, 2002.

Date of Intended Adoption: April 12, 2002.

March 6, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-278 2000-2002 Deer general seasons and (~~2001~~) 2002 special permits.

Bag Limit: One (1) deer per hunter during the (~~2001~~) 2002 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 GENERAL 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 minimum GMUs: 437, 558, 574, 578, 588, 636, 654, and 681.

3 Point minimum GMUs: All Mule Deer in 100, 200, and 300 series GMUs; Whitetail Deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, and 186.

Permit Only Units: The following GMUs are closed during general seasons: 290 (Desert), 329 (Quilomene), 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 a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County west of Highway 97.

Mule Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found east of a line drawn from the Canadian border south on the Pacific Crest Trail and along

the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County east of Highway 97.

Whitetail Deer: Means any whitetail deer (member of the species *Odocoileus virginianus*) except the Columbian Whitetail Deer (species *Odocoileus virginianus leucurus*).

Modern Firearm Deer Seasons

License Required: A valid big game hunting license which includes a deer species option.

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	2000 Dates	2001 Dates	2002 Dates	Game Management Units (GMUs)	Legal Deer
HIGH BUCK HUNTS					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness Areas and Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail	3 pt. min.
GENERAL SEASON HUNTS					
Western Washington Blacktail Deer	Oct. 14-31	Oct. 13-31	Oct. 12-31	407, 418, 426, 448 through 466, 490, 501 through 520, 524 through 556, 560, 568, 572, 601 through 633, 638 through 673, 684	Any buck
				410, 564	Any deer
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 14-27	Oct. 13-26	Oct. 12-25	101 through 124, 203 through 382 except closed in GMUs 290, 329, 342, 371 and PLWMA 201	Any whitetail buck
	Oct. 14-22	Oct. 13-21	Oct. 12-20	127 through 154, 162 through 186	Whitetail, 3 pt. min.
Mule Deer	Oct. 14-22	Oct. 13-21	Oct. 12-20	All 100, 200, and 300 series GMUs except closed in GMUs 157, 290, 329, 342, and that part of 371 east of Interstate Highway 82, and PLWMA 201	3 pt. min., except any deer in that part of GMU 381 west of Highway 395 and SR17
LATE BUCK HUNTS					
Western Washington Blacktail Deer	Nov. 16-19	Nov. 15-18	Nov. 14-17	All 400, 500, and 600 GMUs except closed in GMUs 418, 426, 437, 448, 450, 460, 485, 522, 574, 578, and 588	Any buck except 2 pt. min. in GMUs 558, 636, 654, 681 and any deer in GMUs 410 and 564
Eastern Washington Whitetail Deer	Nov. 6-19	Nov. 5-19	Nov. 4-19	105 through 124	Any whitetail buck
	Nov. 11-19	Nov. 10-18	Nov. 9-17	127 through 142	Whitetail-3 pt. min.
YOUTH & DISABLED HUNTERS					
Eastern Washington Whitetail Deer		Oct. 13-21	Oct. 12-20	204, 209, 215	Any whitetail
Eastern Washington Deer		Oct. 13-21	Oct. 12-20	((209-248)) 209-242, 248, 260, 269	Any Deer
HUNTERS 65 AND OVER, DISABLED, OR YOUTH SEASONS					
Eastern Washington Whitetail Deer	Oct. 14-27	Oct. 13-26	Oct. 12-25	101 through 124	Any whitetail deer
	Oct. 14-22	Oct. 13-21	Oct. 12-20	127 through 142	Whitetail-3 pt. min. or antlerless

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Hunt Season	2000 Dates	2001 Dates	2002 Dates	Game Management Units (GMUs)	Legal Deer
Eastern Washington Mule Deer		Oct. 13-21	Oct. 12-20	142	Mule deer, 3 pt. min. or antlerless
DISABLED HUNTERS					
Eastern Washington Whitetail Deer	Oct. 14-22	Oct. 13-21	Oct. 12-20	145 through 154, 162 through 186	Whitetail-3 pt. min. or antlerless
ADVANCED HUNTER EDUCATION (AHE) GRADUATE SEASON					
Eastern Washington Whitetail Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMUs 130-142	Whitetail-Antlerless only

Archery Deer Seasons

License Required: A valid big game hunting license which includes a deer species option.

Tag Required: Valid archery deer tag on his/her person for the area hunted.

Special Notes: Archery tag holders can only hunt during archery seasons with archery equipment.

Hunt Area	2000 Dates	2001 Dates	2002 Dates	Game Management Units (GMUs)	Legal Deer
Early Archery Deer Seasons					
Western Washington Blacktail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	407 through 426, 448 through 466, 490 through 520, 524 through 556, 560 through 572, 601 through 633, 638 through 673, 684 and Long Island.	Any Deer, except buck only in GMUs 506, 530, 550, 568, 672, 673
				437, 558, 574, 578, 588, 636, 654, 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. 1-30	Sept. 1-30	Sept. 1-30	101 through 127, 204, 249 through 251, 260, 262, 328, 334 through 340, 346 through 368, 372	3 pt. min.
	Sept. 1-15	Sept. 1-15	Sept. 1-15	130 through 154, 162 through 178, 181, 186, 209 through 242, 248, 254, 266, 269, 272, 278, 284, 381, 382	3 pt. min., except any deer in GMU 381
	Sept. 16-30	Sept. 16-30	Sept. 16-30	130 through 154, 162 through 178, 209 through 242, 248, 254, 266, 269, 272, 278, 284, 381, 382	3 pt. min. or antlerless, except any deer in GMU 381
Eastern Washington Whitetail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	101 through 124, 204 through 284	Any whitetail deer
	Sept. 1-30	Sept. 1-30	Sept. 1-30	127 through 154, 162 through 186	Whitetail, 3 pt. min. or antlerless
Late Archery Deer Seasons					
Western Washington Blacktail Deer	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	588	2 pt. min. or antlerless
	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	558, 636, 681	2 pt. min. or antlerless
				460, 466, 506 through 520, 524, 530, 556, 560, 572, 601, 607 through 618, 638, 648, 673, and Long Island	Any deer, except buck only in GMUs 506, 530, and 673
	Nov. 22-Dec. 31	Nov. 21-Dec. 31	Nov. 20-Dec. 31	407, 410, 454, 505, 603, 624, 627, 642, 652, 660 through 672	Any deer, except buck only in GMU 672
437				2 pt. min. or antlerless	
Eastern Washington Mule Deer	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	145, 178	3 pt. min. or antlerless
	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. ((15)) 8	127	3 pt. min. or antlerless
		Nov. 21-Dec. 8	Nov. 20-Dec. 8	209, 215, 233, 243, 250, 346, 352, 364, 368 272	3 pt. min. 3 pt. min. or antlerless

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Hunt Area	2000 Dates	2001 Dates	2002 Dates	Game Management Units (GMUs)	Legal Deer
Eastern Washington Whitetail Deer	Nov. 10-Dec. 15	Nov. 10-Dec. 15	Nov. 10-Dec. 15	101	Any Whitetail
	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	124, 209, 215, 233, 272 127, 145, 178	Any Whitetail 3 pt. min. or antlerless
Eastern Washington Whitetail Deer	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	105, 117, 121((,-124)) (-127))	Any Whitetail ((3 pt. min. or antlerless))

Muzzleloader Deer Seasons

License Required: A valid big game hunting license which includes a deer species option.

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.

Hunt Area	2000 Dates	2001 Dates	2002 Dates	Game Management Units	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness Areas, Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail.	3 pt. min.
Early Muzzleloader Deer Seasons					
Western Washington Blacktail Deer	Oct. 7-11	Oct. 6-10	Oct. 5-9	407, 418, 426, 448, 501, 504, 505, 513, 520, 530, 554, 568, 603, 612, 624, 627, 638, 642, 660, 663, 672, 673, 684	Any buck
				410, 454, 564, 652, 666	Any deer
				437, 578	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 7-11	Oct. 6-10	Oct. 5-9	209, 239, 243, 244, 245, 246, 250, 251, 284, 381	Whitetail, any buck
				133, 142, 145, 149	Whitetail, 3 pt. min.
				109, 117, 124	Whitetail, any deer
Eastern Washington Mule Deer	Oct. 7-11	Oct. 6-10	Oct. 5-9	109, 117, 133, 142, 145, 149, 209, 239, 243, 244, 245, 246, 250, 251, 284, 336, 352, 360, 381[,] 382	Mule deer, 3 pt. min., <u>except any deer in that part of GMU 381 west of Highway 395 and State Route 17</u>
Late Muzzleloader Deer Seasons					
Western Washington Blacktail Deer	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	410, 501, 504, 564, 666, 684, and Muzzleloader Area 926	Any deer
				654	2 pt. min.
				550, 602, 633, 651	Any buck
	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	578	2 pt. min.
Eastern Washington Whitetail Deer	Nov. 22-Dec. 15	Nov. 21-Dec. 8	Nov. 20-Dec. 8	113	Whitetail, any deer
	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	130, 139, 172, 181, 284	Whitetail, 3 pt. min. or antlerless
Eastern Washington Mule Deer	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	130, 284, 381	Mule deer, 3 pt. min. or antlerless
	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	382	3 pt. min.

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. In firearm restriction areas, modern firearm hunters may hunt with a muzzleloader equipped with a scope.

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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. Archery, shotgun, muzzleloader or revolver type handgun only. Hunter orange required.					
Hunt Area	2000 Dates	2001 Dates	2002 Dates	Game Management Units (GMUs)	Legal Deer
Western Washington Blacktail Deer	Oct. 14-31	Oct. 13-31	Oct. 12-31	410, Vashon and Maury Islands	Any deer
	Nov. 22-Dec. 31	Nov. 21-Dec. 31	Nov. 20-Dec. 31	564	Any deer
	Sept. 1-Dec. 31	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 deer hunting license prior to purchase of a permit application.

Hunt Name	((2001)) 2002 Permit Season	Special Restrictions	Boundary Description	((2001)) 2002 Permits
Modern Firearm Deer Permit Hunts (Only modern firearm and muzzleloader deer tag holders may apply)				
Hunters may hunt only with weapon in compliance with tag.				
Sherman	Oct. ((13-26)) <u>12-25</u>	Whitetail, Antlerless	GMU 101	((200)) <u>150</u>
Kelly Hill	Oct. ((13-26)) <u>12-25</u>	Whitetail, Antlerless	GMU 105	((200)) <u>250</u>
Threeforks	Oct. ((13-26)) <u>12-25</u>	Whitetail, Antlerless	GMU 109	((400)) <u>500</u>
Selkirk	Oct. ((13-26)) <u>12-25</u>	Whitetail, Antlerless	GMU 113	50
49 Degrees North	Oct. ((13-26)) <u>12-25</u>	Whitetail, Antlerless	GMU 117	((200)) <u>300</u>
Huckleberry	Oct. ((13-26)) <u>12-25</u>	Whitetail, Antlerless	GMU 121	((500)) <u>1000</u>
Mt. Spokane	Oct. ((13-26)) <u>12-25</u>	Whitetail, Antlerless	GMU 124	((1000)) <u>1200</u>
Mica Peak	Oct. ((13-21)) <u>12-20</u>	Whitetail, Antlerless	GMU 127	((160)) <u>200</u>
Cheney	Oct. ((13-21)) <u>12-20</u>	Antlerless	GMU 130	((150)) <u>200</u>
Roosevelt	Nov. ((5-15)) <u>4-14</u>	Antlerless	GMU 133	((450)) <u>500</u>
Harrington	Nov. ((5-15)) <u>4-14</u>	Antlerless	GMU 136	125
Step toe <u>A</u>	((Nov. 5-15)) <u>Oct. 12-20</u>	Antlerless	GMU 139	((250)) <u>200</u>
<u>Step toe B</u>	<u>Nov. 4-14</u>	<u>Antlerless</u>	<u>GMU 139</u>	<u>200</u>
<u>Almota A</u>	((Nov. 5-15)) <u>Oct. 12-20</u>	Antlerless	GMU 142	250
<u>Almota B</u>	<u>Nov. 4-14</u>	<u>Antlerless</u>	<u>GMU 142</u>	<u>250</u>
<u>Mayview A</u>	((Nov. 5-15)) <u>Oct. 12-20</u>	Antlerless	GMU 145	((700)) <u>350</u>
<u>Mayview B</u>	<u>Nov. 4-14</u>	<u>Antlerless</u>	<u>GMU 145</u>	<u>350</u>
Prescott A	((Nov. 5-15)) <u>Nov. 4-14</u>	Antlerless	GMU 149	400
Prescott B	Nov. ((5-15)) <u>4-14</u>	Antlerless	That portion of GMU 149 ((north and east of)) <u>between Hwy 261 and Hwy 127</u>	((175)) <u>100</u>
Blue Creek	Nov. ((5-15)) <u>4-14</u>	Whitetail, Antlerless	GMU 154	((200)) <u>225</u>
<u>Dayton A</u>	Nov. ((5-15)) <u>4-14</u>	Whitetail, Antlerless	GMU 162	((250)) <u>350</u>
<u>Dayton B</u>	<u>Nov. 4-14</u>	<u>Antlerless</u>	<u>GMU 162, excluding National Forest lands and the Rainwater Wildlife Area</u>	<u>50</u>
Marengo A	Nov. ((5-15)) <u>4-14</u>	Whitetail, Antlerless	GMU 163	((200)) <u>250</u>

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Hunt Name	((2001)) <u>2002</u> Permit Season	Special Restrictions	Boundary Description	((2001)) <u>2002</u> Permits
Marengo B	Nov. ((5-15)) <u>4-14</u>	Antlerless	GMU 163	75
Peola	Nov. ((5-15)) <u>4-14</u>	Antlerless	GMU 178	((150)) <u>100</u>
<u>Couse</u>	<u>Nov. 4-14</u>	<u>Antlerless</u>	<u>GMU 181</u>	<u>50</u>
Blue Mtns. Foothills A	Nov. ((5-20)) <u>4-21</u>	Any Whitetail	GMUs 149, 154, 162-166	100
Blue Mtns. Foothills B	Nov. ((5-20)) <u>4-21</u>	Any Whitetail	GMUs 145, 172-181	50
East Okanogan	Nov. 1-15	Any Whitetail	GMU 204	100
West Okanogan	Nov. 1-15	Any Whitetail	GMUs 209, 218-242	100
Sinlahekin <u>A</u>	Nov. 1-15	Any Whitetail	GMU 215	50
<u>Sinlahekin B</u>	<u>Nov. 1-15</u>	<u>Antlerless, Whitetail</u>	<u>GMU 215</u>	<u>50</u>
Chewuch	Nov. 1-15	Any Buck	GMU 218	30
Pearygin	Nov. 1-15	Any Buck	GMU 224	35
Gardner	Nov. 1-15	Any Buck	GMU 231	25
Pogue	Nov. 1-15	Any Buck	GMU 233	15
Chiliwist	Nov. 1-15	Any Buck	GMU 239	25
Alta	Nov. 1-15	Any Buck	GMU 242	30
Manson	Nov. 1-15	Any Buck	GMU 243	((15)) <u>5</u>
Chiwawa	Nov. 1-15	Any Buck	GMU 245	((15)) <u>30</u>
Slide Ridge	Nov. 1-15	Any Buck	GMU 246	((15)) <u>5</u>
Entiat	Nov. 1-15	Any Buck	GMU 247	((15)) <u>30</u>
Big Bend A	Oct. 13-21	Antlerless	GMU 248	((50)) <u>75</u>
Big Bend C	Nov. 1-15	Antlerless	GMU 248	((50)) <u>75</u>
Swakane	Nov. 1-15	Any Buck	GMU 250	((15)) <u>30</u>
Mission <u>A</u>	Nov. 1-15	Any Buck	GMU 251	((15)) <u>30</u>
<u>Mission C</u>	<u>Oct. 12-20</u>	<u>Antlerless</u>	<u>GMU 251</u>	<u>100</u>
St. Andrews	Oct. ((13-21)) <u>12-20</u>	Antlerless	GMU 254	((50)) <u>75</u>
Withrow	Oct. ((13-21)) <u>12-20</u>	Antlerless	GMU 262	((50)) <u>75</u>
Foster Creek <u>A</u>	Oct. ((13-21)) <u>12-25</u>	Antlerless	GMU 260	100
<u>Foster Creek B</u>	<u>Nov. 1-15</u>	<u>Antlerless</u>	<u>GMU 260</u>	<u>100</u>
Badger	Nov. 1-15	Antlerless	GMU 266	((75)) <u>100</u>
Beezeley East	Oct. ((13-21)) <u>12-20</u>	Antlerless	That part of GMU 272 ((in Grant County)) <u>east and north of State Route 17</u>	((300)) <u>100</u>
<u>Beezeley West</u>	<u>Oct. 12-20</u>	<u>Antlerless</u>	<u>That part of GMU 272 west and south of State Route 17</u>	<u>100</u>
((Kahlotus))	((Oct. 13-21))	((Antlerless))	((GMU 284))	((100))
Desert A	Nov. 1-15	Any Deer	GMU 290	15
Desert B	Nov. ((19-25)) <u>25-Dec. 1</u>	Antlerless	GMU 290	50
Quilomene A	((Nov. 7-22)) <u>4-17</u>	Any Buck	GMU 329	((100)) <u>75</u>
Umtanum A	((Nov. 7-22)) <u>4-17</u>	Any Buck	GMU 342	((90)) <u>65</u>
Alkali A	((Nov. 7-22)) <u>4-17</u>	Any Buck	GMU 371	85
Alkali B	((Nov. 7-22)) <u>4-17</u>	Antlerless	GMU 371	75
East Klickitat	Oct. ((13-21)) <u>12-20</u>	Any Deer	GMU 382	((50)) <u>40</u>

Hunt Name	((2001)) 2002 Permit Season	Special Restrictions	Boundary Description	((2001)) 2002 Permits
Snoqualmie	Nov. ((1-14)) <u>2-10</u>	Any Buck	GMU 460	((500)) <u>200</u>
Green River ^A	Oct. ((6-10-13)) <u>26-31</u>	Any Buck	GMU 485	((20)) <u>15</u>
Lincoln	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 501	((60)) <u>50</u>
Stella	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 504 ^b	((55)) <u>45</u>
Mossyrock	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 505	((115)) <u>105</u>
Stormking	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 510	((55)) <u>45</u>
South Rainier	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 513	((55)) <u>45</u>
Packwood	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 516	((75)) <u>65</u>
Winston	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 520	((75)) <u>65</u>
Yale	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 554 ^b	((35)) <u>25</u>
Toutle <u>A</u>	Oct. <u>12-31</u>	<u>Any Deer</u>	<u>GMU 556</u>	<u>40</u>
Marble <u>A</u>	Oct. ((13-31)) <u>12-31</u>	2 Pt. Min. or Antlerless	GMU 558	((55)) <u>45</u>
Lewis River <u>A</u>	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 560	((75)) <u>65</u>
Siouxon <u>A</u>	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 572	((75)) <u>65</u>
Wind River A	Oct. ((13-31)) <u>12-31</u>	2 Pt. Min. or Antlerless	GMU 574	((40)) <u>35</u>
Wind River B	Nov. ((15-18)) <u>14-17</u>	2 Pt. Min.	GMU 574	((25)) <u>35</u>
West Klickitat A	Oct. ((13-31)) <u>12-31</u>	2 Pt. Min. or Antlerless	GMU 578	((50)) <u>40</u>
West Klickitat B	Nov. ((15-18)) <u>14-17</u>	2 Pt. Min.	GMU 578	((35)) <u>45</u>
Grayback A	Oct. ((13-31)) <u>12-31</u>	2 Pt. Min. or Antlerless	GMU 588	((200)) <u>180</u>
Grayback B	Nov. ((15-18)) <u>14-17</u>	2 Pt. Min.	GMU 588	((50)) <u>65</u>
Pysht ^c	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 603	40
Olympic	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 621	((30)) <u>35</u>
Coyle	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 624	((30)) <u>25</u>
Kitsap	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 627	20
Mason Lake <u>A</u>	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 633	((5)) <u>20</u>
Skokomish	Oct. ((13-31)) <u>12-31</u>	2 Pt. Min. or Antlerless	GMU 636	80
Wynoochee A	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 648	110
Wynoochee B	Nov. 1-11	Any Buck	GMU 648	10
Satsop A	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 651	150
Satsop B	Nov. 1-11	Any Buck	GMU 651	10
North River	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 658	100
Minot Peak	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 660	((100)) <u>90</u>
Capitol Peak A	Oct. ((13-31)) <u>12-31</u>	Any Deer	GMU 663	((140)) <u>120</u>
Capitol Peak B	Nov. 1-11	Any Buck	GMU 663	10
Deschutes	Oct. 13-31	Any Deer	GMU 666	80
Skookumchuck A	Oct. 13-31	Any Deer	GMU 667	200
Skookumchuck B	Nov. 1-11	Any Buck	GMU 667	10

^aGreen River deer and elk permit holders may hunt bear and cougar in GMU 485 with bear and cougar tags during permit season.

^bFirearm Restriction Areas - Muzzleloader or archery equipment only.

^cPermit not valid on Merrill and Ring Tree Farm.

Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.)

Green Bluff	Dec. ((8-31)) <u>9-31</u>	Whitetail, Antlerless	That portion of GMU 124 east of Hwy 2	((90)) <u>120</u>
Blue Mtns. Foothills C	((Nov. 21-Dec. 8)) <u>Nov. 22-Dec. 9</u>	Any Whitetail	GMUs 149, 154, 162-166	60

PROPOSED

<u>Wannacut</u>	<u>Nov. 1-15</u>	<u>Antlerless</u>	<u>GMU 209</u>	<u>50</u>
Moses Coulee	Dec. 1-31	Antlerless	GMU 269	((50)) <u>100</u>
Desert C	Oct. ((22-28)) <u>21-27</u>	Any Deer	GMU 290	4
Quilomene B	Oct. 1-10	Any Buck	GMU 329	((41)) <u>8</u>
Umtanum B	Oct. 1-10	Any Buck	GMU 342	((9)) <u>6</u>
Alkali C	Sept. 30-Oct. 6	Any Buck	GMU 371	12
Alkali D	Sept. 30-Oct. 6	Antlerless	GMU 371	8
Mason Lake B	Oct. 6-10	Antlerless	GMU 633	((30)) <u>40</u>
Satsop C	Oct. 6-10	Any Deer	GMU 651	50
Archery Only Deer Permit Hunts (Only archery deer tag holders may apply.)				
Desert D	Sept. ((16-Oct-5)) <u>14-Oct. 6</u>	Any Deer	GMU 290	62
Quilomene C	Nov. ((23-Dec-8)) <u>18-Dec. 2</u>	Any Deer	GMU 329	((126)) <u>25</u>
Umtanum C	Nov. ((23-Dec-8)) <u>18-Dec. 2</u>	Any Deer	GMU 342	((45)) <u>32</u>
Alkali E	Nov. ((23-Dec-8)) <u>18-Dec. 2</u>	Any Deer	GMU 371	85
Special Deer Permit Hunts for Hunters 65 or older.				
Blue Mtn. Foothills D	Oct. ((13-21)) <u>12-20</u>	3 Pt. Min. or Antlerless	GMUs 145, 149, 181	150
Special Youth Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)				
Blue Mtns. Foothills E	Oct. ((13-21)) <u>12-20</u>	Any Deer	GMUs 149, 154, 162-166	100
Blue Mtns. Foothills F	Oct. ((13-21)) <u>12-20</u>	Any Deer	GMUs 145, 172-181	75
Mission B	Oct. ((13-21)) <u>12-20</u>	Any Deer	GMU 251	((50)) <u>100</u>
Quilomene D	Oct. 13-21	Antlerless	GMU 328	75
Umtanum D	Oct. 13-21	Antlerless	GMU 342	75
<u>East Klickitat B</u>	<u>Oct. 12-20</u>	<u>Any Deer</u>	<u>GMU 382</u>	<u>10</u>
<u>Lincoln B</u>	<u>Oct. 12-31</u>	<u>Any Deer</u>	<u>GMU 501</u>	<u>10</u>
<u>Stella B</u>	<u>Oct. 12-31</u>	<u>Any Deer</u>	<u>GMU 504</u>	<u>10</u>
<u>Mossyrock B</u>	<u>Oct. 12-31</u>	<u>Any Deer</u>	<u>GMU 505</u>	<u>10</u>
<u>Stormking B</u>	<u>Oct. 12-31</u>	<u>Any Deer</u>	<u>GMU 510</u>	<u>10</u>
<u>South Rainier B</u>	<u>Oct. 12-31</u>	<u>Any Deer</u>	<u>GMU 513</u>	<u>10</u>
<u>Packwood B</u>	<u>Oct. 12-31</u>	<u>Any Deer</u>	<u>GMU 516</u>	<u>10</u>
<u>Winston B</u>	<u>Oct. 12-31</u>	<u>Any Deer</u>	<u>GMU 520</u>	<u>10</u>
<u>Yale B</u>	<u>Oct. 12-31</u>	<u>Any Deer</u>	<u>GMU 554</u>	<u>10</u>
Toutle B	Oct. 13-31	Any Deer	GMU 556	((100)) <u>60</u>
<u>Marble B</u>	<u>Oct. 12-31</u>	<u>Any Deer</u>	<u>GMU 558</u>	<u>10</u>
<u>Lewis River</u>	<u>Oct. 12-31</u>	<u>Any Deer</u>	<u>GMU 560</u>	<u>10</u>
<u>Siouxon B</u>	<u>Oct. 12-31</u>	<u>Any Deer</u>	<u>GMU 572</u>	<u>10</u>
Wind River C	Oct. 13-31	2-Pt. Min. or Antlerless	GMU 574	((75)) <u>40</u>
<u>West Klickitat C</u>	<u>Oct. 12-31</u>	<u>Any Deer</u>	<u>GMU 578</u>	<u>10</u>
<u>Grayback C</u>	<u>Oct. 12-31</u>	<u>Any Deer</u>	<u>GMU 588</u>	<u>20</u>

Satsop C	Oct. 10-31	Any Deer	GMU 651	10
Skookumchuck C	Oct. 6-31	Any Deer	GMU 667	60

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 02-06-127
PROPOSED RULES
SHORELINE COMMUNITY COLLEGE

[Filed March 6, 2002, 11:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-02 (1/16/02) [WSR 02-02-079, on 12/31/01].

Title of Rule: Meetings of the board of trustees—Delegation of board responsibility, chapter 132G-104 WAC.

Purpose: To revise two rules, WAC 132G-104-010 (last revised June 6, 1979) and WAC 132G-104-020 (last revised January 1, 1973), and to repeal WAC 132G-104-030, which will be reenacted in accordance with RCW 28B.10.528 by resolution of the college's board of trustees.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Statute Being Implemented: RCW 42.30.070.

Summary: These rules have not been updated since June 6, 1979 (WAC 132G-104-010); January 1, 1973 (WAC 132G-104-020) and January 1, 1973 (WAC 132G-104-030), respectively. The board has initiated a change to their meeting day, date and time (WAC 132G-104-010); has grammatical changes to WAC 132G-104-020; and wishes to repeal WAC 132G-104-030 Delegation to college president, in order to revise and update this section as an internal college policy only. The college board of trustees wishes to delegate its authority to the president of the college by resolution in accordance with RCW 28B.10.528, rather than by administrative rule.

Reasons Supporting Proposal: The board of trustees wish to change their meeting date and time to be more accessible to faculty and staff at Shoreline Community College. The statute states that board meeting day, date and time must be included in the WAC. The board, further, wishes to retain the delegation of authority as an internal policy, where it is more accessible.

Name of Agency Personnel Responsible for Drafting: Michele Foley, Secretary to Board, 16101 Greenwood Avenue North, Shoreline Community College, Seattle, (206) 546-4552; **Implementation and Enforcement:** Board of Trustees, 16101 Greenwood Avenue North, Shoreline Community College, Seattle, (206) 546-4552.

Name of Proponent: Shoreline Community College, board of trustees.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules change the college board of trustee meeting times and dates, correct grammar, and repeal the board's codified delegation of authority to the college president. The change in meeting times will make the college board meetings more accessible to the college community.

The board is considering what changes it will make, if any, to its delegation of authority to the college president.

Proposal Changes the Following Existing Rules: The proposed rules change the board meeting dates and times and rescinds the board's delegation of authority to the college president.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule changes do not impact small business.

RCW 34.05.328 does not apply to this rule adoption. The proposed rule changes are not subject to RCW 34.05.328.

Hearing Location: Central Conference Room, Building 1000, Shoreline Community College, 16101 Greenwood Avenue North, Seattle, WA 98133, on April 9, 2002, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Paulette Fleming by April 2, 2002, TDD (206) 546-4520, or (206) 546-4694.

Submit Written Comments to: Michele Foley, Secretary to the Board of Trustees, fax (206) 546-7857, by April 9, 2002.

Date of Intended Adoption: April 24, 2002.

March 5, 2002

Holly L. Moore

President

AMENDATORY SECTION (Amending Order 12-10:79, filed 6/6/79)

WAC 132G-104-010 Time and place of board meetings. The board of trustees shall hold one regular meeting on the ~~((third Friday))~~ fourth Wednesday of each month at ~~((8:00 a.m.))~~ 4:00 p.m. and such special meetings as may be requested by the ~~((chairman))~~ chair of the board or by a majority of the members of the board and announced in accordance with law.

All regular and special meetings of the board of trustees shall be held at 16101 Greenwood Avenue North, ~~((Seattle))~~ Shoreline, unless scheduled elsewhere, and shall be open to the general public, except for lawful executive sessions.

No official business shall be conducted by the board of trustees except during a regular or special meeting.

AMENDATORY SECTION (Amending Order 9-26:76, filed 6/30/76)

WAC 132G-104-020 Request for items to be placed on board agenda. Anyone, other than a board member or a representative of the president's office wishing an item placed on the agenda of a board meeting, must have a written request in the office of the board secretary no later than twelve

o'clock noon five business days before the next scheduled meeting of the board. The secretary will relate the request to the college president and the ((~~chairman~~)) chair of the board as soon as feasible. The ((~~chairman~~)) chair will determine whether the item is to be placed on the agenda. The ((~~chairman~~)) chair or his/her designee will notify the individual initiating the request as to whether or not the item will be placed on the agenda.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132G-104-030 Delegation to college president.

WSR 02-06-129

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 6, 2002, 11:31 a.m.]

Original Notice.

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

Title of Rule: Amendment of the strawberry marketing order under which the Strawberry Commission is established in chapter 16-555 WAC.

Purpose: The proposed amendment would create a new position on the board of the Strawberry Commission representing District 3 (representing Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum, Grays Harbor, Mason, and Thurston counties).

Statutory Authority for Adoption: Chapter 15.65 RCW.

Statute Being Implemented: RCW 15.65.050, 15.65.220.

Summary: The Washington State Department of Agriculture has received a petition to amend the strawberry marketing order by increasing District 3 representation from one position to two positions on the Strawberry Commission's board.

Reasons Supporting Proposal: Under RCW 15.65.050 through 15.65.120, the director of agriculture is required to hold a hearing to determine whether amendment of the strawberry marketing order would effectuate the declared policies and purposes of the statute and marketing order. At the hearing, the department will request testimony on the following issues:

1. Does the addition of a second board position in District 3 under the provisions of chapter 16-555 WAC, the strawberry marketing order, further the policies in the statute, chapter 15.65 RCW, by better reflecting geographic representation on the board of strawberry growers covered by the marketing order?

2. Does creating a second board position in District 3 under the provisions of chapter 16-555 WAC accomplish the purposes and objects [objectives] of the strawberry marketing order which include promoting the general welfare of the

state and enabling strawberry producers to help themselves by increasing representation on the strawberry board?

Based on the testimony taken at the hearing and written comments received by the department in response to this notice and the notice issued pursuant to chapter 15.65 RCW, the director will make findings and issue a recommended decision and a final decision. The final decision may result in a referendum on the amendment proposal pursuant to RCW 15.65.160 or a decision to deny the proposal in its entirety under RCW 15.65.120. If the proposal is denied in its entirety, the director will take no further action and a referendum will not be held.

Name of Agency Personnel Responsible for Drafting and Implementation: Deborah Anderson, 1111 Washington Street S.W., Olympia, WA 98504, (360) 902-2043; and Enforcement: William E. Brookreson, 1111 Washington Street S.W., Olympia, WA 98504, (360) 902-1801.

Name of Proponent: Washington Strawberry Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment creates a new position on the board of the Strawberry Commission representing District 3 (representing Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum, Grays Harbor, Mason, and Thurston counties). According to the commission, District 1 has twenty-four growers who produced 9,039,197 pounds of strawberries, District 2 has thirteen growers who produced 757,026 pounds. District 3 has twenty-four growers who produced 5,422,561 pounds. Both Districts 1 and 2 have two representatives on the board. Representation would be more evenly distributed by increasing District 3 representation on the board of the commission to two members.

Proposal Changes the Following Existing Rules: Position 7 has been added to District 3 of the Strawberry Commission in chapter 16-555 WAC increasing membership on the board to a total of seven affected producer members.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendment will be voted on in a referendum of the strawberry producers and proposal places no requirements on the strawberry producers.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a named agency.

Hearing Location: Washington State Department of Agriculture, Natural Resources Building, Conference Room 205, 1111 Washington Street S.E. [S.W.], Olympia, WA 98504, on April 10, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jodi Jones by April 2, 2001, TDD (360) 902-1996, or (360) 902-1806.

Submit Written Comments to: Deborah Anderson, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, fax (360) 902-2092, or e-mail wdsdarulescomments@agr.wa.gov, by April 1, 2002, 5:00 p.m.

Date of Intended Adoption: July 15, 2002.

March 6, 2002

William E. Brookreson
Acting Director

AMENDATORY SECTION (Amending WSR 00-10-024, filed 4/24/00, effective 5/25/00)

WAC 16-555-020 Strawberry commodity board. (1) **Administration.** The provisions of this marketing order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of ~~((seven))~~ eight members. ~~((Six))~~ seven members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

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

(i) District I shall have two board members, being Positions 1 and 2, and shall include the counties of Island, San Juan, Skagit, and Whatcom.

(ii) District II shall have two board members, being Positions 3 and 4, and shall include the counties of King, Clallam, Jefferson, Kitsap, Pierce, and Snohomish.

(iii) District III shall have ~~((one))~~ two board members, being Position 5 and Position 7, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum, Grays Harbor, Mason, and Thurston.

(iv) District IV shall have one board member, being Position 6, and shall include the remaining counties in the state of Washington.

(3) **Board membership qualifications.** The affected producer members of the board shall be practical producers of strawberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing strawberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) **Term of office.**

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

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

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

Position one - shall terminate on August 31, 1986;

Positions three and five - shall terminate on August 31, 1987;

Positions two and four - shall terminate on August 31, 1988.

(d) The term of office for the initial board member in Position 6, shall terminate on August 31, 1995.

(e) The term of office for the initial board member in Position 7 shall terminate on August 31, 2005.

(5) **Nomination and election of board members.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

When only one nominee is nominated for any position on the board, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

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

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

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

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

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

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

PROPOSED

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

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

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

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

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the marketing order and effectuate the declared policies of the act.

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

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

(f) To establish a "strawberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved by the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, shall be deposited each day or as often as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited at least every five years subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each calendar year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

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

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

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

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

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

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

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

(o) To authorize the members of the board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.58.030(1) or any agricultural chemical which is of use or potential use in producing strawberries, and may authorize the expenditure of commission funds for this purpose.

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

(11) Procedures for board.

(a) The board shall hold regular meetings, at least semi-annually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

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

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

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 02-06-130

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 6, 2002, 11:33 a.m.]

Original Notice.

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

Title of Rule: Chapter 16-532 WAC, rules under which the hop marketing order is established.

Purpose: The proposal would implement an additional assessment on hops and grant the Hop Commission authority to conduct a set-aside program by providing that the commission may enter into contracts, at its discretion, and pay hop producers to set aside or remove from production existing planted hop acreage during the 2002 production season. The proposal also includes provisions on entering into contracts with hop growers.

Statutory Authority for Adoption: Chapter 15.65 RCW.

Statute Being Implemented: RCW 15.65.030, 15.65.040 [(2)](d) and (f), 15.65.050.

Summary: Hop growers have petitioned the Washington State Department of Agriculture to amend the hop marketing order to add an additional assessment for one year in the amount of \$.05 per net pound of hops (\$10 per affected unit). The additional funds would be utilized only for the purpose of compensating growers who contract with the commission to set aside existing hop acreage.

Growers have also petitioned the Washington State Department of Agriculture to grant the commission authority to enter into contracts, at its discretion, and pay hop producers to set aside or remove from production existing planted hop acreage during the 2002 season.

Reasons Supporting Proposal: Under RCW 15.65.050 through 15.65.120, the director of agriculture is required to hold a hearing to determine whether amendment of the hop marketing order would effectuate the declared policies and purposes of the statute and marketing order. At the hearing, the department will request testimony on the following issues:

1. Does the proposed amendment to chapter 16-532 WAC, the hop marketing order, further the policies in the statute, chapter 15.65 RCW which include providing methods and means for maintaining present markets and restoring and maintaining adequate purchasing power for hop growers in this state? Is the amendment needed to fulfill these policies for the state's hop industry? Explain why the amendment is or is not needed.

2. Does the proposed amendment accomplish the purposes and objects [objectives] of the marketing order which include promoting the general welfare of the state, enabling producers of hops to help themselves establish orderly, fair, sound, efficient, unhampered marketing and standardization of hops, and regulating unfair trade practices within the hop industry?

3. Can the purposes and objectives of the amendment be accomplished independently without amending the marketing order?

Based on the testimony taken at the hearing and written comments received by the department in response to this notice and the notice issued pursuant to chapter 15.65 RCW, the director will make findings and issue a recommended decision and a final decision. The final decision may result in a referendum on the amendment proposal pursuant to RCW 15.65.160 or a decision to deny the proposal in its entirety under RCW 15.65.120. If the proposal is denied in its entirety, the director will take no further action and a referendum will not be held.

Name of Agency Personnel Responsible for Drafting and Implementation: Deborah Anderson, P.O. Box 42560,

Olympia, WA 98504-2560, (360) 902-2043; and Enforcement: William E. Brookreson, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1800.

Name of Proponent: Names of proponents are contained in petitions filed with the director of Washington State Department of Agriculture and are available for public inspection, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current assessment on hops is \$2.50 per affected unit. The adoption of this proposal would levy an additional special assessment on hop growers during the production year 2002 only of \$10 per affected unit for the purpose of funding a set-aside program to compensate growers who contract with the commission to set aside existing hop acreage from production. The proposal also would clarify under the marketing order that the Hop Commission may to [also] enter into contracts, at its discretion, and pay hop producers to set aside or remove from production existing planted hop acreage during the 2002 production season. Funds collected from the additional assessment would be used to assist the hop producers, who have entered into contracts to set aside production, in covering fixed costs for water, taxes, and minimal cultural activities during 2002.

The American hop industry needs to produce 73% of the alpha hop acreage produced in 2001 to bring the annual supply of hops in line with the demand for this year. Improved utilization at the brewery and processor level has resulted in the need for fewer hops to satisfy demand. In addition, new technologies and the development of more efficient varieties at the grower level have resulted in the conversion of acreage to the new varieties and the need for fewer acres. Also, from 1966 until 1985, a federal marketing order regulated the amount of hops that could be sold by growers bringing production more in line with anticipated demand. Since the dissolution of the last federal marketing order, wide swings in acreage and price have plagued the hop industry. Hop producers in the industry are working with USDA Agricultural Marketing Service to create a new federal marketing order for hops in order to bring stability to the industry. However, this process will take approximately two years. As an interim measure, it is the intent of Washington hop producers to idle 6,500 acres in a set-aside program for the 2002 production year.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

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

Small Business Economic Impact Statement

Proposed Amendment: The Washington State Department of Agriculture has received a petition from hop growers forwarded to the department by the Washington Hop Commission Board. The petitioners have requested that the hop marketing order under chapter 16-532 WAC be amended. The petitioners are requesting that a special assessment be established on hops in the amount of \$0.05 per net pound of hops (\$10 per affected unit or 200 pounds of hops) for 2002.

PROPOSED

This assessment would be used for the purpose of compensating growers who contract with the board for a voluntary set aside of existing planted hop acreage in an effort to bring production of hops into balance with current demand.

Background: The hop industry has been plagued by overproduction, low prices, international competition, lowering hop usage by breweries, increasing input costs, as well as new competition from the raising of new varieties. During the period 1966 until 1985 the amount of hops that could be sold by growers was regulated by a federal marketing order. This order annually adjusted the percentage of a grower's total base he could sell. Since the dissolution of the federal marketing order, wide swings in acreage and price have plagued the hop industry. According to the Washington State Hop Commission resulting poor prices and lack of profitability have caused a 65% reduction in grower numbers in over seventeen years. There are now fewer than eighty families farming hops in the United States.

The hop industry is seeking strategies that will enable it to manage production responsibly to ensure the survival of its growers. A set-aside program is being proposed as a temporary measure. Hop producers are also proposing to work with USDA Agricultural Marketing Service to create a new federal marketing order for hops in order to bring stability to the industry. However, this process will take approximately two years.

According to the hop industry, the industry needs to produce 73% of the alpha hop acreage produced in 2001 to bring the annual supply of hops in line with the demand for this year.

Compliance Requirements: Under the provisions of the existing marketing order, hop producers pay an annual assessment of \$2.50 per affected unit¹. The proposed amendment will place a special assessment of \$10 per affected unit on hops for the production year 2002 in addition to the annual assessment already levied. Normally, the handler² at the first point of sale collects the assessment. The existing method of collection will be used to collect the special assessment. The producer would incur no additional equipment, supply, labor or increased administrative costs.

To determine the impact of the assessment increase of \$10 per affected unit on hop producers, the department looked at the cost per \$100 of gross sales for each hop producer. Based on 2001 hop production information³ and the average price per unit for hops⁴. The average increased cost for all producers was determined to be .0273% or \$2.73 per \$100 of gross sales. Using information published on the web by the Hop Growers Association for year 2000⁵, the average cost of production per acre for hops is \$4,046. Of sixty-four producers who produced hops in 2001, only ten producers exceeded \$4,000 in gross sales per acre. Those businesses included both small and large operations, ranging from a low of seventy-five acres of production to a high of 1,725 acres of production. The remaining fifty-four producers sold their hops for less than the average cost of production. Therefore by comparing the cost of production per acre (\$4,046) to the hop producer's 2001 gross sales per acre, it is the department's determination that the cost per \$100 of gross sales of .0273% or \$2.73 would be more than minor.

As the cost per \$100 of gross sales of \$2.73 is the same for each producer of hops, there is no disproportionate impact on small business.

Revenues: As an interim measure to bring stability to hop production, it is the intent of those in the United States hop industry to idle 6,500 acres in a set-aside program for the 2002 production year, 6,000 of which would be set aside by Washington state hop producers.

The hop industry has historically relied on multiple year contracts with merchants to provide price stability through difficult times, however, brewers have moved away from the long-term contracts in favor of purchasing lower-priced hops on the "spot" market, transferring the risk to the grower. Many growers must now sell their hops on a year-by-year basis. This will likely continue until excess hop inventories are eliminated, annual supply more closely matches annual demand and brewers benefit financially by contracting forward again.

Hops are a perennial crop requiring substantial production inputs. Hops require a specialized trellis system and harvesting equipment not suitable for any other crop. At a roughly estimated cost of \$500 per acre, the removal of trellis and roots from 10,000 acres of hops would cost \$5 million. With few alternative crops and high fixed costs associated with hop production, growers are unable to leave the hop industry without incurring a substantial loss. The alternative has been a gradual erosion of farm equity brought about by poor prices and the inability to reinvest in equipment. This has led to chronic overproduction and the accumulation of large inventories of unsold hops.

To further compound the problem, the hop industry has had no exit strategy to eliminate a substantial percentage of this excess acreage from production and there is no structure in place to identify and remove less efficient or excess acreage. The hop industry enters 2002 with approximately 50% of the alpha production contracted, the lowest percentage in history. After several years of losses, the banking industry is largely unwilling to finance acreage that is not contracted and is losing confidence that hop growers can manage production in a way that will provide profitability necessary to repay loans.

Mitigation of Costs: Although there is no guarantee that the price for hops will improve, small businesses would benefit if adoption of this rule amendment results in a higher sales price per acre for hops. The purpose of the set-aside program is to provide an interim measure to bring the production of hops in line with demand while the industry works to establish a federal marketing order. Based on the information provided above, many hop producers did not recoup their production costs in 2001. In order to bring stability to hop production, the industry has estimated that 6,500 U.S. acres must be set aside. Both the director and the Hop Commission pursued the option of federal funding for the interim set-aside program. Although legislative representatives are supportive of this effort, funding was not available at this point in time. To fund the set-aside program, industry has estimated that two million dollars is needed for 2002. In order to have funds available for this production year, the special assessment

must be in effect for the 2002 harvest, which normally begins in August.

If the special assessment is adopted, the Hop Commission will use the funds to enter into contracts, at its discretion, and pay hop producers approximately \$300 per acre to set aside or remove from production existing planted hop acreage during the 2002 production season. This would assist the producers to set aside production by covering fixed costs for water, taxes, and minimal cultural activities during 2002. Funds could also be spent by the producers to remove acreage from production. Without implementation of a strategy, it is believed that the same issues will continue to plague the industry, and the long-term viability of the hop industry in the state of Washington is at risk.

The department has analyzed the proposed mitigation measures in RCW 19.85.030(2) as follows:

- (a) This proposed rule amendment would impose a one-year assessment but does not add substantive regulatory requirements.
- (b) Participation in a set-aside contract is voluntary. As noted above, because handlers will collect the additional assessment and participation in a set-aside contract with the commission is voluntary, no additional record-keeping or reporting requirements are imposed by this proposed rule amendment.
- (c) This proposed rule amendment does not require inspections or change compliance penalties.
- (d) Because all of the special assessment must be collected in the 2002 season in order to fund the voluntary set-aside contracts with the board, it is not feasible to delay the timetable for collection of the special assessment.

Involvement of Those Impacted in the Rule Development: The hop marketing order is established under the authority of chapter 15.65 RCW. The department has received a petition from hop producers requesting the amendment of the marketing order. Under the provisions of chapter 15.65 RCW, the director is required to hold a public hearing to determine if amending the hop marketing order would effectuate the declared policies and purposes of the statute and marketing order. A process is established whereby the director issues a recommended decision and final decision based on testimony and comments submitted to the director. Should the director's final decision be to adopt the petitioner's proposal, a referendum will be conducted where all affected hop producers will have the opportunity to vote in favor of or against the rule change. The producers must assent to the proposal under criteria established in statute before the proposal can be adopted.

¹ "Affected unit" means two hundred pounds net of hops, or the amount of lupulin, extract or oil produced from two hundred pounds net of hops. WAC 16-532-010(15).

² Handler means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing hops not produced by him. WAC 16-532-010(7).

³ Production information provided by the Washington Hop Commission.

⁴ Based on season average 2001 crop price of \$1.83 per pound according to USDA, Agricultural Statistics.

⁵ There are nine varieties of hops each with varying costs of production, yields and price per pound. An average of the nine varieties was used.

A copy of the statement may be obtained by writing to Deborah Anderson, Commodity Commission Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1806, fax (360) 902-2092.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a named agency.

Hearing Location: Yakima Masonic Center, 2nd Floor, 504 North Naches Avenue, Yakima, WA 98901, on April 9, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Laurie Crose by April 2, 2002, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Deborah Anderson, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2092, by April 9, 2002, 5:00 p.m.

Date of Intended Adoption: July 1, 2002.

March 6, 2002

William E. Brookreson
Acting Director

AMENDATORY SECTION (Amending WSR 92-09-068 [99-10-095], filed 4/14/92 [5/5/99], effective 5/15/92 [6/5/99])

WAC 16-532-020 Hop board. (1) Administration. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of ten members. Nine members shall be affected producers elected as provided in this section. The director shall appoint one member of the board who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the entire state of Washington.

(3) Board membership qualifications.

The affected producer members of the board shall be practical producers of hops and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing hops within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom.

(4) Term of office.

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

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through nine and the member appointed by the director position ten.

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

Positions one, two, three and ten - until June 30, 1967

Positions four, five and six - until June 30, 1966

Positions seven, eight and nine - until June 30, 1965

(d) Terms of office for the board members serving at the time of the 1992 amendment of this section shall be as follows:

Positions one, two, three and ten - until December 31, 1994

Positions four, five and six - until December 31, 1993

Positions seven, eight and nine - until December 31, 1992

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meetings by written petition filed with the director signed by not less than five affected producers. At the inception of this order nominations may be made at the issuance hearing.

(6) Election of board members.

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

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

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board member.

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

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member shall be reimbursed for actual subsistence and traveling expenses incurred through attendance at meetings or other board activities: Provided, That such expenses shall be authorized by resolution by unanimous approval of the board at a regular meeting.

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

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

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

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

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

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

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

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

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

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

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

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

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

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

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

(o) To implement a set-aside program for the 2002 crop year, which shall include, but not be limited to, the authority to enter into contracts with and pay individual producers of hops to set-aside or remove from production existing planted hop acreage.

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

(1) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

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

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

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.

NEW SECTION

WAC 16-532-025 Set-aside program. The set-aside program for the 2002 crop year authorized in WAC 16-532-020 (10)(o) shall be funded with the special assessments collected under WAC 16-532-040 (1)(b). The set-aside program shall be administered by the Board as follows:

(1) The Board shall enter into contracts with and pay individual growers to refrain from growing hops in the minimum amount of 6,000, but not to exceed a total of 6,500, existing planted acreage.

(2) Contracts with growers shall be let on a first come-first served basis as determined by the date of receipt of the written commitment of the grower sent to the United States Department of Agriculture - National Agricultural Statistical Service in response to the solicitation issued by the Board in April 2002 until commitments are received totaling 6,500 acres.

(3) Payment shall be made under the contract on a per acreage basis. The contracts shall provide for payment to the grower of a per acre sum equal to the total amount of the funds collected under WAC 16-532-040 (1)(b), together with interest earned on the funds collected, if any, less the reasonable cost of administration incurred by the Board, divided by the total acreage committed under subsection (2) of this section.

AMENDATORY SECTION (Amending WSR 97-17-096, filed 8/20/97, effective 9/20/97)

WAC 16-532-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of hops shall be two dollars and fifty cents per affected unit.

(b) In addition to the annual assessment specified in (1)(a), a special assessment on all varieties of hops of ten dollars per affected unit shall be imposed on hops produced in the 2002 crop year. The purpose of the special assessment is to fund the set-aside program authorized in WAC 16-532-020 (10)(o).

~~((b))~~(c) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment; or

(iii) Require the person subject to the assessment to remit assessments for any hops which are processed prior to the first sale; or

(iv) Require the person subject to the assessment to remit an inventory report for any hops which are not processed or sold prior to December 31 of the year in which they are produced.

(e) (d) Subsequent to the first sale or processing, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next suc-

ceeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

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 02-06-131
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed March 6, 2002, 11:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-20-096.

Title of Rule: Rules relating to longhorned beetle quarantine, WAC 16-470-800 through 16-470-870.

Purpose: To adopt rules to prevent spread of longhorned beetles of the genus *Anoplophora* and to declare quarantine restrictions in an area of known entry of the citrus longhorned beetle.

Statutory Authority for Adoption: Chapter 17.24 RCW.
Statute Being Implemented: Chapter 17.24 RCW.

Summary: Citrus longhorned beetle and its close relative the Asian longhorned beetle, both of the genus *Anoplophora*, are exotic, nonnative pests that attack and kill otherwise healthy hardwood trees and that have severe environmental and economic consequences. This proposal would enact quarantine restrictions in the sole area of the state known to have been entered by living citrus longhorned beetles and to restrict human actions such as movement of living beetles or infested wood and living trees, in order to inhibit beetle spread.

Reasons Supporting Proposal: Once established, longhorned beetles are extraordinarily difficult to eliminate. Prevention of population movement while measures are taken to eradicate them is highly desirable when the economic and

environmental costs of allowing the beetles to establish are considered.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA 98504, (360) 902-1907; Implementation and Enforcement: Clinton Campbell, 1111 Washington Street, Olympia, WA 98504, (360) 902-2071.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Citrus longhorned beetle is an exotic pest which has escaped into a wooded area of Tukwila, Washington. It attacks and kills otherwise healthy hardwood trees, and it is extremely difficult to control. If the insect is not eradicated, it will be extremely harmful from both an economic and an environmental standpoint. Left to itself, the beetle is likely to spread slowly, affording time to eradicate it. However, any movement of live hardwood trees or other untreated wood containing concealed beetles presents a significant risk of rapidly spreading them beyond our ability to eradicate them. The proposed rule would establish a quarantine area, restrict the movement of living host species and wood which may be infested with the beetle, mandate destruction or disposal of articles in violation of the quarantine, authorize special permits, and forbid transportation of living beetles of the genus *Anoplophora*. These measures are anticipated to delay spread of the beetles and to allow their eradication.

Due to the urgent nature of this situation, an emergency rule identical in most respects to this proposal was adopted on November 27, 2001. The only substantive change in this proposal for permanent rule making from the text of the emergency rule is exemption from regulatory restrictions of living potential host plants and hardwood prunings with a maximum diameter of three eighths of an inch.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The analysis completed indicates a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Showalter Middle School Cafeteria, 4628 South 144th Street, Tukwila, WA 98168, on April 10, 2002, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Jodi Jones by April 3, 2002, TDD (360) 902-1996, or (360) 902-1806.

Submit Written Comments to: Clinton Campbell, Pest Program Manager, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, e-mail ccampbell@agr.wa.gov, fax (360) 902-2094, by April 11, 2002.

Date of Intended Adoption: April 17, 2002.

March 6, 2002

Mary A. Martin Toohey

Assistant Director

LONGHORNED BEETLE QUARANTINE**NEW SECTION**

WAC 16-470-800 Establishing quarantine for long-horned beetles of the genus *Anoplophora*. Beetles of the genus *Anoplophora* include the citrus longhorned beetle (*Anoplophora chinensis*) and the Asian longhorned beetle (*Anoplophora glabripennis*). There are no species of *Anoplophora* native to North America. These beetles are serious pests in their native ranges in Asia and are highly invasive species which have entered and may become established in Washington State. The establishment of any species of *Anoplophora* beetle in Washington would cause reduction in native vegetation and ornamental plants and great economic loss to the forestry, nursery and agricultural industries of the state. The director of agriculture, pursuant to authorities in RCW 17.24 and RCW 15.13, has determined that the regulation and exclusion of all life stages of beetles of the genus *Anoplophora* and of any potentially infested host material is necessary to protect the environmental quality, forests and agricultural crops of the state of Washington.

NEW SECTION

WAC 16-470-810 Prohibiting possession, transportation or distribution of living beetles of the genus *Anoplophora*. Possession of any living life stage of any beetle of the genus *Anoplophora*, including but not limited to citrus longhorned beetle (*Anoplophora chinensis*) and Asian longhorned beetle (*Anoplophora glabripennis*), is prohibited. Transportation or distribution of any living life stage of any beetle of the genus *Anoplophora* into or between points within the state of Washington is prohibited. Any *Anoplophora* beetle eggs, larvae, pupae, or adults should be killed at the site of discovery. Trained employees of the department are available to assist the public in identifying *Anoplophora* beetle life stages and can be reached at toll-free telephone number (800) 443-6684 or email pestprogram@agr.wa.gov.

NEW SECTION

WAC 16-470-820 What is the area under quarantine for citrus longhorned beetle? The boundaries of the area under order are within the City of Tukwila in King County. The area under order consists of all properties lying primarily within a circle with a radius of a half mile, centered at the property immediately southwest of the intersection of Macadam Rd. S. and S. 144th St. Any property on the border of the circle, which lies at least 50% outside the circle, is excluded from the area under quarantine for citrus longhorned beetle. A map of the area under quarantine can be obtained through a request to the department at toll-free number (800) 443-6684 or email pestprogram@agr.wa.gov.

NEW SECTION

WAC 16-470-830 Prohibition on moving living plants from the area under quarantine for citrus long-

horned beetle. (1) All species of the following genera of plants are declared to be potential host plants for citrus longhorned beetle:

- (a) Acer (maple)
- (b) Albizzia (silk tree)
- (c) Alnus (alder)
- (d) Betula (birch)
- (e) Camellia
- (f) Carya (hickory, pecan)
- (g) Castanea (chestnut)
- (h) Citrus (orange, lemon)
- (i) Cryptomeria (Japanese cedar)
- (j) Elaeagnus (wild olive)
- (k) Fagus (beech)
- (l) Ficus (fig)
- (m) Fraxinus (ash)
- (n) Hibiscus (rose of sharon, mallow)
- (o) Ilex (holly)
- (p) Juglans (walnut)
- (q) Lindera (spicebush)
- (r) Maackia (amur)
- (s) Malus (apple, crabapple)
- (t) Morus (mulberry)
- (u) Photinia
- (v) Platanus (sycamore, plane tree)
- (w) Populus (poplar; aspen, cottonwood)
- (x) Prunus (cherry, peach, apricot, plum)
- (y) Pyracantha (firethorn)
- (z) Pyrus (pear)
- (aa) Quercus (oak)
- (bb) Rhus (sumac)
- (cc) Robinia (locust)
- (dd) Rosa (rose)
- (ee) Rubus (blackberry, raspberry)
- (ff) Salix (willow)
- (gg) Sophora (pagoda tree)
- (hh) Stransvaesia
- (ii) Styrax (snowbell tree)
- (jj) Ulmus (elm)

(2) The following species are declared to be potential host plants for citrus longhorned beetle:

- (a) Eriobotrya japonicus
- (b) Fortunella marginata
- (c) Poncirus trifoliata

(3) Movement of living potential host plants with a diameter of greater than three-eighths of an inch at soil level from the area under quarantine for citrus longhorned beetle to outside the area is prohibited, unless a permit has been issued by the department pursuant to WAC 16-470-870 below.

NEW SECTION

WAC 16-470-840 Prohibition on moving wood and prunings from the area under quarantine for citrus longhorned beetle. (1) The following articles are declared to be potential host material for citrus longhorned beetle, and their movement or transportation from the area under quarantine is prohibited:

- (a) untreated hardwood grown within the area under quarantine
- (b) firewood from hardwood species
- (c) deadwood, stumps, tree trunks and similar portions of trees from hardwood species
- (d) hardwood prunings with diameter of greater than three-eighths inch
- (2) Materials that are not restricted by this section include:
- (a) lumber not grown in the area under quarantine
- (b) softwood (that is, wood from coniferous plants such as pine or Douglas fir)
- (c) fruit
- (d) nuts
- (e) leaves
- (f) wreaths
- (g) finished wood products such as furniture
- (h) hardwood prunings and debris with a maximum diameter of three-eighths of an inch, and
- (i) wood chipped to a maximum size of five-eighths of an inch

NEW SECTION

WAC 16-470-850 Exemption for articles in transit.

Articles declared in WAC 16-470-830 and WAC 16-470-840 to be potential host material for citrus longhorned beetle are exempt from the requirements of WAC 16-470-820 through WAC 16-470-870 if all the following conditions are met:

- (1) The articles originate outside the quarantine area for citrus longhorned beetle,
- (2) They enter the quarantine area for citrus longhorned beetle as an incidental portion of transportation to a location outside the quarantine area, and
- (3) They are not unloaded or parked overnight within the quarantine area for citrus longhorned beetle.

NEW SECTION

WAC 16-470-860 Disposal of articles regulated under longhorned beetle quarantine. Any regulated articles that are in violation of this longhorned beetle quarantine are subject to destruction or other disposition in a manner prescribed by the department.

NEW SECTION

WAC 16-470-870 Special permits - longhorned beetle. The department may issue special permits for actions otherwise forbidden under provisions of WAC 16-470-800 through WAC 16-470-860. These special permits shall be conditioned to minimize the risk of spreading longhorned beetle.

WSR 02-06-116
EXPEDITED RULES
DEPARTMENT OF HEALTH
 (Board of Nursing Home Administrators)
 [Filed March 6, 2002, 9:45 a.m.]

Department of Health, P.O. Box 47867, Olympia, WA
 98504-7867, AND RECEIVED BY May 7, 2002.

February 4, 2002
 Barbara A. Hayes
 Health Services Consultant 3

Title of Rule: WAC 246-843-015 Nursing homes temporarily without an administrator.

Purpose: The rule provides guidance to a nursing home business if a Washington state licensed home administrator (NHA) leaves the position of administrator in active charge of a state-licensed nursing home.

Other Identifying Information: The rule is redundant of Department of Social and Health Services rule, WAC 388-97-160(4).

Statutory Authority for Adoption: RCW 18.52.061.

Statute Being Implemented: Chapter 18.52 RCW.

Summary: The proposal repeals WAC 246-843-015 Nursing homes temporarily without an administrator.

Reasons Supporting Proposal: The Department of Social and Health Services (DSHS) regulates nursing homes and has authority under RCW 18.51.070 to adopt rules relating to general administration of licensed nursing homes. DSHS adopted a rule that is modeled after and similar to this rule, making this rule redundant and no longer necessary.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara Hayes, Department of Health, (360) 236-4921.

Name of Proponent: Board of Nursing Home Administrators, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule states that a nursing home may employ an administrator designee who is not a licensed nursing home administrator (NHA) in Washington as long as there is an agreement with a Washington licensed NHA to provide consultation.

The purpose of the rule is to guide nursing home businesses in continuity of administration of a nursing home.

The board anticipates that the repeal of the rule will eliminate a redundancy in WAC and remove confusion on which state agency has authority over nursing homes.

Proposal Changes the Following Existing Rules: The proposed action will repeal a rule from Washington Administrative Code.

NOTICE

THIS RULE IS BEING PROPOSED UNDER 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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Barbara A. Hayes,

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-843-015

Nursing homes temporarily without an administrator.

EXPEDITED



WSR 02-06-006
PERMANENT RULES
GAMBLING COMMISSION

[Order 409—Filed February 22, 2002, 8:02 a.m., effective July 1, 2002]

Date of Adoption: February 15, 2002.

Purpose: An amendment clarifies that bingo players may only use one electronic bingo card dauber at a time to prevent a player from utilizing numerous electronic bingo card daubers at one time and possibly having a winning advantage over other players. In the past, winning bingo cards could only be verified by a bingo employee and at least one neutral player. The amendment allows an alternative method to determine winning players for electronic daubers by allowing a bingo employee to verify the winning card, without verification by a neutral player. However, after verification, the employee must then broadcast the winning card on a video screen for all players to view. Furthermore, any player can request to view the card. Finally, an amendment increases the maximum price to purchase a three number speed bingo card from \$2 to \$7. Furthermore, an amendment allows three number speed bingo games to accrue progressive jackpots.

Citation of Existing Rules Affected by this Order: Amending WAC 230-20-244, 230-20-246, and 230-20-249.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 02-01-097 on December 17, 2001.

Changes Other than Editing from Proposed to Adopted Version: Housekeeping - bingo rules were amended in 2000, to remove net income requirements from bingo operations. A sentence in WAC 230-20-244 (2)(e) was inadvertently not removed when that rules package was adopted. Therefore, it will be removed at this time.

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 3, 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, 2002.

February 15, 2002

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 381, filed 3/22/00, effective 7/1/00)

WAC 230-20-244 Electronic bingo card daubers—
Definition—Operating restrictions—Standards. The com-

mission deems that any device, apparatus, or scheme that allows a player in any gambling activity a material advantage over other players is against public policy and restriction of such is in the public's interest. Electronic bingo card marking devices or daubers are deemed to provide a player a material advantage unless operated in accordance with subsection (2) of this section. For purposes of this title, the following definitions, restrictions, and standards apply to such devices:

Definition.

(1) Electronic bingo card daubers are defined as electronic appliances used by players to identify bingo cards that contain numbers or symbols input by a player. These devices electronically store preprinted bingo cards purchased by a player, provide a means for players to input numbers or symbols called by the operator, compare the numbers or symbols input by the player to bingo cards previously stored in an electronic data base, and identify to the player those stored bingo cards that contain the numbers or symbols input by the player: Provided, That player-owned devices, which are not directly interfaced with or connected to equipment used to conduct bingo games or the electronic data base in which electronically generated bingo cards are stored in any manner, are not "electronic bingo card daubers" for purposes of this title;

Operating restrictions.

(2) Electronic bingo card daubers will not be deemed to provide players a material advantage and may be used by players in bingo games when operated in the following manner:

Player responsibilities.

(a) The player must perform at least the following functions:

(i) Input each number or symbol called by the operator into the memory of the dauber unit by use of a separate input function for each number symbol. Automatic or global marking of numbers or symbols is prohibited;

(ii) Notify the operator when a winning pattern or "bingo" occurs by means that do not utilize the dauber unit or the associated system; and

(iii) Identify the winning card and display the card to the operator;

Maximum number of cards to be played during each game.

(b) ~~((Each player using an electronic dauber is limited to playing a maximum of sixty-six cards with the assistance of an electronic dauber during any game;))~~ Each electronic dauber unit shall not allow a player to play more than sixty-six cards at one time.

(c) Each player shall not use more than one electronic dauber at any point in time. Provided, That a player can play an unlimited amount of disposable or hard bingo cards in addition to using one electronic dauber unit.

Reserving electronic bingo card daubers.

((e)) (d) Operators shall not reserve electronic daubers for any player. An operator must devise and disclose to players a scheme for assignment of dauber units to players during each session. Such schemes shall allow all players an equal opportunity to utilize the available dauber units. If a drawing is used to assign dauber units to players, the operator shall ensure that each player participating in the drawing has an equal chance to win: Provided, That operators that offer electronic dauber units shall reserve at least one device for players with disabilities that would restrict their ability to mark cards and such disabilities are consistent with definitions set forth in the Americans with Disabilities Act (ADA). If there are no requests for use of this unit prior to fifteen minutes before the scheduled start of the session, it may be made available for use by any players;

Fees.

((d)) (e) If operators charge players a fee for use of the electronic daubers, such fees must be a flat fee and shall not be based on the number or dollar value of cards purchased. ~~(Fees charged shall be treated as rental income and may be used to reduce any expenses of operating these devices for compliance with net income requirements.)~~ Rental fees shall be considered bingo receipts for purposes of WAC 230-12-020: Provided, That players with disabilities that would restrict their ability to mark cards and such disabilities are consistent with the ADA shall not be required to pay a rental fee or to comply with minimum purchase requirements imposed on all players utilizing electronic daubers. Such players are required to comply with any minimum purchase requirement imposed on all players by an operator;

Card requirements.

((e)) (f) Each player utilizing an electronic dauber must have in their possession cards that meet all requirements of WAC 230-20-240 and ~~((230-20-101(3)))~~ 230-20-106. Electronic images of cards or faces stored in such devices are for player convenience only and are not bingo cards for purposes of this title;

Leasing by an operator.

((f)) (g) If the electronic daubers are leased to an operator, the lease cannot be based in whole or part on the amount of bingo card sales or rental income derived from such devices; and

Discounts and marketing schemes.

((g)) (h) The use of electronic daubers is prohibited when a licensee utilizes any marketing scheme for cards that results in a decrease in the per unit price of each card as the number of cards purchased increases: Provided, That a single discount level is authorized for each type of card sold if:

- (i) The licensee has a minimum purchase requirement;
- (ii) The discount applies to all additional cards purchased; and
- (iii) "All you can play" schemes are prohibited;

Standards.

(3) Electronic bingo card daubers must meet the following standards:

- (a) Be manufactured by licensed manufacturers;
- (b) Be sold, leased, and serviced by licensed distributors or manufacturers: Provided, That operators may perform routine maintenance on devices under their control;
- (c) Not be capable of accessing the electronic computer system in any manner that would allow modification of the program which operates and controls the dauber units or the cards stored in the electronic data base; and
- (d) Be capable of complying with applicable requirements of WAC ~~((230-20-101(3)))~~ 230-20-106.

AMENDATORY SECTION (Amending Order 369, filed 12/1/98, effective 1/1/99)

WAC 230-20-246 Manner of conducting bingo. In addition to all other requirements set forth in this Title, the following limitations and procedures shall be utilized for conducting bingo games:

Location of game.

(1) For purposes of this Title, a bingo game shall be deemed conducted at the premises at which cards are sold and winners are determined;

Cards to be sold on premises only.

(2) All sales of bingo cards shall take place upon the licensed premises during or immediately preceding the session for which the card is being sold;

Purchasing bingo cards.

(3) Bingo cards shall be sold and paid for prior to selection of the first symbol or number for a specified game or specified number of games: Provided, That cards may be sold after the start of a game, or number of games, if the late sale does not allow any player an advantage over any other player. Hard cards purchased or exchanged after the first symbol or number is selected may only be used during subsequent games. Any sales method that allows a player to select a specific disposable or throwaway card shall be deemed to allow the player an advantage;

Reserving cards not allowed - exception for braille.

(4) No operator shall reserve, or allow to be reserved, any bingo card for use by players: Provided, That braille cards or other cards for use by visually impaired or disabled players may be reserved. Visually impaired players may use their personal braille cards when a licensee does not provide such cards. The licensee shall have the right to inspect, and to reject, any personal braille card. A visually impaired or disabled person may use a braille card or reserved hard card in place of a purchased throwaway;

Price and appearance of cards.

(5) All cards sold to participate for a specific prize or set of prizes shall be sold for the same price and be distinct and

readily distinguished from all other cards in play: Provided, That similar cards used to participate for the same prize or set of prizes may be sold at a discount which is based solely on volume if each separate discount price is recorded using a separate sales identification code and records provide for an audit trail;

Number/symbols to be selected on premises.

(6) All symbols or numbers shall be selected on the premises and in the presence of players paying to participate in the game. Immediately following the drawing of each ball in a bingo game, the caller shall display the symbol or number on the ball to the participants: Provided, That this subsection does not apply to games being played for a linked bingo prize, as long as the drawing of the balls can be viewed by all participants;

Calling the number/symbol.

(7) The symbol or number on the ball shall be called out prior to the drawing of any other ball;

Posting number/symbol on flashboard.

(8) After the symbol or number is called, the corresponding symbol or number on the licensee's flashboard, if any, shall be lit for participant viewing. In a game where a symbol or number on the ball is not applicable to the game being played, it is not necessary to call that symbol or number to the participants before placing it for viewing on the flashboard;

Determining winners.

(9) A game ends when a specific pattern has been achieved by a player or a specific number of symbols or numbers has been called. Each game shall be played using a separate selection process: Provided, That the same or a continuing selection process may be used to play the following games:

(a) Interim or "on-the-way" games, including "instant winner" games in which winners are determined by matching a predetermined number of symbols or numbers to balls called, or by matching a predetermined pattern within an established number of calls;

(b) Games for which cards are sold for different prices and players win a different prize depending on the price they pay to play; and

(c) Bonus games which are games played concurrently with other bingo games and the winner is determined by a player calling a valid bingo which includes a predetermined or preselected number or symbol;

Prizes available.

(10) No bingo game shall be conducted to include a prize determined other than by the matching of symbols or numbers on a bingo card with symbols or numbers called by the licensee, except as authorized by WAC 230-20-242. All persons who have paid to participate in the game are competing for a specific prize or a portion of a prize pool.

Multiple winners.

((11)) (11) If a prize pool has been designated and more than one player achieves a winning pattern at the same time, all such players shall be considered the winner and a portion of the prize pool shall be equally divided among all players achieving the same winning pattern;

Establishing prizes.

((12)) (12) The minimum amount of an individual prize, prize pool, or portion of a prize pool available for each bingo game shall be established and disclosed to bingo game players prior to their purchase of a chance to participate in a bingo game. The minimum prize may be increased by the gambling manager before the start of a game or through the following schemes during the game:

(a) Schemes using standard bingo equipment and cards such as:

(i) Number of symbols or numbers called before a player achieving a winning combination;

(ii) The specific symbol or number called;

(iii) The specific letter called;

(iv) Position of winning combinations on the card;

(v) Position of the card on the sheet of cards;

(vi) Odd or even symbol or numbers; and

(vii) The number of symbols or numbers matched within a specific number of calls;

(b) Schemes preprinted on disposable cards that rely on a number or symbol called during a game; or

(c) Second element of chance schemes authorized by WAC 230-20-242(4).

Winner verification.

((12)) (13) Immediately upon a bingo player declaring a winning combination of symbols or numbers, the winning card shall be verified using one of the three methods listed below:

(a) The card or electronic dauber card image is inspected by an employee of the bingo operation and at least one neutral player;

~~(Provided, That)~~ (b) The card or electronic dauber card image is verified by an employee of the bingo licensee. The bingo licensee's employee must immediately enter the bingo card number into an electronic verifier and broadcast the winning card on video screen(s) for all players to view. If this method is used, any player can request to see the actual winning card and must be given the opportunity to do so;

(c) Games played as "instant winners" and awarding fifty dollars or less do not need to be verified by a neutral player if an audit trail is maintained including a method which identifies the winning combination of numbers, symbols, or patterns and the numbers, symbols, or patterns called((:));

Additional ball to be called.

((13)) (14) Upon a bingo player declaring a winning bingo, the next ball out of the machine shall be removed from the machine prior to shutting the machine off and shall be the next ball to be called in the event the declared winning bingo is not valid;

Awarding prizes.

~~((14))~~ (15) After a winning bingo is validated, the prize shall be awarded using the following procedures:

(a) Each winner shall be required to provide proof that they have purchased the winning bingo card. The licensee shall review the prize winner's income receipt and determine that the player has properly purchased all cards played during the games, including the winning card;

(b) Each prize winner shall be positively identified. The licensee shall require such proof of identification as is necessary to establish the prize winner's identity prior to paying any prize. The winner is responsible for furnishing proof to the licensee that all information required by this rule is true and accurate. Prizes may be withheld until the winner has provided adequate identification;

(c) The prize shall be awarded and a record made by completing a prize receipt as required by WAC 230-08-080 and 230-20-102. A complete address and tax payer identification number should be recorded for each prize valued at \$1,200 or more;

(d) All prizes for a particular game must be available prior to starting the game and shall be awarded by the end of the related session: Provided, That linked main and bonus prizes must be paid within forty-eight hours;

(e) All merchandise offered as prizes to bingo players shall have been paid in full, without lien or interest of others, prior to the merchandise being offered as a prize: Provided, That the licensee may enter into a contract to immediately purchase the merchandise when it is awarded as a prize, with the contract revocable if prize winners are allowed to exercise an option to receive a cash prize or the prize is no longer offered; and

Games shall be run fairly.

~~((15))~~ (16) No operator shall engage in any act, practice, or course of operation as would operate as a fraud to affect the outcome of any bingo game.

AMENDATORY SECTION (Amending Order 364, filed 9/23/98, effective 1/1/99)

WAC 230-20-249 Three number speed bingo—Operational procedures—Restrictions. Licensees may play "speed bingo" if the conditions set forth in this section are followed:

Definition.

(1) For purposes of this section, "three number speed bingo" is defined as a bingo game that:

(a) Is played using a reduced number of balls and special cards with less than twenty-five spaces;

(b) The rate of calling numbers is faster than normal;

(c) The price to play includes an "ante," which is retained by the licensee, and a wager that begins at three units and decreases by one for each number covered on a player's card; ~~((and))~~

(d) Players compete against all other players for a pool of prizes that varies according to the numbers covered by players during the game;

~~((e))~~ (e) An "ante" is the fee retained by the licensee which allows a patron to play speed bingo; and

~~((f))~~ (f) A wager is the total dollar value of chips used to cover the numbers on a player's card;

Restrictions.

(2) The following restrictions apply to speed bingo:

(a) The price to play speed bingo, including wagers, shall not exceed ~~((two))~~ seven dollars per card, per game;

(b) The price to play shall be the same for each card;

(c) The licensee shall not retain any part of players' wagers and all wagers not covering a called number on a player's card shall be paid to winners. If there is more than one winner, wagers shall be equally split among all winners: Provided, That licensees may develop a scheme for splitting odd numbers of chips between winners; ~~((and))~~

(d) Gross gambling receipts for speed bingo shall be only the amount of fees collected from players for tickets to participate and excludes wagers and prizes paid to players~~((:))~~;

(e) A progressive jackpot or accrued prize fund is authorized if:

(i) Requirements of WAC 230-20-102(7) are followed; and

(ii) The prize fund or jackpot is funded solely from the "ante" collected by the licensee;

Rules of play.

(3) Speed bingo shall be played as follows:

(a) The game shall be played using thirty numbered balls, with numbers one through seventy-five available for use;

(b) Special cards that have three spaces imprinted with numbers that correspond to the numbers on the balls utilized for play;

(c) The licensee may elect to collect fees by charging a set amount for each card for the entire session or an amount per card for each game;

Additional ticket receipting requirements.

(d) The ticket receipting method set forth in WAC 230-20-105 shall be used to receipt for income received to play games. In addition, the following requirements shall be met:

(i) All tickets sold and collected must be canceled by stamping the calendar date on the ticket at the time of sale or permanently defacing the tickets when collected;

(ii) All tickets sold for per session fees shall be accounted for using the combination receipting method set forth in WAC 230-20-108;

(iii) Tickets sold and collected from players shall be reconciled to cash for each session;

Wager limits.

(e) Wagers shall be made and prizes paid using wagering chips. Wagers may be valued at any price as long as the total value of wagers and fees does not exceed ~~((two))~~ seven dollars per card, per game. ~~((The requirements of WAC 230-40-070 shall be followed for wagering chips and banking services.))~~ For licensees charging a flat fee per session to participate, the fee per game shall be determined by dividing the

fee per session by the minimum number of games to be played;

Standards for chips.

(f) The bingo licensee shall furnish all chips in connection with the bingo game conducted on its premises. All chips shall be of generally conventional size and design, and include safeguards that maximize the integrity of the bingo games. The licensee shall furnish chips that meet the following standards:

(i) The bingo licensee's logo or name;

(ii) The chip value clearly denoted;

(iii) Be produced by a licensed manufacturer; and

(iv) Be purchased from a licensed manufacturer or distributor;

Bank services.

(g) The licensee shall sell its chips to all players desiring to buy them and redeem all chips for the value for which they were sold. The licensee shall collect the money taken in on chips sold and fees collected and shall keep these funds separate and apart from all other money received by the licensee;

Player to pay with ticket.

~~((f))~~ (h) Each player pays the licensee one ticket for each bingo card played for each game: Provided, That when the licensee charges a per session fee, the player's ticket and cash register receipt must remain visible and on the table at all times during the game;

Player's beginning wager.

~~((g))~~ (i) Each player's beginning wager is three chips for each bingo card played during any single game. A player must have three chips for each card being played prior to the beginning of the game;

Wagering during the game and winner verification.

~~((h))~~ (j) During play of the game, players place a wagering chip on each number on their cards that is matched with called numbers. Once a wagering chip is used to cover a valid number, it is retained by the player and no longer available to be won by the game winner(s). Wagering chips must remain on the number on the card until all losing wagers are collected from players by the licensee. The bingo worker collecting wagers must verify that covered numbers are valid;

~~((i))~~ (k) The first player to cover all three numbers on any card is the winner;

~~((j))~~ (l) After the winning card is verified, all unprotected chips are collected from all players and paid to the winner(-);

Rules not applicable to speed bingo.

(4) The following WAC sections are not applicable to speed bingo:

(a) WAC 230-20-010 (1)(b) requiring all prizes available to be disclosed to players prior to their paying to participate: Provided, That licensees shall disclose the per-card cost to play and the amount of wagers required to play a single card;

(b) WAC 230-20-240(2) requiring that seventy-five balls, numbered one through seventy-five, be used to conduct games;

(c) WAC 230-20-240 (4)(a) requiring bingo cards to have twenty-five spaces;

(d) WAC 230-20-240(5) requiring Class F and above licensees to use disposable or electronically-generated bingo cards;

(e) WAC 230-20-101 regarding the ticket receipting method;

(f) WAC 230-20-246(6) requiring the symbol or number to be displayed to players: Provided, That the symbol or number must be displayed by use of a flashboard required by WAC 230-20-240(3) and the flashboard and audio system shall be fully functional; and

(g) WAC 230-08-080(2) and 230-20-102 regarding records for prizes awarded.

WSR 02-06-007 PERMANENT RULES GAMBLING COMMISSION

[Order 410—Filed February 22, 2002, 8:03 a.m., effective July 1, 2002]

Date of Adoption: February 15, 2002.

Purpose: Bingo floor workers can now sell event pull-tab tickets while they are working the floor of the bingo hall, for example, from an apron. An amendment clarifies how a carry-over jackpot will be handled in the event a licensee sells or closes their business. This ensures the advertised prize is awarded and enables staff to track carry-over jackpot funds. Currently, commercial pull-tab licensees are required to retain pull-tab games for at least ninety days after the game is pulled if any prize won in that game was over the amount of \$20. Language was added to clarify that in addition to the winning punches or pull-tabs, the flare must also be retained for the ninety-day period. This procedure ensures that all aspects of pull-tab games are available when audited by staff.

Citation of Existing Rules Affected by this Order:
Amending WAC 230-30-045, 230-30-033, and 230-30-072.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 02-01-096 on December 17, 2001.

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 3, 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, 2002.

February 15, 2002

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 368, filed 12/1/98, effective 1/1/99)

WAC 230-30-045 (~~(Pull tab series with)) Carry-over jackpot~~~~(s) pull tab series—Definitions—Requirements.~~ Operators may utilize pull-tab series that are specifically designed to include carry-over jackpots. The following definitions and requirements shall apply to these series:

Definitions.

(1) The following definitions (~~(which))~~ apply to pull-tab series with carry-over jackpots:

(a) "Carry-over jackpot" means a prize pool that is composed of accumulated contribution amounts from pull-tab series which, if not won, are carried over to other pull-tab series;

(b) "Contribution amount" means the amount from each series which is added to the carry-over jackpot; and

(c) "Guaranteed prizes" means all prizes available to be won, excluding the contribution amount or carry-over jackpot;

Prize payout requirements.

(2) The following requirements apply to prizes and prize payout calculations for carry-over jackpots (~~(prizes and prize payout calculations))~~:

(a) Guaranteed prizes must be 60% or more of gross receipts available from the pull-tab series;

(b) The contribution amount for each series may not be more than five hundred dollars;

(c) The contribution amount and the method of play shall be determined by the manufacturer and disclosed on the flare;

Maximum jackpot amount.

(d) At no time shall an accumulated carry-over jackpot exceed two thousand dollars. (~~(Once it reaches this amount, the two thousand dollars))~~ If the carry-over jackpot is awarded, the sum of the advance-level prize and the carry-over jackpot prize shall not exceed two thousand dollars.

Jackpot must be carried over until won.

(e) Accumulated carry-over jackpots shall be carried over to subsequent series until won; (~~(and))~~

Jackpot must be paid out.

~~((e))~~ (f) The carry-over jackpot must be awarded. Failure to have sufficient funds available, or any attempt by an operator to utilize carry-over jackpots for personal or organizational purposes, shall be *prima facie* evidence of defrauding the players in violation of RCW 9.46.190;

Maximum prize amounts for series when jackpots are not awarded.

~~((f) If the jackpot is awarded, the sum of the advance-level prize and the jackpot prize shall not exceed two thousand dollars.)~~ (g) If the jackpot is not awarded and is carried over to a new series, the sum of the advance-level prize and the consolation prize shall not exceed five hundred dollars;

Distribution of jackpots when a licensee ceases to operate.

(3) If a licensee ceases to operate gambling activities due to a sale, closure, or failure to maintain a valid gambling license, the carry-over jackpot shall be:

(a) Transferred to the new licensee, which has a valid gambling license. The new licensee shall operate the carry-over jackpot game until the prize is awarded;

(b) Awarded to a player by playing out the game prior to closure;

(c) Distributed to the Washington state council on problem gambling; or

(d) Distributed to a charitable or nonprofit organization licensed by the Washington state gambling commission;

Bonus pull-tab series.

(4) The following additional requirements apply to bonus pull-tab series with carry-over jackpots:

(a) ~~((If bonus pull tab series are used:~~

~~((i))~~ The odds of winning the carry-over jackpot shall not exceed one winner out of ten chances, or the probability of winning the carry-over jackpot shall be .10 or higher, at the jackpot level;

~~((ii))~~ (b) There may only be one advance level on the flare;

~~((iii))~~ (c) There shall be at least one guaranteed chance to win the carry-over jackpot;

~~((iv))~~ (d) All chances that are included on the flare shall be covered in a manner that prevents determination of the concealed numbers or symbols prior to being opened by the player. If perforated windows are used, the numbers or symbols must be covered by latex, foil, or other approved means; and

~~((v))~~ (e) Standards for bonus pull-tab flares, as set forth in WAC 230-30-106, shall apply;

Maximum number of tickets.

~~((b))~~ (5) The maximum ticket count for pull-tab series with carry-over jackpots shall be six thousand tickets; (~~(and))~~

Secondary win codes.

~~((e))~~ (6) The secondary win codes on pull-tab series with carry-over jackpots must not repeat within a three-year period;

~~((4) The following operating and recordkeeping requirements apply to pull tab series with carry over jackpots:~~

~~(a) If the chances of winning the carry over jackpot are obtained and the carry over jackpot is not won, the series shall be removed from play within seven operating days;~~

~~(b))~~

Replacing series.

(7) Once it has been determined that no chances to win the carry-over jackpot remain in a series and the jackpot has not been won, the series shall be removed from play and replaced with a new series within seven operating days:

Transferring a jackpot to another game.

(8) If a carry-over jackpot is not won prior to removing a series from play, it shall be carried over to a new series within one operating day from when the series was removed from play. The accrued contribution amounts from all previous series shall be added to the contribution amount from the new series, up to two thousand dollars;

~~((e) The following additional records must be maintained for pull-tab series with carry-over jackpots:))~~

Recording names of winners.

~~((f)) (9) For carry-over jackpots in the amount of six hundred dollars and over, the winner's full name, address, and Social Security number shall be recorded on a separate form for income tax purposes;~~

Retention requirements.

~~((g)) (10) Each pull-tab series contributing to a specific carry-over jackpot must be retained as one series. The retention period for these series shall be as required by WAC 230-30-072(3): Provided, That the retention period shall start on the last day of the month in which the carry-over jackpot was awarded rather than when the series was removed from play; and~~

Documenting the flow of jackpots.

~~((h)) (11) Operators are required to maintain a separate record documenting the flow of carry-over jackpots from one game to another in a format prescribed by the commission;~~

Recordkeeping on cash basis only - exception.

~~((i)) (12) For the purposes of monthly records set forth in WAC 230-08-010, all operators shall record carry-over jackpots on a cash basis. This means that carry-over jackpot contribution amounts shall not be recorded on monthly records until the prize is awarded: Provided, That punch board/pull-tab licensees who also hold a Class F or above bingo license may accrue carry-over jackpot contribution amounts on their monthly records if the following conditions are met:~~

~~((j)) (a) Prior approval is received from the director;~~

~~((k)) (b) The contribution amounts, up to the point where the jackpot reaches the maximum, shall be recorded as prizes paid on the monthly records;~~

~~((l)) (c) When the jackpot is awarded, only amounts not previously accrued, if any, shall be recorded as a prize paid;~~

~~((m)) (d) No more than five carry-over jackpot series shall be in play at once; and~~

~~((n)) (e) If the contribution amount is not deposited with the net receipts (required by WAC 230-12-020), a~~

proper audit trail and adequate security over the funds must be maintained; and

Director approval required.

~~((o)) (13) The director shall approve the following aspects of all pull-tab games with carry-over jackpots prior to sale in Washington state:~~

~~(a) The design, payout, method of play, and flare for each pull-tab series;~~

~~(b) The manufacturing process for the pull-tab series and flares; and~~

~~(c) The secondary win code system for the pull-tab series.~~

AMENDATORY SECTION (Amending Order 398, filed 2/9/01, effective 3/12/01)

WAC 230-30-033 Event pull-tab series—Definitions—Restrictions. Charitable or nonprofit bingo operators may use event pull-tab series under the following definitions and restrictions.

Definitions.

(1) The following definitions apply to this section:

(a) "Event pull-tab series" means a pull-tab series that includes a predetermined number of pull-tabs which allow a player to advance to an event round;

(b) "Event round" means a secondary element of chance where the prizes are determined based on pull-tabs which match specific winning numbers drawn in a bingo game. The winning numbers must fall within numbers 1 through 75.

Manufacturing restrictions.

(2) The following manufacturing restrictions apply to this section:

(a) An event pull-tab series shall be manufactured meeting all standards of construction included in WAC 230-30-103;

(b) An event pull-tab series may include instant winning prizes in addition to event round prizes;

(c) The flare shall clearly set out the following:

(i) All prizes available, in accordance with WAC 230-30-106;

(ii) The number of chances available to advance to the event round;

(iii) How the event round winner is to be determined; and

(iv) The number of winning pull-tabs at the instant winner level, and the number of winning pull-tabs at the event round level.

Operational restrictions.

(3)(a) The event pull-tab series must be played in a charitable or nonprofit bingo hall and must be played and completed within one bingo session;

(b) Prior to putting an event pull-tab series into play, the operator must fully disclose, in plain view, when the event round (which involves the second element of chance) will take place;

(c) Event pull-tab series must be available for purchase until immediately prior to the event round, unless the game has been completely sold out;

(d) A licensed manager must be present at all times an event pull-tab series is in play, including sales of tickets and selection of winners;

(e) Event pull-tab tickets may be sold by floor workers (for example, from aprons). This method of selling pull-tabs only applies to an event pull-tab series. Detailed accounting records shall be maintained as prescribed by commission staff to track the event pull-tab tickets issued to each floor worker.

(f) The following are prohibited for use with event pull-tab series:

- (i) Substitute flares;
- (ii) Bonus pull-tab series; and
- (iii) Carry-over jackpots.

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

WAC 230-30-072 ((Punch board and pull tab))

Inventory control for punch boards and pull-tabs—Retention requirements—Audit adjustments. Each punch board and pull-tab series purchased or otherwise obtained by an operator shall be controlled and accounted for. Each operator shall closely monitor punch board and pull-tab series purchased to assure that Washington state identification and inspection service stamp numbers are correctly entered in all records and each device purchased is properly recorded. The following control procedures apply:

Delivery of new games.

(1) The delivery/receipt of punch boards and pull-tab series shall be recorded as follows:

Invoice record.

(a) All purchases of punch boards or pull-tab series shall be recorded on a standard distributor's invoice, which will be used by the operator as a record to account for the punch board or pull-tab series between the time it is purchased and removed from play. Each invoice shall include space for the operator to attach the records entry label from the device and the date the device was placed out for play: Provided, That in lieu of the distributor's invoice recording system, licensees utilizing a computerized recordkeeping system may use a separate inventory record to account for purchases and uses of punch boards and pull-tabs as long as all necessary information is recorded. For these records, a computer generated facsimile of the stamp number may be imprinted on the inventory record in lieu of a records entry label.

Operator to review data and check ID stamps.

(b) At the time a punch board or pull-tab series is delivered, each operator will assure that all required data is correctly recorded by the distributor by comparing the actual Washington state identification and inspection services stamp number attached to each punch board and pull-tab series to the number recorded on the purchase invoice;

Invoice/inventory record - placing new games into play.

(2) At the time a punch board or pull-tab series is placed into play, each operator shall record in the allotted space on the distributor's invoice or the inventory record the following:

(a) Date placed into play; and

(b) Washington state identification and inspection services stamp number by attaching a records entry label.

Retention requirements.

(3) Each punch board or pull-tab series which is removed from play, together with the prize flare, all unplayed tabs, and all winning punches or tabs, shall be retained by the operator and made available for inspection, on the licensed premises, by commission agents and/or local law enforcement and taxing agencies. If devices are stored off premises, they must be produced for inspection upon demand. The minimum retention time for devices removed from play shall be:

Charitable.

(a) Charitable or nonprofit licensees - at least four months following the last day of the month in which the device was removed from play;

Commercial.

(b) Commercial stimulant licensees - at least two months following the last day of the month in which the device was removed from play: Provided, That the flare and all winning punches or pull-tabs in excess of twenty dollars shall be retained for at least ninety days following the day the device was removed from play: Provided further, That any commercial stimulant licensee who fails to comply with all recordkeeping requirements of this title or who misstates gross gambling receipts by more than one percent during any calendar quarter shall be required, after written notification by the director, to retain all devices for at least four months following the last day of the month in which it was removed from play. Any licensee so restricted may petition the director to remove the increased retention requirement imposed after a minimum of one year. Any such petition shall include documentation of the steps taken to correct recordkeeping deficiencies. For purposes of computing gross gambling receipts for determining compliance with the recording accuracy requirement, the procedures in subsection (6) of this section apply; and

Specially authorized games.

(c) Specially authorized pull-tab series may have retention requirements in addition to those set forth in subsections (a) and (b) of this ((subsection, additional retention requirements may apply to specially authorized pull tab series;)) section.

Storage requirements.

(4) Each punch board or pull-tab series which is not placed out for play ~~((or returned to the distributor or manufacturer from whom it was originally purchased,))~~ must be retained on the licensed premises and made available for inspection by the commission and/or local law enforcement

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and taxing agencies: Provided, That devices may be stored off premises if they are produced for inspection upon demand;

Returning a game to the distributor or manufacturer.

(5) Each punch board or pull-tab series which has been placed out for play and is subsequently returned to a distributor or manufacturer is exempt from the retention requirements in subsection (3) of this section. The operator must retain a copy of the quality control report for the retention period normally applicable and must record each game on its monthly record required by WAC 230-08-010. If a device is returned to a distributor for any reason, including commission required recall, the operator shall record the date, invoice or credit memo number, and "returned" on the original purchase invoice or inventory record on the corresponding entry for the device;

Adjusting gross gambling receipts.

(6) For purposes of compliance with the requirements of this section and license class compliance, gross gambling receipts from the operation of punch boards and pull-tabs shall be adjusted for commission staff audit findings by using the following procedures:

(a) **Unrecorded devices** - gross gambling receipts shall be increased to account for any unrecorded devices purchased by an operator by adding the maximum amount that could be generated from the device, as determined by multiplying the total number of chances available by the price of a single chance. The adjustment shall be made to the records for the month in which the device was purchased; and

(b) **Recording errors** - gross gambling receipts shall be increased or decreased by an adjustment factor that is based upon the results of an audit of a sample of at least five devices randomly selected by the commission staff. The adjustment factor shall be determined by dividing the audited amount for the sample group of devices by the recorded amount for the same devices. The resulting product of this equation shall be applied to the total recorded gross gambling receipts for the calendar quarter from which the sample was taken and to the immediately preceding three quarters.

WSR 02-06-008

PERMANENT RULES

SHORELINES HEARINGS BOARD

[Filed February 22, 2002, 10:40 a.m.]

Date of Adoption: February 21, 2002.

Purpose: To change the regular meetings of the Shorelines Hearings Board from 9:00 a.m. on the second Monday of each month to 10:00 a.m. on the second Tuesday of each month to the extent that such meetings are necessary for rule making.

Citation of Existing Rules Affected by this Order: Amending WAC 461-08-320.

Statutory Authority for Adoption: RCW 90.58.175.

Adopted under notice filed as WSR 01-20-018 on September 24, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
February 21, 2002
Robert V. Jensen
Chair

AMENDATORY SECTION (Amending WSR 96-15-002, filed 7/3/96, effective 8/3/96)

WAC 461-08-320 Office hours, telephone number, telefacsimile number and address of the board. (1) The administrative business of the board, except rule making, is performed by the environmental hearings office. To the extent necessary for rule making, the appeals board holds regular meetings at ((9:00)) 10:00 a.m. on the second ((Monday)) Tuesday of each month at the address set forth below.

(2) The board is organized within the Environmental Hearings Office, 4224 - 6th Avenue SE, Building No. 2 Rowe Six, Lacey, Washington. The mailing address is:

Shorelines Hearings Board
4224 6th Avenue S.E., Building No. 2, Rowe Six
PO Box 40903
Lacey, WA 98504-0903

(3) The telephone number of the board is (360) 459-6327. The telefacsimile number is (360) 438-7699.

(4) The office hours of the environmental hearings office are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for legal holidays.

WSR 02-06-009

PERMANENT RULES

SHORELINES HEARINGS BOARD

[Filed February 22, 2002, 10:41 a.m.]

Date of Adoption: February 21, 2002.

Purpose: The purpose of this amendment is to clarify who is the proper person or entity that should be served at local government.

Citation of Existing Rules Affected by this Order: Amending WAC 461-08-355.

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Statutory Authority for Adoption: RCW 90.58.175.

Adopted under notice filed as WSR 01-20-021 on September 24, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 21, 2002

Robert V. Jensen
Chair

AMENDATORY SECTION (Amending WSR 99-23-038, filed 11/12/99, effective 12/13/99)

WAC 461-08-355 Service of petitions for review with department and attorney general—Intervention by the department and attorney general. (1) For a petition pertaining to a local government's final decision on a permit, the petitioner shall serve a copy of the petition with the department, the attorney general and that local government within seven days of filing the petition with the board.

(2) Within fifteen days of the date of receipt of the petition for review described in subsection (1) of this section, the department or the attorney general may intervene in the case before the board to protect the public interest and to insure compliance with chapter 90.58 RCW. Nothing in WAC 461-08-345, setting a twenty-one day limit on when the department or the attorney general can directly file a petition for review, limits the right of the department or attorney general to intervene under this section in a board proceeding.

(3) Service on the local government shall be accomplished in one of the following ways:

(a) The petitioner shall serve local government as designated on the permit decision within seven days of filing the petition with the board; or

(b) The petitioner shall serve the department or office within the local government that issued the permit decision within seven days of filing the petition with the board; or

(c) The petitioner shall serve local government pursuant to RCW 4.28.080 within seven days of filing the petition with the board.

(4) When the petitioner is not the permit applicant, the petitioner shall serve the permit applicant with a copy of the petition for review.

(5) For purposes of this rule, service shall be the date of mailing.

(6) The board may dismiss a petition for review where there has not been substantial compliance with the filing and service requirements of RCW 90.58.180 and this rule. Substantial compliance will include actual notice of a petition for review.

WSR 02-06-010

PERMANENT RULES

SHORELINES HEARINGS BOARD

[Filed February 22, 2002, 10:42 a.m.]

Date of Adoption: February 21, 2002.

Purpose: The purpose of this rule is to clarify that the scope of review is de novo and the standard of proof is preponderance of the evidence. The rule amendments also clarify the legal criteria to be applied.

Citation of Existing Rules Affected by this Order: Amending WAC 461-08-500 and 461-08-505.

Statutory Authority for Adoption: RCW 90.58.175.

Adopted under notice filed as WSR 01-20-022 on September 24, 2001.

Changes Other than Editing from Proposed to Adopted Version: Changes clarifying that the preponderance of the evidence standard is a burden of proof standard were made. These changes were made in response to comments received. The language originally proposed stated: "The standard of review shall be preponderance of the evidence unless otherwise required by law.["] The substitute language states: "The board shall make findings of fact based on the preponderance of the evidence unless otherwise required by law." The substance of the amendment has not changed but the new language does provide more 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 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 21, 2002

Robert V. Jensen
Chair

AMENDATORY SECTION (Amending WSR 96-15-002, filed 7/3/96, effective 8/3/96)

WAC 461-08-500 Scope and standard of review and burden of proof. (1) Hearings upon petitions for review shall

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be quasi-judicial in nature ~~((and))~~. ~~The scope and standard of review shall be ((conducted))~~ *de novo* unless otherwise required by law. However, the board shall conduct the following types of hearings on the record compiled by the department:

(a) Petitions for review of department decisions to adopt or approve rules, regulations or guidelines pursuant to chapter 90.58 RCW; and

(b) Petitions for review to approve, reject or modify a proposed master program or master program amendment.

(2) The board shall make findings of fact based on the preponderance of the evidence unless otherwise required by law.

(3) Persons requesting review pursuant to RCW 90.58.180 (1) and (2) shall have the burden of proof in the matter. The issuing agency shall have the initial burden of proof in cases involving penalties or regulatory orders.

AMENDATORY SECTION (Amending WSR 96-15-002, filed 7/3/96, effective 8/3/96)

WAC 461-08-505 ((Standard of review.)) **Legal criteria.** (1) In deciding upon a petition for review brought pursuant to RCW 90.58.180 (1) and (2) the board shall make its decision considering the following ~~((standards))~~ legal criteria:

(a) Consistency with the requirements of chapter 43.21C RCW, the State Environmental Policy Act.

(b) From June 1, 1971, until such time as an applicable master program has become effective, whether the action of the local government unit is consistent with:

(i) The policy of RCW 90.58.020; and

(ii) The guidelines and regulations of the department; and

(iii) So far as can be ascertained the master program being developed for the area.

(c) After adoption or approval, as appropriate, by the department of an applicable master program, whether the action of the local government is consistent with the applicable master program and the provisions of chapter 90.58 RCW, and the department's implementing regulations.

(2) Evidence that is material and relevant to determination of the matter consistent with the standards set out in subsection (1) of this section, subject to these rules, shall be admitted into the record whether or not such evidence had been submitted to the local government unit.

WSR 02-06-011
PERMANENT RULES
POLLUTION CONTROL
HEARINGS BOARD

[Filed February 22, 2002, 10:42 a.m.]

Date of Adoption: February 21, 2002.

Purpose: To change the regular meetings of the board from the second Monday of every month to the second Tuesday of every month.

Citation of Existing Rules Affected by this Order:
Amending WAC 371-08-320.

Statutory Authority for Adoption: RCW 43.21B.170.

Adopted under notice filed as WSR 01-20-017 on September 24, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 21, 2002

Robert V. Jensen

Chair

AMENDATORY SECTION (Amending WSR 96-15-003, filed 7/3/96, effective 8/3/96)

WAC 371-08-320 Environmental hearings office hours, telephone number and address. (1) The administrative business of the board, except rule making, is performed by the environmental hearings office. ~~((To the extent necessary for rule making.))~~ The board holds meetings at 10:00 a.m. on the second ~~((Monday))~~ Tuesday of each month at the address set forth below.

(2) The board is housed at the Environmental Hearings Office, 4224 6th Avenue S.E., Building 2, Rowe Six, Lacey, Washington. The principal hearing room used by the board is located at the same address, although many hearings are held near the site of the dispute at issue.

(3) The mailing address of the board is:

Pollution Control Hearings Board
4224 6th Avenue S.E., Building 2, Rowe Six
PO Box 40903
Lacey, WA 98504-0903

(4) The telephone number of the board is (360) 459-6327. The telefacsimile number is (360) 438-7699.

(5) The office hours of the environmental hearings office are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for legal holidays.

WSR 02-06-012
PERMANENT RULES
POLLUTION CONTROL
HEARINGS BOARD

[Filed February 22, 2002, 10:43 a.m.]

Date of Adoption: February 21, 2002.

Purpose: The purpose of the rule is to eliminate the requirement that the parties file a note for hearing when motions are filed.

Citation of Existing Rules Affected by this Order: Amending WAC 371-08-450.

Statutory Authority for Adoption: RCW 43.21B.170.

Adopted under notice filed as WSR 01-20-019 on September 24, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 21, 2002

Robert V. Jensen
Chair

AMENDATORY SECTION (Amending WSR 96-15-003, filed 7/3/96, effective 8/3/96)

WAC 371-08-450 Motions. (1) An application to the board for an order shall be by motion which, unless made during a hearing, shall be in writing, state with particularity the grounds therefor and set forth the relief sought. Each written motion shall have appended to it the order which the motion seeks.

(2) For motions for continuance or for schedule changes, or other motions that are likely to be uncontested, the moving party shall affirmatively seek the stipulation of all parties and present a stipulated order wherever possible.

(3) If the motion is contested, any party may request that the board hold a motion hearing. The presiding officer will decide whether or not a motion hearing will be held and notify the parties accordingly. At a motion hearing, the board will consider the arguments of the parties but will not take evidence. Unless a motion hearing is requested by one or more parties, or the board independently sets a motion hearing date, the board will normally decide the motion exclusively on the parties' written submissions. (~~Where any party requests a motion hearing, that party shall procure from the hearing coordinator an available date for the motion hearing~~)

and prepare a note that sets the time, date and location of the motion hearing. The moving party shall note the motion for hearing on a date deemed by the hearing coordinator to be available for that purpose. The motion, order and note for motion hearing shall then be filed and served. Where the hearing coordinator specifies that the motion hearing shall be telephonic)) If a motion hearing is set by the presiding officer and is to be held by phone, the moving party shall originate the telephonic hearing conference call.

(4) Unless a scheduling letter or order provides otherwise, the following schedule governs all written motions (including any supporting affidavits, memoranda of law, or other documentation):

(a) All responses to any motion shall be filed and served ten days from the date the motion is received. The moving party shall then have seven days from receipt of the response to file and serve a reply.

(b) In cases where the moving party requests a motion hearing, all dispositive motions shall be filed and served not later than twenty-eight days before the motion hearing.

(c) All dispositive motions shall be filed and served not later than forty-five days before the secondary hearing date, or, if no secondary date applies, the primary hearing date, unless the presiding officer by order allows otherwise.

(d) In exigent or exceptional circumstances, a party may at any time request the board to modify the above schedules by requesting a scheduling conference (which may be telephonic) with the presiding officer.

(5) The board will decide a motion on the written record unless the presiding officer orders a motion hearing.

WSR 02-06-013
PERMANENT RULES
POLLUTION CONTROL
HEARINGS BOARD

[Filed February 22, 2002, 10:43 a.m.]

Date of Adoption: February 21, 2002.

Purpose: The purpose of this rule is to clarify that the scope of review is de novo and that the standard of proof is preponderance of the evidence.

Citation of Existing Rules Affected by this Order: Amending WAC 371-08-485.

Statutory Authority for Adoption: RCW 43.21B.170.

Adopted under notice filed as WSR 01-20-020 on September 24, 2001.

Changes Other than Editing from Proposed to Adopted Version: Changes clarifying that the preponderance of the evidence standard is a burden of proof standard were made. These changes were made in response to comments received. The language originally proposed stated: "The standard of review shall be preponderance of the evidence unless otherwise required by law.[]" The substitute language states: "The board shall make findings of fact based on the preponderance of the evidence unless otherwise required by law." The adopted version also retained the word standard of review where the earlier proposal had proposed eliminating

that word. The substance of the amendment has not changed but the changes do provide more 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 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 21, 2002

Robert V. Jensen
Chair

AMENDATORY SECTION (Amending WSR 96-15-003, filed 7/3/96, effective 8/3/96)

WAC 371-08-485 Standard and scope of review and burden of proof at hearings. (1) Hearings shall be formal and quasi-judicial in nature. The scope and standard of review shall be de novo unless otherwise provided by law.

(2) The board shall make findings of fact based on the preponderance of the evidence unless otherwise required by law.

(3) The issuing agency shall have the initial burden of proof in cases involving penalties or regulatory orders. In other cases, the appealing party shall have the initial burden of proof.

**WSR 02-06-014
PERMANENT RULES
HYDRAULIC APPEALS BOARD**

[Filed February 22, 2002, 10:44 a.m.]

Date of Adoption: February 21, 2002.

Purpose: The purpose of the rule is remove and replace outdated statutory and agency references.

Citation of Existing Rules Affected by this Order: Amending WAC 259-04-010, 259-04-050, and 259-04-070.

Statutory Authority for Adoption: RCW 77.55.170(3).

Adopted under notice filed as WSR 01-20-016 on September 24, 2001.

Changes Other than Editing from Proposed to Adopted Version: Changes proposed to WAC 259-04-010 included removing the following unnecessary language from subsection (1), "whose action or decision is under appeal." Subsection (2) was reworked so that it was clear that the off-site mitigation referenced only applies to RCW 77.55.200. Lastly, the statutory reference contained in subsection (3) was

changed from RCW 77.55.170(5) to "chapter 77.55 RCW." None of these changes substantially change the proposed amendments but are clarifying changes only. No changes were made to WAC 259-04-050 or 259-04-070.

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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 21, 2002

Hedia Adelsman
Chair

AMENDATORY SECTION (Amending Order 1, filed 3/2/89)

WAC 259-04-010 Membership—Function and jurisdiction of the hydraulic appeals board. (1) The hydraulic appeals board (hereinafter board) shall consist of three members: The director of the department of ecology or designee, the director of the department of agriculture or designee, and the director or the director's designee of the department of ~~((fisheries or department of))~~ fish and wildlife ~~((whose action or decision is under appeal)).~~

(2) The function of this board is to provide an expeditious and efficient disposition of appeals from the decisions and orders of the department of ~~((fisheries or the department of))~~ fish and wildlife with respect to hydraulic projects specified in RCW ~~((75.20.103))~~ 77.55.110, 77.55.230, 77.55.290 and off-site mitigation plans specified in RCW 77.55.230.

(3) The board shall have exclusive jurisdiction to hear and decide formal appeals from any person aggrieved by any final decision issued by the department of ~~((fisheries or department of))~~ fish and wildlife with respect to any approval, denial, conditioning, or modification of any hydraulic(s) project ~~((application of))~~ approval ~~((specified))~~ as referenced in RCW ~~((75.20.103 or the denial of application for the modification of any approval issued pursuant to that section))~~ 77.55.110, 77.55.200 and/or 77.55.290. The board also has jurisdiction to hear and decide appeals from any person aggrieved by a denial or conditioning of an off-site mitigation proposal specified in RCW 77.55.230.

(4) This chapter is intended to be general and informational only, and failure herein to list matters over which the board has jurisdiction at law shall not constitute any waiver or withdrawal whatsoever from such jurisdiction as conferred

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upon this board by (~~RCW 75.20.103~~) chapter 77.55 RCW as currently written or as may be hereafter amended.

AMENDATORY SECTION (Amending Order 1, filed 3/2/89)

WAC 259-04-050 Board administration—Communications with the board. All written communications by parties pertaining to a formal appeal (~~(, including requests for hearings on claimed violations of rules and regulations as provided in RCW 75.20.140, notices of appeal from orders and decisions of the relevant department approving, denying, conditioning or modifying any hydraulics project application or approval specified in RCW 75.20.103, or the denial of any application for the modification of such approval issued pursuant to that section; and all other applications and requests for relief authorized by that section)) with the hydraulic appeals board shall be filed with the board at its principal office in Lacey, Washington. Requests for hearings must be received within thirty days from the date of (~~denial of a hydraulic project approval, issuance of an approval with contested conditions, or denial of application for modification of an approval~~) issuance of the decision being appealed. Copies of all such written communications shall be furnished to the (~~relevant department or other appropriate agency~~) department of fish and wildlife and to all other interested parties or their representatives of record, and the original filed with the board shall show thereon compliance with this requirement.~~

AMENDATORY SECTION (Amending Order 1, filed 3/2/89)

WAC 259-04-070 Authority. These rules are promulgated pursuant to RCW (~~75.20.130~~) 77.55.170 and are intended to administratively implement RCW (~~75.20.103, 75.20.130, and 75.20.140~~) 77.55.110, 77.55.170, 77.55.200, 77.55.230, and 77.55.290.

WSR 02-06-018
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-35—Filed February 22, 2002, 4:09 p.m.]

Date of Adoption: February 8, 2002.

Purpose: Amend aquaculture disease control rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-77-020 and 220-77-040.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-02-058 on December 27, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-77-020(21) after "held for" and "conclusion of the" added "public display or" before "research."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 20, 2002

Debbie Nelson

for Russ Cahill, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 01-281, filed 12/21/01, effective 1/21/02)

WAC 220-77-020 Definitions—Aquaculture disease control. For purposes of this chapter, the following definitions apply:

(1) "Aquaculture products" are defined as private sector cultured aquatic products propagated, farmed, or cultivated on aquatic farms under the supervision and management of an aquatic farmer, or such products naturally set on lands under the active supervision and management of an aquatic farmer.

(2) "Disease" is defined as infection, contagious disease, parasite, or pest, occurring on or within the aquaculture product, or other shellfish or finfish, or on or within the water or substrate associated with the aquaculture product, shellfish, or finfish, or an occurrence of significant mortality suspected of being of an infectious or contagious nature.

(3) "Finfish" is defined as live fish, fish eggs, or fish gametes, but not to include aquaria species commonly sold in the pet store trade when raised in containers that do not discharge to the water[s] of the state, indigenous marine baitfish, or mosquito fish.

(4) "Shellfish" is defined as all aquatic invertebrates except insects.

(5) "Epizootic" is defined as the occurrence of a specific disease which can be detected in fifty percent of the mortality or moribund individual fish in an affected container or shellfish on an affected bed or within an affected population, and which results in an average daily mortality of at least one-half of one percent of the affected individual fish for five or more days in any thirty-day period.

(6) "Marine plant" is defined as nonvascular plants belonging to the phyla Chlorophyta, Phaeophyta, or Rhodophyta and vascular plants belonging to the family Zosteraceae when growing in marine or estuarine waters, and includes the seeds, spores, or any life-history phase of the plants.

(7) "Working day" is defined as any day other than Saturday, Sunday, or a Washington state holiday.

(8) "Department" is defined as the department of fish and wildlife.

(9) "Quarantine" is defined as isolation of the organism in a department approved facility.

(10) "Pest" is defined as parasite, parasitoid, predator, or fouling agent.

(11) "Established species" is defined as a species that has been propagated through aquaculture for at least ten years in Washington, or a species naturally reproducing within Washington.

(12) "West coast commerce region" is defined as the states of Alaska, California, Oregon, and Washington and the province of British Columbia.

(13) "Kelp" is defined as any species of brown algae of the order Laminariales.

(14) "Class A shellfish disease" is defined as an infectious disease which can cause significant mortality or loss of condition or quality in affected shellfish.

(15) "Class B shellfish disease" is defined as an infectious disease which is not known to cause significant mortality or loss of condition or quality in affected shellfish.

(16) "Market ready shellfish" are defined as aquatic invertebrate species which are intended for immediate human consumption and will not be placed into or come in contact with state waters.

(17) "Authorized finfish inspector" shall be defined as the individual who conducts or supervises testing in an authorized laboratory and attests to the results obtained. This individual signs/cosigns inspection and diagnostic reports and health certificates. The director shall maintain and provide upon request a roster of authorized finfish inspectors. An authorized finfish inspector shall be currently recognized by one of the following entities: The American Fisheries Society, Fish Health Section (either as Fish Health Inspector or Fish Pathologist); United States Fish and Wildlife Service, Title 50 Inspector; Canadian Department of Fisheries and Oceans, Fish Health Official or Inspector; Supervising veterinarian in a laboratory accredited by the American Association of Veterinary Laboratory Diagnosticians (AAVLD).

(18) "Laboratory inspection report" is defined as the written results of testing conducted by an authorized finfish inspector.

(19) "Lot of fish" shall be defined as a group of fish of the same species and age that originated from the same spawning stock and share a common water supply.

(20) "Regulated finfish pathogens" are defined as the following pathogens which, upon initial detection within Washington state, or detection from a site within Washington state that has been pathogen-free for three or more years, require notification within one working day to the fish health unit of the department, who will, in turn, notify the state veterinarian of the detection:

(a) Viruses:

(i) Infectious hematopoietic necrosis virus;

(ii) Infectious pancreatic necrosis virus;

(iii) Viral hemorrhagic septicemia virus;

(iv) Oncorhynchus masou virus; and

(v) Infectious salmon anemia virus.

(b) Parasite: *Myxobolus cerebralis*.

(21) "Terminal quarantine facility" is defined as a department-approved quarantine facility where imported aquatic invertebrates are held for public display or research purposes only, with minimal risk that the organisms will be released or that untreated quarantine facility holding waters will commingle with state waters. The operation plan of the quarantine facility must be approved by the department prior to the introduction of any organisms. At the conclusion of the public display or research, the organisms held in quarantine shall be destroyed and all waters and waste disinfected and disposed of using methods approved by the department.

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

AMENDATORY SECTION (Amending Order 97-56, filed 4/2/97, effective 5/3/97)

WAC 220-77-040 Shellfish aquaculture disease control. (1) It is unlawful for any person to import into Washington or possess live imported aquatic invertebrates, except market ready shellfish, without first obtaining an aquatic invertebrate import permit issued by the department. A copy of the permit shall accompany the aquatic invertebrates at all times within the state of Washington, and must be presented upon request to department employees.

(2) The director shall appoint a seven-member advisory committee consisting of one representative each from the department, the department of agriculture, the aquatic farmers of Washington, the federally recognized treaty tribes, private displayers of aquatic invertebrates, aquatic invertebrate ecologists, and aquatic invertebrate disease control specialists. The committee will advise the department on importation of aquatic invertebrates, make recommendations on classification of shellfish diseases, and review department policy. Recommendations of the committee are not binding on the commission or director.

(3) Established species from existing import areas with current disease free tissue certification from areas of origin free of Class A shellfish diseases are eligible for continued importation.

(a) An additional disease free tissue certification must be submitted every three years. The department will waive the certification requirement if there is sufficient information that the source area is free of Class A shellfish diseases.

(b) Additional disease free certification may be required upon discovery or reports of disease at the geographic source.

(4) Established species from new areas of origin are eligible for import if health history documentation and disease free tissue certification are provided to the department. Import into quarantine is required for imports originating from outside the west coast commerce region.

(a) Conditional importation approval will be initiated by permit application.

(b) Presence of any Class A shellfish disease in the area of origin will result in denial of conditional approval.

(c) At least one additional disease free certification will be required during the first year of importation. In the absence of disease during the first year of importation, estab-

lished species will be eligible for continued importation, and the provisions of subsection (3) of this section will apply.

(5) Nonestablished species for which a health history documentation and disease free tissue certification have been initiated by permit application are eligible for importation only into quarantine.

A SEPA check list is required for any importation of a new species.

(6) Health history documentation will be based on available documentation over the five years prior to application for an import permit, unless a longer documentation is required for cause, and is required to be provided by the applicant. Disease free tissue certification is required from representative invertebrates proposed for import, and must be certified by a department-approved invertebrate health care professional. Disease-free tissue certification may be waived for aquatic invertebrate species placed into a terminal quarantine facility upon approval of an aquatic invertebrate import permit application.

(7) Department employees may inspect quarantine facilities used for permitted shellfish imports at reasonable times without prior notification.

(8) Importers are required to immediately report to the department any epizootic, significant mortality potentially attributable to an infectious disease or discovery of a Class A shellfish disease in an approved source area. The report is required to be made within 24 hours of the event or discovery. Annual reporting of the presence or absence of Class A or Class B shellfish diseases may be a condition of any permit.

(9) Violation of these rules or the conditions of the permit, confirmation of a Class A shellfish disease at the geographic source, or verification of a substantial shellfish mortality at the geographic source may result in the suspension or revocation of the import permit.

In the event of denial, suspension, or revocation of an import permit, the affected party may appeal through the Administrative Procedure Act. A suspended or revoked permit will remain suspended or revoked during the appeal process.

WSR 02-06-020

PERMANENT RULES

UNIVERSITY OF WASHINGTON

[Filed February 25, 2002, 8:05 a.m.]

Date of Adoption: February 15, 2002.

Purpose: To incorporate an emergency rule into chapter 478-136 WAC concerning visual inspection of bags and backpacks at Husky Stadium and other University of Washington facilities accommodating large numbers of people, and to make housekeeping changes to phone numbers and reference citations.

Citation of Existing Rules Affected by this Order: Amending WAC 478-136-012, 478-136-015, and 478-136-030.

Statutory Authority for Adoption: RCW 28B.20.130.

Adopted under notice filed as WSR 02-01-104 on December 18, 2001.

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.

February 20, 2002

Rebecca Goodwin Deardorff, Director

Administrative Procedures Office

AMENDATORY SECTION (Amending WSR 97-24-047, filed 11/26/97, effective 12/27/97)

WAC 478-136-012 Definitions. (1) "Facilities" includes all structures, grounds, parking lots, waterfront, and airspace owned or operated by the University of Washington. Specific rules also apply to parking lots, bicycle and skateboard use (chapter 478-116 WAC), boat moorage facilities (chapter 478-138 WAC and *University Handbook*, Volume ((IV)) 4, Part VII, Chapter 3, Section 2), residence halls (chapter 478-156 WAC ((and *University Handbook*, Volume IV, Part VI, Chapter 1, Section 2))), airspace use (*University Handbook*, Volume ((IV)) 4, Part VII, Chapter 3, Section 5), ((scoreboard postings (*University Handbook*, Volume IV, Part VI, Chapter 1, Section 4), solicitation and commercial sales (*University Handbook*, Volume IV, Part VI, Chapter 4);)) nonuniversity speakers on campus (*University Handbook*, Volume ((IV)) 4, Part VII, Chapter 3, Section 4), smoking (*University Handbook*, Volume ((IV)) 4, Part VII, Chapter 6), and use of facilities by the Associated Students University of Washington (ASUW), Graduate and Professional Student Senate (GPSS), and other affected organizations (*University Handbook*, Volume ((III)) 3, Part III, Chapter 5).

(2) "Use of facilities" includes, but is not limited to: The holding of events, the posting and removal of signs, all forms of advertising, commercial activities, and charitable solicitation.

(3) "Approved event" means a use of university facilities which has received preliminary approval from an academic or administrative unit and which has received final approval from the committee on the use of university facilities.

AMENDATORY SECTION (Amending WSR 97-24-047, filed 11/26/97, effective 12/27/97)

WAC 478-136-015 Administrative responsibilities.

(1) The board of regents has delegated to the president of the university the authority to regulate the use of university facilities.

(2) Under this authority, the president has appointed the committee on the use of university facilities: To provide for proper review of the use of university facilities; to establish within the framework of this policy guidelines and procedures governing such use; to approve or disapprove requested uses; and to establish policies regarding fees and rental schedules where appropriate. Inquiries concerning the use of university facilities may be directed to:

University of Washington
Secretary of the Committee on the
Use of University Facilities
400 Gerberding Hall
Box 351210
Seattle, WA 98195-1210
(or phone: 206-543-2560).

(3) Preliminary approval of an event by an academic or administrative unit of the university implies that a responsible official has applied his or her professional judgment to the content of the program, the qualifications of the individuals conducting the event, the manner of presentation, and has concluded that the event is consistent with the teaching, research, and/or public service mission of the university.

(4) Final approval of a facilities use request by the committee on the use of university facilities implies that the committee has reviewed the proposed event with regard to: The general facilities policy; the direct and indirect costs to the institution; environmental, health and safety concerns; wear and tear on the facilities; appropriateness of the event to the specific facility; and the impact of the event on the campus community, surrounding neighborhoods and the general public.

(5) The university will not make its facilities or services available to organizations which do not assure the university that they will comply with the terms of the Americans with Disabilities Act (ADA, 42 U.S.C. 12132, 12182) and the Rehabilitation Act of 1973 (RA, 29 U.S.C. 794). Uses must not impose restrictions nor alter facilities in a manner which would violate the ADA or RA.

(6) The university will not make its facilities or services available to organizations which do not assure the university that they do not discriminate against any person because of race, color, religion, national origin, sex, sexual orientation, age, handicap, or status as a Vietnam era or disabled veteran, except where such organizations have been exempted from provisions of applicable state or federal laws or regulations.

(7) Individuals who violate the university's use of facilities regulations and approved users who violate university contract terms for use of facilities may be advised of the specific nature of the violation and, if continued, individuals may be requested to leave university property or be refused future use of university facilities. Failure to comply with a request to leave university property could subject such indi-

viduals to arrest and criminal prosecution under provisions of applicable state, county, and city laws.

AMENDATORY SECTION (Amending WSR 01-11-135, filed 5/23/01, effective 6/23/01)

WAC 478-136-030 Limitations on use. (1) Freedom of expression is a highly valued and indispensable quality of university life. However, university facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities. Additionally, use of university facilities may be subject to reasonable time, place and manner restrictions.

(2) University facilities may be used for events and forums regarding ballot propositions and/or candidates who have filed for public office so long as the event has received preliminary approval by an administrative or academic unit and final approval by the committee on the use of university facilities. There are, however, certain limitations on the use of university facilities for these political activities.

(a) First priority for the use of campus facilities shall be given to regularly scheduled university activities.

(b) University facilities may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office only when the full rental cost of the facility is paid. However, use of state funds for payment of facility rental costs is prohibited.

(c) Forums or debates may be scheduled at full facility rental rates if all parties to a ballot proposition election or all candidates who have filed for office for a given position, regardless of party affiliation, are given equal access to the use of facilities within a reasonable time.

(d) No person shall solicit contributions on university property for political uses, except in instances where this limitation conflicts with applicable federal law regarding interference with the mails.

(e) Public areas outside university buildings may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office, excluding solicitation of funds, provided the other normal business of the university is not disrupted and entrances to and exits from buildings are not blocked.

(f) University facilities or services may not be used to establish or maintain offices or headquarters for political candidates or partisan political causes.

(3) University facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities serve an educational purpose, as determined by the committee on the use of university facilities.

(4) Nothing in these rules is intended to alter or affect the regular advertising, promotional, or underwriting activities carried on, by, or in the regular university media or publications. Policies concerning advertising, promotional or underwriting activities included in these media or publications are under the jurisdiction of and must be approved by their respective management or, where applicable, advisory committees, in accordance with applicable state and federal laws.

(5) In accordance with WAC 478-136-010, the university will make its facilities available only for purposes related to the educational mission of the university, as determined by the committee on the use of university facilities, including but not limited to instruction, research, public assembly, and student activities. When permission is granted to use university facilities for approved instructional or related purposes, as a condition of approval, the user of university facilities agrees to include in all materials nonendorsement statements in the form approved by the committee on the use of university facilities. "Materials" includes all communications, advertisement, and any other printed, electronic, or broadcast/telecast information related to the user's activities offered in university facilities. The committee will determine the content, size of print and placement of the nonendorsement language. The university will not make its facilities available for instructional or related purposes that compete with courses or programs offered by the university.

(6) Solicitation, or distribution of handbills, pamphlets and similar materials by anyone, whether a member of the university community or of the general public, is not permitted in those areas of campus to which access by the public is restricted or where such solicitation or distribution would significantly impinge upon the primary business being conducted.

(7) Solicitation and distribution of materials in university residence halls are governed by residence hall policies. No solicitation of a commercial nature is permitted in university residence halls. Commercial advertising may be allowed, and is restricted to certain designated areas of each residence hall, when it is related to the university's mission and approved by the department of housing and food services.

(8) Electronic amplification on the grounds of the campus is prohibited with the following exceptions:

(a) The lawn area immediately west of the Husky Union Building will be available for open-air speaking events using directional and volume-controlled speech amplification equipment provided by the university. Use of the Husky Union Building lawn site will be available to registered or official student organizations and faculty or staff groups on a first-come, first-served basis. The amplification system will be issued upon presentation of a currently valid student, faculty or staff identification card at the Husky Union Building Reservation Office.

(b) The committee on the use of university facilities may grant permission, under special circumstances, for the use of other amplification equipment on the lawn site west of the Husky Union Building or in other outdoor locations. Permission should be requested through:

University of Washington
Secretary to the Committee on the
Use of University Facilities
400 Gerberding Hall
Box 351210
Seattle, WA 98195-1210

(or phone: 206-543-2560), sufficiently in advance of the program to allow timely consideration.

(9)(a) No person may use university facilities to camp, except if permission to do so has been granted in accordance with the provisions of chapters 478-116 and 478-136 WAC or except as provided in (b) of this subsection. "Camp" means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such ways as will permit remaining overnight. Violators are subject to arrest and criminal prosecution under applicable state, county and city laws.

(b) This provision does not prohibit use of the university residence facilities in accordance with chapter 478-156 WAC or the use of facilities where the employee remains overnight to fulfill the responsibilities of his or her position or where a student remains overnight to fulfill the requirements of his or her course of study.

(10) Within the limits of applicable laws, the University of Washington is committed to establishing and maintaining safe conditions for persons attending football games in Husky Stadium or other athletic events or concerts in campus facilities. Accordingly, the rules enumerated below will apply to all such events and be strictly enforced.

(a) The possession or consumption of alcoholic beverages or illegal drugs is prohibited. In addition to having the beverages or drugs confiscated, violators may be subject to university disciplinary action and/or legal proceedings, and removal from the events.

(b) Air horns, glass bottles, cans, picnic baskets, bota bags, ice chests, and thermoses (in excess of two-quart capacity) are prohibited. Individuals possessing such will not be admitted to, or will be removed from, Husky Stadium or other athletic or concert facilities until the items have been stored temporarily at locations provided for that purpose or disposed of in some other manner.

(c) Smoking is prohibited in the seating areas of all athletic stadia. Smoking is permitted on pedestrian concourses.

(d) All persons entering events in Husky Stadium or other athletic venues or events in other campus auditoria or facilities shall be subject to having all containers, bags, backpacks, coolers, or similar items visually inspected. Security personnel shall first ask permission to visually inspect the item and advise the person that he/she may refuse. Persons who refuse to allow inspection shall be allowed to return the item to a vehicle or otherwise dispose of it, after which admission shall be allowed. Persons who refuse the visual inspection and refuse to dispose of the item shall be denied entry.

(11) Only public service announcements and acknowledgment of sponsors will be allowed on scoreboards at athletic venues.

(a) For purposes of this section, a public service announcement is defined as an announcement which promotes the activities or services of federal, state or local governments, including the University of Washington, or non-profit organizations, or generally contributes to the community's welfare and interests.

(b) In acknowledgment of their sponsorship of the scoreboards or sponsorship of events and programs, sponsors may propose public service announcements for display on the scoreboard during athletic events. The public service announcement may be accompanied by a sponsor's name or

logo, but in keeping with university policy may not directly promote the products or services of the company. The text and graphics of public service announcements must be submitted at least three days in advance to the department of intercollegiate athletics for approval by the university.

(c) In addition to these public service announcements, sponsors also may be acknowledged by the display of corporate logos, trademarks, or other approved messages upon panels located on the scoreboard.

(12) The University of Washington is committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. Accordingly, the University of Washington establishes the following smoking policy to protect nonsmokers from exposure to smoke in their university-associated environments and to protect life and property against fire hazards:

(a) Except as provided in subsections (10)(c) and (12)(b) of this section, smoking is prohibited in all university vehicles, inside all buildings owned or occupied by the university and/or used by the university's faculty, staff or students and at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

(b) Smoking may be permitted in student rooms in university residence halls and apartments in university student housing in accordance with smoking regulations established for those facilities by the vice-president for student affairs.

(c) The director of environmental health and safety may designate specific outdoor locations as no smoking areas.

(d) Any student, staff, or faculty member who violates the university smoking policy may be subject to disciplinary action. In addition, violations of the university smoking policy may be subject to enforcement by the University of Washington police department.

WSR 02-06-021

PERMANENT RULES

UNIVERSITY OF WASHINGTON

[Filed February 25, 2002, 8:07 a.m.]

Date of Adoption: February 15, 2002.

Purpose: To implement policies governing the distribution of waivers of tuition and fees at the University of Washington and to make housekeeping changes to chapter 478-160 WAC, Admission and registration procedures for the University of Washington.

Citation of Existing Rules Affected by this Order: Amending WAC 478-160-125, 478-160-130, 478-160-140, and 478-160-175.

Statutory Authority for Adoption: RCW 28B.20.130; additionally for WAC 478-160-163 is chapter 28B.15 RCW.

Adopted under notice filed as WSR 02-01-105 on December 18, 2001.

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 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 4, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 20, 2002

Rebecca Goodwin Deardorff, Director
Administrative Procedures Office

AMENDATORY SECTION (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

WAC 478-160-125 Admission to the school of medicine. The University of Washington school of medicine publishes complete information regarding its policies, procedures, and programs which may be obtained by contacting the following office:

University of Washington School of Medicine
Committee on Admissions
Office of the Dean
(A-320) A-300 Health Sciences ((Building)) Center
Box 356340
Seattle, WA 98195-6340

(or phone: ((206))) 206-543-7212).

AMENDATORY SECTION (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

WAC 478-160-130 First-year admission to the school of medicine—Application forms. The school of medicine is a participant in the American Medical College Application Service Program (AMCAS). ~~((Application forms may be obtained by writing to the following address:~~

American Medical College Application Service
Suite 301
1776 Massachusetts N.W.
Washington, D.C. 20036) Applications can be found at:
www.aamc.org/students/amcas/start/htm. For those without
access to the Web, write to:

Association of American Medical Colleges
Section for Student Services
2501 M Street, NW Lbby-26
Washington, DC 20037-1300

The deadline for filing an application is determined by the University of Washington school of medicine and can be obtained by contacting the following office:

University of Washington School of Medicine
Committee on Admissions
Office of the Dean

~~((A-320))~~ A-300 Health Sciences ((Building)) Center
 Box 356340
 Seattle, WA 98195-6340

(or phone: ~~((206))~~ 206-543-7212). Applicants are encouraged to file applications twelve months prior to desired date of entry.

AMENDATORY SECTION (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

WAC 478-160-140 Application for transfer to the school of medicine. Application for transfer to the school of medicine may be obtained by writing to the following address:

University of Washington School of Medicine
 Committee on Admissions
 Office of the Dean
~~((A-320))~~ A-300 Health Sciences ((Building)) Center
 Box 356340
 Seattle, WA 98195-6340

The deadline for filing an application is determined by the University of Washington school of medicine and can be obtained from the address above, or phone: ~~((206))~~ 206-543-7212.

NEW SECTION

WAC 478-160-163 Waivers of tuition and fees. (1)

The board of regents is authorized to grant tuition and fee waivers to students pursuant to RCW 28B.15.910 and the laws identified therein. Each of these laws, with the exception of RCW 28B.15.543 and 28B.15.545, authorizes, but does not require, the board of regents to grant waivers for different categories of students and provides for waivers of different fees. The board of regents must affirmatively act to implement the legislature's grant of authority under each individual law. A list of waivers that the board has implemented can be found in the *University of Washington General Catalog*, which is published biennially. The most recent list may be found in the online version of the *General Catalog* at www.washington.edu/students/reg/tuition_exempt_reductions.html.

(2) Even when it has decided to implement a waiver listed in RCW 28B.15.910, the university, for specific reasons and a general need for flexibility in the management of its resources, may choose not to award waivers to all students who may be eligible under the terms of the laws. Where the university has chosen to impose specific limitations on a waiver listed in RCW 28B.15.910, those limitations are delineated in subsection (5) of this section. If the university has not imposed specific limitations on a waiver listed in RCW 28B.15.910, the waiver is not mentioned in subsection (5) of this section. The university's description of the factors it may consider to adjust a waiver program to meet emergent or changing needs is found in subsection (6) of this section. All waivers are subject to subsection (6) of this section.

(3) The board of regents also has the authority under RCW 28B.15.915 to grant waivers of all or a portion of oper-

ating fees as defined in RCW 28B.15.031. Waiver programs adopted under RCW 28B.15.915 are described in the *General Catalog*. The most recent list may be found in the online version of the *General Catalog* at www.washington.edu/students/reg/tuition_exempt_reductions.html. Waivers granted under RCW 28B.15.915 are subject to subsection (6) of this section.

(4) Waivers will not be awarded to students participating in self-sustaining courses or programs because they do not pay "tuition," "operating fees," "services and activities fees," or "technology fees" as defined in RCW 28B.15.020, 28B.15.031, 28B.15.041, or 28B.15.051, respectively.

(5) Specific limitations on waivers are as follows:

(a) Waivers authorized by RCW 28B.10.265 for children of Washington domiciles who are prisoners of war or missing in action in Southeast Asia or Korea shall be awarded only to undergraduate students pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education.

(b) Waivers of nonresident tuition authorized by RCW 28B.15.014 for university faculty and classified or professional staff shall be restricted to four consecutive quarters from their date of employment with the University of Washington. The recipient of the waiver must be employed by the first day of the quarter for which the waiver is awarded. Waivers awarded to immigrant refugees, or the spouses or dependent children of such refugees, shall be restricted to persons who reside in Washington state and to four consecutive quarters from their arrival in Washington state.

(c) Waivers authorized by RCW 28B.15.380 for children of deceased or permanently disabled police officers or fire fighters shall be awarded only to undergraduate students pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education.

(d) Waivers authorized by RCW 28B.15.558 shall be awarded only to:

(i) University of Washington employees who are employed half-time or more, hold qualifying appointments as of the first day of the quarter for which the waivers are requested, are paid monthly, and, for classified staff new to the university, have completed their probationary periods prior to the first day of the quarter; or

(ii) State of Washington permanent employees who are employed half-time or more, are not University of Washington permanent classified employees, are permanent classified or exempt technical college paraprofessional employees, or are permanent faculty members, counselors, librarians or exempt employees at other state of Washington public higher education institutions; or

(iii) Members of the Washington National Guard.

(e) Waivers authorized by RCW 28B.15.620 shall be awarded only to Vietnam veterans pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education.

(f) Waivers authorized by RCW 28B.15.628 shall be awarded only to veterans of the Persian Gulf combat zone pursuing a first bachelor's degree to a maximum of 225 col-

lege-level credits, including credits transferred from other institutions of higher education.

(6) The university may modify its restrictions or requirements pursuant to changes in state or federal law, changes in programmatic requirements, or in response to financial or other considerations, which may include, but are not limited to, the need to adopt fiscally responsible budgets, the management of the overall levels and mix of enrollments, management initiatives to modify enrollment demand for specific programs and management decisions to eliminate or modify academic programs. The university may choose not to exercise the full funding authority granted under RCW 28B.15.910 and may limit the total funding available under RCW 28B.15.915.

AMENDATORY SECTION (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

WAC 478-160-175 Credit definitions. Credit courses are offered either for resident credit or for extension credit.

(1) Most courses offered through University of Washington extension are offered for resident credit, and grades earned in such courses are transcribed as resident credit and are included in the student's resident cumulative grade-point average.

(2) Courses offered through correspondence study, and some other courses, are offered for extension credit. These credits and grades are not included in the resident grade-point average, and students may apply only ninety such university credits toward an undergraduate degree. Extension credit courses are identified by an "X" prefix when listed in catalog material.

Additional information concerning credit courses may be obtained by contacting the following office:

University of Washington Extension
5001 25th Ave. N.E.
Seattle, WA 98105-4190

(for internal campus mail use: Box 354221, or phone: ((206)) 206-543-2300).

WSR 02-06-024
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed February 25, 2002, 9:32 a.m.]

Date of Adoption: February 23, 2002.

Purpose: On August 29, 2001, industrial insurance adopted WAC 296-20-303 regarding attendant services. The 2001 legislature did not fund the implementation of WAC 296-20-303 for the crime victims compensation program. The purpose of a new chapter is to allow the program to continue authorizing attendant care benefits under the same rules as prior to the adoption of WAC 296-20-303.

Statutory Authority for Adoption: RCW 7.68.030.

Adopted under notice filed as WSR 01-23-080 on November 21, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 23, 2002

Gary Moore
Director

Chapter 296-33 WAC

ATTENDANT SERVICES

NEW SECTION

WAC 296-33-010 Attendant services. (1) **What are attendant services?**

Attendant services are proper and necessary personal care services (custodial care) provided to maintain the victim in their residence.

(2) **Who may receive attendant services?**

Victims who are temporarily or permanently totally disabled and rendered physically unable to care for themselves due to the crime may receive attendant services.

(3) **Is prior authorization required for attendant services?**

Yes. To be covered by the crime victims compensation program, attendant services must be requested by the attending physician and authorized by the department before services begin.

(4) **Am I required to use other insurance coverage before the crime victims compensation program will cover attendant services?**

Yes, all other insurances both private and public must be used first.

(5) **What attendant services does the crime victims program cover?**

The program covers proper and necessary attendant services that are provided consistent with the victim's needs, abilities and safety. Only attendant services that are necessary due to the physical restrictions caused by the crime are covered.

The following are examples of attendant services that may be covered:

- Bathing and personal hygiene;
- Dressing;

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- Administration of medications;
- Specialized skin care, including changing or caring for dressings or ostomies;
- Tube feeding;
- Feeding assistance (not meal preparation);
- Mobility assistance, including walking, toileting and other transfers;
- Turning and positioning;
- Bowel and incontinent care; and
- Assistance with basic range of motion exercises.

(6) What attendant services are not covered?

Services the department considers everyday environmental needs, unrelated to the medical needs of the victim, are not covered. The following are examples of some chore services that not covered:

- Housecleaning;
- Laundry;
- Shopping;
- Meal planning and preparation;
- Transportation of the victim;
- Errands for the victim;
- Recreational activities;
- Yard work;
- Child care.

(7) Will the crime victims compensation program review the attendant services being provided?

Yes. Periodic evaluations by the crime victims compensation program or its designee will be performed. Evaluations may include, but not be limited to, a medical records review and an on-site review of appropriate attendant services consistent with the victim's needs, ability, and safety.

(8) Who is eligible to become a provider of attendant services?

Any person eighteen years of age and over that maintains an active provider account with the crime victims compensation program. Attendant service providers can be family members or others who the victim hires to perform non-skilled home nursing services.

(9) Is my attendant service provider(s) an employee(s) of the crime victims compensation program?

No. Even though the crime victims compensation program is required by the federal government to withhold certain payroll taxes from moneys paid to some nonagency providers, the victim is the common law employer of attendant service provider(s).

(10) How can a provider obtain a provider account number from the department?

In order to receive a provider account number from the department, a provider must:

- Complete a provider application;
- Sign a provider agreement;
- Provide a copy of any practice or other license held;
- Complete, sign and return Form W-9; and
- Meet the department's provider eligibility requirements.

Note: A provider account number is required to receive payment from the department but is not a guarantee of payment for services.

(11) How many hours will be authorized for attendant services?

The crime victims compensation program will determine the maximum hours of authorized care based on an independent nursing assessment conducted in the victim's residence. More than one provider may be authorized, based on the victim's needs and the availability of providers. Attendant service providers are limited to a maximum of seventy hours per week per provider.

(12) What are the provider account status definitions?

- Active - account information is current and provider is eligible to receive payment.
- Inactive - account is not eligible to receive payment based on action by the department or at provider request. These accounts can be reactivated.
- Terminated - account is not eligible to receive payment based on action by the department or at provider request. These accounts cannot be reactivated.

(13) When may the department inactivate a provider account?

- The department may inactivate a provider account when:
- There has been no billing activity on the account for thirty-six months; or
 - The provider requests inactivation; or
 - Provider communications are returned due to address changes; or
 - The department changes the provider application or application procedures; or
 - Provider does not comply with department request to update information.

(14) When may the department terminate a provider account?

- The department may terminate a provider account when:
- The provider is found ineligible to treat per department rules; or
 - The provider requests termination; or
 - The provider dies or is no longer in active business status.

(15) How can a provider reactivate a provider account?

To reactivate a provider account, the provider may call or write the department. The department may require the provider to update the provider application and/or agreement or complete other needed forms prior to reactivation. Account reactivation is subject to department review. If a provider account has been terminated, a new provider application will be required.

WSR 02-06-043

PERMANENT RULES

DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT

[Filed February 27, 2002, 3:52 p.m.]

Date of Adoption: February 27, 2002.

Purpose: Child care facility fund, WAC 130-14-010 - 130-14-070, to increase availability of capital for child care facility development and expansion of child care capacity in Washington (original intent was to increase supply of employer-supported child care facilities in Washington).

Citation of Existing Rules Affected by this Order: Amending WAC 130-14-010, 130-14-030, 130-14-050, and 130-14-060.

Statutory Authority for Adoption: RCW 43.31.504.

Adopted under notice filed as WSR 02-03-131 on January 23, 2002.

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 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, 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.

February 27, 2002

Martha Choe

Director

AMENDATORY SECTION (Amending WSR 92-02-015, filed 12/23/91)

WAC 130-14-010 Definitions. As used in this chapter:

Capital improvements means improvements to real property or improvements or acquisition of personal property which is depreciable under the Federal Tax Code.

Existing child care facility means that facility which holds a current license for a child care facility from the department of social and health services (DSHS) at the time of application to the child care facility fund.

New child care facility means that facility that does not hold a current license for a child care facility from the department of social and health services (DSHS) at the time of application to the child care facility fund.

Applicant means either:

(1) One or more businesses seeking to establish or cause to be established a child care facility primarily for use of the children of its employees; or

(2) A child care facility that has a written contract with one or more private sector businesses to provide child care for the employees of that business.

(3) A business, organization or person whose primary purpose is to provide child care services. Sectarian organizations are not eligible organizations.

AMENDATORY SECTION (Amending WSR 92-02-015, filed 12/23/91)

WAC 130-14-030 Direct loans. (1) Direct loans may be awarded to the applicant on a one-time-only basis and shall not exceed a maximum of one hundred thousand dollars.

(2) Repayment of the direct loan shall be made to the child care facility revolving fund.

(3) Interest rates for a direct loan may be up to prime rate, negotiated on a case-by-case basis, fixed for the life of the loan. Loan terms shall be negotiated on a case-by-case basis.

(4) Applicants must provide sufficient collateral for funds loaned under this section, as determined by the child care facility fund committee.

(5) Applicants may be charged a one-time loan origination fee.

AMENDATORY SECTION (Amending WSR 92-02-015, filed 12/23/91)

WAC 130-14-050 Project eligibility. ~~((+))~~ To receive child care facility funds under these provisions, an applicant must: ~~((provide on-site or off-site child care.~~

~~(2) The business applicant must:~~

~~(a) Enter into a written contract with an existing or a newly licensed child care provider offering expanded child care services either on-site or off-site; or~~

~~(b) Operate a child care facility for their own employees' children.~~

~~(3) An applicant must)~~ (1) Include with ~~((its))~~ their application a copy of the required ~~((written contract))~~ state license for child care services.

~~((4) The applicant must)~~ (2) Submit a plan that includes a description of:

(a) The need for a new or improved child care facility in the area to be served by the applicant;

(b) The steps to be taken to serve a reasonable number of:

(i) Handicapped children;

(ii) Sick children;

(iii) Infants;

(iv) Children requiring nighttime or weekend care;

(v) Children whose costs of care are subsidized by the government;

(c) Why financial assistance from the state is needed to start or improve the child care facility;

(d) How the guaranteed loan, direct loan, or grant will be used, and how such use will meet the described need;

(e) The child care services to be available at the facility and the capacity of the applicant to provide these services;

(f) The financial status of the applicant, including other resources available to the applicant which will ensure the viability of the facility and the availability of its described services.

AMENDATORY SECTION (Amending WSR 90-17-054, filed 8/14/90)

WAC 130-14-060 Use of funds. Eligible activities and uses of child care facility funds include:

- (1) Capital improvements for new or existing licensed child care facilities;
- (2) Operating capital for new facilities which are available for a period limited to the first three months of operation.
- (3) Purchase of land or buildings which enables a child care business to increase the number licensed child care slots.

WSR 02-06-044
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed February 27, 2002, 4:35 p.m.]

Date of Adoption: January 23, 2002.

Purpose: To align WAC with RCW changes by the legislature.

Citation of Existing Rules Affected by this Order: Amending WAC 392-300-015, 392-300-050, 392-300-055, and 392-300-060.

Statutory Authority for Adoption: RCW 28A.150.290(1).

Adopted under notice filed as WSR 01-23-032 on November 13, 2001.

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 4, 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.

February 27, 2002

Dr. Terry Bergeson
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 96-12, filed 8/19/96, effective 9/19/96)

WAC 392-300-015 Definition—District employee. As used in this chapter, "district employee" shall mean any individual currently employed by or being considered for employment by a school district, a school district contractor, the state school for the deaf, the state school for the blind, an

educational service district, or an educational service district contractor.

AMENDATORY SECTION (Amending Order 96-12, filed 8/19/96, effective 9/19/96)

WAC 392-300-050 Access to record check data base. School districts, the state school for the deaf, the state school for the blind, educational service districts, colleges and universities shall establish written policies or procedures to determine which employees are authorized to access the data base. Access to the superintendent of public instruction's record check data base shall be limited to:

(1) Employees of the superintendent of public instruction processing record check information including employees within the fingerprint records section, the office of professional practices, the legal services section, the certification section or their equivalents in case of future agency reorganization.

(2) Authorized employees of school districts.

(3) Authorized employees of educational service districts.

(4) Authorized employees of college or universities with state board of education approved certification programs.

(5) Authorized employees of the state school for the deaf.

(6) Authorized employees of the state school for the blind.

(7) Other authorized individuals as determined by the superintendent of public instruction or designee.

Access to the data base will be controlled by a confidential password issued by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 96-12, filed 8/19/96, effective 9/19/96)

WAC 392-300-055 Prohibition of redissemination of fingerprint record information by educational service districts ((✕)), the state school for the deaf, the state school for the blind, school districts. Fingerprint record information is highly confidential and shall not be redisseminated to any organization or individual by any educational service district, state school for the deaf, state school for the blind, or school district.

AMENDATORY SECTION (Amending Order 96-12, filed 8/19/96, effective 9/19/96)

WAC 392-300-060 Protection of fingerprint record information by educational service districts, state school for the deaf, state school for the blind, and school districts. Educational service districts, state school for the deaf, state school for the blind, and school districts shall have policies and procedures to:

(1) Protect the confidentiality of fingerprint record information, including the secure location of RAP sheets;

(2) Limit access to authorized personnel processing or requiring fingerprint record information to make employment decisions; and

(3) Prevent the unlawful redissemination of fingerprint record information.

Noncompliance with these provisions may allow for the recovery of civil damages under applicable federal and state statutes.

WSR 02-06-089

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 1, 2002, 3:43 p.m., effective March 26, 2002]

Date of Adoption: February 28, 2002.

Purpose: Amending WAC 388-450-0140 How does the income of an ineligible assistance unit member affect my eligibility and benefits for food assistance? The Division of Employment and Assistance Programs is adopting this rule to implement federal regulations on how the department treats the income and expenses for certain persons who are not eligible for food assistance benefits.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0140.

Statutory Authority for Adoption: RCW 74.04.057, 74.04.500, 74.04.510.

Adopted under notice filed as WSR 02-03-021 on January 4, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, 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 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The provisions in this rule filing are required by federal regulations at 7 C.F.R. 273.11.

Effective Date of Rule: March 26, 2002.

February 28, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-21-060, filed 10/16/01, effective 12/1/01)

WAC 388-450-0140 How does the income of an ineligible assistance unit member affect my eligibility and benefits for food assistance? The department decides who must be in your assistance unit (AU) under WAC 388-408-0035. If ~~((someone who is in your AU is an ineligible AU member, we decide how))~~ an AU member is ineligible for food assistance under WAC 388-408-0035, this affects your AU's eligibility and benefits as follows:

(1) We do not count the ineligible member(s) to determine your AU size for the gross monthly income limit, net monthly income limit, or maximum allotment under WAC 388-478-0060.

(2) If ~~((the))~~ an AU member is ineligible because they are disqualified for an intentional program violation (IPV), they failed to meet work requirements under chapter 388-444 WAC, or they are ineligible felons under WAC 388-442-0010:

(a) We count all of the ineligible member's gross income as a part of your AU's income; and

(b) We count all of the ineligible member's allowable expenses as part of your AU's expenses.

(3) If ~~((the))~~ an AU member is ~~((ineligible because they are))~~ an ineligible ABAWD under WAC 388-444-0030, is ineligible due to their alien status, ~~((they))~~ failed to sign the application to state their citizenship or alien status, or ~~((they refuse))~~ refused to get or provide us a Social Security number:

(a) ~~((We prorate the ineligible member's gross income by:-~~

(i) ~~Dividing the ineligible member's income by the total number of people in the AU;~~

(ii) ~~Subtracting the ineligible member's share of the income; and~~

(iii) ~~Counting the remaining income to the other members of the AU; and~~

(iv) ~~Allowing the twenty percent earned income deduction for the ineligible member's countable earned income.~~

(b) ~~If the AU is eligible for a utility allowance under WAC 388-450-0195, we include the ineligible member to determine the allowance. This includes using the ineligible member to determine the standard utility allowance (SUA).~~

(c) ~~We prorate the ineligible member's expenses other than utilities by:-~~

(i) ~~Dividing the ineligible member's allowable expenses by the total number of people in the AU;~~

(ii) ~~Subtracting the ineligible member's share of the expenses; and~~

(iii) ~~Counting the remaining expenses to the other members of the AU))~~ We allow the twenty percent earned income disregard for the ineligible member's earned income;

(b) We prorate the remaining income of the ineligible member among all the AU members by excluding the ineligible member's share and counting the remainder to the eligible members; and

(c) We divide the ineligible member's allowable expenses evenly among all members of the AU when the ineligible member has income.

PERMANENT

WSR 02-06-090
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed March 1, 2002, 3:46 p.m., effective April 1, 2002]

Date of Adoption: February 28, 2002.

Purpose: Amending WAC 388-410-0020 What happens if I get more food assistance benefits than I am supposed to get?, 388-410-0025 Am I responsible for an overpayment in my assistance unit? and 388-410-0030 How does the department calculate and set up my food assistance overpayment?; and new WAC 388-410-0033 How and when does the department collect a food assistance overpayment? The Division of Employment and Assistance Programs is implementing federal regulations on how the department processes and collects overpayments for food assistance.

Citation of Existing Rules Affected by this Order: Amending WAC 388-410-0020, 388-410-0025, and 388-410-0030.

Statutory Authority for Adoption: RCW 74.04.057, 74.04.500, 74.04.510, 7 C.F.R. 273.18.

Adopted under notice filed as WSR 02-03-100 on January 18, 2002.

Changes Other than Editing from Proposed to Adopted Version: Changes to proposed WAC 388-410-0033 filed on January 18, 2002, under WSR 02-03-100. Public hearing - February 26, 2002.

These changes to WAC 388-410-0033 are to incorporate comments received from the Office of Financial Recovery in the DSHS Finance Division. The changes clarify current policy and ensure compliance with the federal regulations.

1. Change subsection (2) to read as follows: (2) If you have an inactive EBT account and we cancelled food assistance benefits in the account under WAC 388-412-0025, we use the cancelled funds to reduce the amount of your overpayment.

2. Change subsection (8) to read as follows: (8) If you no longer get food assistance, we will refer your overpayment for federal collection if the claim is past due for one hundred eighty or more days. A federal collection includes reducing your income tax refund, social security benefits, or federal wages. We do not count your overpayment as past due if you:

(a) Repay the entire overpayment by the due date; or

(b) Meet the requirements of your scheduled repayment agreement.

3. Change subsection (9) to read as follows: (9) If you no longer get food assistance benefits, we can garnish your wages, file a lien against your personal or real property, attach other benefits, or otherwise access your property to collect the overpayment amount.

4. Change part (c) of subsection (12) to read as follows: (c) There is an unpaid balance left after an overpayment case has been suspended for three consecutive years unless a collection may be possible through the Treasury Offset Program.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 3, 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 1, Amended 3, Repealed 0.

Effective Date of Rule: April 1, 2002.

February 28, 2002

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-14-032, filed 6/28/01, effective 8/1/01)

WAC 388-410-0020 ~~What ((are the types of)) happens if I get more food assistance ((overpayments)) benefits than I am supposed to get?~~ (1) If you ~~((have an overpayment, you received))~~ get more assistance benefits than you were supposed to ~~((receive. Your overpayment can be))~~ get, your assistance unit (AU) has a food assistance overpayment. There are three types of food assistance overpayments:

(a) ~~((An))~~ **Administrative error overpayment** ~~((if caused by an action or failure to take action by the department, or))~~: When you received too many benefits because the department made a mistake.

(b) ~~((An))~~ **Inadvertent household error overpayment** ~~((if caused by either your misunderstanding or unintended error, or))~~: When you received too many benefits because you made a mistake or didn't understand what you were supposed to do.

(c) ~~((An))~~ **Intentional program violation (IPV) overpayment** ~~((if caused by something you did on purpose. See))~~: When you received too many benefits because you broke a food stamp rule on purpose. If you have an IPV, you could be disqualified from receiving food assistance benefits under chapter 388-446 WAC.

(2) ~~((We set up an administrative overpayment when we:))~~
~~(a) Discover the overpayment within twelve months of its occurrence; and~~

~~(b) Mail the household a recovery demand letter and the overpayment calculation within twenty-four months of discovery date.~~

(3) ~~We set up an inadvertent household error overpayment when we:~~

~~(a) Discover the overpayment within twenty-four months of its occurrence; and~~

~~(b) Mail the household a recovery demand letter and the overpayment calculation within twenty-four months of discovery date.~~

(4) ~~We set up an intentional program violation overpayment when we:~~

- ~~(a) Discover the overpayment within seventy-two months of its occurrence; and~~
- ~~(b) Mail the household a recovery demand letter and the overpayment calculation within twenty-four months of dis-~~

covery date.)) The department must set up and start collecting an overpayment within certain timeframes. If we do not meet both of the timeframes below based on the type of overpayment your AU has, we will not set up an overpayment:

<u>(a) Administrative error overpayment:</u>	<u>(b) Inadvertent household error overpayment:</u>	<u>(c) Intentional program violation overpayment:</u>
<u>We must discover the overpayment within twelve months of the date you were overpaid; and</u>	<u>We must discover the overpayment within twenty-four months of the date you were overpaid; and</u>	<u>We must discover the overpayment within seventy-two months of the date you were overpaid; and</u>
<u>We must mail your household a recovery demand letter and overpayment calculation within twenty-four months of the date that we discovered you were overpaid.</u>	<u>We must mail your household a recovery demand letter and overpayment calculation within twenty-four months of the date that we discovered you were overpaid.</u>	<u>We must mail your household a recovery demand letter and overpayment calculation within twenty-four months of the date that were discovered you were overpaid.</u>

AMENDATORY SECTION (Amending WSR 01-14-032, filed 6/28/01, effective 8/1/01)

WAC 388-410-0025 ((Who is) Am I responsible for ((food) an overpayment in my assistance ((overpayments) unit)? ((1) When your assistance unit receives more food assistance benefits than it was entitled to receive, the department sets up an overpayment claim:

(2) All adult members of your assistance unit at the time of a food assistance overpayment are each responsible for the total overpayment amount until the overpayment is paid. You remain responsible even if you change assistance units)) If your assistance unit (AU) gets more food assistance benefits than it was supposed to get, your AU has an overpayment. If you have an overpayment, the department determines the amount you were overpaid and sets up a claim to recover this overpayment.

(1) We set up an overpayment for the full amount your AU was overpaid for every adult AU member at the time your AU was overpaid.

(2) Each adult member is responsible for the whole overpayment until we recover the entire amount of the overpayment. We do not collect more than the amount your AU was overpaid.

(3) If we determine you are responsible for an overpayment, you are responsible for the overpayment even if you are now in a different AU than you were when you had the overpayment.

AMENDATORY SECTION (Amending WSR 01-14-032, filed 6/28/01, effective 8/1/01)

WAC 388-410-0030 How does the department calculate and ((recover a)) set up my food assistance overpayment? (1) The department calculates the amount of your food assistance overpayment by counting the difference between:

(a) The benefits ((actually authorized)) your assistance unit (AU) received; and

(b) The benefits ((that)) your AU should have ((been authorized)) received.

~~(2) ((We reduce your overpayment by an underpayment if the underpayment amount was:~~

~~(a) Not previously returned to you; and~~

~~(b) Not already used to reduce a different overpayment.~~

~~(3) We establish and take action to collect all overpayments discovered through the department's quality control system regardless of:~~

~~(a) The overpayment amount; and~~

~~(b) Whether or not you are currently receiving food assistance.~~

~~(4) Except for subsection (4) of this section, we take action to collect all inadvertent household or administrative error claims unless:~~

~~(a) The entire overpayment claim is canceled by an underpayment;~~

~~(b) The claim is one hundred twenty-five dollars or less and the claim cannot be recovered by benefit reduction;~~

~~(c) The department cannot locate a responsible assistance unit member; or~~

~~(d) The department determines collection action will negatively affect an inadvertent household error case referred for possible prosecution or administrative disqualification.~~

~~(5) We take action to collect an intentional program violation overpayment unless:~~

~~(a) Your assistance unit has repaid the overpayment;~~

~~(b) Responsible assistance unit members cannot be located; or~~

~~(c) The department determines collection action will negatively affect the case against an assistance unit member referred for prosecution.~~

~~(6) You may repay an overpayment by:~~

~~(a) A lump sum;~~

~~(b) Regular installments under a payment schedule as specified in subsection (8) of this section; or~~

~~(c) Benefit reduction.~~

~~(7) Currently participating assistance units responsible for an overpayment may repay by a negotiated monthly installment amount. The repayment amount must be greater than the amount that could be recovered through benefit reduction. The payment schedule may be renegotiated by either the department or the assistance unit.~~

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(8) We automatically reduce your monthly benefits when you are responsible for an administrative or inadvertent household error; and you:

(a) Fail to notify us of your chosen repayment agreement; or

(b) Fail to request a fair hearing and continued benefits within ten days of receipt of the department's collection action notice.

(9) Except for your initial benefits when first certified, we can reduce your monthly benefits to repay the overpayment.

(a) If you have an administrative or inadvertent household error overpayment, we reduce your benefits by the greater of:

- (i) Ten percent of your monthly benefits; or
- (ii) Ten dollars per month.

(b) If you have an intentional program violation overpayment, we reduce your benefits by the greater of:

- (i) Twenty percent of your monthly benefits; or
- (ii) Twenty dollars per month.

(10) If you are responsible for an intentional program violation claim, you must chose a repayment agreement within ten days of receipt of your collection action notice. Failing to do so will subject you to involuntary reduction of your current benefit amount.

(11) We automatically reduce your current food assistance benefits when you fail to meet the terms of an agreed repayment schedule unless you:

- (a) Catch up with all overdue payments; or
- (b) Request re-negotiation of the payment schedule.

(12) If you are no longer receiving food assistance, we must refer your overpayment claim for federal collection if the claim is delinquent for one hundred eighty or more days. Federal collection includes reducing your income tax refund or social security benefits. Your claim is delinquent if you have not:

- (a) Repaid the entire overpayment by the due date; or
- (b) Met the requirements of your scheduled repayment agreement.

(13) If you are no longer receiving food assistance, we can garnish your wages, file a lien against your personal or real property, or otherwise access your property to collect the overpayment amount.

(14) We suspend collection action when:

- (a) A responsible assistance unit member cannot be located; or
- (b) Cost of further collection action is likely to exceed the amount that can be recovered.

(15) We can negotiate the amount of an overpayment if the amount offered approximates the net amount expected to be collected prior to the end of the legal collection period.

(16) At the end of the collection period, we write off unpaid overpayments and release any applicable liens when:

- (a) There is no further possibility of collection;
- (b) There was an accepted offer of compromise leaving an unpaid balance after payment; or
- (c) There is an unpaid balance remaining after a case has been in suspense for three consecutive years.

(17) We may collect an assistance unit's overpayments from another state if the originating state does not intend to pursue collection and provides the following:

(a) Documentation of the overpayment computation and overpayment notice prepared for the client; and

(b) Proof of service showing the client received the overpayment notice)) To calculate the benefits your AU should have received, we determine what we would have authorized if we:

- (a) Had correct and complete information; and
- (b) Followed all the necessary procedures to determine your AU's eligibility and benefits.

(3) If you were underpaid food assistance benefits for a period of time, we will use these benefits to reduce your overpayment if:

(a) We have not already issued you benefits to replace what you were underpaid; and

(b) We have not used this amount to reduce another overpayment.

(4) We set up an inadvertent household error or administrative error overpayment if:

(a) We discovered the overpayment through the quality control process;

(b) You currently get food assistance benefits; or

(c) The overpayment is over one hundred twenty-five dollars and you do not currently get food assistance benefits.

(5) We do not set up inadvertent household error or administrative error overpayment if:

(a) We cannot find the responsible AU members; or

(b) We have referred your inadvertent household error for prosecution or an administrative disqualification hearing and collecting the overpayment could negatively impact this process.

(6) We set up an intentional program violation overpayment unless:

(a) Your AU has repaid the overpayment;

(b) We cannot find the responsible AU members; or

(c) We have referred your inadvertent household error for prosecution and collecting the overpayment could negatively impact this process.

NEW SECTION

WAC 388-410-0033 How and when does the department collect a food assistance overpayment? (1) You can repay your overpayment by:

- (a) Paying the entire amount at once;
- (b) Having us take the amount of your overpayment out of your EBT account;
- (c) Making regular installments under a payment schedule as specified in subsection (3) of this section; or
- (d) Having your current food assistance benefits reduced.

(2) If you have an inactive EBT account and we cancelled food assistance benefits in the account under WAC 388-412-0025, we use the cancelled funds to reduce the amount of your overpayment.

(3) If your AU currently gets food assistance, you can repay your overpayment by monthly installments that you

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agree on with the department. The agreement must be more than we would recover through us reducing your benefits. Your AU or the department can request a change to the agreement if necessary.

(4) If you are responsible for repaying an administrative or inadvertent household error overpayment, we automatically reduce your monthly benefits if you do not:

- (a) Pay the overpayment all at once;
- (b) Set up a repayment agreement with us; or
- (c) Request a fair hearing and continued benefits within ninety days of the date you received your collection action notice.

(5) If you are responsible for an intentional program violation (IPV) overpayment, you must tell us how you want to repay this overpayment within ten days of the date you get your collection action notice. If you do not do this, we will reduce your current monthly benefits.

(6) If you get ongoing food assistance benefits we can reduce your monthly benefits to repay the overpayment. We do not reduce your first food assistance allotment when we approve your application for food assistance benefits.

(a) If you have an administrative or inadvertent household error overpayment, we reduce your benefits by the greater of:

- (i) Ten percent of your monthly benefits; or
 - (ii) Ten dollars per month.
- (b) If you have an IPV overpayment, we reduce your benefits by the greater of:

- (i) Twenty percent of your monthly benefits; or
- (ii) Twenty dollars per month.

(7) If you do not meet the terms of a repayment agreement with the department, we automatically reduce your current food assistance benefits unless you:

- (a) Catch up with all overdue payments; or
- (b) Ask us to consider a change to the repayment schedule.

(8) If you no longer get food assistance, we will refer your overpayment for federal collection if the claim is past due for one hundred eighty or more days. A federal collection includes reducing your income tax refund, social security benefits, or federal wages. We do not count your overpayment as past due if you:

- (a) Repay the entire overpayment by the due date; or
- (b) Meet the requirements of your scheduled repayment agreement.

(9) If you no longer get food assistance benefits, we can garnish your wages, file a lien against your personal or real property, attach other benefits, or otherwise access your property to collect the overpayment amount.

(10) We suspend collection on an overpayment if:

- (a) We cannot find the responsible AU members; or
- (b) The cost of collecting the overpayment would likely be more than the amount we would recover.

(11) We can negotiate the amount of an overpayment if the amount you offer is close to what we could expect to get from you before we can no longer legally collect the overpayment from you.

(12) We write off unpaid overpayments and release any related liens when:

- (a) We can not possibly collect any more funds;

(b) We agreed to accept a partial payment that left an unpaid balance after this payment; or

(c) There is an unpaid balance left after an overpayment case has been suspended for three consecutive years unless a collection may be possible through the Treasury Offset Program.

(13) If your AU has an overpayment from another state, we can collect this overpayment if the state where you were overpaid does not plan to collect it and they give us the following:

- (a) A copy of the overpayment calculation and overpayment notice made for the client; and
- (b) Proof that you received the overpayment notice.

WSR 02-06-098

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 4, 2002, 4:14 p.m.]

Date of Adoption: March 1, 2002.

Purpose: The Division of Child Support (DCS) is amending the rules regarding mailing by the Office of Administrative Hearings (OAH) by certified mail. Sending the Notice of Hearing, Initial Decision and other OAH forms by first class mail would result in substantial savings for DCS.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-3130, 388-14A-3925, 388-14A-5520, 388-14A-5525, and 388-14A-5530.

Statutory Authority for Adoption: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.

Adopted under notice filed as WSR 02-03-096 on January 18, 2002.

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 5, 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 5, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 1, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3130 What happens if a parent makes a timely request for hearing on a support establishment notice?

(1) A timely request for hearing is an objection made within the time limits of WAC 388-14A-3110. For late (or untimely) hearing requests, see WAC 388-14A-3135.

(2) If either parent makes a timely request for hearing, the division of child support (DCS) submits the hearing request to the office of administrative hearings (OAH) for scheduling.

(3) OAH sends a notice of hearing by ~~((certified))~~ first class mail to all parties at their address last known to DCS, notifying each party of the date, time and place of the hearing. DCS, the noncustodial parent, and the custodial parent are all parties to the hearing.

(4) A timely request for hearing stops the support establishment notice from becoming a final order, so DCS cannot collect on the notice. However, in appropriate circumstances, the administrative law judge (ALJ) may enter a temporary support order under WAC 388-14A-3850.

(5) A hearing on an objection to a support establishment notice is for the limited purpose of resolving the NCP's accrued support debt and current support obligation. The NCP has the burden of proving any defenses to liability.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-3925 Who can ask to modify an administrative support order?

(1) The division of child support (DCS), the custodial parent (CP) or the noncustodial parent (NCP) may request a hearing to prospectively modify the NCP's obligation under a support establishment notice. The request must be in writing and must state:

- (a) Any circumstances that have changed; and
- (b) The proposed new support amount.

(2) The petitioning party must file the request for modification with DCS.

(3) DCS serves a copy of the request for modification and notice of hearing on all other parties(~~:~~

~~(a) By first class mail, if the parties have been advised in a court or administrative order of the requirement to keep DCS advised of their addresses; or~~

~~(b) By certified mail, return receipt requested or personal service if the support order does not require the parties to tell DCS their address))~~ by first class mail at their address last known to DCS.

(4) DCS, the administrative law judge (ALJ), or the department review judge:

(a) Prospectively modifies orders according to the terms of chapter 26.19 RCW and RCW 74.20A.059; and

(b) May only modify an order issued by a tribunal in another state according to the terms of RCW 26.21.580.

(5) If the nonpetitioning party fails to appear at the hearing, the ALJ issues a default order based on the Washington state child support schedule and the worksheets submitted by the parties, considering the terms set out in the request for modification.

(6) If the petitioning party fails to appear at the hearing, the ALJ enters an order dismissing the petition for modification.

(7) If the petition for modification does not comply with the requirements of subsection (1)(a) and (b) of this section, the ALJ may:

(a) Dismiss the petition; or

(b) Continue the hearing to give the petitioning party time to amend according to WAC 388-14A-3275 or to complete the petition.

(8) The ALJ may set the effective date of modification as the date the order is issued, the date the request was made, or any time in between. If an effective date is not set in the order, the effective date is the date the modification order is entered.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-5520 What happens if I make a timely objection to a notice of retained support?

(1) Any debtor who objects to all or any part of a notice of retained support may, within twenty days from the date of service of the notice, file an application for an administrative hearing. An objection under this section is the same thing as a general denial of liability to the department.

(2) The notice of retained support does not become final until there is a final administrative order.

(3) If the objection is timely, the department serves the notice of hearing on the appellant or the appellant's representative by ~~((certified))~~ first class mail ~~((or another method showing proof of receipt))~~.

(4) The department must notify the appellant that it is the appellant's responsibility to notify the department of the appellant's mailing address at the time the application is filed and also of any change of address after filing the application. Mailing by ~~((certified mail, return receipt requested,))~~ first class mail to the last address provided by the appellant constitutes service under chapters 74.20A and 34.05 RCW.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-5525 What happens at the hearing on a notice of retained support?

(1) An administrative hearing on a notice of retained support is limited to the determination of the ownership of the amounts claimed in the notice or the reasonableness of a repayment agreement offered to a public assistance recipient for recovering child support under RCW 74.20A.270 and WAC 388-14A-5505.

(2) The department has the burden of proof to establish ownership of the support money claimed, including but not limited to amounts not yet disbursed or spent.

(3) The administrative law judge (ALJ) must allow the division of child support (DCS) to orally amend the notice of retained support at the hearing to conform to the evidence. The ALJ may grant a continuance, if necessary, to allow the debtor additional time to present evidence or argument in response to the amendment.

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(4) The ALJ serves a copy of the initial decision on DCS and the debtor or the debtor's representative by ~~((certified))~~ first class mail to the last address provided by each party ~~((or by another method showing proof of receipt))~~.

(5) If the debtor fails to appear at the hearing, the ALJ, upon a showing of valid service of the notice of retained support, enters an initial decision and order declaring that the amount of the support money claimed in the notice, is subject to collection action under chapter 74.20A RCW.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-5530 Can I request a late hearing on a notice of retained support? (1) Within one year from the date the division of child support (DCS) serves a notice of retained support, the person, firm, corporation, association, political subdivision or any officer or agent thereof may petition DCS for a hearing, upon a showing of any of the grounds listed in RCW 4.72.010 or CR 60.

(2) A copy of the objection must be served by ~~((certified mail, return receipt requested, or by service in the manner of a summons in a civil action))~~ first class mail on the district field office of DCS.

(3) The filing of the petition does not stay any collection action that DCS has taken, but the debtor may petition the secretary or the secretary's designee for an order staying collection action pending final decision of the secretary or the secretary's designee or the courts on an appeal made under chapter 34.05 RCW.

(4) Any money held or taken by collection action before any such stay and any support money claimed by the department, including amounts to be received in the future, to which the department may have a claim, must be held in trust pending the final decision and appeal, if any, to be disbursed in accordance with the final decision.

(5) If someone files a petition for a hearing, the department serves the notice of hearing on the appellant, the appellant's attorney, or other designated representative by ~~((certified mail or other method showing proof of receipt))~~ first class mail.

(6) The department notifies the appellant that the appellant must notify the department of the appellant's mailing address at the time the petition is filed and also of any change of address after filing the petition. Mailing by ~~((certified mail, return receipt requested,))~~ first class mail to the last address provided by the appellant constitutes service under chapters 74.20A and 34.05 RCW.

WSR 02-06-106
PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed March 5, 2002, 1:54 p.m.]

Date of Adoption: March 5, 2002.

Purpose: The Department of Transportation has changed the signage used to communicate under what conditions a vehicle, or vehicle type, can proceed through the

mountain passes during winter conditions. The new signage, effective November 1, 2001, under emergency rule, provides greater clarity to the motorist and should promote easier enforcement. Existing rules reference the old verbiage and need to be updated to reflect the new verbiage.

Citation of Existing Rules Affected by this Order: Amending WAC 468-38-075 Overlength exemptions and 468-38-390 Winter road restrictions.

Statutory Authority for Adoption: RCW 46.44.090.

Adopted under notice filed as WSR 02-03-049 on January 9, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 5, 2002

John F. Conrad

Assistant Secretary

Engineering and Regional Operations

AMENDATORY SECTION (Amending Order 143, filed 3/11/94, effective 3/11/94)

WAC 468-38-075 Overlength exemptions. Vehicles may move by special motor vehicle permit without regard to **oversize load** signs (WAC 468-38-190), weekend curfew or holiday restrictions (WAC 468-38-230), commuter traffic restrictions (WAC 468-38-235), or night-time movement restrictions (WAC 468-38-260), when they meet the following overlength conditions:

Tractor/trailer combinations with:

-A single trailer not exceeding fifty-six feet (including load)

-Double trailers not exceeding sixty-eight feet (including load)

-Nonreducible loads (including trailer) not exceeding sixty-one feet

-Vehicles with front overhang not exceeding four feet beyond the three foot legal limit set in RCW 46.44.034 (see also bumper criteria set in RCW 46.37.517)

-Single unit fixed load vehicles not exceeding an overall length of forty-five feet including a four foot front overhang beyond the legal three foot limit and a rear overhang not to exceed fifteen feet measured from the center of the last axle.

The aforementioned vehicles, when in compliance with WAC 204-24-050 Use of tire chains or other traction devices,

are also exempt from that portion of the winter road restrictions (WAC 468-38-390) prohibiting movement in areas where ~~((any of))~~ the following sign~~((s are))~~ is displayed: ~~(("Traction tires advised," "approved traction tires recommended," "approved traction tires required," or "tire chains required." The signs, however, must be obeyed.))~~ "TRACTION ADVISORY/OVERSIZED VEHICLES PROHIBITED."

AMENDATORY SECTION (Amending Order 132, filed 11/2/92, effective 12/3/92)

WAC 468-38-390 Winter road restrictions. During periods when "emergency load restrictions" or "severe emergency load restrictions" are in effect, only vehicles equipped with tires required by WAC 468-38-080 may operate under permit. ~~((Movement by permit of units whether driven, towed or hauled is prohibited in areas where any of the following signs are displayed: "Traction tires advised," "approved traction tires recommended," "approved traction tires required," or "tire chains required."~~

~~Special permits for movements over mountain passes (Snoqualmie, Stevens, Sherman, Blewett, White and Satus) will not be valid))~~

The department of transportation or the Washington state patrol may prohibit any vehicle, whether moving by special permit for oversize and/or overweight or not, from entering a chain/approved traction device control area when it is determined the vehicle will experience difficulty in safely traveling the area. Prohibitions will generally be communicated by traffic control sign (i.e., "TRACTION ADVISORY/OVERSIZED VEHICLES PROHIBITED," "CHAINS REQUIRED ON ALL VEHICLES EXCEPT ALL-WHEEL DRIVE," "VEHICLES OVER 10,000 GVWR CHAINS REQUIRED," etc.). In addition specific vehicles or vehicle combinations may be required to operate with specified traction devices (i.e., "TRACTORS PULLING DOUBLE TRAILERS MUST CHAIN UP").

Movement into a restricted area when prohibited, or without the specified traction device, will be considered a violation of the permit, which is a traffic infraction, and subject to the penalties set forth in RCW 46.44.105:

When signs, or other traffic control methods are not present, a vehicle, or vehicle combination, operating under a special permit for oversize, must stop movement at the nearest safe location during periods when snow is falling to a degree that visibility is limited to less than 1,000 feet; immediately following a severe storm when snow removal equipment is operating; when fog or rain limits visibility to less than 1,000 feet; or when compact snow and ice conditions require the use of chains. If hazardous conditions are encountered after a move is undertaken, it shall be the responsibility of the permittee to remove the oversize load from the highway, and ~~((he shall))~~ not proceed until conditions have abated and ~~((he has obtained))~~ clearance obtained from the nearest department of transportation office or the Washington state patrol. Failure to stop is a violation of the special permit and subject to the penalties of RCW 46.44.105.

The secretary of transportation may issue special permits for department vehicles used for snow removal or the sanding of highways during emergency winter conditions. Such permits shall also be valid for vehicles in transit to or from the

work site. Limitations on movement during hours of the day or days of the week may be waived. Sign requirements may be waived if weather conditions render such signs ineffectual. Movements at night may be made only by department vehicles whose lights meet the standards for emergency maintenance vehicles established by the commission on equipment.

WSR 02-06-115
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed March 6, 2002, 9:42 a.m.]

Date of Adoption: February 5, 2002.

Purpose: The proposal implements the provisions of 2001 legislation (chapter 22, Laws of 2001). WAC 246-826-100 is being amended to include a seventh category of health care assistants, category G, to perform hemodialysis. The proposed rules will establish definitions, health care assistants, category G, minimum requirements to perform end-stage renal dialysis, core competencies and minimum training standards for the certification of hemodialysis technicians.

Citation of Existing Rules Affected by this Order: Amending WAC 246-826-100.

Statutory Authority for Adoption: RCW 18.135.030.

Other Authority: RCW 18.135.020.

Adopted under notice filed as WSR 01-23-099 on November 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-826-302 Minimum training standards for mandatory hemodialysis technician training programs, to include, "or accredited academic institution." The proposed rule includes minimum training standards from an accredited academic institution. There may be nationally accredited academic institutions that have a training education program in place or they are in the process of creating and establishing a training education program in hemodialysis.

WAC 246-826-302, stakeholders were concerned with "accepting documentation from another facility" and their liability incurred should one of their former employees make a mistake with a subsequent employer. The proposed rule includes the language, "The dialysis facility that accepts the documentation assumes responsibility for confirming the core competency of the hemodialysis technician."

WAC 246-826-303 (2)(c), stakeholders were concerned that the rule would limit the health care assistant from performing diagnostic and therapeutic agents as authorized in statute. The proposed rule amends the language, "Prepare and administer heparin and sodium chloride solutions and intradermal, subcutaneous, or topical administration of local anesthetics during treatment in standard hemodialysis doses."

WAC 246-826-100(5), "and administer skin tests" was added to category E assistants. This makes the rule consistent with WAC 246-826-170.

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 4, 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 4, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 5, 2002

Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-826-100 Health care assistant classification. Effective ~~((September 1, 1988))~~ December 2001, there ~~((shall be six))~~ are seven categories of health care assistants:

(1) Category A assistants may perform venous and capillary invasive procedures for blood withdrawal.

(2) Category B assistants may perform arterial invasive procedures for blood withdrawal.

(3) Category C assistants may perform intradermal, subcutaneous and intramuscular injections for diagnostic agents and administer skin tests.

(4) Category D assistants may perform intravenous injections for diagnostic agents.

(5) Category E assistants may perform intradermal, subcutaneous and intramuscular injections for therapeutic agents and administer skin tests.

(6) Category F assistants may perform intravenous injections for therapeutic agents.

(7) Category G assistants may perform hemodialysis.

NEW SECTION

WAC 246-826-300 Definitions. This section defines terms used in hemodialysis.

(1) "Hemodialysis technician" means a person certified as a health care assistant, category G, by the department of health, who is authorized under chapter 18.135 RCW and these rules to assist with the direct care of patients undergoing hemodialysis and to perform certain invasive procedures under proper delegation and supervision by health care practitioners.

(2) "Competency" means the demonstration of knowledge in a specific area and the ability to perform specific skills and tasks in a safe, efficient manner.

(3) "Hemodialysis" means a process by which dissolved substances are removed from a patient's body by diffusion from one fluid compartment to another across a semipermeable membrane.

(4) "Dialysis facility or center" means a place awarded conditional or unconditional status by the center for Medicaid/Medicare services to provide dialysis services. This does not include in the home setting.

(5) "Direct supervision" means the licensed health care practitioner, as required by or authorized by RCW 18.135.020, is physically present and accessible in the immediate patient care area and available to intervene, when necessary.

(6) "Preceptor" means the licensed health care practitioner, as required by or authorized by RCW 18.135.020, who supervises, trains, and/or observes students providing direct patient care in a dialysis facility or center.

(7) "Training monitor" means the certified hemodialysis technician who with limited accountability mentors skill building and monitors for safety. The training monitor does not replace or substitute for the preceptor.

(8) "End-stage renal disease" (ESRD) means the stage of renal impairment that appears irreversible and permanent, and requires either the replacement of kidney functions through renal transplantation or the permanent assistance of those functions through dialysis.

NEW SECTION

WAC 246-826-301 Hemodialysis technician, category G minimum requirements to perform hemodialysis.

An individual may not function as or represent himself or herself as a hemodialysis technician, category G, unless that individual has satisfied the training and competency requirements of these rules. The individual in the process of completing training as a hemodialysis technician shall be identified as a trainee when present in any patient area of the facility. Applicants must meet all of the following minimum requirements prior to being certified as a health care assistant for category G:

(1) Minimum qualifications for hemodialysis technician, category G assistants to perform hemodialysis, the applicant must have:

(a) A high school education or its equivalent;

(b) The ability to read, write and converse in the English language;

(c) Basic math skills including the use of fractions and decimal points; and

(d) Adequate physical ability, including sufficient manual dexterity to perform the requisite health care services.

(2) Documentation of the satisfactory completion of a skills competency checklist equivalent to, or exceeding the competencies required by these rules.

(3) Training and experience. The hemodialysis technician, category G assistant shall receive training, evaluation(s), and assessment of knowledge and skills to determine minimum level competency, as required by WAC 246-826-302.

(4) The dialysis facility forwarding an application for certification as a hemodialysis technician must verify the applicant has satisfactorily completed all of the core competencies and minimum training standards for hemodialysis training programs required by chapter 18.135 RCW and these rules. The dialysis facility must verify that the applicant is

sufficiently qualified, skilled, and knowledgeable to perform all procedures to be delegated to the applicant upon certification.

NEW SECTION

WAC 246-826-302 Minimum training standards for mandatory hemodialysis technician training programs.

(1) Administration and organization: The hemodialysis technician training must be provided by a licensed health care practitioner, as required by RCW 18.135.020. The health care facility or health care practitioner shall be responsible for the development, implementation, and evaluation of the training program, and clinical experiences.

(2) Training program record retention requirements: The training program shall maintain the orientation checklists and any appropriate training documentation while the hemodialysis technician is employed with the health care facility or health care practitioner.

(3) The training program for new hemodialysis technicians must be a minimum of six to eight weeks. The hemodialysis technician shall complete training in both didactic and supervised clinical instruction. The training program shall (a) extend over a period of time sufficient to provide essential, sequenced learning experiences, which enables the trainee to develop competence and shall (b) show evidence of an organized pattern of instruction consistent with principles of learning and sound educational practices.

(4) Supervised clinical experience must provide opportunities for the application of theory and for the achievement of stated objectives in a patient care setting. Training through supervised clinical experience must include clinical learning experiences to develop the skills required by hemodialysis technicians to provide safe patient care. The preceptor must be physically accessible to the hemodialysis technician when the hemodialysis technician is in the patient care area.

(5) The dialysis facility may accept documentation of a hemodialysis technician's successful completion of training objectives in another dialysis facility or accredited academic institution if it is substantially equivalent to the core competencies described in WAC 246-826-303. The dialysis facility that accepts the documentation assumes responsibility for confirming the core competency of the hemodialysis technician.

NEW SECTION

WAC 246-826-303 Minimum standards of practice and core competencies of hemodialysis technicians. The following standards are the minimum competencies that a health care assistant, category G, must hold to be certified to practice in the state of Washington. The competencies are statements of skills and knowledge, and are written as descriptions of behaviors, which can be observed and measured. All competencies are performed, as required by chapter 18.135 RCW, under the direction and supervision of a health care practitioner as required by RCW 18.135.020. The level or depth of accomplishment of any given competency is appropriate to the "assisting" role of basic hemodialysis care under supervision of a health care practitioner.

Patient care.

(1) Data collection and communication. The hemodialysis technician must:

(a) Verify patient identification and dialysis prescription.

(b) Gather predialysis patient information necessary for treatment as required by facility protocols.

(c) Accurately calculate patient fluid removal and replacement needs.

(d) Monitor and verify treatment parameters during dialysis as required by facility protocols.

(e) Gather post dialysis patient information necessary to conclude treatment as required by facility protocols.

(f) Communicate and report patient, family or other care providers' concerns and/or needs to the nurse.

(g) Provide written documentation to the patient's medical record related to both routine treatment and unusual events.

(h) Recognize, report and document signs and symptoms related to:

(i) Hemodialysis vascular access complications.

(ii) Patient treatment complications.

(iii) Complications due to operator or equipment error.

(iv) Complications associated with allergic reactions.

(v) Complications associated with treatment anticoagulation.

(2) Basic hemodialysis treatment skills. The hemodialysis technician must be able to:

(a) Set up dialysis related supplies and equipment as required by a licensed health care practitioner prescription and facility policies and procedures.

(b) Prepare and mix additives to hemodialysis concentrates as required by facility procedure based on patient prescription.

(c) Prepare and administer heparin and sodium chloride solutions and intradermal, subcutaneous, or topical administration of local anesthetics during treatment in standard hemodialysis doses.

(d) Provide routine care for and cannulate hemodialysis vascular accesses for treatment as required by facility policies and procedures.

(e) Initiate hemodialysis treatment as required by facility policies and procedures.

(f) Provide routine care for, initiate, and terminate hemodialysis treatments using central catheters as required by facility protocols.

(g) Terminate hemodialysis treatment as required by facility policies and procedures.

(h) Provide routine care for equipment post dialysis including rinsing, disinfecting and shutting down as required by facility policies and procedures.

(i) Draw required samples for laboratory testing as required by facility protocols and procedures.

(3) Hemodialysis treatment interventions. The hemodialysis technician must be able to:

(a) Administer oxygen to patient by cannula or mask.

(b) Initiate CPR.

(c) Provide initial response to patient complications and emergencies during treatment per facility procedures, including, but not limited to, the administration of normal saline per facility protocol.

(d) Respond to equipment alarms and make necessary adjustments.

(4) Education and personal development for hemodialysis technicians: The hemodialysis technician should be able to demonstrate a basic understanding of the following subjects:

(a) General orientation subjects for the new hemodialysis technician.

(i) Common manifestations of renal failure.

(ii) Principles of dialysis.

(iii) Dialyzer and concentrate use and prescription.

(iv) Basic concepts of hemodialysis water treatment and dialyzer reuse.

(v) Principles of fluid management.

(vi) Hemodialysis treatment complications and emergencies.

(vii) Standard precautions and the use of aseptic techniques.

(viii) Hazardous chemical use in the hemodialysis setting.

(ix) Use and care of hemodialysis vascular accesses.

(x) Common laboratory testing procedures and critical alert values.

(xi) Basic concepts related to dialysis patient dietary/nutrition requirements.

(xii) Common psychosocial issues related to aging, chronic illness and dialysis therapy.

(b) Facility requirements as required by written policies and procedures. The hemodialysis technician must:

(i) Maintain current CPR certification.

(ii) Demonstrate an understanding of facility requirements related to infection control and the use of hazardous chemicals.

(iii) Demonstrate knowledge of facility disaster plans and emergency evacuation routes.

(c) The hemodialysis technician must be able to demonstrate a basic understanding of the proper body mechanics for patient and self.

(d) Maintaining patient confidentiality related to medical and personal information.

(e) The hemodialysis technician must be able to demonstrate a basic understanding of the patient's rights and responsibilities per facility policies.

(f) The hemodialysis technician must be able to demonstrate a basic understanding of the Uniform Disciplinary Act of the state of Washington, chapter 18.130 RCW.

(g) The hemodialysis technician must be able to demonstrate a basic understanding of the role of hemodialysis technician patient care as it relates to professional interactions with:

(i) Patients, family members and other care providers.

(ii) Supervisory and administrative health care providers.

(iii) Peers and other facility employees.

WSR 02-06-117

PERMANENT RULES

DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed March 6, 2002, 9:46 a.m.]

Date of Adoption: January 11, 2002.

Purpose: Amend WAC 246-840-700 Standards of nursing conduct or practice, 246-840-705 Functions of a licensed practical nurse and 246-840-710 Violations of standards of nursing conduct or practice; and repealing WAC 246-840-715 Standards/competencies.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-840-715; and amending WAC 246-840-700, 246-840-705, and 246-840-710.

Statutory Authority for Adoption: RCW 18.79.110.

Adopted under notice filed as WSR 01-21-135 on October 24, 2001.

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 3, 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 0, Amended 3, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

January 11, 2002

Joanna Boatman, RN
Chair, Nursing Commission

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-700 Standards of nursing conduct or practice. (1) The purpose of defining standards of nursing conduct or practice through WAC 246-840-700 and 246-840-710 is to identify responsibilities of the professional registered nurse and the licensed practical nurse in health care settings and as provided in the Nursing Practice Act, chapter 18.79 RCW. Violation of these standards may be grounds for disciplinary action (~~pursuant to~~) under chapter 18.130 RCW. Each individual, upon entering the practice of nursing, assumes a measure of responsibility and public trust and the corresponding obligation to adhere to the professional and ethical standards of nursing practice. The nurse shall be responsible and accountable for the quality of nursing care given to clients. This responsibility cannot be avoided by accepting the orders or directions of another person. The standards of nursing conduct or practice include, but are not limited to the following(=

FOR REGISTERED NURSES:**(1) Nursing process:**

(a) The registered nurse shall collect pertinent objective and subjective data regarding the health status of the client.

(b) The registered nurse shall plan and implement nursing care which will assist the client to maintain or return to a state of health or will support a dignified death.

(c) The registered nurse shall communicate significant changes in the client's status to appropriate members of the health care team. This communication shall take place in a time period consistent with the client's need for care.

(d) The registered nurse shall document, on essential client records, the nursing care given and the client's response to that care.

(2) Delegation and supervision: The registered nurse shall be accountable for the safety of clients receiving nursing service by:

(a) Delegating selected nursing functions to others in accordance with their education, credentials, and demonstrated competence.

(b) Supervising others to whom he/she has delegated nursing functions.

(3) Other responsibilities:

(a) The registered nurse shall have knowledge and understanding of the laws and rules regulating nursing and shall function within the legal scope of nursing practice.

(b) The registered nurse shall be responsible and accountable for practice based on and limited to the scope of her/his education, demonstrated competence, and nursing experience.

(c) The registered nurse shall obtain instruction, supervision, and consultation as necessary before implementing new or unfamiliar techniques or practices.

(d) The registered nurse shall be responsible for maintaining current knowledge in his/her field of practice.

(e) The registered nurse shall conduct nursing practice without discrimination.

(f) The registered nurse shall respect the client's right to privacy by protecting confidential information.

(g) The registered nurse shall report unsafe nursing acts and practices, and illegal acts as defined in WAC 246-840-730.

FOR PRACTICAL NURSES:

(4) The licensed practical nurse, functioning under the direction and supervision of other licensed health care professionals as provided in RCW 18.79.060, shall be responsible and accountable for his or her own nursing judgments, actions and competence.

(5) The licensed practical nurse shall practice practical nursing in the state of Washington only with a current Washington license.

(6) The licensed practical nurse shall not permit his or her license to be used by another person for any purpose.

(7) The licensed practical nurse shall have knowledge of the statutes and rules governing licensed practical nurse practice and shall function within the legal scope of licensed practical nurse practice.

(8) The licensed practical nurse shall not aid, abet or assist any other person in violating or circumventing the laws or rules pertaining to the conduct and practice of licensed practical nursing.

(9) The licensed practical nurse shall not disclose the contents of any licensing examination or solicit, accept or compile information regarding the contents of any examination before, during or after its administration.

(10) The licensed practical nurse shall delegate activities only to persons who are competent and qualified to undertake and perform the delegated activities, and shall not delegate to unlicensed persons those functions that are to be performed only by licensed nurses.

(11) The licensed practical nurse, in delegating functions, shall supervise the persons to whom the functions have been delegated.

(12) The licensed practical nurse shall act to safeguard clients from unsafe practices or conditions, abusive acts, and neglect.

(13) The licensed practical nurse shall report unsafe acts and practices, unsafe practice conditions, and illegal acts to the appropriate supervisory personnel or to the appropriate state disciplinary board or commission.

(14) The licensed practical nurse shall respect the client's privacy by protecting confidential information, unless required by law to disclose such information.

(15) The licensed practical nurse shall make accurate, intelligible entries into records required by law, employment or customary practice of nursing, and shall not falsify, destroy, alter or knowingly make incorrect or unintelligible entries into client's records or employer or employee records.

(16) The licensed practical nurse shall not sign any record attesting to the wastage of controlled substances unless the wastage was personally witnessed.

(17) The licensed practical nurse shall observe and record the conditions of a client, and report significant changes to appropriate persons.

(18) The licensed practical nurse may withhold or modify client care which has been authorized by an appropriate health care provider, only after receiving directions from an appropriate person, unless in a life threatening situation.

(19) The licensed practical nurse shall leave a nursing assignment only after properly reporting to and notifying appropriate persons and shall not abandon clients:

(20) The licensed practical nurse shall not misrepresent his or her education and ability to perform nursing procedures safely.

(21) The licensed practical nurse shall respect the property of the client and employer and shall not take equipment, materials, property or drugs for his or her own use or benefit nor shall the licensed practical nurse solicit or borrow money, materials or property from clients.

(22) The licensed practical nurse shall not obtain, possess, distribute or administer legend drugs or controlled substances to any person, including self, except as directed by a person authorized by law to prescribe drugs.

(23) The licensed practical nurse shall not practice nursing while affected by alcohol or drugs, or by a mental, physical or emotional condition to the extent that there is an undue

risk that he or she, as a licensed practical nurse, would cause harm to him or herself or other persons.

(24) It is inconsistent for a licensed practical nurse to perform functions below the minimum standards of competency as expressed in WAC 246-840-715.));

(2) The nursing process is defined as a systematic problem solving approach to nursing care which has the goal of facilitating an optimal level of functioning and health for the client, recognizing diversity. It consists of a series of phases: Assessment and planning, intervention and evaluation with each phase building upon the preceding phases.

(a) Registered Nurse:

Minimum standards for registered nurses include the following:

(i) Standard I Initiating the Nursing Process:

(A) Assessment and Analysis: The registered nurse initiates data collection and analysis that includes pertinent objective and subjective data regarding the health status of the clients. The registered nurse is responsible for ongoing client assessment, including assimilation of data gathered from licensed practical nurses and other members of the health care team;

(B) Nursing Diagnosis/ Problem Identification:

The registered nurse uses client data and nursing scientific principles to develop nursing diagnosis and to identify client problems in order to deliver effective nursing care;

(C) Planning: The registered nurse shall plan nursing care which will assist clients and families with maintaining or restoring health and wellness or supporting a dignified death;

(b) Licensed Practical Nurse:

Minimum standards for licensed practical nurses include the following:

(i) Standard I - Implementing the Nursing Process:

The practical nurse assists in implementing the nursing process;

(A) Assessment: The licensed practical nurse makes basic observations, gathers data and assists in identification of needs and problems relevant to the clients, collects specific data as directed, and communicates outcomes of the data collection process in a timely fashion to the appropriate supervising person;

(B) Nursing Diagnosis/ Problem Identification:

The licensed practical nurse provides data to assist in the development of nursing diagnoses which are central to the plan of care;

(C) Planning: The licensed practical nurse contributes to the development of approaches to meet the needs of clients and families, and, develops client care plans utilizing a standardized nursing care plan and assists in setting priorities for care;

(D) Implementation: The registered nurse implements the plan of care by initiating nursing interventions through giving direct care and supervising other members of the care team; and

(E) Evaluation: The registered nurse evaluates the responses of individuals to nursing interventions and is responsible for the analysis and modification of the nursing care plan consistent with intended outcomes;

(ii) Standard II Delegation and Supervision: The registered nurse is accountable for the safety of clients receiving nursing service by:

(A) Delegating selected nursing functions to others in accordance with their education, credentials, and demonstrated competence as defined in WAC 246-840-010(10);

(B) Supervising others to whom he/she has delegated nursing functions as defined in WAC 246-840-010(10);

(C) Evaluating the outcomes of care provided by licensed and other paraprofessional staff; and

(D) The registered nurse may delegate certain additional acts to certain individuals in community-based long-term care settings as provided by WAC 246-840-910 through 246-840-980 and WAC 246-841-405;

(D) Implementation: The licensed practical nurse carries out planned approaches to client care and performs common therapeutic nursing techniques; and

(E) Evaluation: The licensed practical nurse, in collaboration with the registered nurse, assists with making adjustments in the care plan. The licensed practical nurse reports outcomes of care to the registered nurse or supervising health care provider;

(ii) Standard II Delegation and Supervision: Under direction, the practical nurse is accountable for the safety of clients receiving nursing care:

(A) The practical nurse may delegate selected nursing tasks to competent individuals in selected situations, in accordance with their education, credentials and competence as defined in WAC 246-840-010(10);

(B) The licensed practical nurse in delegating functions shall supervise the persons to whom the functions have been delegated;

(C) The licensed practical nurse reports outcomes of delegated nursing care tasks to the RN or supervising health care provider; and

(D) In community based long-term care settings as provided by WAC 246-840-910 through 246-840-980 and WAC 246-841-405, the practical nurse may delegate only personal care tasks to qualified care givers;

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(iii) Standard III Health Teaching. The registered nurse assesses learning needs including learning readiness for patients and families, develops plans to meet those learning needs, implements the teaching plan and evaluates the outcome.

(iii) Standard III Health Teaching. The practical nurse assists in health teaching of clients and provides routine health information and instruction recognizing individual differences.

cal nurse recognizes and is able to meet the basic needs of the client, and gives nursing care under the direction and supervision of the registered nurse or licensed physician to clients in routine nursing situations. In more complex situations the licensed practical nurse functions as an assistant to the registered nurse and carries out selected aspects of the designated nursing regimen.

A routine nursing situation is one that is relatively free of scientific complexity. The clinical and behavioral state of the client is relatively stable and requires abilities based upon a comparatively fixed and limited body of knowledge.

In complex situations, the licensed practical nurse facilitates client care by meeting specific nursing requirements to assist the registered nurse in the performance of nursing care.

The functions of the licensed practical nurse makes practical nursing a distinct occupation within the profession of nursing. The licensed practical nurse has specific roles in nursing in direct relation to the length, scope and depth of his or her formal education and experience. In the basic program of practical nursing education, the emphasis is on direct client care.

With additional preparation, through continuing education and practice, the licensed practical nurse prepares to assume progressively more complex nursing responsibilities.)

(3) The following standards apply to registered nurses and licensed practical nurses:

(a) The registered nurse and licensed practical nurse shall communicate significant changes in the client's status to appropriate members of the health care team. This communication shall take place in a time period consistent with the client's need for care. Communication is defined as a process by which information is exchanged between individuals through a common system of speech, symbols, signs, and written communication or behaviors that serves as both a means of gathering information and of influencing the behavior, actions, attitudes, and feelings of others; and

(b) The registered nurse and licensed practical nurse shall document, on essential client records, the nursing care given and the client's response to that care; and

(c) The registered nurse and licensed practical nurse act as client advocates in health maintenance and clinical care.

(4) Other responsibilities:

(a) The registered nurse and the licensed practical nurse shall have knowledge and understanding of the laws and rules regulating nursing and shall function within the legal scope of nursing practice;

(b) The registered nurse and the licensed practical nurse shall be responsible and accountable for his or her practice based upon and limited to the scope of his/her education, demonstrated competence, and nursing experience consistent with the scope of practice set forth in this document; and

(c) The registered nurse and the licensed practical nurse shall obtain instruction, supervision, and consultation as necessary before implementing new or unfamiliar techniques or procedures which are in his/her scope of practice.

(d) The registered nurse and the licensed practical nurse shall be responsible for maintaining current knowledge in his/her field of practice; and

(e) The registered nurse and the licensed practical nurse shall respect the client's right to privacy by protecting confidential information and shall not use confidential health care information for other than legitimate patient care purposes or as otherwise provided in the Health Care Information Act, chapter 70.02 RCW.

(1) Registered Nurses:

The registered nurse performs acts that require substantial knowledge, judgment and skill based on the principles of biological, behavioral, health, and nursing sciences. Such acts are grounded in the elements of the nursing process which includes, but is not limited to, the assessment, analysis, diagnosis, planning, implementation and evaluation of nursing care and health teaching in the maintenance and the promotion of health or prevention of illness of others and the support of a dignified death. The registered nurse using specialized knowledge can perform the activities of administration, supervision, delegation and evaluation of nursing practice; and

(2) Licensed Practical Nurses:

The licensed practical nurse performs services requiring knowledge, skill and judgment necessary for carrying out selected aspects of the designated nursing regimen. The licensed practical nurse recognizes and is able to meet the basic needs of the client, and gives nursing care under the direction and supervision, to clients in routine nursing situations. A routine nursing situation is one that is relatively free of complexity, and the clinical and behavioral state of the client is relatively stable, requires care based upon a comparatively fixed and limited body of knowledge. In complex nursing care situations the licensed practical nurse functions as an assistant to the registered nurse and facilitates client care by carrying out selected aspects of the designated

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-705 Functions of a registered nurse and a licensed practical nurse. ((A licensed practical nurse is one who has met the requirements of the Washington state Nurse Practice Act, chapter 18.79 RCW. The licensed practi-

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(3) Registered Nurses:

The registered nurse functions in an **independent role** when utilizing the nursing process as defined in WAC 246-840-700(2) to meet the complex needs of the client.

In an interdependent role as a member of a healthcare team, the registered nurse functions to coordinate and evaluate the care of the client and independently revises the plan and delivery of nursing care.

The registered nurse functions in an interdependent role when executing a medical regimen under the direction of an advanced registered nurse practitioner, licensed physician and/or surgeon, dentist, osteopathic physician and/or surgeon, physician assistant, osteopathic physician assistant, podiatric physician and/or surgeon, or naturopathic physician. A registered

nursing regimen to assist the registered nurse in the performance of nursing care; and

(4) Licensed Practical Nurses:

The licensed practical nurse functions in an **interdependent** role to deliver care as directed and assists in the revision of care plans in collaboration with the registered nurse.

The licensed practical nurse functions in a **dependent** role when executing a medical regimen under the direction and supervision of an advanced registered nurse practitioner, licensed physician and/or surgeon, dentist, osteopathic physician and/or surgeon, physician assistant, osteopathic physician assistant, podiatric physician and/or surgeon, or naturopathic physician. A licensed practical nurse may not accept delegation of acts not within his or her scope of practice.

This shall not be construed as authorizing an independent role for the LPN.

nurse may not accept delegation of acts not within his or her scope of practice.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-710 Violations of standards of nursing conduct or practice. ((The following will serve as a guideline for the nurse as to the acts, practices, or omissions that are inconsistent with generally accepted standards of nursing conduct or practice. Such conduct or practice may be grounds for action with regard to the license to practice nursing pursuant to chapter 18.79 RCW and the Uniform Disciplinary Act, chapter 18.130 RCW. Such conduct or practice includes, but is not limited to the following:

(1) Failure to adhere to the standards enumerated in WAC 246-840-700(1) which may include:

(a) Failing to assess and evaluate a client's status or failing to institute nursing intervention as required by the client's condition.

(b) Willfully or repeatedly failing to report or document a client's symptoms, responses, progress, medication, or other nursing care accurately and/or intelligibly.

(c) Willfully or repeatedly failing to make entries, altering entries, destroying entries, making incorrect or illegible entries and/or making false entries in records pertaining to the giving of medication, treatments, or other nursing care.

(d) Willfully or repeatedly failing to administer medications and/or treatments in accordance with policy and procedure.

(e) Willfully or repeatedly failing to follow the policy and procedure for the wastage of medications where the nurse is employed or working.

(f) Willfully causing or contributing to physical or emotional abuse to the client.

(2) Failure to adhere to the standards enumerated in WAC 246-840-700(2) which may include:

(a) Delegating nursing care function or responsibilities to a person who the nurse knows or has reason to know lacks the ability or knowledge to perform the function or responsibility, or delegating to unlicensed persons those functions or responsibilities the nurse knows or has reason to know are to be performed only by licensed persons. This section should not be construed as prohibiting delegation to family members and other caregivers exempted by RCW 18.79.040(3), 18.79.050, 18.79.060 or 18.79.240.

(b) Failure to supervise those to whom nursing activities have been delegated. Such supervision shall be adequate to prevent an unreasonable risk of harm to clients.

(3) Failure to adhere to the standards enumerated in WAC 246-840-700(3) which may include:

(a) Performing or attempting to perform nursing techniques and/or procedures for which the nurse lacks the appropriate knowledge, experience, and education and/or failing to obtain instruction, supervision and/or consultation for client safety.

~~(b) Violating the confidentiality of information or knowledge concerning the client, except where required by law or for the protection of the client.~~

~~(c) Writing prescriptions for drugs unless authorized to do so by the board.~~

~~(4) Other violations:~~

~~(a) Appropriating for personal use medication, supplies, equipment, or personal items of the client, agency, or institution.~~

~~(b) Practicing nursing while impaired by any mental, physical and/or emotional condition to the extent that the person may be unable to practice with reasonable skill and safety.~~

~~(c) Willfully abandoning clients by leaving a nursing assignment without transferring responsibilities to appropriate personnel or caregiver when continued nursing care is required by the condition of the client(s).~~

~~(d) Practicing nursing while impaired by alcohol and/or drugs.~~

~~(e) Conviction of a crime involving physical abuse or sexual abuse relating to the practice of nursing.) The following conduct may subject a nurse to disciplinary action under the Uniform Disciplinary Act, chapter 18.130 RCW:~~

~~(1) Engaging in conduct described in RCW 18.130.180;~~

~~(2) Failure to adhere to the standards enumerated in WAC 246-840-700 which may include, but are not limited to:~~

~~(a) Failing to assess and evaluate a client's status or failing to institute nursing intervention as required by the client's condition;~~

~~(b) Willfully or repeatedly failing to report or document a client's symptoms, responses, progress, medication, or other nursing care accurately and/or legibly;~~

~~(c) Willfully or repeatedly failing to make entries, altering entries, destroying entries, making incorrect or illegible entries and/or making false entries in employer or employee records or client records pertaining to the giving of medication, treatments, or other nursing care;~~

~~(d) Willfully or repeatedly failing to administer medications and/or treatments in accordance with nursing standards;~~

~~(e) Willfully or repeatedly failing to follow the policy and procedure for the wastage of medications where the nurse is employed or working;~~

~~(f) Nurses shall not sign any record attesting to the wastage of controlled substances unless the wastage was personally witnessed;~~

~~(g) Willfully causing or contributing to physical or emotional abuse to the client;~~

~~(h) Engaging in sexual misconduct with a client as defined in WAC 246-840-740; or~~

~~(i) Failure to protect clients from unsafe practices or conditions, abusive acts, and neglect;~~

~~(3) Failure to adhere to the standards enumerated in WAC 246-840-700(2) which may include:~~

~~(a) Delegating nursing care function or responsibilities to a person the nurse knows or has reason to know lacks the ability or knowledge to perform the function or responsibility, or delegating to unlicensed persons those functions or responsibilities the nurse knows or has reason to know are to be performed only by licensed persons. This section should not be construed as prohibiting delegation to family members~~

~~and other caregivers exempted by RCW 18.79.040(3), 18.79.050, 18.79.060 or 18.79.240; or~~

~~(b) Failure to supervise those to whom nursing activities have been delegated. Such supervision shall be adequate to prevent an unreasonable risk of harm to clients;~~

~~(4)(a) Performing or attempting to perform nursing techniques and/or procedures for which the nurse lacks the appropriate knowledge, experience, and education and/or failing to obtain instruction, supervision and/or consultation for client safety;~~

~~(b) Violating the confidentiality of information or knowledge concerning the client, except where required by law or for the protection of the client; or~~

~~(c) Writing prescriptions for drugs unless authorized to do so by the commission;~~

~~(5) Other violations:~~

~~(a) Appropriating for personal use medication, supplies, equipment, or personal items of the client, agency, or institution. The nurse shall not solicit or borrow money, materials or property from clients;~~

~~(b) Practicing nursing while affected by alcohol or drugs, or by a mental, physical or emotional condition to the extent that there is an undue risk that he or she, as a nurse, would cause harm to him or herself or other persons; or~~

~~(c) Willfully abandoning clients by leaving a nursing assignment, when continued nursing care is required by the condition of the client(s), without transferring responsibilities to appropriate personnel or caregiver;~~

~~(d) Conviction of a crime involving physical abuse or sexual abuse including convictions of any crime or plea of guilty, including crimes against persons as defined in chapter 43.830 RCW and crimes involving the personal property of a patient, whether or not the crime relates to the practice of nursing; or~~

~~(e) Failure to make mandatory reports to the Nursing Care Quality Assurance Commission concerning unsafe or unprofessional conduct as required in WAC 246-840-730;~~

~~**Other:**~~

~~(6) The nurse shall only practice nursing in the state of Washington with a current Washington license;~~

~~(7) The licensed nurse shall not permit his or her license to be used by another person;~~

~~(8) The nurse shall have knowledge of the statutes and rules governing nursing practice and shall function within the legal scope of nursing practice;~~

~~(9) The nurse shall not aid, abet or assist any other person in violating or circumventing the laws or rules pertaining to the conduct and practice of professional registered nursing and licensed practical nursing; or~~

~~(10) The nurse shall not disclose the contents of any licensing examination or solicit, accept or compile information regarding the contents of any examination before, during or after its administration.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-840-715

Standards/competencies.

WSR 02-06-001
EMERGENCY RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed February 21, 2002, 8:03 a.m.]

Date of Adoption: February 14, 2002.

Purpose: To establish a Grays Harbor pilotage district tariff that will allow the existing boarding fee and harbor shift cancellation fee to be charged when engaging the use of a helicopter.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: It has been determined that pilots providing pilotage services on the waters of the Grays Harbor pilotage district must be insured proper and safe boarding and debarking to and from vessels. At certain times, the use of helicopter boarding and debarking has been determined to be more appropriate in order to insure safety. Under the new rule boarding/debarking is no longer limited to the use of a boat and the ability to charge the related fees is extended to include helicopters.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: All requirements necessary to amend the existing Grays Harbor pilotage district tariff as set forth in chapter 53.08 RCW have been met.

Effective Date of Rule: Immediately.

February 20, 2002

Peggy Larson

Administrator

AMENDATORY SECTION (Amending WSR 01-18-049, filed 8/30/01, effective 9/30/01)

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. ((Effective through 2400 hours July 31, 2002.))

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 \$80.99 per meter (or \$24.64 per foot) and the tonnage charge shall be \$0.2583 per net registered ton. The minimum net registered tonnage charge is \$903.79. The charge for an extra vessel (in case of tow) is \$516.48.

Boarding fee:

Per each boarding/deboarding from a boat or helicopter \$389.67

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage \$647.88
Delays per hour \$154.49
Cancellation charge (pilot only) \$258.22
Cancellation charge (((pilot)) boat or helicopter only) \$774.69

Pension charge:

Charge per pilotage assignment, including cancellations \$101.00

Travel allowance:

Transportation fee per assignment \$55.00
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 \$903.82 for each day or fraction thereof, and the travel expense incurred \$903.82

Bridge transit:

Charge for each bridge transited \$283.61
Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam \$785.22

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.

EMERGENCY

WSR 02-06-017

**EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-36—Filed February 22, 2002, 2:05 p.m., effective March 1, 2002, 12:01 a.m.]

Date of Adoption: February 21, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-28200D; and amending WAC 220-56-282.

Statutory Authority for Adoption: RCW 77.12.047.

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 emergency rule is necessary to keep the 2002 sport harvest of sturgeon within the 38,300 white sturgeon harvest guideline. 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: March 1, 2002, 12:01 a.m.

February 21, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-28200D Sturgeon—Areas and seasons. Notwithstanding the provisions of WAC 220-56-282, effective March 1 through May 13, 2002 it is unlawful to retain sturgeon in those waters of the Columbia River and tributaries from Bonneville Dam downstream to the mouth on Sunday and Mondays each week. Retention of sturgeon is allowed Tuesdays through Saturdays during this period.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 14, 2002:

WAC 220-56-28200D Sturgeon—Areas and seasons.

**WSR 02-06-035
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-37—Filed February 26, 2002, 3:47 p.m., effective March 1, 2002, 12:01 a.m.]

Date of Adoption: February 22, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-35000J and 220-56-38000C; and amending WAC 220-56-350 and 220-56-380.

Statutory Authority for Adoption: RCW 77.12.047.

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 needed to adjust seasons to accommodate changes in resource abundance and state/tribal allocations, and conforms to season changes adopted by the Fish and Wildlife Commission on February 9, 2002. 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: March 1, 2002, 12:01 a.m.

February 22, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-35000K Clams other than razor clams—Areas and seasons. Notwithstanding the provisions

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of WAC 220-56-350, effective immediately until further notice, it is unlawful to take, dig for and possess clams, cockles, and mussels taken for personal use from the following public tidelands except during the open periods specified herein:

- (1) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers open immediately until further notice.
- (2) Port Townsend Ship Canal: Open immediately through March 31.
- (3) Dosewallips State Park: Open March 1, 2002 until further notice, only in area defined by boundary markers and signs posted on the beach.
- (4) Duckabush: All state-owned tidelands on the west shore of Hood Canal from Quatsap Point southward to the main channel of the Duckabush River are open March 1, 2002 until further notice.
- (5) Penrose Point State Park: Open April 1 through April 30.
- (6) Point Whitney Tidelands (excluding Point Whitney Lagoon): Open April 1 through April 30.

NEW SECTION

WAC 220-56-38000D Oysters—Areas and seasons. Notwithstanding the provisions of WAC 220-56-380, effective immediately until further notice, it is unlawful to take, dig for and possess clams, cockles, and mussels taken for personal use from the following public tidelands except during the open periods specified herein:

- (1) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers open immediately until further notice.
- (2) Dosewallips State Park: Open March 1, 2002 until further notice, only in area defined by boundary markers and signs posted on the beach.
- (3) Duckabush: All state-owned tidelands on the west shore of Hood Canal from Quatsap Point southward to the main channel of the Duckabush River are open March 1, 2002 until further notice.
- (4) Penrose Point State Park: Open April 1 through April 30.
- (5) Kopachuck State Park: Open March 1, 2002 until further notice.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. March 1, 2002:

- WAC 220-56-25000J Clams other than razor clams—Areas and seasons. (01-276)
- WAC 220-56-38000C Oysters—Areas and seasons. (01-276)

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 02-06-036
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-38—Filed February 26, 2002, 3:49 p.m.]

Date of Adoption: February 26, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-04000Q, 220-33-04000R, 220-56-27000L and 220-56-27000M; and amending WAC 220-33-040 and 220-56-270.

Statutory Authority for Adoption: RCW 77.12.047.

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: Significant numbers and distribution of smelt have been observed in the mainstem and several tributaries of the Columbia River. Expansion of fisheries is now warranted under the Level 3 provisions of the Washington and Oregon eulachon management plan. There is insufficient time to promulgate permanent regulations.

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 4.

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.

February 26, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-27000M Smelt—Areas and seasons. Notwithstanding the provisions of WAC 220-56-270, 220-56-240, 220-56-275, effective immediately through March 31, 2002, it is unlawful to fish for or possess smelt in those

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waters of the Columbia River and tributaries downstream of Bonneville Dam except under the following provisions:

- 1) Area: Columbia River
- b) Open days: 7 days/week
- c) Open times: 24 hours per day
- d) Gear: Dipnets
- e) Daily limit: 20 lbs.
- 2) Area: Washington tributaries
- a) Open days: 7 days/week
- b) Open times: 6:00 a.m. to 10:00 p.m. daily
- c) Gear: Dipnets
- d) Daily limit: 20 lbs.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-27000L Smelt—Areas and seasons.
(01-278)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 1, 2002:

WAC 220-56-27000M Smelt—Areas and seasons.

NEW SECTION

WAC 220-33-04000R Smelt—Areas and seasons.

Notwithstanding the provisions of WAC 220-33-040, effective immediately through March 31, 2002, the Columbia River and Washington tributaries are closed to fishing for smelt except under the following provisions:

- 1) **Area:** Columbia River
- Dates:** Sundays and Wednesdays and Fridays
3:00 a.m. to 9:00 p.m. daily
- Gear:** Gillnets, dipnets and trawl nets.
- Allowable sales:** Smelt.

Other: Notwithstanding the provisions of WAC 220-20-010, during open salmon and/or sturgeon seasons fishers may have stored onboard their boats, while fishing, smelt gill nets; and while smelt fishing, fishers may have stored onboard their boats, gill nets of a size that meets the commercial salmon/sturgeon mesh size, weight, and length restrictions for the open salmon/sturgeon season.

- 2) **Area:** Cowlitz River - downstream of Peterson's Eddy.

Kalama River - downstream from Modrow Bridge.

Lewis River - mainstem and the north fork downstream from the overhead power lines near Eagle Island.

- Dates:** 6:00 p.m. Sundays to 6:00 a.m. Mondays
6:00 p.m. Tuesdays to 6:00 a.m. Wednesdays
6:00 p.m. Wednesdays to 6:00 a.m. Thursdays
6:00 p.m. Thursdays to 6:00 a.m. Fridays

Gear: Dipnets.

Allowable sales: Smelt.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-04000Q Smelt—Areas and seasons.
(02-27)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 1, 2002:

WAC 220-33-04000R Smelt—Areas and seasons.

WSR 02-06-042

EMERGENCY RULES

UNIVERSITY OF WASHINGTON

[Filed February 27, 2002, 3:25 p.m.]

Date of Adoption: February 21, 2002.

Purpose: To provide traffic, parking, and pedestrian rules for the University of Washington, Tacoma campus as new chapter 478-118 WAC. Additionally, the University of Washington seeks to amend WAC 478-108-010, the university's list of matters subject to brief adjudication, by adding the appeals process for parking and traffic violations outlined in the new chapter 478-118 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 478-108-010.

Statutory Authority for Adoption: RCW 28B.10.560 and 28B.20.130 for chapter 478-118 WAC; chapter 34.05 RCW for WAC 478-108-010.

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 University of Washington, Tacoma (UWT) will open its first owned and operated parking lot on March 1, 2002. These emergency rules are needed: (1) To provide the highest level of parking, traffic and pedestrian safety for students, faculty, staff and guests of the UWT campus, and (2) to prevent illegal access to or use of state property. Emergency rules are necessary while the permanent rule-making process already begun continues.

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 24, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 24, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Mak-**

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 24, Amended 1, Repealed 0.

Effective Date of Rule: March 1, 2002.

February 21, 2002

Richard L. McCormick
President

AMENDATORY SECTION (Amending WSR 90-15-005, filed 7/6/90, effective 8/6/90)

WAC 478-108-010 Matters subject to brief adjudication. This rule is adopted in accordance with RCW 34.05.479 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

(1) Appeals from residency classifications under RCW 28B.15.013 as established in chapter 478-160 WAC;

(2) Appeals from traffic and parking violations as provided for in chapters 478-116, 478-117 and 478-118 WAC;

(3) Challenges to contents of educational records as provided for in chapter 478-140 WAC;

(4) Proceedings under the animal control policy as detailed in chapter 478-124 WAC;

(5) Requests for reconsideration of admission decisions as provided for in chapter 478-160 WAC;

(6) Appeals of library charges as provided in chapter 478-168 WAC;

(7) Reviews of denials of public records requests as provided in chapter 478-276 WAC;

(8) Federal financial aid appeals as provided for by federal law;

(9) Collection of outstanding debts owed by students or employees; and

(10) Appeals from areas exempt from the rules requirements of chapter 34.05 RCW including standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships (except for all aspects of faculty and librarian employment relationships), and fiscal processes.

Chapter 478-118 WAC

PARKING AND TRAFFIC RULES OF THE UNIVERSITY OF WASHINGTON, TACOMA

NEW SECTION

WAC 478-118-010 Objectives of parking and traffic rules. The objectives of these rules are:

(1) To protect and control pedestrian and vehicular traffic on the campus of the University of Washington, Tacoma;

(2) To assure access at all times for emergency equipment;

(3) To minimize traffic disturbances;

(4) To facilitate the operation of the university by assuring access to vehicles;

(5) To allocate limited parking space for the most efficient use; and

(6) To protect state property.

NEW SECTION

WAC 478-118-020 Definitions. The following definitions apply to this chapter:

(1) Campus: The campus of University of Washington, Tacoma.

(2) Employee: An employee of the university.

(3) Public safety officers: Employees of the university who are responsible for campus security, safety, and parking and traffic control.

(4) Student: A person enrolled in the university.

(5) University: The University of Washington, Tacoma, and collectively those responsible for its control and operations.

(6) Vehicle: An automobile, truck, motorcycle, motorized scooter, or bicycle.

(7) Visitor: A person who is neither an employee nor a student of the university.

NEW SECTION

WAC 478-118-030 Applicable parking and traffic rules. The applicable parking and traffic rules upon the campus are:

(1) The motor vehicle and other traffic laws of the state of Washington, Title 46 RCW;

(2) The traffic code of the city of Tacoma; and

(3) The parking and traffic rules in this chapter. If the Washington laws or the Tacoma traffic code conflicts with these rules, the Washington laws or the Tacoma traffic code shall govern.

NEW SECTION

WAC 478-118-040 Enforcement of parking and traffic rules. The university is responsible for parking and traffic management on campus. Duly appointed public safety officers or independent contractors hired by the university are authorized to enforce these parking and traffic rules.

NEW SECTION

WAC 478-118-050 Permits required for vehicles on campus. No person shall park or leave any vehicle (other than bicycles), whether attended or unattended, upon the campus unless the person first purchases a permit from the university or from the operator of the parking lot in which the vehicle is parked. Permission to park on campus will be shown by display of a valid permit, or (if a parking lot does not issue permits) by payment of the fee for parking.

(1) A valid permit is:

(a) A current vehicle permit displayed in accordance with WAC 478-118-110. Vehicle permits are valid until revoked;

(b) A temporary permit authorized by the university and displayed in accordance with instructions. Temporary permits are valid through the date or time on the permit;

(c) A parking permit issued by a gate attendant and displayed on the vehicle in accordance with instructions; or

(d) A parking permit dispensed by machine at the campus and displayed in accordance with instructions.

(2) Parking permits are not transferable, except as provided in WAC 478-118-060 and 478-118-080.

(3) The university reserves the right to refuse to issue parking permits.

(4) This section does not apply to vehicles that the university owns or operates.

(5) The university may allow persons without permits to drive through the campus without parking.

(6) A public safety officer may require visitors to wait at the entrances to the campus when pedestrian or vehicular traffic congestion is above normal.

NEW SECTION

WAC 478-118-060 Carpool and disability parking permits. (1) Carpool permits may be issued to employees and students. One transferable permit will be issued by the university for each carpool. This permit is transferable only among the registered members of the carpool. This permit must be displayed in accordance with the instructions provided with the permit. A carpool is a group of two or more employees or students who commute to the campus in the same vehicle.

(2) The university provides parking for the disabled in accordance with the requirements of federal and state law, including parking spots reserved for persons who display a state of Washington disabled driver permit.

NEW SECTION

WAC 478-118-070 Permit revocations. (1) Parking permits issued by the university are the property of the university, and may be recalled by the issuer for any of the following reasons:

- (a) When the purpose for which the permit was issued changes or no longer exists;
- (b) When an unauthorized individual uses a permit;
- (c) Falsification on a parking permit application;
- (d) Multiple or continued violations of parking rules;
- (e) Counterfeiting or altering permits; or
- (f) Failure to comply with a final decision of the citation review committee, or university hearing officer.

(2) Parking permit revocations under this chapter may be appealed pursuant to the procedures in WAC 478-118-420.

NEW SECTION

WAC 478-118-080 Transfer of permits limited. (1) Permit holders may transfer one permit between motor vehicles when used by the permit holder. Improper transfer of a permit shall include, but is not limited to, the sale, lending, or transfer of a parking permit.

(2) Permits displaying license plate numbers shall be used only in the vehicles whose license number is written on the permit.

NEW SECTION

WAC 478-118-090 Responsibility of person to whom permit issued. The person to whom a permit is issued is responsible for the vehicle upon which the permit is affixed. He or she shall be held responsible for all violations of this chapter charged to that vehicle. However, the operator of a vehicle will not be relieved of responsibility for violating any rule of this chapter simply because he or she is not also the holder of the permit.

NEW SECTION

WAC 478-118-100 Display of permits. (1) Parking permits shall be displayed by hanging from the rear view mirror, and shall be fully visible from the exterior of the motor vehicle.

(2) When applicable, the area designator (numeral, letter, or combination) shall be affixed to the vehicle permit and shall be fully visible from the exterior of the motor vehicle.

(3) Motorcycle and scooter permits shall be registered with the university.

(4) Permits not fully visible from the exterior of a motor vehicle are not valid and are subject to citation for no valid permit displayed.

NEW SECTION

WAC 478-118-200 Parking fees. The regents of the University of Washington shall adopt parking fees, specifying the charge per day, quarter, and year.

NEW SECTION

WAC 478-118-210 Allocation of parking spaces. The parking space available on the campus shall be allocated in a manner that will best attain the objectives of these rules.

During special occasions causing additional or heavy traffic and during emergencies, the university may impose additional traffic and parking policies to achieve the specified objectives of this chapter.

NEW SECTION

WAC 478-118-220 Parking within designated spaces.

(1) No motor vehicle shall be parked on the campus except in areas designated as parking areas.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not excuse a violation of this section.

NEW SECTION

WAC 478-118-230 Parking—Operator's responsibility. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first:

- (1) Stopping the engine, locking the ignition, and removing the key; and
- (2) Effectively setting the brake and transmission to prevent movement of the vehicle.

NEW SECTION

WAC 478-118-240 Regulatory signs, markings, barricades, etc. (1) The university may erect signs, barricades, and other structures, and paint marks and other directions upon the streets and parking areas within the campus. Drivers of vehicles shall obey the signs, barricades, structures, markings, and directions. Drivers of vehicles shall comply with directions given to them by public safety officers in the control and regulation of traffic. Drivers shall also comply with directions given to them by the traffic guides or parking checkers in the assignment of parking space and in the collection of parking fees.

(2) No person without authorization from the university shall move, deface, or in any way change a sign, barricade, structure, marking, or direction that regulates traffic or parking.

NEW SECTION

WAC 478-118-250 Speed. No vehicle shall be operated on the campus at a speed in excess of posted limits. If no limit is posted, no vehicle shall exceed twenty miles per hour or such lower speed as is reasonable and prudent in the circumstances.

NEW SECTION

WAC 478-118-260 Pedestrian's right of way. (1) The operator of a vehicle shall yield right of way to any pedestrian. However, no pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass that vehicle.

(3) Where a sidewalk is provided, pedestrians shall proceed upon the sidewalk.

NEW SECTION

WAC 478-118-270 Motorcycles, bicycles, scooters. (1) Motorcycles, bicycles, and scooters are subject to all traffic rules controlling other motor vehicles.

(2) Motorcycles and motorized scooters may be parked in designated areas in addition to the regular parking lots.

(3) Motorcycles and motorized scooters are not permitted on paths, sidewalks, or authorized bicycle or pedestrian areas, or in buildings at any time.

(4) Bicycles shall be parked in designated areas only. Improperly parked bicycles may be impounded and a citation and fine imposed upon the owner.

(5) No bicycles or foot-propelled devices shall be operated in campus corridors, hallways, or buildings unless their

use is required as part of the educational process in an authorized program, or authorized by campus personnel. A "foot-propelled device" is a wheeled device designed or used for recreation or transportation, including, but not limited to, skateboards, roller skates, and roller blades.

NEW SECTION

WAC 478-118-280 Distribution of literature. No person may distribute literature by placing it on motor vehicles parked on the campus. Literature includes, but is not limited to, pamphlets, flyers, and stickers.

NEW SECTION

WAC 478-118-400 Issuance of traffic citations. Upon probable cause to believe that a violation of these rules has occurred, a public safety officer or designated contractor may issue a citation setting forth the date, the approximate time, the locality, the nature of the violation, the permit number, license number, infraction, officer, and the amount of fine(s). The citation shall be served on the person responsible for the violation by: Attaching a copy of the citation to, or placing it prominently within, the vehicle allegedly involved in the violation; mailing a copy of the citation to the person responsible; or serving a copy of the citation personally on the person responsible.

NEW SECTION

WAC 478-118-410 Fines and impounding. (1) The current schedule of fines shall be published by the university and made available for review in the safety and security office.

(2) All fines must be paid as designated on the citation within twenty calendar days from the date of the citation. Fines must be delivered in person to the university's finance office or postmarked on or before the due date specified in these rules to avoid additional penalties. If any citation has neither been paid nor appealed after twenty calendar days from the date of the citation, the university shall impose an additional fine of ten dollars per offense and may:

- (a) Withhold the violator's degrees, transcripts, grades, refunds, or credits until all fines are paid;
- (b) Delay registration for the following quarter;
- (c) Impound the violator's vehicle;
- (d) Deny future parking privileges to the violator; or
- (e) Refuse to issue keys to a violator who is an employee or student.

(3) In addition to imposing fines, public safety officers may impound or immobilize any vehicle parked on campus in violation of these rules. The expenses of impounding, immobilization, and storage shall be charged to the owner or operator, or both, of the vehicle and must be paid before the vehicle's release. Grounds for impounding vehicles shall include, but not be limited to, the following:

- (a) Blocking a roadway so as to impede the flow of traffic;
- (b) Blocking a walkway so as to impede the flow of pedestrian traffic;

- (c) Blocking a fire hydrant or fire lane;
- (d) Creating a safety hazard;
- (e) Blocking another legally parked vehicle;
- (f) Parking in a marked "tow-away" zone;
- (g) Leaving a vehicle unattended on campus for longer than two days;
- (h) Failing to pay a fine imposed under this chapter; or
- (i) Parking a nonuniversity vehicle in a spot reserved for university use.

Not more than twenty-four hours after impoundment of any vehicle, the university shall mail a notice to the registered owner of the vehicle and to any other person who claims the right to possession of the vehicle, if those persons can be identified. The university shall not be liable for loss or damage of any kind resulting from impounding, immobilization, or storage. Impounding a vehicle does not remove the obligation for any fines associated with the violation.

(4) An accumulation of traffic violations by a student may be cause for discipline under the student conduct code of the university.

NEW SECTION

WAC 478-118-420 Appeals of fines and impoundments. (1) Any impoundment or fine under this chapter may be appealed in writing within twenty calendar days from the date of the citation or the notice of impoundment. The notice of appeal must be addressed to the location indicated on the citation or notice of impoundment. The university will make appeal forms available at the university's finance office. The notice of appeal must explain the reasons for contesting the citation or impoundment. If the person who files a notice of appeal desires an opportunity to make an oral statement in the appeal, the request to make an oral statement must be included in the notice of appeal.

(2) The hearing on the appeal shall be a brief adjudicative hearing as provided by RCW 34.05.482 et seq. If a request for an oral statement was made, the presiding officer or officers shall provide reasonable notice of the time and place for receiving the oral statement. The presiding officer(s) shall review the notice of appeal and provide a written decision to the person submitting the appeal within ten days of taking action. If the appeal is denied, the decision shall include a brief statement of its reasons and information about the opportunity for further review. Any fine owed on a written decision that is not further appealed as provided in subsection (3) of this section shall be paid within twenty-one days after service of the decision.

(3) A person wishing to contest the written decision may request a review by contacting the university in writing within twenty-one days after service of the decision. The request for review shall explain why the decision was incorrect. The reviewing officer shall, within twenty days of the date of the request, review the matter and render a final written decision, which shall include a brief statement of its reasons and information about the opportunity to appeal the decision to the district court. Any final decision of the reviewing officer not appealed as provided in subsection (4) of this section shall be paid within ten days after service of the decision.

(4) A person wishing to appeal a final decision of the citation hearing office to the district court may, within ten days of service of the final decision, file a written notice with the university. Documents relating to the appeal shall immediately be forwarded to the district court, which shall have jurisdiction to hear the appeal de novo. No appeal to the district court may be taken unless the citation has been contested as provided in subsections (2) and (3) of this section.

NEW SECTION

WAC 478-118-500 Report of accident. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to either or both vehicles of five hundred dollars shall, within twenty-four hours, report such accident to the campus security department. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington motor vehicle accident report within twenty-four hours after such accident.

NEW SECTION

WAC 478-118-510 Liability of the university. Except for vehicles that the university owns or operates, the university assumes no liability under any circumstances for vehicles on the campus.

WSR 02-06-048

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Filed March 1, 2002, 8:15 a.m.]

Date of Adoption: March 1, 2002.

Purpose: Turf clippings and other plant materials are often recycled to composting facilities. There is evidence that turf clippings from sites treated with clopyralid may contain clopyralid residues when the compost is sold. Clopyralid residues on turf clippings are not breaking down as rapidly as anticipated during the composting process. Consequently, the compost, when used around sensitive plants, has damaged sensitive plants.

Statutory Authority for Adoption: Chapters 15.58 and 17.21 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: Washington State Department of Agriculture has determined that pesticides containing the active ingredient clopyralid, when used to treat lawns and turf, post a significant risk to the composting stream. The use season for clopyralid on turf and lawns is rapidly approaching. Emergency rules are required as a timely action to stop contaminated grass clippings from entering the composting

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stream and rendering product unmarketable for use around sensitive plants.

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 5, 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: Immediately.

March 1, 2002

William E. Brookreson

Acting Director

NEW SECTION

WAC 16-228-1235 **When are pesticides containing the active ingredient clopyralid state restricted use pesticides?** Pesticides containing the active ingredient clopyralid are state restricted use pesticides when labeled for use on lawns and turf including golf courses.

NEW SECTION

WAC 16-228-12351 **Who can distribute pesticides containing the active ingredient clopyralid?** Only licensed pesticide dealers can distribute pesticides containing the active ingredient clopyralid.

NEW SECTION

WAC 16-228-12352 **Who can sell pesticides containing the active ingredient clopyralid?** (1) Pesticides containing the active ingredient clopyralid that are labeled for use on lawns and turf including golf courses can only be sold by licensed dealers to certified applicators or their duly authorized agents. In order to purchase such pesticides, certified applicators or their agents must have a valid certification, license or permit allowing them to use or purchase such pesticides.

(2) Pesticides containing clopyralid and labeled for uses on sites/crops in addition to lawns and turf including golf courses may be sold by licensed dealers to noncertified applicators if the noncertified applicator signs the sales invoice or sales slip indicating that the pesticide will not be applied to lawns and turf including golf courses.

NEW SECTION

WAC 16-228-1237 **What are the restrictions on the use of pesticides containing the active ingredient clopyralid when labeled for use on lawns and turf including golf courses?** In addition to the restrictions placed on the product label, pesticides containing the active ingredient clopyralid cannot be applied to lawns and turf except for golf courses complying with the requirements in WAC 16-228-12371.

NEW SECTION

WAC 16-228-12371 **What requirements affect the use of pesticides containing the active ingredient clopyralid on golf courses?** (1) When labeled for use on lawns and turf including golf courses, pesticides containing the active ingredient clopyralid may be applied on golf courses if no grass clippings, leaves or other vegetation are removed from the site and placed in composting facilities that provide product to the public.

(2) Before applying pesticides containing the active ingredient clopyralid on a golf course, the commercial applicator must give written notification to the appropriate grounds keeping personnel that no grass clippings, leaves or other vegetation may be removed from the site and placed in composting facilities that provide product to the public.

WSR 02-06-099
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-40—Filed March 4, 2002, 4:46 p.m., effective March 6, 2002, 12:01 a.m.]

Date of Adoption: March 4, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900V; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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 winter whitefish season allows the use of bait, with a 3/16 (Sz. 14) hook size. However, anglers have been targeting steelhead under the guise of fishing for whitefish in the area downstream from the confluence of the Methow River and Gold Creek. Since steelhead are listed under the Endangered Species Act as endangered, any directed fishery is strictly prohibited, excluding the Okanogan and Similkameen rivers. 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: March 6, 2002, 12:01 a.m.

March 4, 2002

J. P. Koenings

Director

by Larry Peck

catch and release fishing prior to the current regulation opening date of the last Saturday in April. Pampa Pond and Fishhook Park Pond warm early and provide better fishing in spring and early summer.

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: March 9, 2002.

March 4, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900V Exceptions to statewide rules—Methow River. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. March 6, 2002 through March 31, 2002, those waters of the Methow River downstream from the confluence with Gold Creek are closed to fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 1, 2002:

WAC 232-28-61900V Exceptions to statewide rules—Methow River.

NEW SECTION

WAC 232-28-61900U Exceptions to statewide rules—Amber Lake, Fishhook Park Pond, Pampa Pond. Notwithstanding the provisions of WAC 232-28-619:

(1) Amber Lake (Spokane County) Effective March 9 through April 26, 2002, those waters of Amber Lake are open to catch and release of game fish. Selective gear rule, except electric motors allowed.

(2) Fishhook Park Pond (Walla Walla County) Effective March 9 through April 26, 2002, it is lawful to fish for game fish in those waters of Fishhook Pond. Statewide Rules for minimum size and daily limits apply. Fishing from any floating device prohibited.

(3) Pampa Pond (Whitman County) Effective March 9 through April 26, 2002, it is lawful to fish for game fish in those waters of Pampa Pond. Statewide Rules for minimum size and daily limits apply. Fishing from any floating device prohibited.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 27, 2002:

WAC 232-28-61900U Exceptions to statewide rules—Amber Lake, Fishhook Park Pond, Pampa Pond.

WSR 02-06-100

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 02-39—Filed March 4, 2002, 4:46 p.m., effective March 9, 2002]

Date of Adoption: March 4, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900U; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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 interim until permanent rules take effect May 1, 2002. The change in Amber Lake will allow anglers additional opportunity for

EMERGENCY

WSR 02-06-002
NOTICE OF PUBLIC MEETINGS
COMMISSION ON ASIAN
PACIFIC AMERICAN AFFAIRS
 [Memorandum—February 19, 2002]

Please Update Meeting Schedule

- January 5
- May 4
- July 13 (no longer June 22)
- October 5
- November 9

WSR 02-06-003
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
 (Title and Registration Advisory Committee)
 [Memorandum—February 20, 2002]

The Title and Registration Advisory Committee (TRAC) meeting that was scheduled for February 22, 2002, has been adjourned and will reconvene in April 2002.

- DATE:** February 22, 2002
- TIME:** 9:00 a.m. - 11:00 a.m.
- PLACE:** Highways-Licenses Building
 Conference Room 413
 1125 Washington Street
 Olympia, WA 98504

WSR 02-06-005
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 (Library Commission)
 [Memorandum—February 21, 2002]

COMMISSION MEETINGS REVISIONS

This is to inform you of the changes in the commission meetings for the year 2002 as follows:

Date	Time	Location
April 17	9:00 a.m.	Washington State Library, Room 413
June 5	1:30 p.m.	Washington State Library, Room 413
August 14	1:30 p.m.	Washington State Library, Room 413
October 16	1:30 p.m.	Washington State Library, Room 413
December 3	1:30 p.m.	Washington State Library, Room 413

If there are any questions, please call Patricia Davis at (360) 704-5249.

WSR 02-06-019
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER
 [Memorandum—February 19, 2002]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on **Tuesday, February 26, 2002, at 2:00 p.m.** in Room 201 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 02-06-022
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
 [Memorandum—February 25, 2002]
NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE
 2405 East College Way
 Mount Vernon, WA 98273
 Thursday, February 21, 2002
 5:00 p.m.
 Mount Vernon Campus - Board Room

Chairperson, Mr. Jess del Bosque, has called a special meeting of the board of trustees for **Thursday, February 21, 2002, at 5:00 p.m.** This meeting is being held as an executive session. Action may be taken, if necessary, as a result of items discussed.

WSR 02-06-023
NOTICE OF PUBLIC MEETINGS
LOWER COLUMBIA COLLEGE
 [Memorandum—February 20, 2002]

The board of trustees of Lower Columbia College will be holding a special executive session meeting on Wednesday, March 13, 2002, beginning at 5:00 p.m., in the Conference Room of the Lower Columbia College's Administration Building, 1600 Maple Street, Longview, WA. Purpose of the meeting is to discuss personnel and real estate.

WSR 02-06-026
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—February 25, 2002]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, February 21, 2002, 9-11 a.m., in the College Services Build-

MISC.

ing Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6125, fax (360) 664-0693, Internet alanl@dor.wa.gov.

Claire Hesselholt
Policy Counsel

WSR 02-06-027
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION

[Memorandum—February 26, 2002]

Revisions to the State Board of Education
Meeting Schedule for 2002

Please note the following changes to the dates of State Board of Education scheduled meetings (in bold/italics).

May 15-17, 2002

Location to be Determined

June 21, 2002

June 20-21, 2002

Burien OSPI Office
457 S.W. 148th Street, Suite 207
Burien, WA 98166
(206) 444-2933

August 21-23, 2002

Location to be Determined

October 30 November 1, 2002

October 23-25, 2002

Educational Service District 113
601 McPhee Road S.W.
Olympia, WA 98502
(360) 586-2933

WSR 02-06-028
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF REVENUE

[Filed February 26, 2002, 1:49 p.m.]

CANCELLATION OF INTERPRETIVE
AND/OR POLICY STATEMENT

This announcement of the cancellation of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has cancelled the following audit directive effective February 25, 2002.

AD 8156.2 Title insurance agents—This document explains in part that the retailing B&O tax applies to the gross selling price to consumers by title insurance companies. This tax-reporting information is incorrect. Title insurance companies are subject to B&O tax only with respect to payment received for the title insurance they provide. See First American Title Ins. Co. v. Dep't of Rev., 98 Wn. App. 882, 991 P.2d 120 (2000), and First American Title Ins. Co. v. Dep't of Rev., 144 Wn.2d 300, 27 P.3d 604 (2001).

Questions regarding the cancellation of this directive may be directed to Alan R. Lynn, Legislation and Policy,

WSR 02-06-029
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF REVENUE

[Filed February 26, 2002, 1:50 p.m.]

CANCELLATION OF INTERPRETIVE
AND/OR POLICY STATEMENTS

This announcement of the cancellation of these interpretive and/or policy statements is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has cancelled the following property tax bulletins effective February 25, 2002.

PTB 91-2 Cemeteries or burial grounds - Annual application for exemption—This bulletin explains how certain types of cemeteries and burial grounds are to be treated for property tax exemption purposes. This bulletin is no longer needed as the information is provided in WAC 458-16-110.

PTB 91-5 Taxation of real property exempt to taxable and property taxable to exempt—This bulletin explains the mechanics of how back taxes are collected and what occurs when they are not timely paid. It also explains how taxable real property is handled when it becomes taxable. This bulletin is no longer needed as the information is provided in WAC 458-16-130.

PTB 91-8 Revaluation notice (RCW 84.40.045)—This bulletin was superceded by PTB 91-18 and is no longer needed.

Questions regarding the repeal of these bulletins may be directed to Alan R. Lynn, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6125, fax (360) 664-0693, Internet alanl@dor.wa.gov.

Claire Hesselholt
Policy Counsel

WSR 02-06-039
ATTORNEY GENERAL'S OFFICE

[Filed February 27, 2002, 10:47 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 March 27, 2002. 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 this date, 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) 664-3027, 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):

**02-02-05 Request by Arthur D. Curtis
Clark County Prosecuting Attorney**

1. If a person is convicted of a misdemeanor conviction that prohibits the ownership or possession of firearms, can these rights be restored pursuant to RCW 9.95.200, et seq. RCW 9.41.040, and/or RCW 9.96?

2. If a person is convicted of a Class A felony, or one of the enumerated crimes listed in RCW 9.41.040(4), can a court ever restore his or her rights to possess firearms? If the answer is no, can a person convicted of one of these crimes ever get their rights restored through non-judicial procedures? If so, when can a court restore such a person's rights?

**WSR 02-06-047
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR
[Memorandum—February 28, 2002]**

The Washington State Clemency and Pardons Board hereby files with the Code Reviser the following change in its schedule: The March 8, 2002, meeting of the Clemency and Pardons Board has been canceled.

**WSR 02-06-049
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
[Memorandum—March 1, 2002]**

**EDMONDS COMMUNITY COLLEGE
BOARD OF TRUSTEES
NOTICE OF SPECIAL MEETINGS
TO MEDIA/OTHER**

- March 1, 2002* Echelbarger/Sherman Faculty Award Ceremony, EdCC, Culinary Connections, 20000 68th Avenue West, Lynnwood, WA, 1:30 - 3:30 p.m.
Purpose: Reception to honor recipient of faculty award.
- March 1, 2002* International Night 2002, EdCC, Triton Union Building, Room 202, 20000 68th Avenue West, Lynnwood, WA, 6:30 - 9:30 p.m.
Purpose: Dinner and International Student Performance.
- March 7, 2002* All-Washington Academic Team Ceremony, South Puget Sound Community College, 2011 Mottman Road S.W., Olympia, WA, 12:00 noon - 1:00 p.m.
Purpose: Recognition of student academic achievement.
- March 7 & 8, 2002* Lynnwood Jazz Festival featuring EdCC Sound-sation, EdCC, Triton Union Building, Room 202, 20000 68th Avenue West, Lynnwood, WA, 8:00 p.m.
Purpose: Musical Performance featuring EdCC Music Department.
- March 16* EdCC Symphonic Choir, Holy Rosary Catholic Church, 630 7th Avenue North, Edmonds, WA, 8:00 p.m.
Purpose: Musical Performance featuring EdCC Music Department.
- March 21 Edmonds Community College Regular Board of Trustees Meeting, EdCC, Snohomish Hall, Room 304, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.
Purpose: Regular Monthly Board Meeting.

*This event is being scheduled as a special meeting, which is a study session where no action will be taken.

**WSR 02-06-082
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed March 1, 2002, 3:32 p.m.]**

DESCRIPTION OF INTERPRETATIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-06 MAA.
Subject: Added procedure codes for infusion therapy fee schedule.

Effective Date: Retroactive to dates of service on and after August 1, 2001.

Document Description: **Retroactive to dates of service on and after August 1, 2001, the Medical Assistance**

MISC.

Administration (MAA) added two additional HCPCS codes (A4221 and A4222) to the infusion therapy fee schedule. This memorandum lists the descriptions and maximum allowables for these two additional codes.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click of Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

February 27, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-06-093

NOTICE OF PUBLIC MEETINGS SOUTH PUGET SOUND COMMUNITY COLLEGE

[Memorandum—February 28, 2002]

At their February 14, 2002, regular meeting the South Puget Sound Community College board of trustees changed their regular May 9, 2002, meeting to Tuesday, May 7, 2002.

If you have any questions, please contact Diana Toledo at 754-7711 ext. 5202.

WSR 02-06-095

NOTICE OF PUBLIC MEETINGS EASTERN WASHINGTON UNIVERSITY

[Memorandum—February 28, 2002]

BOARD OF TRUSTEES Meeting Schedules 2002

Board of Trustees

9:00 a.m. PUB 263-7*

January 25 (12:00 p.m.)

April 5, *Riverpoint 118*

June 21

June 25-26 (Retreat)

August 23, *Spokane Center 2nd Floor Mall*

October 18

December 6

Academic Affairs (LTBD)

January 25

March 12, 8 - 10 a.m.

May 17, 10:30 - 1:30

June 25, 9:30 - 11:00 (joint meeting)

July 19, 11:30 - 2:30

September 20, 10:30 - 1:30

November 1, 8 - 11 a.m.

Student Affairs (LTBD)

January 25

March 12, 10 - 12

May 17, 2 - 5 p.m.

June 25, 9:30 - 11:00 (joint meeting)

July 19, 8 - 11

September 20, 2 - 5 p.m.

November 1, 11:30 - 2:30

Coordinating Committee

2:00 - 4:00 p.m. Spokane Center 222*

January 22 (*Tuesday, 3:30*)

March 19, (Room 206)

June 4

August 6

October 1

November 12

Business and Finance, 6 - 9 p.m.* (LTBD)

January 24

March 12

May 28

June 25, 9:30 - 11:00 (joint meeting)

July 30

September 24

November 5

Cabinet Retreat (in president's backyard)

August 8, 12:00 - 8:00 p.m.

August 9, 8:00 - 5:00 p.m.

August 10, 8:00 - 12:00

*unless otherwise indicated

BOARD OF TRUSTEES

2002 REVISED Meeting Schedule

(Approved at the January 25, 2002, Board of Trustees Meeting)

Friday, January 25, 12:00 p.m., Pence Union Building, Banquet Room 265.

Friday, April 5, 9:00 a.m., Riverpoint Campus, Room 118.

Friday, June 21, 9:00 a.m., Pence Union Building, Banquet Room 265.

Tuesday, June 25, (RETREAT) 12:00 - 8:00 p.m., Mukogawa Fort Wright Institute, Regent's Room.

Wednesday, June 26, (RETREAT) 8:00 a.m. - 12:00 p.m., Mukogawa Fort Wright Institute, Regent's Room.

Friday, August 23, 9:00 a.m., Spokane Center Second Floor Mall.

Friday, October 18, 9:00 a.m., Pence Union Building, Banquet Room 265.

Friday, December 6, 9:00 a.m., Pence Union Building, Banquet Room 265.

Board meetings will convene at 9:00 a.m., and executive session will be held from approximately 12:00 - 1:00 p.m. The open public meeting will reconvene following the executive session.

Board committees will set their own schedule of meetings during the months that the full board does not meet.

WSR 02-06-101
NOTICE OF PUBLIC MEETINGS
DAIRY PRODUCTS COMMISSION

[Memorandum—March 5, 2002]

Meeting Schedule
Jan.-Dec. 2002

<u>Date</u>	<u>Location</u>	<u>Time</u>
January	No commission meeting	
February 6	Washington Dairy Center 4201 198th Street S.W., Suite 101 Lynnwood, WA 98036	9:30
March 6	Tacoma Dome 2727 East D Street Tacoma, WA	9:30
April 3*	Holiday Inn Sunspree Resort 7601 East Indian Bend Road Scottsdale, AZ 85250	12:00
May 1	Washington Dairy Center	9:30
June 21	Embassy Suites Hotel 20610 44th Avenue West Lynnwood, WA 98036	9:30
July 31	Washington Dairy Center	9:30
August 27	Washington Dairy Center	9:30
September 24-25	Site to be determined	9:30
October 22*	West Coast Wenatchee Hotel 201 North Wenatchee Avenue Wenatchee, WA 98801	9:30
November 6	Washington Dairy Center	9:30
December 11-12	Washington Dairy Center	9:30

The above start times may vary. In addition, all meetings marked with an asterisk are tentative and may not be required. Contact Celeste Piette at (425) 672-0687 to verify meeting times, location, and if tentatively scheduled meetings will occur.

WSR 02-06-110
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON

[Memorandum—March 4, 2002]

CHANGE OF TIME FOR MAY 17, 2002, CHANGE OF LOCATION FOR JULY 19, 2002, AND IDENTIFICATION OF LOCATION FOR NOVEMBER 22, 2002, BOARD OF REGENTS MEETINGS

At the direction of the president of the board of regents, the time of the May meeting has been changed: The May 17, 2002, meeting of the board of regents will begin at 2:30 p.m.; it is currently scheduled to begin at 1:00 p.m.

The location of the July meeting has been changed: The July 19, 2002, meeting of the board of regents will be in the Donald Petersen Room, Allen Library, at 1:00 p.m.; it is cur-

rently scheduled to be held in the West Ballroom, Husky Union Building (HUB).

The location of the November meeting has been identified: The November 22, 2002, meeting of the board of regents will be held in Spokane at the Davenport Hotel, 10 South Post Street, at 1:00 p.m.; it is currently scheduled to be held in Spokane but the location is not identified.

If you have any questions about board of regents' meetings, please contact the board of regents' office (206) 543-1633.

WSR 02-06-111
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE

[Memorandum—March 6, 2002]

NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE
 2405 East College Way
 Mount Vernon, WA 98273
 Wednesday, March 6, 2002
 3:00 p.m.
 Mount Vernon Campus - Board Room

Chairperson, Mr. Jess del Bosque, has called a special meeting of the board of trustees for **Wednesday, March 6, 2002, at 3:00 p.m.** This meeting is being held as an executive session to evaluate the qualifications of applicants for public employment. Action may be taken, if necessary, as a result of items discussed.

WSR 02-06-112
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE

[Memorandum—March 6, 2002]

NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE
 2405 East College Way
 Mount Vernon, WA 98273
 Thursday, March 7, 2002
 5:00 p.m.
 Mount Vernon Campus - Board Room

Chairperson, Mr. Jess del Bosque, has called a special meeting of the board of trustees for **Thursday, March 7, 2002, at 5:00 p.m.** This meeting is being held as an executive session to evaluate the qualifications of applicants for public employment. Action may be taken, if necessary, as a result of items discussed.

MISC.

**WSR 02-06-113
RULES COORDINATOR
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed March 6, 2002, 8:45 a.m.]

Carmen Moore has been appointed as the Department of Labor and Industries rules coordinator. Carmen's contact information is phone (360) 902-4206, e-mail moog235@lni.wa.gov, fax (360) 902-4202, mailstop 44001, 7273 Linderson Way S.E., Olympia, WA 98504-4001.

Suzanne L. Mager, Assistant Director
Legislative and Governmental Affairs

**WSR 02-06-128
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE**

[Memorandum—March 6, 2002]

In compliance with the Open Public Meetings Act, this letter serves as notice that the board of trustees of Shoreline Community College will hold a special meeting on Thursday, March 14, beginning at 12:30 p.m. in the Central Conference Room of the Administration Building 1000.

We will also notify local area media of this special meeting.

The purpose of the special meeting is for the board of trustees to meet with chairs of the academic review committees for the third-year tenure track instructors prior to taking any action to award tenure at their monthly board meeting on March 20, 2002.

Please call (206) 546-4552 or e-mail Michele Foley at mfoley@ctc.edu if you have further questions or need additional clarification.

MISC.

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = 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 of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4-25-410	AMD	02-04-064	16-154-090	REP-P	02-04-109	16-158-050	REP-P	02-04-109
4-25-520	AMD	02-04-064	16-154-100	REP-P	02-04-109	16-158-060	REP-P	02-04-109
4-25-540	AMD	02-04-064	16-154-110	REP-P	02-04-109	16-158-080	REP-P	02-04-109
4-25-610	AMD	02-04-064	16-154-120	REP-P	02-04-109	16-158-090	REP-P	02-04-109
4-25-620	AMD	02-04-064	16-154-180	REP-P	02-04-109	16-158-100	REP-P	02-04-109
4-25-626	AMD	02-04-064	16-156-003	REP-P	02-04-109	16-158-110	REP-P	02-04-109
4-25-630	AMD	02-04-064	16-156-004	REP-P	02-04-109	16-158-120	REP-P	02-04-109
4-25-631	AMD	02-04-064	16-156-005	REP-P	02-04-109	16-158-130	REP-P	02-04-109
4-25-640	AMD-W	02-04-062	16-156-010	REP-P	02-04-109	16-158-135	REP-P	02-04-109
4-25-640	PREP	02-04-063	16-156-020	REP-P	02-04-109	16-158-150	REP-P	02-04-109
4-25-660	AMD	02-04-064	16-156-030	REP-P	02-04-109	16-162-010	REP-P	02-04-109
4-25-710	PREP	02-04-063	16-156-035	REP-P	02-04-109	16-162-025	REP-P	02-04-109
4-25-710	AMD	02-04-064	16-156-040	REP-P	02-04-109	16-162-030	REP-P	02-04-109
4-25-720	AMD	02-04-064	16-156-050	REP-P	02-04-109	16-162-034	REP-P	02-04-109
4-25-721	AMD	02-04-064	16-156-060	REP-P	02-04-109	16-162-036	REP-P	02-04-109
4-25-730	AMD	02-04-064	16-156-070	REP-P	02-04-109	16-162-037	REP-P	02-04-109
4-25-735	NEW	02-04-064	16-157-010	NEW-P	02-04-109	16-162-040	REP-P	02-04-109
4-25-745	AMD	02-04-064	16-157-020	NEW-P	02-04-109	16-162-045	REP-P	02-04-109
4-25-746	AMD	02-04-064	16-157-030	NEW-P	02-04-109	16-162-050	REP-P	02-04-109
4-25-750	AMD	02-04-064	16-157-100	NEW-P	02-04-109	16-162-070	REP-P	02-04-109
4-25-752	NEW	02-04-064	16-157-110	NEW-P	02-04-109	16-162-100	REP-P	02-04-109
4-25-756	NEW	02-04-064	16-157-120	NEW-P	02-04-109	16-164-010	REP-P	02-04-109
4-25-783	AMD	02-04-064	16-157-200	NEW-P	02-04-109	16-164-020	REP-P	02-04-109
4-25-790	AMD	02-04-064	16-157-210	NEW-P	02-04-109	16-164-035	REP-P	02-04-109
4-25-791	AMD	02-04-064	16-157-220	NEW-P	02-04-109	16-164-037	REP-P	02-04-109
4-25-792	AMD	02-04-064	16-157-230	NEW-P	02-04-109	16-164-040	REP-P	02-04-109
4-25-793	NEW	02-04-064	16-157-240	NEW-P	02-04-109	16-164-050	REP-P	02-04-109
4-25-795	AMD	02-04-064	16-157-250	NEW-P	02-04-109	16-164-055	REP-P	02-04-109
4-25-820	AMD	02-04-064	16-157-255	NEW-P	02-04-109	16-164-060	REP-P	02-04-109
4-25-830	AMD	02-04-064	16-157-260	NEW-P	02-04-109	16-164-070	REP-P	02-04-109
4-25-910	AMD	02-04-064	16-157-270	NEW-P	02-04-109	16-164-080	REP-P	02-04-109
16-104	PREP	02-06-050	16-157-275	NEW-P	02-04-109	16-164-085	REP-P	02-04-109
16-154-010	REP-P	02-04-109	16-157-280	NEW-P	02-04-109	16-164-090	REP-P	02-04-109
16-154-030	REP-P	02-04-109	16-157-290	NEW-P	02-04-109	16-164-100	REP-P	02-04-109
16-154-040	REP-P	02-04-109	16-158-010	REP-P	02-04-109	16-164-110	REP-P	02-04-109
16-154-050	REP-P	02-04-109	16-158-020	REP-P	02-04-109	16-228-1231	AMD	02-04-041
16-154-053	REP-P	02-04-109	16-158-027	REP-P	02-04-109	16-228-1235	NEW-E	02-06-048
16-154-060	REP-P	02-04-109	16-158-028	REP-P	02-04-109	16-228-12351	NEW-E	02-06-048
16-154-070	REP-P	02-04-109	16-158-030	REP-P	02-04-109	16-228-12352	NEW-E	02-06-048
16-154-080	REP-P	02-04-109	16-158-040	REP-P	02-04-109	16-228-1237	NEW-E	02-06-048

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-228-12371	NEW-E	02-06-048	36- 12-190	AMD	02-03-069	132N-150-020	NEW	02-04-068
16-301-025	PREP	02-05-083	36- 12-200	AMD	02-03-069	132N-150-030	NEW	02-04-068
16-301-045	PREP	02-05-083	36- 12-210	REP	02-03-069	132N-150-040	NEW	02-04-068
16-301-050	PREP	02-05-083	36- 12-220	REP	02-03-069	132N-150-050	NEW	02-04-068
16-302-091	PREP	02-05-083	36- 12-240	AMD	02-03-069	132N-150-060	NEW	02-04-068
16-302-125	PREP	02-05-083	36- 12-250	AMD	02-03-069	132N-150-070	NEW	02-04-068
16-302-250	PREP	02-05-083	36- 12-260	AMD	02-03-069	132N-150-080	NEW	02-04-068
16-302-260	PREP	02-05-083	36- 12-270	AMD	02-03-069	132N-150-090	NEW	02-04-068
16-302-330	PREP	02-05-083	36- 12-280	AMD	02-03-069	132N-150-100	NEW	02-04-068
16-302-385	PREP	02-05-083	36- 12-285	NEW	02-03-069	132N-150-110	NEW	02-04-068
16-302-390	PREP	02-05-083	36- 12-290	AMD	02-03-069	132N-150-120	NEW	02-04-068
16-302-410	PREP	02-05-083	36- 12-300	AMD	02-03-069	132N-150-130	NEW	02-04-068
16-302-435	PREP	02-05-083	36- 12-310	AMD	02-03-069	132N-150-140	NEW	02-04-068
16-302-440	PREP	02-05-083	36- 12-320	AMD	02-03-069	132N-150-150	NEW	02-04-068
16-302-490	PREP	02-05-083	36- 12-330	REP	02-03-069	132N-150-160	NEW	02-04-068
16-302-545	PREP	02-05-083	36- 12-340	REP	02-03-069	132N-150-170	NEW	02-04-068
16-302-685	PREP	02-05-083	36- 12-350	REP	02-03-069	132N-150-180	NEW	02-04-068
16-303-200	PREP	02-03-127	36- 12-360	AMD	02-03-069	132N-150-190	NEW	02-04-068
16-303-210	PREP	02-03-127	36- 12-363	REP	02-03-069	132N-150-200	NEW	02-04-068
16-303-230	PREP	02-03-127	36- 12-364	AMD	02-03-069	132N-150-210	NEW	02-04-068
16-303-250	PREP	02-03-127	36- 12-465	AMD	02-03-069	132N-150-220	NEW	02-04-068
16-303-250	PREP	02-05-083	44- 10	PREP	02-06-046	132N-150-230	NEW	02-04-068
16-303-300	PREP	02-03-127	51- 56-1500	NEW-W	02-05-032	132N-150-240	NEW	02-04-068
16-303-310	PREP	02-03-127	130- 14-010	AMD-P	02-03-131	132N-150-250	NEW	02-04-068
16-303-317	PREP	02-03-127	130- 14-010	AMD	02-06-043	132N-150-260	NEW	02-04-068
16-303-320	PREP	02-03-127	130- 14-030	AMD-P	02-03-131	132N-150-270	NEW	02-04-068
16-303-330	PREP	02-03-127	130- 14-030	AMD	02-06-043	132N-150-280	NEW	02-04-068
16-303-340	AMD	02-05-082	130- 14-050	AMD-P	02-03-131	132U- 52	PREP	02-06-104
16-319-041	AMD	02-05-081	130- 14-050	AMD	02-06-043	132U-120	PREP	02-06-103
16-324	PREP	02-03-132	130- 14-060	AMD-P	02-03-131	132Z-116-005	NEW-P	02-03-089
16-325-015	AMD-X	02-04-020	130- 14-060	AMD	02-06-043	132Z-116-005	NEW-E	02-04-061
16-403-190	PREP	02-03-128	132G-104-010	AMD-P	02-06-127	132Z-116-010	NEW-P	02-03-089
16-470-800	NEW-P	02-06-131	132G-104-020	AMD-P	02-06-127	132Z-116-010	NEW-E	02-04-061
16-470-810	NEW-P	02-06-131	132G-104-030	REP-P	02-06-127	132Z-116-020	NEW-P	02-03-089
16-470-820	NEW-P	02-06-131	132H-106-030	AMD-P	02-05-052	132Z-116-020	NEW-E	02-04-061
16-470-830	NEW-P	02-06-131	132H-120-030	AMD-P	02-03-106	132Z-116-030	NEW-P	02-03-089
16-470-840	NEW-P	02-06-131	132H-120-050	AMD-P	02-03-106	132Z-116-030	NEW-E	02-04-061
16-470-850	NEW-P	02-06-131	132H-120-200	AMD-P	02-03-106	132Z-116-040	NEW-P	02-03-089
16-470-860	NEW-P	02-06-131	132H-120-220	AMD-P	02-03-106	132Z-116-040	NEW-E	02-04-061
16-470-870	NEW-P	02-06-131	132H-120-220	AMD-P	02-03-106	132Z-116-050	NEW-P	02-03-089
16-532-020	AMD-P	02-06-130	132H-120-300	AMD-P	02-03-106	132Z-116-050	NEW-E	02-04-061
16-532-025	NEW-P	02-06-130	132H-120-350	AMD-P	02-03-106	132Z-116-060	NEW-P	02-03-089
16-532-040	AMD-P	02-06-130	132H-120-410	AMD-P	02-03-106	132Z-116-060	NEW-E	02-04-061
16-555-020	AMD-P	02-06-129	132H-120-420	AMD-P	02-03-106	132Z-116-070	NEW-P	02-03-089
16-752	PREP	02-05-089	132H-120-440	AMD-P	02-03-106	132Z-116-070	NEW-E	02-04-061
36- 12-010	REP	02-03-069	132H-120-450	AMD-P	02-03-106	132Z-116-080	NEW-P	02-03-089
36- 12-011	AMD	02-03-069	132H-140	PREP	02-05-051	132Z-116-080	NEW-E	02-04-061
36- 12-020	AMD	02-03-069	132H-152-135	PREP	02-03-104	132Z-116-090	NEW-P	02-03-089
36- 12-030	AMD	02-03-069	132H-410-010	NEW-P	02-03-107	132Z-116-090	NEW-E	02-04-061
36- 12-040	AMD	02-03-069	132H-410-020	NEW-P	02-03-107	132Z-116-100	NEW-P	02-03-089
36- 12-050	AMD	02-03-069	132H-410-030	NEW-P	02-03-107	132Z-116-100	NEW-E	02-04-061
36- 12-060	REP	02-03-069	132H-410-040	NEW-P	02-03-107	132Z-116-110	NEW-P	02-03-089
36- 12-070	AMD	02-03-069	132H-410-050	NEW-P	02-03-107	132Z-116-110	NEW-E	02-04-061
36- 12-080	REP	02-03-069	132H-410-060	NEW-P	02-03-107	132Z-116-200	NEW-P	02-03-089
36- 12-100	AMD	02-03-069	132H-410-070	NEW-P	02-03-107	132Z-116-200	NEW-E	02-04-061
36- 12-110	AMD	02-03-069	132H-410-080	NEW-P	02-03-107	132Z-116-210	NEW-P	02-03-089
36- 12-120	REP	02-03-069	132H-410-090	NEW-P	02-03-107	132Z-116-210	NEW-E	02-04-061
36- 12-130	AMD	02-03-069	132H-410-100	NEW-P	02-03-107	132Z-116-220	NEW-P	02-03-089
36- 12-140	AMD	02-03-069	132H-410-110	NEW-P	02-03-107	132Z-116-220	NEW-E	02-04-061
36- 12-150	AMD	02-03-069	132H-450-010	NEW-P	02-05-053	132Z-116-230	NEW-P	02-03-089
36- 12-160	REP	02-03-069	132N-144-010	REP	02-04-068	132Z-116-230	NEW-E	02-04-061
36- 12-170	AMD	02-03-069	132N-144-020	REP	02-04-068	132Z-116-240	NEW-P	02-03-089
			132N-150-010	NEW	02-04-068			

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132Z-116-240	NEW-E	02-04-061	180- 72	PREP	02-06-067	180- 82A-215	NEW	02-04-013
132Z-116-250	NEW-P	02-03-089	180- 77	AMD	02-04-018	180- 83	PREP	02-06-074
132Z-116-250	NEW-E	02-04-061	180- 77	PREP	02-06-068	180- 85	PREP	02-06-075
132Z-116-260	NEW-P	02-03-089	180- 77-002	AMD	02-04-018	180- 85-035	AMD	02-04-017
132Z-116-260	NEW-E	02-04-061	180- 77-003	AMD	02-04-018	180- 85-075	AMD	02-04-017
132Z-116-270	NEW-P	02-03-089	180- 77-005	AMD	02-04-018	180- 85-075	PREP	02-06-081
132Z-116-270	NEW-E	02-04-061	180- 77-012	AMD	02-04-018	180- 86	PREP	02-06-076
132Z-116-280	NEW-P	02-03-089	180- 77-014	AMD	02-04-018	180- 86-020	PREP	02-03-084
132Z-116-280	NEW-E	02-04-061	180- 77-020	AMD	02-04-018	180- 86-055	PREP	02-03-084
132Z-116-300	NEW-P	02-03-089	180- 77-025	AMD	02-04-018	180- 87	PREP	02-06-077
132Z-116-300	NEW-E	02-04-061	180- 77-031	AMD	02-04-018	180- 90	PREP	02-06-078
132Z-116-310	NEW-P	02-03-089	180- 77-041	AMD	02-04-018	180- 95	PREP	02-06-079
132Z-116-310	NEW-E	02-04-061	180- 77-068	AMD	02-04-018	180- 96	PREP	02-06-080
132Z-116-320	NEW-P	02-03-089	180- 77-070	AMD	02-04-018	182- 12-230	NEW-P	02-05-078
132Z-116-320	NEW-E	02-04-061	180- 77-075	AMD	02-04-018	192- 16-033	REP-E	02-03-074
132Z-116-400	NEW-P	02-03-089	180- 77-080	AMD	02-04-018	192- 16-036	REP-E	02-03-074
132Z-116-400	NEW-E	02-04-061	180- 77-110	AMD	02-04-018	192- 16-040	REP-E	02-03-074
132Z-116-410	NEW-P	02-03-089	180- 77-120	AMD	02-04-018	192- 16-042	REP-E	02-03-074
132Z-116-410	NEW-E	02-04-061	180- 77-122	AMD	02-04-018	192- 16-045	REP-E	02-03-074
136-130-030	AMD-P	02-06-105	180- 77A	AMD	02-04-018	192- 16-047	REP-E	02-03-074
136-130-070	AMD-P	02-06-105	180- 77A	PREP	02-06-069	192-240-010	NEW-E	02-03-074
137- 28	PREP	02-03-075	180- 77A-004	AMD	02-04-018	192-240-015	NEW-E	02-03-074
173-158-030	AMD-P	02-06-040	180- 77A-006	AMD	02-04-018	192-240-020	NEW-E	02-03-074
173-158-070	AMD-P	02-06-040	180- 77A-025	AMD	02-04-018	192-240-025	NEW-E	02-03-074
173-158-075	NEW-P	02-06-040	180- 77A-029	AMD	02-04-018	192-240-030	NEW-E	02-03-074
173-158-076	NEW-P	02-06-040	180- 77A-030	AMD	02-04-018	192-240-035	NEW-E	02-03-074
173-173-030	NEW-W	02-05-034	180- 77A-033	AMD	02-04-018	192-240-040	NEW-E	02-03-074
173-173-070	NEW-W	02-05-034	180- 77A-037	AMD	02-04-018	208-472	AMD	02-04-094
173-216-125	AMD	02-05-055	180- 77A-040	AMD	02-04-018	208-472-010	AMD	02-04-094
173-220-210	AMD	02-05-055	180- 77A-057	AMD	02-04-018	208-472-012	REP	02-04-094
173-224-030	AMD-P	02-06-091	180- 77A-165	AMD	02-04-018	208-472-015	AMD	02-04-094
173-224-040	AMD-P	02-06-091	180- 77A-180	AMD	02-04-018	208-472-020	AMD	02-04-094
173-224-050	AMD-P	02-06-091	180- 77A-195	AMD	02-04-018	208-472-025	AMD	02-04-094
173-226-090	AMD	02-05-055	180- 78A	PREP	02-06-070	208-472-030	NEW	02-04-094
173-303	PREP	02-05-054	180- 78A-209	AMD	02-04-018	208-472-035	NEW	02-04-094
173-303-071	AMD-E	02-04-030	180- 78A-220	AMD	02-04-014	208-472-041	REP	02-04-094
173-312-010	AMD	02-05-070	180- 78A-255	AMD	02-04-014	208-472-045	REP	02-04-094
173-312-020	AMD	02-05-070	180- 78A-261	AMD	02-04-014	208-472-050	REP	02-04-094
173-312-040	AMD	02-05-070	180- 78A-264	AMD	02-04-014	208-472-060	REP	02-04-094
173-312-050	AMD	02-05-070	180- 78A-270	AMD	02-04-018	208-472-065	REP	02-04-094
173-312-060	AMD	02-05-070	180- 78A-505	PREP	02-06-051	208-472-070	REP	02-04-094
173-312-070	AMD	02-05-070	180- 79A	PREP	02-06-071	208-472-075	REP	02-04-094
173-312-080	AMD	02-05-070	180- 79A-030	AMD	02-04-015	208-472-080	REP	02-04-094
173-312-090	AMD	02-05-070	180- 79A-117	AMD	02-04-018	212- 12-200	NEW-E	02-03-060
173-312-100	AMD	02-05-070	180- 79A-130	AMD	02-04-018	212- 12-210	NEW-E	02-03-060
173-401	PREP	02-05-011	180- 79A-140	AMD	02-04-018	212- 12-220	NEW-E	02-03-060
173-422	PREP	02-05-071	180- 79A-150	AMD	02-04-018	212- 12-230	NEW-E	02-03-060
180- 24	PREP	02-06-052	180- 79A-206	PREP	02-05-061	212- 12-240	NEW-E	02-03-060
180- 25	PREP	02-06-053	180- 79A-211	AMD	02-04-018	212- 12-250	NEW-E	02-03-060
180- 26	PREP	02-06-054	180- 79A-250	PREP	02-05-060	212- 12-260	NEW-E	02-03-060
180- 27	PREP	02-06-055	180- 81	PREP	02-06-072	212- 12-270	NEW-E	02-03-060
180- 29	PREP	02-06-056	180- 82	PREP	02-06-073	212- 12-280	NEW-E	02-03-060
180- 31	PREP	02-06-057	180- 82-105	AMD	02-04-018	212- 12-290	NEW-E	02-03-060
180- 32	PREP	02-06-058	180- 82-202	AMD	02-04-018	212- 12-300	NEW-E	02-03-060
180- 33	PREP	02-06-059	180- 82-322	AMD	02-04-018	212- 12-310	NEW-E	02-03-060
180- 36	PREP	02-06-060	180- 82-346	AMD	02-04-016	212- 12-320	NEW-E	02-03-060
180- 39	PREP	02-06-061	180- 82-350	AMD	02-04-018	212- 12-330	NEW-E	02-03-060
180- 40	PREP	02-06-062	180- 82A-002	NEW	02-04-013	212- 12-340	NEW-E	02-03-060
180- 41	PREP	02-06-063	180- 82A-200	NEW	02-04-013	212- 12-350	NEW-E	02-03-060
180- 44	PREP	02-06-064	180- 82A-202	NEW	02-04-013	212- 12-360	NEW-E	02-03-060
180- 46	PREP	02-06-065	180- 82A-204	NEW	02-04-013	212- 12-370	NEW-E	02-03-060
180- 50	PREP	02-06-066	180- 82A-206	NEW	02-04-013	212- 12-380	NEW-E	02-03-060

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212- 12-390	NEW-E	02-03-060	220- 77-020	AMD	02-06-018	232- 28-61900U	REP-E	02-03-022
212- 12-400	NEW-E	02-03-060	220- 77-040	AMD	02-06-018	232- 28-61900U	NEW-E	02-06-100
212- 12-410	NEW-E	02-03-060	220- 77-09000A	NEW-E	02-04-069	232- 28-61900U	REP-E	02-06-100
212- 12-420	NEW-E	02-03-060	220- 77-09000A	REP-E	02-04-089	232- 28-61900V	NEW-E	02-06-099
220- 16-410	AMD-W	02-05-035	220- 77-09000B	NEW-E	02-04-089	232- 28-61900V	REP-E	02-06-099
220- 20-016	PREP	02-06-107	220-130-040	AMD-W	02-02-089	246-215-150	AMD-P	02-04-091
220- 20-075	NEW	02-05-046	222- 10-040	AMD-P	02-05-087	246-254-053	AMD-P	02-04-034
220- 32-05100K	REP-E	02-04-073	222- 10-041	AMD-P	02-05-087	246-254-070	AMD	02-04-025
220- 32-05100L	NEW-E	02-04-073	222- 16-050	AMD-E	02-05-086	246-254-080	AMD	02-04-025
220- 32-05100L	REP-E	02-04-073	222- 21-010	AMD	02-05-084	246-254-090	AMD	02-04-025
220- 33-01000I	NEW-E	02-04-077	222- 21-020	AMD	02-05-084	246-254-100	AMD	02-04-025
220- 33-01000I	REP-E	02-04-077	222- 21-045	AMD	02-05-084	246-254-120	AMD	02-04-025
220- 33-01000J	NEW-E	02-05-056	222- 21-050	AMD	02-05-084	246-272	PREP	02-03-137
220- 33-01000J	REP-E	02-05-056	222- 21-061	NEW	02-05-084	246-338-020	PREP	02-03-138
220- 33-04000N	REP-E	02-04-072	226- 01-040	AMD-X	02-03-038	246-338-990	PREP	02-03-138
220- 33-04000P	NEW-E	02-04-072	226- 01-050	AMD-X	02-03-038	246-650	PREP	02-03-136
220- 33-04000P	REP-E	02-04-072	226- 12-080	AMD-X	02-03-038	246-650	PREP-W	02-04-024
220- 33-04000P	REP-E	02-04-102	226- 16-160	AMD-X	02-03-038	246-826-100	AMD	02-06-115
220- 33-04000Q	NEW-E	02-04-102	226- 20-010	AMD-X	02-03-038	246-826-300	NEW	02-06-115
220- 33-04000Q	REP-E	02-04-102	230- 02-205	AMD-S	02-03-077	246-826-301	NEW	02-06-115
220- 33-04000Q	REP-E	02-06-036	230- 04-064	AMD-P	02-06-037	246-826-302	NEW	02-06-115
220- 33-04000R	NEW-E	02-06-036	230- 04-202	AMD-W	02-02-090	246-826-303	NEW	02-06-115
220- 33-04000R	REP-E	02-06-036	230- 08-255	AMD-P	02-06-037	246-840-020	PREP	02-04-033
220- 44-05000H	REP-E	02-04-060	230- 12-330	AMD-P	02-06-038	246-840-030	PREP	02-04-033
220- 44-05000I	NEW-E	02-04-060	230- 12-340	AMD-P	02-06-038	246-840-040	PREP	02-04-033
220- 52-04000F	REP-E	02-03-068	230- 20-244	AMD	02-06-006	246-840-050	PREP	02-04-033
220- 52-04600A	REP-E	02-03-024	230- 20-246	AMD	02-06-006	246-840-060	PREP	02-04-033
220- 52-04600B	NEW-E	02-03-024	230- 20-249	AMD	02-06-006	246-840-070	PREP	02-04-033
220- 52-04600B	REP-E	02-03-050	230- 30-033	AMD	02-06-007	246-840-080	PREP	02-04-031
220- 52-04600C	NEW-E	02-03-050	230- 30-045	AMD	02-06-007	246-840-090	PREP	02-04-031
220- 52-04600C	REP-E	02-04-093	230- 30-072	AMD	02-06-007	246-840-700	AMD	02-06-117
220- 52-04600D	NEW-E	02-04-093	230- 30-106	AMD-P	02-06-038	246-840-705	AMD	02-06-117
220- 52-07300Q	REP-E	02-03-025	232- 12-011	AMD-P	02-06-122	246-840-710	AMD	02-06-117
220- 52-07300R	NEW-E	02-03-025	232- 12-014	AMD-P	02-06-122	246-840-715	REP	02-06-117
220- 52-07300R	REP-E	02-03-067	232- 12-253	NEW	02-05-021	246-843-015	REP-X	02-06-116
220- 52-07300S	NEW-E	02-03-067	232- 28-02220	AMD-P	02-06-124	246-851-150	AMD-C	02-04-090
220- 52-07300S	REP-E	02-03-090	232- 28-02240	AMD-P	02-06-124	246-851-160	AMD-C	02-04-090
220- 52-07300T	NEW-E	02-03-090	232- 28-248	AMD-P	02-06-124	246-851-250	AMD-C	02-04-090
220- 52-07300T	REP-E	02-04-035	232- 28-266	AMD-P	02-06-121	246-851-300	AMD-C	02-04-090
220- 52-07300U	NEW-E	02-04-035	232- 28-273	AMD-P	02-06-121	246-851-310	AMD-C	02-04-090
220- 52-07300U	REP-E	02-04-078	232- 28-277	AMD-P	02-06-125	246-851-330	AMD-C	02-04-090
220- 52-07300V	NEW-E	02-04-078	232- 28-278	AMD-P	02-06-126	246-851-520	AMD-C	02-04-090
220- 56-23500L	NEW-E	02-03-002	232- 28-279	AMD-P	02-06-123	246-918-990	AMD	02-05-009
220- 56-27000L	REP-E	02-06-036	232- 28-42500C	NEW-E	02-03-052	246-919-990	AMD	02-05-009
220- 56-27000M	NEW-E	02-06-036	232- 28-42500C	REP-E	02-03-052	246-976-935	AMD	02-04-045
220- 56-27000M	REP-E	02-06-036	232- 28-61900D	REP-E	02-05-075	250- 66-030	AMD	02-05-006
220- 56-28200D	NEW-E	02-06-017	232- 28-61900H	REP-E	02-03-014	251- 01-240	AMD-P	02-04-081
220- 56-28200D	REP-E	02-06-017	232- 28-61900I	NEW-E	02-03-022	251- 12-073	REP-P	02-04-079
220- 56-28500B	NEW-E	02-05-010	232- 28-61900I	REP-E	02-03-022	251- 17-200	AMD-P	02-04-080
220- 56-33000D	NEW-E	02-03-051	232- 28-61900J	NEW-E	02-03-023	251- 19-120	AMD-P	02-04-081
220- 56-33000D	REP-E	02-05-001	232- 28-61900K	NEW-E	02-03-014	259- 04-010	AMD	02-06-014
220- 56-33000E	NEW-E	02-05-001	232- 28-61900L	NEW-E	02-03-015	259- 04-050	AMD	02-06-014
220- 56-35000J	REP-E	02-06-035	232- 28-61900L	REP-E	02-03-015	259- 04-070	AMD	02-06-014
220- 56-35000K	NEW-E	02-06-035	232- 28-61900M	NEW-E	02-03-066	260- 36-040	AMD-P	02-05-029
220- 56-36000L	NEW-E	02-03-053	232- 28-61900N	NEW-E	02-04-019	260- 48-930	NEW-P	02-05-028
220- 56-36000L	REP-E	02-03-053	232- 28-61900N	REP-E	02-04-019	260- 48-930	NEW-W	02-05-033
220- 56-36000L	REP-E	02-04-039	232- 28-61900P	NEW-E	02-04-103	260- 70-650	AMD-P	02-05-030
220- 56-36000M	NEW-E	02-04-039	232- 28-61900Q	NEW-E	02-05-007	260- 70-660	PREP	02-05-027
220- 56-36000M	REP-E	02-04-039	232- 28-61900R	NEW-E	02-05-008	292-120-030	AMD	02-04-003
220- 56-38000C	REP-E	02-06-035	232- 28-61900R	REP-E	02-05-008	292-120-035	NEW	02-04-003
220- 56-38000D	NEW-E	02-06-035	232- 28-61900S	NEW-E	02-05-010	296- 05-007	AMD-X	02-04-004
220- 74-020	AMD-P	02-06-109	232- 28-61900T	NEW-E	02-05-075	296- 05-300	AMD-X	02-04-004

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296-05-402	AMD-X	02-04-004	296-52-493	REP	02-03-125	296-52-64015	NEW-W	02-06-102
296-150C	PREP	02-04-106	296-52-497	REP	02-03-125	296-52-64020	NEW	02-03-125
296-150F	PREP	02-04-106	296-52-501	REP	02-03-125	296-52-64025	NEW-W	02-06-102
296-150M	PREP	02-04-106	296-52-505	REP	02-03-125	296-52-64030	NEW	02-03-125
296-150P	PREP	02-04-106	296-52-509	REP	02-03-125	296-52-64035	NEW	02-03-125
296-150R	PREP	02-04-106	296-52-510	REP	02-03-125	296-52-64040	NEW	02-03-125
296-150V	PREP	02-04-106	296-52-550	REP	02-03-125	296-52-64045	NEW	02-03-125
296-17-35203	AMD-P	02-03-123	296-52-552	REP	02-03-125	296-52-64050	NEW	02-03-125
296-17-52140	AMD-P	02-03-123	296-52-555	REP	02-03-125	296-52-64055	NEW	02-03-125
296-17-52141	AMD-P	02-03-123	296-52-600	NEW-W	02-06-102	296-52-64060	NEW-W	02-06-102
296-17-52150	AMD-P	02-03-123	296-52-60005	NEW	02-03-125	296-52-64065	NEW	02-03-125
296-17-52151	AMD-P	02-03-123	296-52-60010	NEW	02-03-125	296-52-64070	NEW-W	02-06-102
296-200A	PREP	02-04-106	296-52-60015	NEW	02-03-125	296-52-64075	NEW	02-03-125
296-20-135	AMD-P	02-05-076	296-52-60020	NEW	02-03-125	296-52-64080	NEW	02-03-125
296-23-220	AMD-P	02-05-076	296-52-60025	NEW-W	02-06-102	296-52-64085	NEW	02-03-125
296-23-230	AMD-P	02-05-076	296-52-60030	NEW	02-03-125	296-52-64090	NEW	02-03-125
296-24	PREP	02-04-107	296-52-60035	NEW	02-03-125	296-52-64095	NEW	02-03-125
296-24	PREP	02-04-108	296-52-60040	NEW-W	02-06-102	296-52-64100	NEW	02-03-125
296-24-012	AMD-X	02-05-077	296-52-60045	NEW	02-03-125	296-52-650	NEW	02-03-125
296-24-14001	AMD-X	02-05-077	296-52-60050	NEW	02-03-125	296-52-65005	NEW	02-03-125
296-24-23003	AMD-X	02-05-077	296-52-60055	NEW	02-03-125	296-52-65010	NEW	02-03-125
296-24-51009	AMD-X	02-05-077	296-52-60060	NEW	02-03-125	296-52-65015	NEW	02-03-125
296-24-51011	AMD-X	02-05-077	296-52-60065	NEW	02-03-125	296-52-65020	NEW	02-03-125
296-24-51015	AMD-X	02-05-077	296-52-60070	NEW-W	02-06-102	296-52-65025	NEW	02-03-125
296-24-60205	AMD-X	02-05-077	296-52-60075	NEW	02-03-125	296-52-65030	NEW	02-03-125
296-24-63499	AMD-X	02-05-077	296-52-60080	NEW	02-03-125	296-52-660	NEW	02-03-125
296-24-67513	AMD-X	02-05-077	296-52-60085	NEW	02-03-125	296-52-66005	NEW	02-03-125
296-24-67515	AMD-X	02-05-077	296-52-60090	NEW	02-03-125	296-52-66010	NEW	02-03-125
296-32-240	AMD-P	02-05-080	296-52-60095	NEW	02-03-125	296-52-66015	NEW	02-03-125
296-32-250	AMD-X	02-05-077	296-52-60100	NEW	02-03-125	296-52-66020	NEW	02-03-125
296-32-280	AMD-X	02-05-077	296-52-60105	NEW	02-03-125	296-52-66025	NEW-W	02-06-102
296-33-010	NEW	02-06-024	296-52-60110	NEW-W	02-06-102	296-52-66030	NEW	02-03-125
296-400A	PREP	02-04-106	296-52-60115	NEW	02-03-125	296-52-66035	NEW	02-03-125
296-401B	PREP	02-04-106	296-52-60120	NEW	02-03-125	296-52-66040	NEW	02-03-125
296-45-52530	AMD-P	02-05-080	296-52-60125	NEW	02-03-125	296-52-66045	NEW	02-03-125
296-46A	PREP	02-04-106	296-52-60130	NEW	02-03-125	296-52-66050	NEW	02-03-125
296-52	AMD	02-03-125	296-52-61005	NEW	02-03-125	296-52-66055	NEW	02-03-125
296-52-401	REP	02-03-125	296-52-61010	NEW	02-03-125	296-52-66060	NEW	02-03-125
296-52-405	REP	02-03-125	296-52-61015	NEW	02-03-125	296-52-67005	NEW-W	02-06-102
296-52-409	REP	02-03-125	296-52-61020	NEW	02-03-125	296-52-67010	NEW	02-03-125
296-52-413	REP	02-03-125	296-52-61025	NEW	02-03-125	296-52-67015	NEW-W	02-06-102
296-52-417	REP	02-03-125	296-52-61030	NEW	02-03-125	296-52-67020	NEW	02-03-125
296-52-419	REP	02-03-125	296-52-61035	NEW	02-03-125	296-52-67025	NEW	02-03-125
296-52-421	REP	02-03-125	296-52-61040	NEW	02-03-125	296-52-67030	NEW	02-03-125
296-52-423	REP	02-03-125	296-52-61045	NEW	02-03-125	296-52-67035	NEW	02-03-125
296-52-425	REP	02-03-125	296-52-61050	NEW	02-03-125	296-52-67040	NEW	02-03-125
296-52-429	REP	02-03-125	296-52-62005	NEW	02-03-125	296-52-67045	NEW	02-03-125
296-52-433	REP	02-03-125	296-52-62010	NEW	02-03-125	296-52-67050	NEW	02-03-125
296-52-437	REP	02-03-125	296-52-62020	NEW-W	02-06-102	296-52-67055	NEW	02-03-125
296-52-441	REP	02-03-125	296-52-62025	NEW	02-03-125	296-52-67060	NEW	02-03-125
296-52-445	REP	02-03-125	296-52-62030	NEW	02-03-125	296-52-67065	NEW	02-03-125
296-52-449	REP	02-03-125	296-52-62035	NEW	02-03-125	296-52-67070	NEW	02-03-125
296-52-453	REP	02-03-125	296-52-62040	NEW	02-03-125	296-52-67075	NEW	02-03-125
296-52-457	REP	02-03-125	296-52-62045	NEW	02-03-125	296-52-67080	NEW	02-03-125
296-52-461	REP	02-03-125	296-52-63005	NEW	02-03-125	296-52-67085	NEW	02-03-125
296-52-465	REP	02-03-125	296-52-63010	NEW	02-03-125	296-52-67090	NEW	02-03-125
296-52-469	REP	02-03-125	296-52-63015	NEW-W	02-06-102	296-52-67095	NEW	02-03-125
296-52-477	REP	02-03-125	296-52-63020	NEW	02-03-125	296-52-67100	NEW	02-03-125
296-52-481	REP	02-03-125	296-52-63025	NEW	02-03-125	296-52-67105	NEW	02-03-125
296-52-485	REP	02-03-125	296-52-63030	NEW	02-03-125	296-52-67110	NEW	02-03-125
296-52-487	REP	02-03-125	296-52-64005	NEW	02-03-125	296-52-67115	NEW	02-03-125

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-52-67120	NEW-W	02-06-102	296-52-69095	NEW	02-03-125	296-78-56501	AMD	02-03-124
296-52-67125	NEW	02-03-125	296-52-69100	NEW-W	02-06-102	296-78-56505	AMD	02-03-124
296-52-67130	NEW	02-03-125	296-52-69105	NEW	02-03-125	296-79-140	AMD-X	02-05-077
296-52-67135	NEW	02-03-125	296-52-69110	NEW	02-03-125	296-96	PREP	02-04-106
296-52-67140	NEW	02-03-125	296-52-69115	NEW	02-03-125	296-104	PREP	02-04-105
296-52-67145	NEW	02-03-125	296-52-69120	NEW	02-03-125	296-150M-0020	AMD	02-03-048
296-52-67150	NEW-W	02-06-102	296-52-69125	NEW	02-03-125	296-150M-0049	NEW	02-03-048
296-52-67155	NEW-W	02-06-102	296-52-700	NEW	02-03-125	296-150M-0140	AMD	02-03-048
296-52-67160	NEW	02-03-125	296-52-70005	NEW	02-03-125	296-150M-0302	NEW	02-03-048
296-52-67165	NEW	02-03-125	296-52-70010	NEW	02-03-125	296-155-110	AMD-P	02-05-080
296-52-67170	NEW	02-03-125	296-52-70015	NEW	02-03-125	296-155-165	AMD-P	02-05-080
296-52-67175	NEW-W	02-06-102	296-52-70020	NEW	02-03-125	296-155-200	AMD-P	02-05-080
296-52-67180	NEW	02-03-125	296-52-70025	NEW	02-03-125	296-155-24525	AMD-X	02-05-077
296-52-67185	NEW	02-03-125	296-52-70030	NEW	02-03-125	296-155-441	AMD-X	02-05-077
296-52-67190	NEW	02-03-125	296-52-70035	NEW	02-03-125	296-155-525	AMD-X	02-05-077
296-52-67195	NEW	02-03-125	296-52-70040	NEW	02-03-125	296-155-530	AMD-X	02-05-077
296-52-67200	NEW	02-03-125	296-52-70045	NEW	02-03-125	296-155-601	NEW-P	02-05-080
296-52-67205	NEW-W	02-06-102	296-52-70050	NEW	02-03-125	296-155-602	NEW-P	02-05-080
296-52-67210	NEW	02-03-125	296-52-70055	NEW	02-03-125	296-155-603	NEW-P	02-05-080
296-52-67215	NEW	02-03-125	296-52-70060	NEW	02-03-125	296-155-604	NEW-P	02-05-080
296-52-67220	NEW	02-03-125	296-52-70065	NEW	02-03-125	296-155-605	AMD-P	02-05-080
296-52-67225	NEW	02-03-125	296-52-70070	NEW	02-03-125	296-155-606	NEW-P	02-05-080
296-52-67230	NEW	02-03-125	296-52-70075	NEW-W	02-06-102	296-155-607	NEW-P	02-05-080
296-52-67235	NEW	02-03-125	296-52-70080	NEW	02-03-125	296-155-608	NEW-P	02-05-080
296-52-67240	NEW	02-03-125	296-52-70085	NEW	02-03-125	296-155-609	NEW-P	02-05-080
296-52-67245	NEW	02-03-125	296-52-710	NEW	02-03-125	296-155-610	AMD-P	02-05-080
296-52-67250	NEW-W	02-06-102	296-52-71005	NEW-W	02-06-102	296-155-611	NEW-P	02-05-080
296-52-68005	NEW-W	02-06-102	296-52-71010	NEW-W	02-06-102	296-155-612	NEW-P	02-05-080
296-52-68010	NEW	02-03-125	296-52-71015	NEW	02-03-125	296-155-615	AMD-P	02-05-080
296-52-68015	NEW	02-03-125	296-52-71020	NEW	02-03-125	296-155-655	AMD-P	02-05-080
296-52-68020	NEW	02-03-125	296-52-71025	NEW	02-03-125	296-155-66405	AMD-X	02-05-077
296-52-68025	NEW	02-03-125	296-52-71030	NEW-W	02-06-102	296-155-66411	AMD-X	02-05-077
296-52-68030	NEW	02-03-125	296-52-71035	NEW	02-03-125	296-155-700	REP-P	02-06-114
296-52-68035	NEW-W	02-06-102	296-52-71040	NEW	02-03-125	296-155-701	NEW-P	02-06-114
296-52-68040	NEW	02-03-125	296-52-71045	NEW	02-03-125	296-155-702	NEW-P	02-06-114
296-52-68045	NEW	02-03-125	296-52-71050	NEW-W	02-06-102	296-155-703	NEW-P	02-06-114
296-52-68050	NEW	02-03-125	296-52-71055	NEW	02-03-125	296-155-704	NEW-P	02-06-114
296-52-68055	NEW	02-03-125	296-52-71060	NEW	02-03-125	296-155-705	REP-P	02-06-114
296-52-68060	NEW	02-03-125	296-52-71065	NEW	02-03-125	296-155-706	NEW-P	02-06-114
296-52-68065	NEW	02-03-125	296-52-71070	NEW-W	02-06-102	296-155-707	NEW-P	02-06-114
296-52-68070	NEW-W	02-06-102	296-52-71075	NEW	02-03-125	296-155-708	NEW-P	02-06-114
296-52-68075	NEW	02-03-125	296-52-71080	NEW	02-03-125	296-155-709	NEW-P	02-06-114
296-52-68080	NEW	02-03-125	296-52-71085	NEW-W	02-06-102	296-155-710	REP-P	02-06-114
296-52-68085	NEW	02-03-125	296-52-71090	NEW	02-03-125	296-155-711	NEW-P	02-06-114
296-52-69005	NEW	02-03-125	296-52-71095	NEW	02-03-125	296-155-714	NEW-P	02-06-114
296-52-69010	NEW	02-03-125	296-52-71100	NEW	02-03-125	296-155-715	REP-P	02-06-114
296-52-69015	NEW	02-03-125	296-52-71105	NEW	02-03-125	296-155-716	NEW-P	02-06-114
296-52-69020	NEW	02-03-125	296-52-720	NEW	02-03-125	296-155-717	NEW-P	02-06-114
296-52-69025	NEW	02-03-125	296-52-725	NEW	02-03-125	296-155-720	REP-P	02-06-114
296-52-69030	NEW	02-03-125	296-62	PREP	02-04-107	296-155-72401	NEW-P	02-06-114
296-52-69035	NEW	02-03-125	296-62-07302	AMD-X	02-05-077	296-155-72402	NEW-P	02-06-114
296-52-69040	NEW	02-03-125	296-62-07304	AMD-X	02-05-077	296-155-72403	NEW-P	02-06-114
296-52-69045	NEW	02-03-125	296-62-07312	AMD-X	02-05-077	296-155-72404	NEW-P	02-06-114
296-52-69050	NEW	02-03-125	296-62-07314	AMD-X	02-05-077	296-155-72405	NEW-P	02-06-114
296-52-69055	NEW	02-03-125	296-62-07421	AMD-X	02-05-077	296-155-72406	NEW-P	02-06-114
296-52-69060	NEW	02-03-125	296-62-07501	AMD-X	02-05-077	296-155-960	AMD-X	02-05-077
296-52-69065	NEW	02-03-125	296-62-07527	AMD-X	02-05-077	296-305-04001	AMD-X	02-05-077
296-52-69070	NEW	02-03-125	296-62-07540	AMD-X	02-05-077	296-305-05003	AMD-X	02-05-077
296-52-69075	NEW-W	02-06-102	296-62-14105	AMD-X	02-05-077	296-307	PREP	02-04-107
296-52-69080	NEW	02-03-125	296-62-14110	AMD-X	02-05-077	296-307-039	AMD-X	02-05-077
296-52-69085	NEW	02-03-125	296-62-14155	AMD-X	02-05-077	296-307-08009	AMD-X	02-05-077
296-52-69090	NEW	02-03-125	296-62-14171	AMD-X	02-05-077	296-800	PREP	02-04-107

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-12-010	AMD-P	02-04-114	308-56A-215	PREP	02-05-018	308-96A-314	AMD	02-04-002
308-12-031	AMD-P	02-04-114	308-56A-250	PREP	02-05-016	308-96A-316	AMD	02-04-002
308-12-050	AMD-P	02-04-114	308-56A-265	PREP	02-05-016	308-96A-530	PREP	02-05-002
308-12-081	AMD-P	02-04-114	308-56A-270	PREP	02-05-016	308-100-140	AMD	02-04-076
308-12-085	AMD-P	02-04-114	308-56A-275	PREP	02-05-016	308-124A-110	AMD-P	02-03-058
308-12-115	AMD-P	02-04-114	308-56A-295	PREP	02-05-019	308-124A-460	AMD	02-03-057
308-12-150	AMD-P	02-04-114	308-56A-300	PREP	02-05-014	308-124A-600	AMD	02-03-080
308-12-210	AMD-P	02-04-114	308-56A-305	PREP	02-05-014	308-124A-605	NEW	02-03-080
308-12-220	AMD-P	02-04-114	308-56A-310	PREP	02-05-014	308-124B-150	AMD	02-03-054
308-12-230	AMD-P	02-04-114	308-56A-315	PREP	02-05-014	308-124H-014	NEW	02-03-055
308-12-240	AMD-P	02-04-114	308-56A-320	PREP	02-05-014	308-124H-025	AMD	02-03-055
308-12-320	AMD-P	02-04-114	308-56A-325	PREP	02-05-014	308-124H-061	AMD	02-03-056
308-12-321	REP-P	02-04-114	308-56A-330	PREP	02-05-014	308-124H-062	AMD	02-03-056
308-12-322	REP-P	02-04-114	308-56A-640	PREP	02-05-013	308-125-085	AMD-P	02-04-083
308-12-323	REP-P	02-04-114	308-56A-640	PREP	02-05-017	308-125-120	AMD	02-03-011
308-12-324	REP-P	02-04-114	308-66	PREP	02-04-059	308-125-200	AMD	02-03-012
308-12-325	REP-P	02-04-114	308-90-040	AMD	02-05-073	308-330-305	AMD	02-04-075
308-12-330	NEW-P	02-04-114	308-90-070	AMD	02-05-073	308-330-307	AMD	02-04-075
308-13-005	AMD-P	02-04-113	308-90-080	AMD	02-05-073	308-330-320	AMD	02-04-075
308-13-020	AMD-P	02-04-113	308-90-090	AMD	02-05-073	308-330-464	AMD	02-04-075
308-13-024	AMD-P	02-04-113	308-90-100	AMD	02-05-073	308-330-481	AMD	02-04-075
308-13-036	NEW-P	02-04-113	308-90-110	AMD	02-05-073	308-330-705	AMD	02-04-075
308-13-050	AMD-P	02-04-113	308-90-130	AMD	02-05-073	314-02-010	AMD-P	02-04-115
308-13-100	AMD-P	02-04-113	308-90-140	AMD	02-05-073	314-02-015	AMD-P	02-04-115
308-15-040	PREP	02-05-079	308-90-150	AMD	02-05-073	314-02-020	AMD-P	02-04-115
308-15-140	PREP	02-05-079	308-90-160	AMD	02-05-073	314-02-025	AMD-P	02-04-115
308-17-150	AMD-P	02-03-130	308-93-230	AMD	02-04-001	314-02-030	AMD-P	02-04-115
308-18-150	AMD-P	02-02-096	308-93-250	REP	02-04-001	314-02-033	NEW-P	02-04-115
308-19-130	AMD-P	02-02-095	308-93-270	AMD	02-04-001	314-02-035	AMD-P	02-04-115
308-19-240	AMD-P	02-02-095	308-93-275	NEW	02-04-001	314-02-045	AMD-P	02-04-115
308-20-010	AMD	02-04-012	308-93-280	AMD	02-04-001	314-02-050	REP-P	02-04-115
308-20-030	REP	02-04-012	308-93-520	AMD	02-05-059	314-02-055	AMD-P	02-04-115
308-20-040	AMD	02-04-012	308-93-530	AMD	02-05-059	314-02-115	AMD-P	02-04-115
308-20-045	REP	02-04-012	308-93-540	AMD	02-05-059	314-02-125	AMD-P	02-04-115
308-20-080	AMD	02-04-012	308-93-700	AMD	02-05-058	314-02-130	AMD-P	02-04-115
308-20-090	AMD	02-04-012	308-93-710	AMD	02-05-058	314-11-015	AMD-P	02-04-110
308-20-105	AMD	02-04-012	308-93-720	AMD	02-05-058	314-11-020	AMD-P	02-04-110
308-20-107	AMD	02-04-012	308-93-730	AMD	02-05-058	314-11-025	AMD-P	02-04-110
308-20-110	AMD	02-04-012	308-93-740	AMD	02-05-058	314-11-030	AMD-P	02-04-110
308-20-120	AMD	02-04-012	308-93-750	AMD	02-05-058	314-11-035	AMD-P	02-04-110
308-20-122	NEW	02-04-012	308-93-760	AMD	02-05-058	314-11-040	AMD-P	02-04-110
308-20-130	REP	02-04-012	308-93-770	AMD	02-05-058	314-11-045	AMD-P	02-04-110
308-20-150	REP	02-04-012	308-96A-046	PREP	02-05-002	314-11-060	AMD-P	02-04-110
308-20-155	REP	02-04-012	308-96A-050	PREP	02-05-002	314-11-065	AMD-P	02-04-110
308-20-171	REP	02-04-012	308-96A-056	PREP	02-05-002	314-11-070	AMD-P	02-04-110
308-20-172	REP	02-04-012	308-96A-057	PREP	02-05-002	314-11-072	NEW-P	02-04-110
308-20-210	AMD-P	02-04-088	308-96A-073	PREP	02-05-002	314-11-095	AMD-P	02-04-110
308-20-310	REP	02-04-012	308-96A-074	PREP	02-05-002	314-16-190	REP-P	02-04-115
308-20-590	REP	02-04-012	308-96A-080	PREP	02-05-020	314-16-196	REP-P	02-04-115
308-56A-030	PREP	02-05-019	308-96A-085	PREP	02-05-020	314-21-005	NEW-P	02-04-112
308-56A-040	PREP	02-05-019	308-96A-090	PREP	02-05-020	314-21-015	NEW-P	02-04-112
308-56A-056	PREP	02-05-019	308-96A-095	PREP	02-05-020	314-21-025	NEW-P	02-04-112
308-56A-060	PREP	02-05-019	308-96A-101	PREP	02-03-086	314-60-040	AMD-P	02-04-111
308-56A-070	PREP	02-05-015	308-96A-110	PREP	02-03-086	315-10	PREP	02-05-048
308-56A-075	PREP	02-05-015	308-96A-136	PREP	02-03-086	315-20-010	AMD-C	02-03-108
308-56A-110	PREP	02-05-019	308-96A-201	AMD-P	02-05-057	315-37-010	NEW-P	02-03-109
308-56A-115	PREP	02-05-019	308-96A-207	AMD-P	02-05-057	315-37-020	NEW-P	02-03-109
308-56A-140	PREP	02-05-018	308-96A-208	AMD-P	02-05-057	315-37-030	NEW-P	02-03-109
308-56A-150	PREP	02-05-018	308-96A-306	AMD	02-04-002	315-37-040	NEW-P	02-03-109
308-56A-160	PREP	02-05-018	308-96A-311	AMD	02-04-002	315-37-050	NEW-P	02-03-109
308-56A-200	PREP	02-05-018	308-96A-312	AMD	02-04-002	315-37-060	NEW-P	02-03-109
308-56A-210	PREP	02-05-019	308-96A-313	AMD	02-04-002	315-37-070	NEW-P	02-03-109

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315- 37-080	NEW-P	02-03-109	388- 15-041	NEW-P	02-03-118	388- 71-0600	PREP	02-04-096
315- 37-090	NEW-P	02-03-109	388- 15-045	NEW-P	02-03-118	388- 71-0820	PREP	02-04-096
315- 37-100	NEW-P	02-03-109	388- 15-049	NEW-P	02-03-118	388- 76-535	AMD-P	02-03-117
315- 37-110	NEW-P	02-03-109	388- 15-053	NEW-P	02-03-118	388- 76-540	PREP	02-04-096
315- 37-120	NEW-P	02-03-109	388- 15-057	NEW-P	02-03-118	388- 76-61510	AMD-P	02-03-117
332- 30-106	AMD-P	02-03-111	388- 15-061	NEW-P	02-03-118	388- 76-640	REP-P	02-03-117
332- 30-115	AMD-P	02-03-111	388- 15-065	NEW-P	02-03-118	388- 76-64005	NEW-P	02-03-117
332- 30-139	AMD-P	02-03-111	388- 15-069	NEW-P	02-03-118	388- 76-64010	NEW-P	02-03-117
332- 30-144	AMD-P	02-03-111	388- 15-073	NEW-P	02-03-118	388- 76-64015	NEW-P	02-03-117
332- 30-148	AMD-P	02-03-111	388- 15-077	NEW-P	02-03-118	388- 76-64020	NEW-P	02-03-117
332- 30-171	NEW-P	02-03-111	388- 15-081	NEW-P	02-03-118	388- 76-64025	NEW-P	02-03-117
356- 05-389	NEW	02-03-063	388- 15-085	NEW-P	02-03-118	388- 76-64030	NEW-P	02-03-117
356- 05-415	AMD-S	02-04-082	388- 15-089	NEW-P	02-03-118	388- 76-64035	NEW-P	02-03-117
356- 18-100	AMD	02-03-061	388- 15-093	NEW-P	02-03-118	388- 76-710	AMD-P	02-03-117
356- 18-112	AMD-S	02-04-082	388- 15-097	NEW-P	02-03-118	388- 96-713	AMD-E	02-04-011
356- 26-040	AMD	02-03-062	388- 15-101	NEW-P	02-03-118	388- 96-901	AMD-E	02-04-011
356- 26-130	AMD	02-03-063	388- 15-105	NEW-P	02-03-118	388-110-020	PREP	02-04-096
356- 26-140	AMD-P	02-04-080	388- 15-109	NEW-P	02-03-118	388-110-210	PREP	02-04-096
356- 30-025	AMD-S	02-04-082	388- 15-113	NEW-P	02-03-118	388-110-230	PREP	02-04-096
356- 30-065	AMD-S	02-04-082	388- 15-117	NEW-P	02-03-118	388-148	PREP	02-06-083
356- 30-067	AMD-S	02-04-082	388- 15-121	NEW-P	02-03-118	388-148-0040	PREP	02-06-083
356- 30-140	AMD-S	02-04-082	388- 15-125	NEW-P	02-03-118	388-148-0045	PREP	02-06-083
356- 30-331	AMD-P	02-04-080	388- 15-129	NEW-P	02-03-118	388-148-0050	PREP	02-06-083
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371- 08-450	AMD	02-06-012	388- 15-133	NEW-P	02-03-118	388-148-0125	PREP	02-06-083
371- 08-485	AMD	02-06-013	388- 15-134	REP-P	02-03-118	388-148-0220	PREP	02-06-083
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388- 14A-2000	PREP	02-03-010	388- 15-141	NEW-P	02-03-118	388-148-0345	PREP	02-06-083
388- 14A-2025	PREP	02-03-010	388- 15-194	PREP-W	02-05-066	388-148-0350	PREP	02-06-083
388- 14A-2080	PREP	02-03-010	388- 15-202	PREP	02-04-096	388-148-0462	PREP	02-06-083
388- 14A-3130	AMD-P	02-03-096	388- 15-202	PREP-W	02-05-064	388-148-0520	PREP	02-06-083
388- 14A-3130	AMD	02-06-098	388- 15-202	PREP-W	02-05-065	388-148-0542	PREP	02-06-083
388- 14A-3800	PREP	02-03-010	388- 15-202	PREP-W	02-05-066	388-148-0560	PREP	02-06-083
388- 14A-3810	PREP	02-03-010	388- 15-203	PREP	02-04-096	388-148-0585	PREP	02-06-083
388- 14A-3925	AMD-P	02-03-096	388- 15-203	PREP-W	02-05-065	388-148-0630	PREP	02-06-083
388- 14A-3925	AMD	02-06-098	388- 15-203	PREP-W	02-05-066	388-148-0700	PREP	02-06-083
388- 14A-4000	PREP	02-03-010	388- 15-203	PREP-W	02-05-066	388-148-0720	PREP	02-06-083
388- 14A-4300	PREP	02-03-010	388- 15-204	PREP	02-04-096	388-148-0722	PREP	02-06-083
388- 14A-4301	PREP	02-03-010	388- 15-204	PREP-W	02-05-066	388-148-0725	PREP	02-06-083
388- 14A-4302	PREP	02-03-010	388- 15-205	PREP-W	02-05-065	388-148-0725	PREP	02-06-083
388- 14A-4302	PREP	02-03-010	388- 15-205	PREP-W	02-05-066	388-148-0785	PREP	02-06-083
388- 14A-4303	PREP	02-03-010	388- 15-207	PREP-W	02-05-064	388-148-0880	PREP	02-06-083
388- 14A-4304	PREP	02-03-010	388- 15-214	PREP-W	02-05-064	388-148-0892	PREP	02-06-083
388- 14A-5220	AMD-P	02-03-096	388- 15-215	PREP-W	02-05-064	388-148-0895	PREP	02-06-083
388- 14A-5520	AMD	02-06-098	388- 15-219	PREP-W	02-05-064	388-148-0995	PREP	02-06-083
388- 14A-5525	AMD-P	02-03-096	388- 15-600	PREP-W	02-05-064	388-148-1020	PREP	02-06-083
388- 14A-5525	AMD	02-06-098	388- 15-620	PREP-W	02-05-064	388-148-1070	PREP	02-06-083
388- 14A-5530	AMD-P	02-03-096	388- 15-630	PREP-W	02-05-064	388-148-1076	PREP	02-06-083
388- 14A-5530	AMD	02-06-098	388- 15-880	PREP-W	02-05-064	388-148-1077	PREP	02-06-083
388- 15	AMD-P	02-03-118	388- 15-890	PREP-W	02-05-064	388-148-1078	PREP	02-06-083
388- 15-001	NEW-P	02-03-118	388- 71-0410	PREP	02-04-096	388-148-1079	PREP	02-06-083
388- 15-005	NEW-P	02-03-118	388- 71-0410	PREP-W	02-05-066	388-148-1115	PREP	02-06-083
388- 15-009	NEW-P	02-03-118	388- 71-0430	PREP	02-04-096	388-148-1120	PREP	02-06-083
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388- 15-017	NEW-P	02-03-118	388- 71-0440	PREP-W	02-05-066	388-151-090	PREP	02-06-087
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388- 15-025	NEW-P	02-03-118	388- 71-0445	PREP-W	02-05-066	388-151-230	AMD-P	02-03-095
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388-290-0045	PREP	02-04-097	388-523-0130	NEW-P	02-06-097	415-10-010	AMD	02-03-120
388-290-0050	PREP	02-04-097	388-530	PREP	02-03-093	415-10-020	AMD	02-03-120
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388-290-0105	PREP	02-04-097	388-534-0200	NEW-P	02-03-099	415-103	PREP	02-06-092
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388-290-0130	PREP	02-04-097	388-550	PREP	02-03-092	415-104-0111	PREP	02-05-025
388-290-0135	PREP	02-04-097	388-550	PREP-W	02-03-115	415-104-0111	PREP	02-06-041
388-290-0145	PREP	02-04-097	388-550	PREP	02-06-084	415-104-0112	PREP	02-05-025
388-290-0150	PREP	02-04-097	388-550	PREP	02-06-088	415-104-0112	PREP	02-06-041
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388-290-0180	PREP	02-04-097	388-825-040	PREP	02-05-088	415-104-0114	PREP	02-06-041
388-290-0190	PREP	02-04-097	388-825-045	PREP	02-05-088	415-104-0115	PREP	02-05-025
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388-290-0225	PREP	02-04-097	390-05-205	AMD	02-03-018	415-104-0117	PREP	02-06-041
388-290-0230	PREP	02-04-097	390-12-040	AMD	02-03-018	415-104-0118	PREP	02-05-025
388-290-0240	PREP	02-04-097	390-13-010	AMD	02-03-018	415-104-0118	PREP	02-06-041
388-290-0245	PREP	02-04-097	390-13-100	AMD	02-03-018	415-104-0120	PREP	02-05-025
388-290-0270	PREP	02-04-097	390-14-025	AMD	02-03-018	415-104-0120	PREP	02-06-041
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388-400-0030	AMD-P	02-05-069	390-16-033	AMD	02-03-018	415-104-0122	PREP	02-05-025
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388-410-0020	AMD-P	02-03-100	390-16-038	AMD	02-03-018	415-104-0122	PREP	02-06-041
388-410-0020	AMD	02-06-090	390-16-050	AMD	02-03-018	415-104-0125	PREP	02-05-025
388-410-0025	AMD-P	02-03-100	390-16-060	AMD	02-03-018	415-104-0125	PREP	02-06-041
388-410-0025	AMD	02-06-090	390-16-105	AMD	02-03-018	415-108-010	PREP	02-06-041
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388-410-0030	AMD	02-06-090	390-16-308	AMD	02-03-018	415-108-324	AMD	02-03-120
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388-410-0033	NEW	02-06-090	390-17-315	AMD	02-03-018	415-108-425	NEW	02-03-120
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388-434-0015	NEW-S	02-05-068	390-20-105	AMD	02-03-018	415-108-445	AMD	02-03-120
388-434-0020	NEW-S	02-05-068	390-20-110	AMD	02-03-018	415-108-456	AMD	02-03-120
388-434-0025	NEW-S	02-05-068	390-20-111	AMD	02-03-018	415-108-458	AMD	02-03-120
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388-450-0070	AMD	02-03-020	390-20-125	AMD	02-03-018	415-108-465	AMD	02-03-120
388-450-0140	AMD-P	02-03-021	390-20-130	AMD	02-03-018	415-108-466	AMD	02-03-120
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388-466-0120	NEW	02-04-057	392-140-605	AMD	02-05-036	415-108-679	AMD	02-03-120
388-466-0140	NEW	02-04-057	392-140-609	AMD	02-05-036	415-108-690	AMD	02-03-120
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388-478-0026	REP	02-05-004	392-140-625	AMD	02-05-036	415-108-815	NEW	02-03-120
388-478-0070	AMD-P	02-06-096	392-140-630	AMD	02-05-036	415-108-830	AMD	02-03-120
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415-110-0104	PREP	02-06-041	415-113-042	AMD	02-03-120	458-53-050	PREP	02-06-108
415-110-0108	PREP	02-05-025	415-113-065	AMD	02-03-120	458-53-090	PREP	02-06-108
415-110-0108	PREP	02-06-041	415-113-070	AMD	02-03-120	458-53-140	PREP	02-06-108
415-110-0109	PREP	02-05-025	415-113-090	AMD	02-03-120	461-08-320	AMD	02-06-008
415-110-0109	PREP	02-06-041	415-113-200	AMD	02-03-120	461-08-355	AMD	02-06-009
415-110-0110	PREP	02-05-025	415-200-030	AMD	02-03-120	461-08-500	AMD	02-06-010
415-110-0110	PREP	02-06-041	420-12-060	AMD	02-05-050	461-08-505	AMD	02-06-010
415-110-0111	PREP	02-05-025	434-230-140	NEW-P	02-03-134	468-38-075	AMD-P	02-03-049
415-110-0111	PREP	02-06-041	434-236-025	NEW-P	02-03-133	468-38-075	AMD	02-06-106
415-110-815	NEW	02-03-120	434-236-030	AMD-P	02-03-133	468-38-390	AMD-P	02-03-049
415-110-910	AMD	02-03-120	434-236-040	REP-P	02-03-133	468-38-390	AMD	02-06-106
415-111-100	AMD	02-03-120	434-236-050	REP-P	02-03-133	468-300-010	AMD-P	02-05-062
415-111-110	AMD	02-03-120	434-236-055	NEW-P	02-03-133	468-300-020	AMD-P	02-05-062
415-111-310	AMD	02-03-120	434-236-060	AMD-P	02-03-133	468-300-040	AMD-P	02-05-062
415-111-400	NEW	02-03-120	434-236-070	AMD-P	02-03-133	468-300-220	AMD-P	02-05-062
415-111-410	NEW	02-03-120	434-236-080	AMD-P	02-03-133	468-550	PREP	02-06-004
415-111-440	NEW	02-03-120	434-236-090	AMD-P	02-03-134	478-108-010	AMD-P	02-03-085
415-111-450	NEW	02-03-120	434-236-100	AMD-P	02-03-133	478-108-010	AMD-E	02-04-087
415-112-015	PREP	02-05-025	434-236-110	AMD-P	02-03-133	478-108-010	AMD-E	02-06-042
415-112-015	PREP	02-06-041	434-236-140	AMD-P	02-03-133	478-116-131	PREP	02-06-045
415-112-0151	PREP	02-05-025	434-236-180	AMD-P	02-03-133	478-117-005	NEW-P	02-03-085
415-112-0151	PREP	02-06-041	434-236-210	REP-P	02-03-133	478-117-005	NEW-E	02-04-087
415-112-0154	PREP	02-05-025	434-240-010	AMD-P	02-03-133	478-117-010	NEW-P	02-03-085
415-112-0154	PREP	02-06-041	434-240-020	AMD-P	02-03-133	478-117-010	NEW-E	02-04-087
415-112-0156	PREP	02-05-025	434-240-025	REP-P	02-03-133	478-117-020	NEW-P	02-03-085
415-112-0156	PREP	02-06-041	434-240-027	NEW-P	02-03-133	478-117-020	NEW-E	02-04-087
415-112-0157	PREP	02-05-025	434-240-060	AMD-P	02-03-133	478-117-030	NEW-P	02-03-085
415-112-0157	PREP	02-06-041	434-240-080	NEW-P	02-03-133	478-117-030	NEW-E	02-04-087
415-112-0158	PREP	02-05-025	434-240-090	AMD-P	02-03-133	478-117-040	NEW-P	02-03-085
415-112-0158	PREP	02-06-041	434-240-120	AMD-P	02-03-133	478-117-040	NEW-E	02-04-087
415-112-0159	PREP	02-05-025	434-240-130	AMD-P	02-03-133	478-117-050	NEW-P	02-03-085
415-112-0159	PREP	02-06-041	434-240-150	AMD-P	02-03-133	478-117-050	NEW-E	02-04-087
415-112-0160	PREP	02-05-025	434-240-160	REP-P	02-03-133	478-117-060	NEW-P	02-03-085
415-112-0160	PREP	02-06-041	434-240-190	AMD-P	02-03-133	478-117-060	NEW-E	02-04-087
415-112-0161	PREP	02-05-025	434-240-200	AMD-P	02-03-134	478-117-070	NEW-P	02-03-085
415-112-0161	PREP	02-06-041	434-240-205	AMD-P	02-03-133	478-117-070	NEW-E	02-04-087
415-112-0162	PREP	02-05-025	434-240-230	AMD-P	02-03-133	478-117-080	NEW-P	02-03-085
415-112-0162	PREP	02-06-041	434-240-235	AMD-P	02-03-133	478-117-080	NEW-E	02-04-087
415-112-0163	PREP	02-05-025	434-240-240	AMD-P	02-03-134	478-117-090	NEW-P	02-03-085
415-112-0163	PREP	02-06-041	434-240-250	AMD-P	02-03-133	478-117-090	NEW-E	02-04-087
415-112-0165	PREP	02-05-025	434-240-320	AMD-P	02-03-133	478-117-100	NEW-P	02-03-085
415-112-0165	PREP	02-06-041	434-253-043	NEW-P	02-03-134	478-117-100	NEW-E	02-04-087
415-112-0167	PREP	02-05-025	434-253-045	NEW-P	02-03-134	478-117-110	NEW-P	02-03-085
415-112-0167	PREP	02-06-041	434-253-047	NEW-P	02-03-134	478-117-110	NEW-E	02-04-087
415-112-250	AMD	02-03-120	434-253-049	NEW-P	02-03-134	478-117-200	NEW-P	02-03-085
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415-112-412	AMD	02-03-120	434-261-070	AMD-P	02-03-134	478-117-210	NEW-P	02-03-085
415-112-413	AMD	02-03-120	434-261-075	NEW-P	02-03-134	478-117-210	NEW-E	02-04-087
415-112-725	AMD	02-03-120	434-261-085	NEW-P	02-03-134	478-117-220	NEW-P	02-03-085
415-113-030	PREP	02-06-041	434-262-020	AMD-P	02-03-133	478-117-220	NEW-E	02-04-087
415-113-0301	PREP	02-06-041	434-262-150	AMD-P	02-03-134	478-117-230	NEW-P	02-03-085
415-113-0302	PREP	02-06-041	458-18-220	AMD	02-03-039	478-117-230	NEW-E	02-04-087
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415-113-0303	PREP	02-06-041	458-20-252	PREP	02-06-030	478-117-240	NEW-E	02-04-087
415-113-0304	PREP	02-06-041	458-20-260	AMD-W	02-02-088	478-117-250	NEW-P	02-03-085
415-113-0305	PREP	02-06-041	458-20-260	AMD-P	02-06-032	478-117-250	NEW-E	02-04-087
415-113-0306	PREP	02-06-041	458-20-265	PREP	02-06-030	478-117-260	NEW-P	02-03-085
415-113-0307	PREP	02-06-041	458-30-262	AMD	02-03-040	478-117-260	NEW-E	02-04-087
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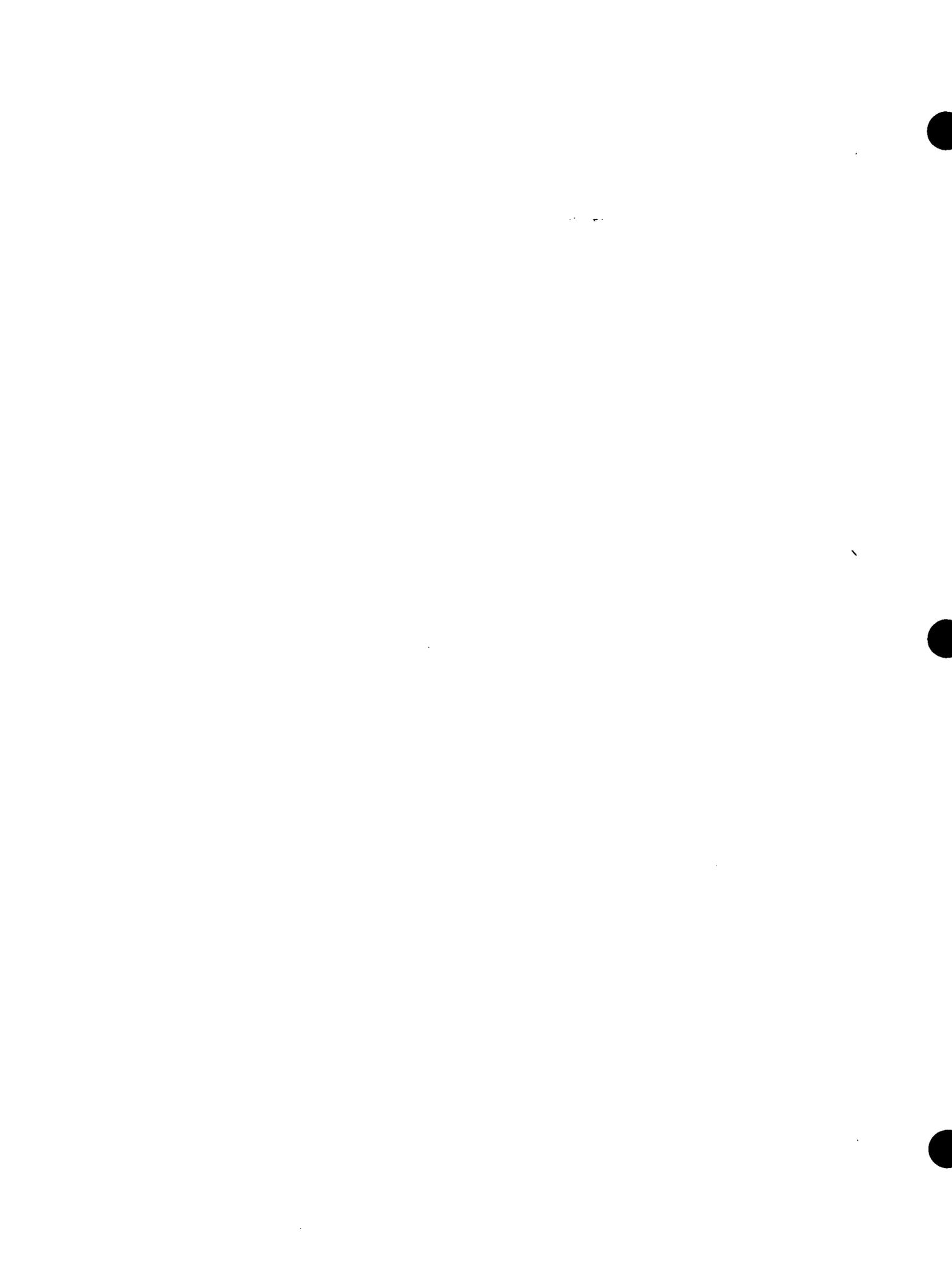
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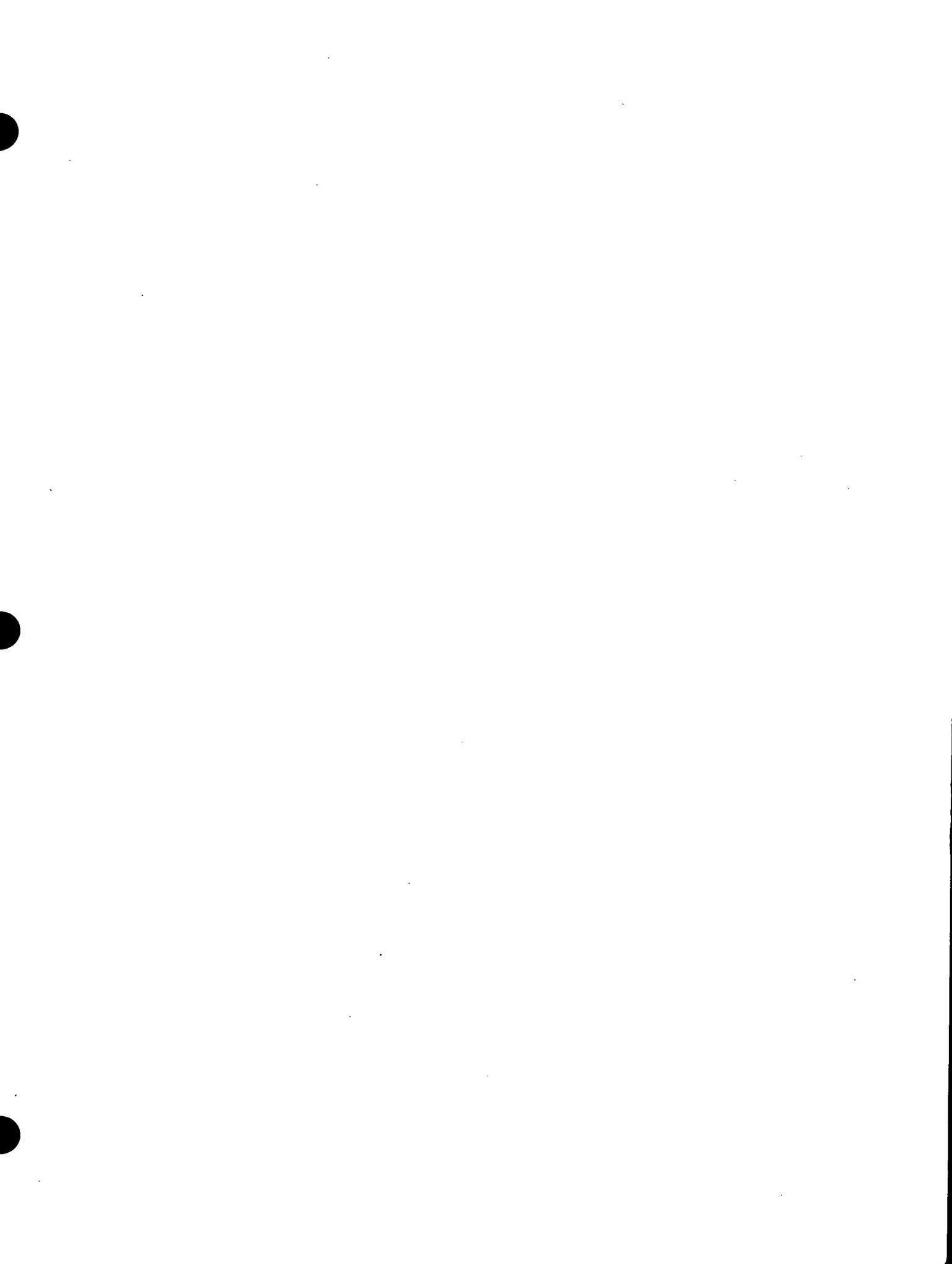
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