

November 3, 2004

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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 in the basement of the Pritchard 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

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## STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of November 2004 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%) per annum.

The interest rate required by RCW 4.56.110(3) and 4.56.115 for the month of November 2004 is 4.038%.

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

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## WASHINGTON STATE REGISTER

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# 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 ((lined out between double parentheses))~~;
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

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

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

## 4. EFFECTIVE DATE OF RULES

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

## 5. EDITORIAL CORRECTIONS

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

2004-2005

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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

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

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

<sup>4</sup> A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited rule making and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

## **REGULATORY FAIRNESS ACT**

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

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

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

### **Mitigation**

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

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

When:

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

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

When:

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

There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.



## WSR 04-21-003

PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL

[Filed October 7, 2004, 2:09 p.m.]

Subject of Possible Rule Making: Amending WAC 212-17-060; and new sections WAC 212-17-480, 212-17-485, 212-17-490, 212-17-495, 212-17-500, 212-17-505, 212-17-510, 212-17-515, 212-17-520, 212-17-525, 212-17-530, 212-17-535, and 212-17-540.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 43.43 and 70.77 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose is to clarify and amend rules defining the dates of fireworks purchase, possession, and discharge. Also, to add rules for the issuance of fines and citations. These revisions/additions were initially submitted as an emergency rule on May 18, 2004. However, these rules need to become permanent in order to comply with RCW 70.77.395.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Department of Labor and Industries; United States Consumer Products Safety Commission; United States Department of Alcohol, Tobacco, and Firearms.

Process for Developing New Rule: Study and recommendation by the Fireworks Technical Advisory Group of the Office of the State Fire Marshal with input from the fireworks stakeholders group.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington State Patrol, Fire Protection Bureau, P.O. Box 42600, Olympia, WA 98504-2600, Larry.Glenn@wsp.wa.gov, (360) 570-3133, or fax (360) 570-3136.

October 7, 2004

Lowell Porter  
ChiefAMENDATORY SECTION (Amending Order FPS 88-01, filed 3/31/88)

**WAC 212-17-060 Public purchase and use of fireworks.** (1) The public may purchase ~~((common))~~ consumer fireworks only from licensed retail fireworks stands between noon, June 28th and ~~((noon))~~ 9:00 p.m., July ~~((6th))~~ 5th, and noon to 11:00 p.m. from December 27th through December 31st of each year. Purchase or discharge is prohibited between the hours of 11:00 p.m. and 9:00 a.m. Possession and discharge of fireworks is lawful during this period only, except as provided in subsection ~~((2))~~ (3) of this section.

(2) The public may use or discharge consumer fireworks between the hours of noon and 11:00 p.m. on June 28th, between the hours of 9:00 a.m. and 11:00 p.m. from June 29th through July 3rd, between the hours of 9:00 a.m. and midnight on July 4th, and between the hours of 9:00 a.m. and 11:00 p.m. on July 5th. The public may also use or discharge fireworks from 6:00 p.m. on December 31st until 1:00 a.m. on January 1st of the subsequent year.

(3) Religious organizations or private organizations or adult persons may be authorized to purchase common fireworks or such audible ground devices as firecrackers, salutes, and chasers, as defined in WAC 212-17-040 (3) and (4) from licensed manufacturers, importers, or wholesalers for use on prescribed dates and locations for religious or specific purposes, when a permit is obtained from the fire chief or other designated local official. Application shall be on forms provided by the director of fire protection and shall contain the following information: (a) The name and mailing address of the organization or person desiring to purchase and discharge the fireworks; (b) the date and time of the proposed discharge; (c) the location of the proposed discharge; (d) the quantity and type of fireworks desired to be purchased and discharged; (e) the reason or purpose of the discharge; and (f) the signature of the applicant, following a statement that: "The applicant understands and agrees to comply with all provisions of the application and requirements of the approving authority, will discharge the fireworks only in a manner that will not endanger persons or property or constitute a nuisance, and assumes full responsibility for all consequences of the discharge, intended or not." Upon approval by the fire official, the applicant may submit a copy of the approval to any licensed wholesaler as proof of authorization to purchase the fireworks listed therein. The applicant shall retain the approval and have it available for inspection by any public official at the actual discharge of the fireworks.

~~((3))~~ (4) The purchase or receipt of mail-order fireworks through any medium of either interstate or intrastate commerce is prohibited unless the purchaser has first obtained an importers license or has complied with the provisions of subsection ~~((2))~~ (3) of this section.

NEW SECTION

**WAC 212-17-480 Fines and penalties.** These rules establish the basis and process by which citations and penalties will be determined and issued for violations of chapter 70.77 RCW and chapter 212-17 WAC.

Each violation(s) is classified and penalty(ies) assessed according to violation type and instance.

NEW SECTION

**WAC 212-17-485 Definitions.** (1) "Citation" means a document issued by the office of the state fire marshal pursuant to chapter 70.77 RCW to issue a civil penalty for a violation of RCW 70.77.480 through 70.77.520. A citation may include, but is not limited to, a description of the violation(s) and a notice of civil penalty assessment.

(2) "Formal hearing" is a hearing before a hearings officer where the laws, rules, and evidence are presented, considered, and a proposed opinion issued.

(3) "Hazard" means a condition which could result in fire loss injury or damage to a person or property.

(4) "Hearings request" means the written request for a formal hearing to contest a civil penalty.

(5) "Instance" means the number of times a person has been cited. These are identified as 1st, 2nd, and 3rd instances.

(6) "Local fire authority" means the local fire official having authority.

(7) "Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations, (whether or not organized for profit), business trusts, or any organized group of persons and includes the state, state agencies, counties, municipal corporations, school districts, and other public corporations.

(8) "Type" means the classification of violation, i.e., least, minimal, moderate, or severe. These are identified as Type I, II, III, or IV.

(9) "Violation types" shall mean:

(a) "Least violation" means a Type I violation which poses very little hazard or threat;

(b) "Minimal violation" means a Type II violation which poses a minor hazard of threat;

(c) "Moderate violation" means a Type III violation which poses a significant hazard or threat;

(d) "Severe violation" means a Type IV violation which poses a substantial hazard or threat.

#### NEW SECTION

**WAC 212-17-490 General rules.** (1) These rules establish civil penalty criteria for Types I, II, III, and IV violations and the instances for each type of violation.

(2) These rules apply to persons who violate the requirements of chapter 70.77 RCW and/or chapter 212-17 WAC.

(3) Each separate instance of noncompliance with chapter 70.77 RCW and/or chapter 212-17 WAC shall be considered a separate violation.

(4) Each day that a violation continues shall be considered a separate violation.

(5) The distribution, sale, use, manufacture, or possession of any amount of illegal fireworks is prohibited and subject to citation and penalty.

(6) In addition to the issuance of citations and penalties under these rules, the state fire marshal and/or a local fire marshal acting in accordance with chapter 70.77 RCW and/or chapter 212-17 WAC:

(a) May confiscate any amount of illegal fireworks; and

(b) May confiscate other fireworks possessed by persons violating chapter 70.77 RCW and/or chapter 212-17 WAC.

(7) In addition to the issuance of citations, penalties, and the confiscation of fireworks, the state fire marshal may also revoke, suspend, or deny any fireworks license provided for under chapter 70.77 RCW to any person who fails to pay a penalty(ies) assessed under these rules.

(8) The penalty for each violation shall range from \$0 to \$1000 per day and occurrence.

#### NEW SECTION

**WAC 212-17-495 Violation types, instances, and penalty assessments.** Penalties shall be assessed according to violation type.

The types of violations are:

(1) Least—Type I;

(2) Minimal—Type II;

(3) Moderate—Type III;

(4) Severe—Type IV.

#### NEW SECTION

**WAC 212-17-500 Hearings.** (1) Any person may request a hearing regarding the assessment of a civil penalty.

(2) Hearings requests shall be filed with the office of the state fire marshal within fourteen days from the date of the service of civil penalty.

(3) Any person who requests a hearing shall be entitled to a hearing.

#### NEW SECTION

**WAC 212-17-505 Informal conference.** The office of the state fire marshal will provide an opportunity for a person to informally discuss a civil penalty that has been assessed against them. An informal conference may be requested prior to a request for a formal hearing; however a formal hearing shall be requested within fourteen days of the date of service of the notice of civil penalty.

The request for an informal conference may be in any form; and

(1) Shall be addressed to the office of the state fire marshal; and

(2) Shall clearly state the subject to be discussed.

(3) An informal conference concerning civil penalties shall not exceed the fourteen days allowed for filing a formal hearing request.

(4) If the parties agree, an informal conference may be held by telephone.

(5) As the result of an informal conference, the state fire marshal may, for good cause, amend, withdraw, or reduce a civil penalty.

#### NEW SECTION

**WAC 212-17-510 Formal hearing.** (1) A person may request a formal hearing at any time before or after an informal conference, as long as the fourteen-day period for requesting a hearing has not lapsed.

(2) The office of the state fire marshal will arrange for a hearings officer to conduct the formal hearing.

(3) The office of the state fire marshal will set a date, time, and location for the formal hearing.

(4) The office of the state fire marshal will notify, by letter, the person requesting the hearing (or their designated representative) of the date, time, location and the hearings officer conducting the formal hearing.

(5) The hearings officer will hear the case and render a proposed opinion and order including recommended findings of fact and conclusions of law, according to chapter 34.05 RCW.

(6) The formal hearing shall be conducted as follows:

(a) The hearings officer will act as an impartial third party.

(b) It is not necessary for the person that requested the hearing to be represented by legal council.

(c) Testimony shall be taken under oath.

(d) All evidence of a type commonly relied upon by a reasonably prudent person in the conduct of their serious affairs is admissible.

(e) Hearsay evidence is admissible if it meets statutory standards for being reliable and trustworthy.

(7) The proposed opinion and order shall be reviewed by the state fire marshal and, if accepted, finalized and issued as a final order.

#### NEW SECTION

**WAC 212-17-515 Penalty adjustments.** (1) The assessment of adjustment of penalties for amounts other than those set by chapter 70.77 RCW shall be done only by the state fire marshal through a hearings process either formally or informally.

(2) The assessment of penalties for not being in conformance with chapter 70.77 RCW and/or chapter 212-17 WAC may be made only after considering:

- (a) The gravity and magnitude of the violation;
- (b) The person's previous record;
- (c) Such other considerations as the state fire marshal may consider appropriate.

(3) During a formal hearing or informal conference, the office of the state fire marshal may modify or adjust the citation, cited violations, or penalties assessed in order to meet the requirements of these rules and to ensure uniformity and consistency in their application statewide.

#### NEW SECTION

**WAC 212-17-520 Payment of civil penalty.** (1) The penalty shall be paid to the office of the state fire marshal immediately after an order assessing a civil penalty becomes final by operation of law or on an appeal.

(2) The attorney general may bring an action in the name of the Washington state patrol, through the director of fire protection, in the superior court of Thurston County or of any county in which the violator may do business to collect any penalty imposed under chapter 70.77 RCW.

#### NEW SECTION

**WAC 212-17-525 Type I violations.** Type I violations are subject to penalties ranging from a warning to seventy-five dollars a day depending upon the instance and in accordance with WAC 212-17-490.

Examples of Type I violations include, but are not limited to:

- (1) Failure to post "no smoking" signs at the retail fireworks stand;
- (2) Failure to provide required fire extinguishing equipment at the retail fireworks stand;
- (3) Failure to maintain a clean, orderly area with twenty feet of the retail sales area;
- (4) Failure to keep a copy of the retail fireworks stand license at the retail stand while the stand is open;
- (5) Possession of illegal fireworks worth less than fifty dollars.

#### NEW SECTION

**WAC 212-17-530 Type II violations.** Type II violations are subject to penalties ranging from a warning to one

hundred fifty dollars a day depending upon the instance and in accordance with WAC 212-17-490.

Examples of Type II violations include, but are not limited to:

- (1) Failure to have a person eighteen years of age or over inside the retail stand during business hours;
- (2) Possession of more than fifty dollars but less than one hundred dollars of illegal fireworks;
- (3) Discharge of less than fifty dollars worth of illegal fireworks;
- (4) Smoking or the ignition of fireworks within fifty feet of any fireworks stand.

#### NEW SECTION

**WAC 212-17-535 Type III violations.** Type III violations are subject to penalties ranging from seventy-five dollars to two hundred fifty dollars a day depending upon instance and in accordance with WAC 212-17-490.

Examples of Type III violations include, but are not limited to:

- (1) Possession of one hundred dollars or more of illegal 1.4G fireworks.
- (2) Sale of any amount of illegal 1.4G fireworks without the necessary licenses issued by the office of the state fire marshal and/or where required, a permit from the local authority having jurisdiction.
- (3) The purchase of fireworks by a Washington state retail fireworks stand operator from an unlicensed wholesaler.
- (4) Manufacturing or altering fireworks without the necessary state license and local permit.
- (5) Storage of any amount of 1.3G fireworks without the necessary licenses issued by the department of labor and industries and the Bureau of Alcohol, Tobacco and Firearms, and a permit from the local authority having jurisdiction.
- (6) Use of fireworks in a manner that presents a danger to life or property.

#### NEW SECTION

**WAC 212-17-540 Type IV violations.** Type IV violations are subject to penalties ranging from one hundred twenty-five dollars to one thousand dollars a day depending on instance and in accordance with WAC 212-17-490.

Examples of Type IV violations include, but are not limited to:

- (1) Possession of fifty dollars or more of 1.3G fireworks without the necessary license issued by the office of the state fire marshal and the required permit from the local authority having jurisdiction.
- (2) Conducting a public fireworks display without the necessary license issued by the office of the state fire marshal and the required permit from the local authority having jurisdiction.
- (3) Purchase of any amount of 1.3G fireworks without the necessary licenses issued by the office of the state fire marshal and/or where required, the local authority having jurisdiction.
- (4) Conducting a public display using illegal or unauthorized fireworks.

(5) Intentional or indiscriminate use of fireworks which injure someone or cause more than two hundred fifty dollars in property damage.

(6) Wholesale sales of fireworks without a valid Washington state wholesalers license.

(7) Importing, or causing to be imported, fireworks into the state of Washington without a valid Washington state importers license.

#### WSR 04-21-004

##### PREPROPOSAL STATEMENT OF INQUIRY

##### OFFICE OF THE SECRETARY OF STATE

[Filed October 7, 2004, 2:21 p.m.]

Subject of Possible Rule Making: Address confidentiality program (ACP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 40.24.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) To comply with the Federal Help America Vote Act; (2) to correct references to Title 29A RCW; and (3) to clarify, streamline and simplify agency procedures.

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

Process for Developing New Rule: Negotiated rule making; and the Office of the Secretary of State (OSOS) welcomes the public to take part in developing the rules. Anyone interested in participating should contact the staff person indicated below. At a later date, OSOS will file the proposed rule with the Office of the Code Reviser with a notice of proposed rule making, and send the proposal to identified stakeholders and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Margaret McKinney, Program Manager, Address Confidentiality Program (ACP), P.O. Box 257, Olympia, WA 98507-0257.

September 24, 2004  
Margaret McKinney  
ACP Program Manager

#### WSR 04-21-008

##### PREPROPOSAL STATEMENT OF INQUIRY

##### HORSE RACING COMMISSION

[Filed October 8, 2004, 10:13 a.m.]

Subject of Possible Rule Making: To amend the applicable sections dealing with fines and suspensions, which shall include (1) amending sections of chapter 260-84 WAC, Fines and suspensions; (2) amending the penalty matrix located in WAC 260-24-510 Stewards; and (3) moving the penalty matrix to chapter 260-84 WAC, Fines and suspensions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Sections of chapter 260-84 WAC have not been amended since 1961 and sections may no longer be applicable or need to be amended. The penalty matrix currently in WAC 260-24-510 is better located in chapter 260-84 WAC. Finally, RCW 67.16.270 requires the commission to adopt by rule standard penalties for a rules violation. The current penalty matrix, while recently adopted may need some adjustments before the beginning of live racing in April 2005.

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 Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

October 6, 2004  
R. M. Leichner  
Executive Secretary

#### WSR 04-21-015

##### PREPROPOSAL STATEMENT OF INQUIRY UNIVERSITY OF WASHINGTON

[Filed October 12, 2004, 10:23 a.m.]

Subject of Possible Rule Making: Chapter 478-118 WAC, Parking and traffic rules of the University of Washington, Tacoma.

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: Parking and traffic rules originally promulgated for the UW Tacoma campus in 2002, now need further refinement after two years of implementation for this growing campus facility. Proposed amendments seek to clarify existing rules and provide additional definitions, rules for visitor parking, and further rules for bicycle and skateboard use.

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. Written comments or inquiries may be directed to Rebecca Goodwin Dearnorff, Director, Rules Coordination 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 rules@u.washington.edu; or fax (206) 616-6294.

October 8, 2004  
Rebecca Goodwin Dearnorff  
Director of Rules Coordination

**WSR 04-21-035****PREPROPOSAL STATEMENT OF INQUIRY  
BOARD OF TAX APPEALS**

[Filed October 14, 2004, 2:33 p.m.]

Subject of Possible Rule Making: Chapter 456-09 WAC, Formal hearings—Practice and procedure; and chapter 456-10 WAC, Informal hearings—Practice and procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.03.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapters 456-09 and 456-10 WAC explain the rules of practice and procedure before the Board of Tax Appeals. The board may revise the rules to incorporate provisions regarding continuances, submittal of evidence, notice of appearance, and who may appear, as well as other procedural provisions.

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

Process for Developing New Rule: The Board of Tax Appeals welcomes participation in revising the rules of practice and procedure. Please forward suggestions to the contacts listed below. After the possible amendments are drafted, the board will post the draft on our website and send a copy to those who so request.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To make suggestions or to request a copy of the draft of possible amendments please e-mail [bta@bta.state.wa.us](mailto:bta@bta.state.wa.us); or write Anne N. Solwick, Executive Director, Board of Tax Appeals, P.O. Box 40915, Olympia, WA 98504-0915.

October 13, 2004

Anne N. Solwick  
Executive Director**WSR 04-21-047****PREPROPOSAL STATEMENT OF INQUIRY  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed October 18, 2004, 8:37 a.m.]

Subject of Possible Rule Making: The commission will consider in Docket No. TR-041051 whether to amend WAC 480-60-035 to specify the size of crushed rock material to be used on walkways on switching leads used by railroad employees in railroad yards. In particular, the commission will consider whether to adopt a standard of 3/4 inch rock for walkways on switching leads.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 81.44.010, 81.44.020, 81.28.010, 81.28.240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current walkway rule adopted in 2000, WAC 480-60-035, suggests, but does not require the use of 3/4 inch crushed rock for switching lead walkways. The United Transportation Union (UTU) filed a petition for rule making with the commission on June 9,

2004, requesting adoption of the 3/4 inch standard for rock on switching lead walkways. The UTU asserted that railroads in Washington state were not adhering to the suggestion for 3/4 inch rock on switching lead walkways and that conditions on these walkways were deteriorating rather than being improved. The UTU asserts that railroad employees perform most of their work on switching leads. A good walkway surface reduces repetitive motion injuries and tripping incidents. The rule-making process will determine whether establishing a standard rock size for switching lead walkways would reduce discretion on rock size and make working conditions safer for railroad employees.

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. A workshop of labor and management representatives and other interested stakeholders will be held. Notice will be provided.

Interested persons may contact the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 664-1174, fax (360) 586-1150.

**WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP:**

Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **December 20, 2004**, for consideration at the **January 18, 2005, stakeholder workshop**.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by electronic mail to the commission's records center at [records@wutc.wa.gov](mailto:records@wutc.wa.gov). Please include:

- The docket number of this proceeding (Docket No. TR-041051).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.wutc.wa.gov/041051>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at [records@wutc.wa.gov](mailto:records@wutc.wa.gov), or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the commission,

please refer to Docket No. TR-041051 to ensure that you are placed on the appropriate service list. Questions may be addressed to Mike Rowswell at (360) 664-1265 or e-mail at mrowswel@wutc.wa.gov.

#### NOTICE

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING** — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), phone and fax numbers, referencing Docket No. TR-041051 and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, phone and fax numbers, referencing Docket No. TR-041051 and the words "Please keep me on the mailing list" to <records@wutc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's internet web site at <<http://www.wutc.wa.gov/041051>>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

October 18, 2004  
Carole J. Washburn  
Executive Secretary  
by C. Robert Wallace

#### WSR 04-21-067

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed October 19, 2004, 9:41 a.m.]

Subject of Possible Rule Making: Chapter 296-52 WAC, Safety standards for possession and handling of explosives.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to correct the inconsistency between chapter 70.74 RCW, Washington State Explosive Act, and chapter 296-52 WAC, Safety standards for possession and handling of explosives. The rule making will change the licensing requirements from two years to one year, in order to be consistent with the RCW. We will also be incorporating recommendations from the FBI regarding bomb technicians, along with housekeeping changes throughout the rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies, other than the Occupational Safety and Health Administration (OSHA) are known that regulate this subject. The Washington Industrial

Safety and Health Act's (WISHA) rules are required to be at-least-as-effective-as OSHA's rules.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Elliott, Regulations Analyst, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5484, fax (360) 902-5529.

October 19, 2004

Paul Trause

Director

#### WSR 04-21-068

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed October 19, 2004, 10:57 a.m.]

Subject of Possible Rule Making: Incorporation by reference of the 2005 edition of the Uniform Standards of Professional Appraisal Practice, the generally recognized national organized standards of real estate appraisal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.140.030 (1), (9).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Will incorporate by reference the 2005 edition of the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board of the Appraisal Foundation.

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 David Santhuff, Real Estate Appraiser Program, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 664-6504, fax (360) 570-4981.

October 19, 2004

David Santhuff

Program Manager

#### WSR 04-21-073

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed October 19, 2004, 3:27 p.m.]

Subject of Possible Rule Making: WAC 388-478-0065 Income and resource standards for families.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Technical correction. Add language to confirm that an unborn child is counted as a household member when determining medical (categorically needy or medically needy) program eligibility for families, pregnant women and children.

**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 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 Joanie Scotson, Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1330, fax (360) 664-0910, TTY 1-800-848-5429, e-mail scotsjk@dshs.wa.gov.

October 15, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

#### WSR 04-21-074

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 19, 2004, 3:29 p.m.]

**Subject of Possible Rule Making:** The Division of Employment and Assistance Programs will amend the following sections and related rules to clarify department policy on reporting requirements and overpayments: WAC 388-416-0010 How long can I get Basic Food?, 388-418-0005 How will I know what changes I must report?, 388-418-0011 What is a six-month report, and do I have to complete one in order to keep getting benefits?, and 388-410-0001 What is a cash/medical assistance overpayment?

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.500, and 74.04.510.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The revisions are necessary to clarify department policy regarding the following topics:

- How often clients must complete a recertification for Basic Food;
- What changes clients must report;
- The requirements of the six-month report and the impact of completing the report late; and
- When clients may have an overpayment for not reporting a change timely.

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

**Process for Developing New Rule:** DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file proposed [rules] with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Camp, Policy Analyst, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4616, fax (360) 413-3493, e-mail campjx@dshs.wa.gov.

October 15, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

#### WSR 04-21-078

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed October 20, 2004, 8:50 a.m.]

**Subject of Possible Rule Making:** WAC 246-865-060 Extended care facility—Pharmaceutical services, allowing pharmacies to register as a controlled substance registrant to receive outdated, discontinued, or unwanted controlled substance prescriptions from extended care facilities.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 18.64.005(7).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Recent changes to Department of Ecology rules prohibit the disposal of controlled substances into sewer or solid waste systems. Extended care facilities are accumulating large numbers of controlled substance prescriptions that they have no means to destroy. Amending rules to allow pharmacies to receive these prescriptions from extended care facilities for disposal will protect public health and safety by eliminating access to potentially dangerous drugs.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The Drug Enforcement Administration (DEA) also regulates the distribution and control of controlled substances. DEA will be notified of stakeholder meetings.

**Process for Developing New Rule:** Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Salmi, Department of Health, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, Lisa.Salmi@doh.wa.gov, phone (360) 236-4828, fax (360) 586-4359.

October 20, 2004

Steven Saxe  
Executive Director

**WSR 04-21-079****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed October 20, 2004, 8:52 a.m.]

Subject of Possible Rule Making: WAC 246-840-010, 246-840-020, 246-840-030, 246-840-040, 246-840-050, 246-840-060, 246-840-070, 246-840-080, 246-840-090, 246-840-565, 246-840-760, and 246-840-920, nursing definitions, applications and licensure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During a rules review process the commission identified these rules as needing amendment to be clearer and in compliance with the statute. The definition rules, as well as all application and licensure rules, are outdated. Some existing rules contain requirements that are no longer necessary or can be obtained in other less restrictive ways. Also additional clarity in the rule would benefit practitioners. In 2004, chapter 262, Laws of 2004, passed which requires an official transcript for licensure as a nurse and allows a practical nurse who has completed a non-traditional registered nurse program to obtain the required clinical experience needed for a registered nurse license. As a result, rules need to be amended to ensure they accurately reflect the statute.

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

Process for Developing New Rule: Collaborative rule writing. A public rules writing workshop will be held with interested members of the public. Video conferencing will be utilized to involve stakeholders from various locations across the state. An invitation will be mailed to all persons who have asked to be on the interested persons mailing list. In addition, other identified individuals will be added to the e-mail list serve mailing and all will receive an invitation to participate in the rules writing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kendra Pitzler, Program Manager, P.O. Box 47864, Olympia, WA 98504, phone (360) 236-4723, fax (360) 236-4738, e-mail Kendra.Pitzler@doh.wa.gov.

September 13, 2004

Paula R. Meyer, RN, MSN

Executive Director

Nursing Care Quality Assurance Commission

**WSR 04-21-082****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE**

[Filed October 20, 2004, 9:10 a.m.]

Subject of Possible Rule Making: WAC 16-470-108 through 16-470-130, the department is reviewing its regulations relating to apple maggot and plum curculio, nonnative

insect pests potentially affecting tree fruit industries and related crops in all parts of the state. The department may amend the current rule language so that the requirements: (1) Reflect the most recent scientific data about these insects, (2) are easier to read and understand, (3) reflect current industry practices and needs, (4) incorporate current national and international regulatory standards as appropriate, and (5) facilitate compliance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 17.24 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to changing international phytosanitary standards, apple maggot population dynamics, and industry practices, it is necessary to reevaluate and update regulations governing permitting and shipping fruit commodities into, out of, and within the state and to review procedures for possible future regulatory actions to deal with apple maggot and plum curculio.

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 discuss any proposed amendments with affected stakeholders, particularly membership of a statewide advisory committee, the Apple Maggot Working Group. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail mtoohey@agr.wa.gov; or Brad White, Pest Program Manager, Washington State Department of Agriculture, Plant Protection Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2071, fax (360) 902-2094, e-mail bwhite@agr.wa.gov.

October 20, 2003 [2004]

Mary A. Martin Toohey

Assistant Director

**WSR 04-21-084****PREPROPOSAL STATEMENT OF INQUIRY  
EMPLOYMENT SECURITY DEPARTMENT**

[Filed October 20, 2004, 9:37 a.m.]

Subject of Possible Rule Making: Adopt rules to implement changes contained in chapter 4, Laws of 2003 2nd sp.s. (2ESB 6097) to the unemployment compensation program. For unemployment benefits, the rules will clarify requirements related to part-time workers, modify provisions regarding partially unemployed workers, define terms, and make housekeeping changes necessary to update existing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.040, and 50.12.042.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislation authorizes the payment of benefits for the first time to certain individuals seeking only part-time work. Rules are needed to clarify eligibility requirements for these workers. Rules concerning partially unemployed workers will be revised to clarify the distinction between this population and part-time workers eligible for unemployment benefits under RCW 50.20.119.

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 intends to hold informal meetings with stakeholders and interested parties to obtain input on the proposed rules.

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 rules should contact Juanita Myers, Unemployment Insurance Rules Coordinator, 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.

October 19, 2004  
Dr. Sylvia P. Mundy  
Commissioner

additional changes pertaining to predecessor-successor employers. The new state law increases the penalty for employers who file untimely tax reports, and adds new penalties for employers filing tax reports that are incomplete, in an incorrect format, or that intentionally misrepresent the employer's payroll. The rules will be modified to clarify how these penalties will be assessed and collected. Rules regarding the transition from SIC to NAICS and the revised tax rates will clarify for the employer community how the department will implement these sections of the state legislation.

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 intends to hold informal meetings with stakeholders and interested parties to obtain input on the proposed rules.

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 rules should contact Juanita Myers, Unemployment Insurance Rules Coordinator, 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.

October 19, 2004  
Dr. Sylvia P. Mundy  
Commissioner

#### WSR 04-21-085

##### PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed October 20, 2004, 9:37 a.m.]

Subject of Possible Rule Making: Adopt rules related to the collection of unemployment insurance contributions. Topics include rules concerning predecessor and successor employers, clarification of rules regarding the assessment and collection of employer penalties, definition of terms related to predecessor/successor employers and employer penalties, rules related to the transition of employer accounts from the standard industrial classification (SIC) system to the North American Industrial Classification System (NAICS), and rules concerning the tax rates effective 2005.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.040, and 50.12.042.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 4, Laws of 2003 2nd sp.s. (2ESB 6097) made substantive revisions to the unemployment insurance program. The legislation revised provisions related to predecessor and successor employers, adopting new terms and imposing additional penalties. In addition, Public Law 108-295 was passed by congress and requires

#### WSR 04-21-090

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

[Filed October 20, 2004, 10:03 a.m.]

Subject of Possible Rule Making: WAC 458-20-228 Returns, remittances, penalties, extensions, interest, stay of collection.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule discusses the responsibility of taxpayers to timely pay their tax liabilities, and the acceptable methods of payment. The rule explains the statutory due dates for persons remitting excise tax returns, and the interest and penalties imposed by law when a taxpayer fails to pay the correct amount of tax on time. The department is only authorized to waive interest or penalties under limited circumstances. The rule provides examples of circumstances that qualify for a waiver of interest or penalties, and explains how a taxpayer may request a waiver. A revision of this rule is currently being considered to incorporate provisions of chapter 13, Laws of 2003, 1st sp.s., which

changed the due date for persons filing monthly excise tax returns with the department from the 25th to the 20th of the following month. This legislation also made changes to the penalty provisions for the delinquent payment of taxes.

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, 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 Pat Moses, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-47453 [98504-7453], phone (360) 570-6116, fax (360) 586-5543, e-mail PatM@dor.wa.gov.

Public Meeting Location: Capital Plaza Building, 4th Floor, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on November 30, 2004, at 1:30 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) 725-7499.

October 20, 2004  
Alan R. Lynn  
Rules Coordinator

**WSR 04-21-021**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**

[Filed October 13, 2004, 12:02 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-17-132.

**Title of Rule and Other Identifying Information:** Chapter 204-74A WAC, Standards for school bus warning lamps.

**Hearing Location(s):** Washington State Patrol, General Administration Building, Commercial Vehicle Division, Room G3, 210 11th Avenue S.W., Olympia, WA 98504-2600, on November 23, 2004, at 1:00 p.m.

**Date of Intended Adoption:** December 20, 2004.

**Submit Written Comments to:** Ms. Christine Fox, P.O. Box 42614, Olympia, WA 98504-2614, e-mail Christine.Fox@wsp.wa.gov, fax (360) 586-8233, by November 21, 2004.

**Assistance for Persons with Disabilities:** Contact Ms. Christine Fox by November 21, 2004, (360) 753-3697.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The current WAC is outdated, and the update is necessary in order to stay current with the changing technology of school bus warning lamp systems.

**Reasons Supporting Proposal:** These revisions to this chapter were created in conjunction with the Office of the Superintendent of Public Instruction in order to update the rules since manufacturing of school buses has changed in relation to warning lamps.

**Statutory Authority for Adoption:** RCW 46.37.290 and 46.37.005.

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

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** Updating this WAC is in accordance with Governor Gary Locke's executive order regarding regulatory improvement.

**Name of Proponent:** Office of Superintendent of Public Instruction, public.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Ms. Christine Fox, Equipment and Standards Unit, P.O. Box 42614, Olympia, WA 98504-2614, (360) 753-3697.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes/modifications outlined in the rule are optional and would not significantly impact any small business.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Ms. Christine Fox, P.O. Box 42614, Olympia, WA 98504-2614, phone (360) 753-3697, fax (360) 586-8233, e-mail Christine.Fox@wsp.wa.gov.

October 7, 2004

Lowell Porter  
 Chief

**AMENDATORY SECTION** (Amending WSR 90-18-047, filed 8/30/90, effective 9/30/90)

**WAC 204-74A-040 Eight lamp warning system.** (1)

The warning system shall consist of a total of eight lamps, two amber and two red on both the front and the rear of the bus. The lamps shall conform to SAE Standard J887a, J1318 or that standard in effect for such lamps at the time of the manufacture of such lamps.

(2) The warning lamps shall be mounted as high as practicable on the bus body and as near the outside edges of the body as curvature permits. ((Metal)) Shielding shall be provided to protect the lamps from the elements, and the background upon which the lamps are mounted shall be painted black. Such background shall extend a minimum of three inches outward from the lamps.

(3) The amber lamps shall be mounted inboard of the red lamps. All lamps shall be mounted and aimed as specified in Federal Motor Vehicle Safety Standard 108 and SAE Standard J887a, and shall be clearly visible from a distance of at least five hundred feet in normal sunlight.

**AMENDATORY SECTION** (Amending WSR 94-01-179, filed 12/22/93, effective 1/22/94)

**WAC 204-74A-050 Operation of lamps.** (1) Operation of the warning lamp system shall be in compliance with FMVSS 108. Activation of the warning lamp sequence shall begin only by means of a manually-operated switch. Such activation will cause the right and left amber lamps to flash alternately until the stop signal arm is extended, or the bus entrance door is opened, at which time the amber lamps shall be automatically deactivated and the right and left red lamps shall be automatically activated. Whenever the warning lamp system has been activated, opening of the entrance door shall automatically deactivate the amber lamps, cause the stop signal arm to extend, and activate the red lamps. Automatic extension of the stop signal arm does not apply to systems equipped with a manually operated stop signal arm. All lamps shall flash at a rate from sixty to one hundred twenty times per minute and shall reach full brilliance during each cycle.

(2) Lamp controls shall consist of:

(a) The master or sequencing switch which shall be in plain view and mounted within easy reach of the driver, and which shall activate the system sequencing and deactivate the system at any time during the sequence.

(b) An override switch which shall automatically activate the red lamps whenever the stop signal arm is extended even though the master control switch is turned off, and which shall automatically deactivate the amber lamps if previously activated regardless of the then present normal state of sequencing or entrance door position. Such override switch shall be designed and installed so as to function with air, vacuum, electric, or manually operated stop signal arms. The stop signal arm shall be capable of being extended at any time, regardless of the position of the entrance door. The opening of the entrance door shall not cause extension of the stop signal arm, or the activation of the red lamps unless the master switch has been activated.

(c) A minimum of two pilot lamps, one amber and one red, each of which shall flash when the like colored warning lamps are in operation. Pilot lamps which show the operation of each individual lamp are permissible. All pilot ((lamps)) indicators shall be located so as to be clearly visible to the driver.

(3) The warning lamp system shall be operated in accordance with the regulations set forth in chapter 392-145 WAC.

**AMENDATORY SECTION** (Amending WSR 92-09-050, filed 4/13/92, effective 5/14/92)

**WAC 204-74A-060 Additional hazard strobe lamp.**

(1) In addition to the eight lamp warning system, each bus may be equipped with a single additional hazard strobe lamp. Such lamps must meet the Class I requirements of SAE Standard J1318, 360 degree gaseous discharge warning lamp.

(2) A clear lens strobe lamp, less than eight inches in height, may be mounted on the centerline of the roof in the rear one-half of the bus. At no time shall the lamp be mounted any closer than six feet from the rear of the bus measured from a vertical plane tangent to the rearmost point of the bus body. If the bus is equipped with a roof hatch falling within the above mentioned measurements, the strobe lamp may be located directly behind the roof hatch.

(3) The hazard strobe lamp will be activated by a switch independent of all other lamp switches. The hazard strobe lamp switch shall be plainly labeled and have a pilot lamp that shall indicate when the lamp is in operation.

(4) The use of a hazard strobe lamp is permitted only when the bus is occupied with school children and one or more of the following conditions exist:

(a) The bus is in motion in inclement, sight obscuring conditions, including but not limited to rain, fog, snow, and smoke;

(b) There is a need to improve the visibility of the bus when stopping, standing, or starting onto a highway;

(c) There is limited visibility caused by geographic hazards such as winding roadways, hills, trees, buildings, etc.

The strobe lamp shall not be activated solely because of darkness.

**WSR 04-21-037  
PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed October 15, 2004, 12:23 p.m.]

Continuance of WSR 04-17-057.

Preproposal statement of inquiry was filed as WSR 04-05-103.

Title of Rule and Other Identifying Information: WAC 480-62-218 Point protection, WUTC Docket No. TR-040151.

Hearing Location(s): Commission Hearing Room 206, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on December 10, 2004, at 9:30 a.m.

Date of Intended Adoption: December 10, 2004.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, e-mail records@wutc.wa.gov, fax (360) 586-1150, by November 19, 2004. Please include Docket No. TR-040151 in your communication.

Assistance for Persons with Disabilities: Contact Mary DeYoung by December 8, 2004, TTY (360) 586-8203 or (360) 664-1133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal would add to rules governing railroad operations a rule addressing point protection. The proposed rule would require railroads to protect the leading end of train movements to add safety for employees that might be present on the tracks ahead of the movement, vehicles using road crossings, and trains on connected tracks.

The purpose of this continuance of WSR 04-17-057 is to provide notice of a change in the adoption and hearing dates for this rule making from October 13, 2004, to December 10, 2004. In addition, the commission seeks comments from interested persons by November 19, 2004, to assist the commission in determining whether it has adequate state statutory authority to adopt the proposed rule.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Mike Rowswell, Rail Safety Manager, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1265; Implementation and Enforcement: Carole J. Washburn, Executive Secretary,

October 15, 2004  
Carole J. Washburn  
Executive Secretary  
by C. Robert Wallace

**WSR 04-21-048  
PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed October 18, 2004, 8:38 a.m.]

Continuance of WSR 04-15-141.

Preproposal statement of inquiry was filed as WSR 01-17-048.

Title of Rule and Other Identifying Information: Chapter 480-93 WAC, Gas companies—Safety, WUTC Docket No. UG-011073.

Hearing Location(s): Commission Hearing Room 206, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on February 9, 2005, at 9:30 a.m.

Date of Intended Adoption: February 9, 2005.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, e-mail records@wutc.wa.gov, fax (360) 586-1150, by December 22, 2004. Please include Docket No. UG-011073 in your communication.

PROPOSED

Assistance for Persons with Disabilities: Contact Mary DeYoung by February 7, 2005, TTY (360) 586-8203 or (360) 664-1133.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The proposed rules are intended to ensure the safety of gas pipeline operations and to promote safety for the citizens of Washington state from the hazards of gas pipeline operations. The proposed rules are intended to implement the requirements of Executive Order 97-02, requiring agencies to review significant rules for need; effectiveness and efficiency; clarity; intent and statutory authority; cost and fairness. The proposal repeals some of the existing rules that are no longer necessary, adds rules to clarify existing federal rules which the commission adopts by reference, and includes new rules that are more stringent than federal rules, such as adding "new construction" as an activity included as a covered task. The proposed rules include new rules for defining "timeframes" used throughout the chapter, and addressing protection of exposed plastic pipe.

The purpose of this continuance of WSR 04-15-141 is to provide notice of a change in the adoption and hearing dates for this rule making from October 27, 2004, to December 10, 2004. In addition, the continuance is necessary to allow sufficient time for the commission to file a supplemental CR-102, Notice of proposed rule making, with the code reviser by mid-November, and allow sufficient time for interested persons to file comments concerning any changes to the proposed rule published in WSR 04-15-141.

**Name of Proponent:** Washington Utilities and Transportation Commission, governmental.

**Name of Agency Personnel Responsible for Drafting:** Mike Rowswell, Rail Safety Manager, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1265; **Implementation and Enforcement:** Carole J. Washburn, Executive Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

October 18, 2004

Carole J. Washburn

Executive Secretary

by C. Robert Wallace

## WSR 04-21-049

### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed October 18, 2004, 1:16 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-18-040.

**Title of Rule and Other Identifying Information:** Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., WAC 308-56A-505 Elimination of manufactured home certificate of ownership.

**Hearing Location(s):** Department of Licensing, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on November 23, 2004, at 11 a.m.

**Date of Intended Adoption:** December 21, 2004.

**Submit Written Comments to:** Dale R. Brown, P.O. Box 2957, 1125 Washington Street S.E., Olympia, WA 98507-2957, e-mail dbrown@dol.wa.gov, fax (360) 902-3827, by November 22, 2004.

**Assistance for Persons with Disabilities:** Contact Dale R. Brown by November 22, 2004, TTY (360) 664-8885.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The last amendment to WAC 308-56A-505(5) existing reference to a \$25.00 fee was deleted although the regulation continued to indicate that a fee would be charged for manufactured home certificate of title elimination. This proposed rule would clarify the statutory requirement for a fee amount to be set in rule.

**Reasons Supporting Proposal:** This proposal will provide the public with a clear statement of fee and other requirements.

**Statutory Authority for Adoption:** RCW 65.20.090.

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

**Name of Agency Personnel Responsible for Drafting:** Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, WA, (360) 902-3718; **Implementation and Enforcement:** Lynda Henriksen, 1125 Washington Street S.E., Olympia, WA, (360) 902-3811.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in the industry.

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rules are explicitly and specifically dictated by statute.

October 18, 2004

Steve Boruchowicz

Policy and Projects Office

**AMENDATORY SECTION** (Amending WSR 04-08-081, filed 4/6/04, effective 5/7/04)

**WAC 308-56A-505 Elimination of manufactured home certificate of ownership (title)—Eligibility.** (1) **May I eliminate the certificate of ownership (title) on my manufactured home?** You may eliminate the certificate of ownership (title) on your manufactured home provided you own or are purchasing the manufactured home and the land to which it is affixed as defined in RCW 65.20.020 and 65.20.030.

(2) **How do I apply to eliminate the certificate of ownership on my manufactured home?** You must complete, record and submit a manufactured home application. The application to eliminate the certificate of ownership under chapter 46.12 RCW, and record ownership as real property under chapter 65.20 RCW or to transfer ownership in real property to a title under chapter 46.12 RCW, must be signed by all persons having an interest in the land and the manufactured home as defined in RCW 65.20.020.

(3) **What conditions must be met before the certificate of ownership can be eliminated?** The following conditions must be met before the certificate of ownership will be eliminated:

(a) The manufactured home must be affixed or be in the process of being affixed to the land.

(b) The building permit office certification box on the elimination application must be completed by the issuing authority stating that the home was affixed or that a building permit has been issued for this purpose as described in RCW 65.20.040(3).

(c) If a title company is involved in the elimination transaction, they must certify that the legal description of the land is true and correct per real property records.

(d) The county auditor's recording office must certify that the manufactured home application has been completed correctly and that the applicant has sufficient documentation to proceed with recording the application.

(e) The completed application must be recorded with the county auditor's office in the county where the manufactured home and land are located.

(f) After recording, the original or a certified copy of the elimination application and any other documents required by the department must be submitted to a vehicle licensing office to complete the elimination process with the appropriate fees. A confirmation letter is sent from the department confirming the elimination of the certificate of ownership.

(g) Failure to finalize the elimination process with a vehicle licensing office will render the elimination incomplete until such time the original or certified copy of the recorded application and any other documents required by the department are submitted to a vehicle licensing office with the appropriate fees.

(4) **How do I complete the elimination of my manufactured home certificate of ownership with the department?** (~~You must submit the recorded manufactured home application~~) After recording the original or a certified copy of the elimination application and any other documents required, it must be submitted to the department for processing and pay the applicable fees. After it has been processed, you will receive a confirmation letter from the department that your manufactured home certificate of ownership has been eliminated.

(5) **What are the fees for elimination of a manufactured home title?** The fees for elimination of a manufactured home title are as follows:

(a) Fees as provided in RCW 46.01.140 for each application.

(b) Fees as provided in RCW 46.12.040 for each application.

(c) A fee for each application to transfer a new or used manufactured home as provided in RCW 59.22.080.

(d) A fee of twenty-five dollars for each application to (~~defray~~) cover the cost of processing documents and performing services as (~~required by chapter 65.20~~) described in RCW 65.20.090.

WSR 04-21-050  
PROPOSED RULES  
DEPARTMENT OF LICENSING

[Filed October 18, 2004, 1:18 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-060.

Title of Rule and Other Identifying Information: WAC 308-96A-079 Helping Kids Speak license plate, this rule establishes terms and conditions for the use of Helping Kids Speak special license plates, established as a result of SSB 6688 of the 58th legislative 2004 regular session.

Hearing Location(s): Department of Licensing, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on November 29, 2004, at 10:00 a.m.

Date of Intended Adoption: December 21, 2004.

Submit Written Comments to: Dale R. Brown, P.O. Box 2957, 1125 Washington Street S.E., Olympia, WA 98507-2957, e-mail [dbrown@dol.wa.gov](mailto:dbrown@dol.wa.gov), fax (360) 902-3827, by November 28, 2004.

Assistance for Persons with Disabilities: Contact Dale R. Brown by November 28, 2004, TTY (360) 664-8885.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to establish rules to obtain Helping Kids Speak special license plates. The anticipated effect will be communicating to the public the criteria for receiving Helping Kids Speak special license plates.

Reasons Supporting Proposal: Clear rules establish terms and conditions for the new special license plate, allowing the public to obtain the plates.

Statutory Authority for Adoption: RCW 46.16.316.

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

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, WA, (360) 902-3718; Implementation and Enforcement: Jennifer Dana, 1125 Washington Street S.E., Olympia, WA, (360) 902-3710.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in the industry.

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rules are explicitly and specifically dictated by statute.

October 18, 2004

Steve Boruchowitz

Policy and Projects Office

NEW SECTION

**WAC 308-96A-079 Helping Kids Speak special vehicle license plate series.** (1) **When ownership of a vehicle issued "Helping Kids Speak license plate(s)" is sold, traded, or otherwise transferred, what happens to the plate(s)?** The special license plate owner may relinquish the plate(s) to the new vehicle owner or remove the plate(s) from

the vehicle for transfer to a replacement vehicle. License plate transfer fees apply.

(2) **Will any new fees be charged when the Helping Kids Speak license plate(s) are transferred?** If the registration expiration date for the new vehicle is later than registration expiration date of the previous vehicle the fee for the Helping Kids Speak plate will be charged at the rate of one-twelfth of the annual Helping Kids Speak plate(s) fee for each exceeding month and partial month. If the new registration expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

(3) **May Helping Kids Speak license number plates be replaced with the same number if they become lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both Helping Kids Speak license plate(s), the owner must make application for new Helping Kids Speak or other license plate(s) and pay the fees described in RCW 46.16.270. See note following subsection (5) of this section.

(4) **Will Helping Kids Speak license plate(s) ever need replacing?** Yes, the Helping Kids Speak license plate(s) are subject to the mandatory vehicle license plate replacement schedule.

(5) **When replacing Helping Kids Speak license plate(s), is the same license plate number/letter combination issued?** Yes. If the vehicle owner requests and pays the fees described in RCW 46.16.233, the Helping Kids Speak license plate(s) may be replaced with the same number/letter combination as shown on the vehicle computer record.

Note: If the license plate(s) have been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

**WSR 04-21-051**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed October 18, 2004, 1:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-009.

Title of Rule and Other Identifying Information: Chapter 308-63 WAC, Wreckers, WAC 308-63-090 Wreckers—Records and procedures for monthly reports.

Hearing Location(s): Department of Licensing, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on November 30, 2004, at 10:00 a.m.

Date of Intended Adoption: December 21, 2004.

Submit Written Comments to: Dale R. Brown, P.O. Box 2957, 1125 Washington Street S.E., Olympia, WA 98507-2957, e-mail dbrown@dol.wa.gov, fax (360) 902-3827, by November 29, 2004.

Assistance for Persons with Disabilities: Contact Dale R. Brown by November 29, 2004, TTY (360) 664-8885.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To provide the

vehicle wrecker industry, who requests access, an option to utilize the department's destroyed vehicle reporting online system to submit their monthly wrecker reports that update the vehicle record immediately. This rule also seeks to clarify that the wrecker shall maintain the original evidence of ownership documentation with a copy of their electronically filed or written monthly report within their files for three years.

Reasons Supporting Proposal: To provide wreckers with an additional means of submitting the monthly report and establishes retention and consistency in documentation maintained by the industry.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: Chapter 46.44 RCW.

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

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, WA, (360) 902-3718; Implementation and Enforcement: Sheila Gilkey, 1125 Washington Street S.E., Olympia, WA, (360) 902-3673.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in the industry.

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rules are explicitly and specifically dictated by statute.

October 18, 2004

Steve Boruchowitz  
Policy and Projects Office

AMENDATORY SECTION (Amending WSR 02-19-036, filed 9/10/02, effective 10/11/02)

**WAC 308-63-090 Wreckers—Records and procedures for monthly reports. What records must I keep and how do I handle the monthly report?** (1) Wrecker books and files(~~The wrecker shall maintain books and files which shall~~) must contain the following:

(a) A record of each vehicle or part acquired (~~giving~~) that includes:

(i) A description of the wrecked vehicle or major component part as defined in RCW 46.80.010 by make, model, year, (~~and for major component parts, except core parts, the~~) vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the wrecker, and the name of the person, firm or corporation from which the vehicle or part was obtained;

(iii) The certificate of title number if registered in a title state, or registration number if a nontitle state; or description of the document used in lieu of title, such as an affidavit of sale or a bill of sale for a vehicle or vehicle part;

(iv) The name of the state and license number in the state that a vehicle was last registered; and

(v) A statement indicating whether any used car or truck at least six years but not more than twenty years old met the

market value threshold amount immediately before it was wrecked, destroyed or damaged, as required by RCW 46.12.070 and WAC 308-56A-460(3). If this statement is not provided, when required, the department will treat the vehicle as if the wrecker indicated that the market value threshold was met when required.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker (~~(shall)~~) must retain a copy of such invoice or bill of sale for purposes of inspection for three years.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) (~~(The wrecker must furnish written reports.)~~) For the purposes of RCW 46.80.090, wrecker monthly reports submitted electronically through the department's on-line reporting system is the same as filing a written monthly report. By the tenth of the month following acquisition of vehicles entered into the wrecking yard inventory, each wrecker must submit a written or electronic report on the form prescribed by the department documenting those vehicles were acquired and entered into the wrecking yard inventory during the previous month. Vehicles being held in the segregated storage area awaiting ownership documents, pursuant to WAC 308-63-070(8), will not be reported. (~~The report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files.~~) If no vehicles were acquired during that month, the monthly report must be sent in stating "none." The written report (~~(shall contain)~~) must be made in duplicate. The original written report must be sent to the department containing such information (~~for vehicles only as the wrecker is~~) as required (~~(to keep)~~) by subsection (1)(a)(i), (ii), (iii), (iv), and (v) of this section. The written report must be accompanied by photocopies of properly endorsed certificates of title or other adequate evidence of ownership and registration certificates(~~(; provided that records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept)~~). A duplicate copy of the report must be retained in the wrecker's file for three years accompanied by the original evidence of ownership documents. When reported electronically, the department's printed confirmation receipt must be retained for the wrecker's file for three years accompanied by the original evidence of ownership documents.

Records on acquisition and sales of vehicle parts need not be included in reports submitted to the department, but records must be kept for three years from date of purchase and made available for inspection.

(3) Identity of vehicles in yard. All vehicles placed in the yard (~~(shall)~~) must be identified by a yard number as assigned in the wrecker's records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the yard number of the vehicle (~~(shall)~~)

must be ((remarked)) placed in another location on the vehicle.

**WSR 04-21-056**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed October 18, 2004, 2:57 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-16-044.

Title of Rule and Other Identifying Information: Rules pertaining to commercial sales of an unclassified marine invertebrate (krill).

Hearing Location(s): Shilo Inn, Ocean Shores Boulevard N.W., Ocean Shores, WA 98569, on December 3-4, 2004, begins 8:00 a.m. December 3rd.

Date of Intended Adoption: December 3, 2004.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail jacobesj@dfw.wa.gov, fax (360) 902-2155, by December 2, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by November 22, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to prohibit the commercial harvest, sale and traffic in krill. The anticipated effect is to prevent human exploitation of and competition for a resource that provides a substantial food source to baleen whales and many exploited populations of marine fish.

Reasons Supporting Proposal: Commercial krill fisheries are prohibited in the coastal states of Oregon and California and this would allow and provide for Washington to prevent harvest from marine waters being sold or trafficked through Washington.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington Department of Fish and Wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Morris Barker, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA, (360) 902-2826; Implementation: Lew Atkins, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA, (360) 902-2651; and Enforcement: Bruce Bjork, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA, (360) 902-2373.

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

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: Rule

prohibits commercial harvest and trafficking in krill, an unclassified marine invertebrate.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: No professional services required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: There are no costs for compliance.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No loss of sales or revenue will occur.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

1. Cost per employee;
2. Cost per hour of labor; or
3. Cost per one hundred dollars of sales.

There are no costs of compliance.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: The agency has not taken any steps to reduce costs as there are no small businesses involved in this fishery.

7. A Description of How the Agency will Involve Small Businesses in the Development of the Rule: Small business may become involved through the public hearing process conducted under the auspices of the Fish and Wildlife Commission.

8. A List of Industries That will be Required to Comply with the Rule: Commercial fishing industries that could take or sell krill.

A copy of the statement may be obtained by contacting Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail jacobesj@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. The rule is not a hydraulic rule proposal.

October 18, 2004

Evan Jacoby

Rules Coordinator

## NEW SECTION

**WAC 220-20-013 Unlawful possession and sale of unclassified marine invertebrates.** (1) It is unlawful to deliver krill taken for commercial purposes from state or off-shore waters into Washington state, and it is unlawful to possess krill taken for commercial purposes. Violation of this subsection is punishable under RCW 77.15.140.

(2) It is unlawful to traffic in krill. Violation of this subsection is punishable under RCW 77.15.260.

**WSR 04-21-057**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 [Filed October 18, 2004, 3:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-16-086.

Title of Rule and Other Identifying Information: Part 1 of 2. Amending WAC 388-538-050 Definitions and 388-538-060 Managed care and choice; and adding new WAC 388-538-061 Managed care provided through the Washington Medicaid integration partnership (WMIP) or Medicare/Medicaid integration program (MMIP).

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on November 23, 2004, at 10:00 a.m.

Date of Intended Adoption: Not sooner than November 24, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., November 23, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by November 19, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is revising the above referenced sections of the managed care rules to incorporate the following changes: (1) Clarify existing language; (2) revise WAC 388-538-060 to remove language regarding contract access standards and to simplify the enrollment process for managed care clients; and (3) add new WAC 388-538-061 to establish the Washington Medicaid integration partnership (WMIP) and the Medicare/Medicaid integration program (MMIP). These programs are designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled client population.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: ESSB 5404, section 201(4), chapter 25, Laws of 2003; section 201(4), chapter 276, Laws of 2004, 42 U.S.C. 1396n (Sec. 1915(b) and (c) of the Social Security Act of 1924); RCW 74.09.522.

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

Name of Proponent: Department of Social and Health Services, governmental.

Name of Agency Personnel Responsible for Drafting: Wendy L. Boedigheimer, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1306; Implementation and Enforcement: Alison Robbins, P.O. Box 45530, Olympia, WA 98504-5530, (360) 725-1634.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendments and concludes the managed care organizations currently contracted with the department employ more than fifty persons each and do not

meet the definition of a small business under RCW 19.85-020; therefore the preparation of a comprehensive small business economic impact statement is not required.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Alison Robbins, Medical Assistance Care Coordination, P.O. Box 44530, Olympia, WA 98504-5530, phone (360) 725-1634, fax (360) 753-7315, e-mail rob-biaa@dshs.wa.gov.

October 15, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-18-109, filed 9/2/03, effective 10/3/03)

**WAC 388-538-050 Definitions.** The following definitions and abbreviations and those found in WAC 388-500-0005, Medical definitions, apply to this chapter.

"**Action**" means:

- (1) The denial or limited authorization of a requested service, including the type or level of service;
- (2) The reduction, suspension, or termination of a previously authorized service;
- (3) The denial, in whole or in part, of payment for a service;
- (4) The failure to provide services in a timely manner, as defined by the state; or
- (5) The failure of an MCO to act within the time frames provided in 42 C.F.R. 438.408(b).

"**Ancillary health services**" means health services ordered by a provider, including but not limited to, laboratory services, radiology services, and physical therapy.

"**Appeal**" means a request by a provider or covered enrollee for reconsideration of an action.

"**Assign**" or "**assignment**" means that the medical assistance administration (MAA) selects a managed care organization (MCO) or primary care case management (PCCM) provider to serve a client (~~((who lives in a mandatory enrollment area and))~~) who has failed to select an MCO or PCCM provider.

"Auto enrollment" means that MAA automatically enrolls a client into an MCO in his or her area, rather than waiting for the client to enroll with an MCO.

"**Basic health ((BH))**" "or "BH" means the health care program authorized by chapter 70.47 RCW and administered by the health care authority (HCA). MAA considers basic health to be third-party coverage, however, this does not include basic health plus (BH+).

"**Children with special health care needs**" means children identified by ~~((the department of social and health services))~~ DSHS ~~(( ))~~ as having special health care needs. This includes:

- (1) Children designated as having special health care needs by the department of health (DOH) and served under the Title V program;
- (2) Children who meet disability criteria of Title 16 of the Social Security Act (SSA); and
- (3) Children who are in foster care or who are served under subsidized adoption.

"**Client**" means an individual eligible for any medical program who is not enrolled with ~~((a managed care organization (MCO) or primary care case management (PCCM)))~~ an MCO or PCCM provider. In this chapter, "client" refers to a person before ~~((the person))~~ he or she is enrolled in managed care, while "enrollee" refers to an individual eligible for any medical program who is enrolled in managed care.

"**Emergency medical condition**" means a condition meeting the definition in 42 C.F.R. 438.114(a).

"**Emergency services**" means services as defined in 42 C.F.R. 438.114(a).

"**End enrollment**" means an enrollee is currently enrolled in managed care, either with ~~((a managed care organization (MCO) or with a primary care case management (PCCM)))~~ an MCO or with a PCCM provider, and requests to discontinue enrollment and return to the fee-for-service delivery system for one of the reasons outlined in WAC 388-538-130. This is also referred to as "disenrollment."

"**Enrollee**" means an individual eligible for any medical program who is enrolled in managed care through ~~((a managed care organization (MCO) or primary care case management (PCCM)))~~ an MCO or PCCM provider that has a contract with the state.

"**Enrollees with special health care needs**" means persons having chronic and disabling conditions, including persons with special health care needs that meet all of the following conditions:

- (1) Have a biologic, psychologic, or cognitive basis;
- (2) Have lasted or are virtually certain to last for at least one year; and
- (3) Produce one or more of the following conditions stemming from a disease:
  - (a) Significant limitation in areas of physical, cognitive, or emotional function;
  - (b) Dependency on medical or assistive devices to minimize limitation of function or activities; or
  - (c) In addition, for children, any of the following:
    - (i) Significant limitation in social growth or developmental function;
    - (ii) Need for psychologic, educational, medical, or related services over and above the usual for the child's age; or
    - (iii) Special ongoing treatments, such as medications, special diet, interventions, or accommodations at home or school.

"**Exemption**" means a client, not currently enrolled in managed care, makes a pre-enrollment request to remain in the fee-for-service delivery system for one of the reasons outlined in WAC 388-538-130.

"**Grievance**" means an expression of dissatisfaction about any matter other than an action, as "action" is defined in this section.

"**Grievance system**" means the overall system that includes grievances and appeals handled at the MCO level and access to the state fair hearing process.

"**Health care service**" or "**service**" means a service or item provided for the prevention, cure, or treatment of an illness, injury, disease, or condition.

"**Healthy Options contract**" or "**HO contract**" means the agreement between ~~((the department of social and health~~

services (DSHS) and a managed care organization (MCO)) DSHS and an MCO to provide prepaid contracted services to enrollees.

**"Healthy Options program" or "HO program"** means the ~~((medical assistance administration's (MAA)))~~ MAA ~~(( ))~~ prepaid managed care health program for Medicaid-eligible clients and ~~((CHIP))~~ clients enrolled in the children's health insurance program (CHIP).

**"Managed care"** means a comprehensive ~~((system of))~~ health care delivery ~~((including))~~ system that includes preventive, primary, specialty, and ancillary ((health)) services. These services are provided through either ((through a managed care organization (MCO) or primary care case management (PCCM)) an MCO or PCCM provider.

**"Managed care organization" or "MCO"** means an organization having a certificate of authority or certificate of registration from the office of insurance commissioner that contracts with ~~((the department of social and health services (DSHS)))~~ DSHS ~~(( ))~~ under a comprehensive risk contract to provide prepaid health care services to eligible ~~((medical assistance administration (MAA)))~~ MAA ~~(( ))~~ clients under ~~((MAA's))~~ the department's managed care programs.

**"Mandatory service area"** means a service area in which eligible clients are required to enroll in an MCO.

**"Medicare/Medicaid Integration Program" or "MMIP"** means DSHS's prepaid managed care program that integrates medical and long-term care services for clients who are sixty-five years of age or older and eligible for Medicare only or eligible for Medicare and Medicaid. Clients eligible for Medicaid only are not eligible for this program.

**"Nonparticipating provider"** means a person or entity that does not have a written agreement with ~~((a managed care organization (MCO)))~~ an MCO ~~(( ))~~ but that provides MCO-contracted health care services to managed care enrollees with the authorization of the MCO. The MCO is solely responsible for payment for MCO-contracted health care services that are authorized by the MCO and provided by nonparticipating providers.

**"Participating provider"** means a person or entity with a written agreement with ~~((a managed care organization (MCO)))~~ an MCO ~~(( ))~~ to provide health care services to managed care enrollees. A participating provider must look solely to the MCO for payment for such services.

**"Primary care case management ((PCCM))" or "PCCM"** means the health care management activities of a provider that contracts with the department to provide primary health care services and to arrange and coordinate other preventive, specialty, and ancillary health services.

**"Primary care provider ((PCP))" or PCP"** means a person licensed or certified under Title 18 RCW including, but not limited to, a physician, an advanced registered nurse practitioner (ARNP), or a physician assistant who supervises, coordinates, and provides health services to a client or an enrollee, initiates referrals for specialist and ancillary care, and maintains the client's or enrollee's continuity of care.

**"Prior authorization ((PA))" or PA"** means a process by which enrollees or providers must request and receive MAA approval for services provided through MAA's fee-for-service program, or MCO approval for services provided

through the MCO, for certain medical services, equipment, drugs, and supplies, based on medical necessity, before the services are provided to clients, as a precondition for provider reimbursement. Expedited prior authorization and limitation extension are forms of prior authorization. See WAC 388-501-0165.

**"Timely"** - in relation to the provision of services, means an enrollee has the right to receive medically necessary health care as expeditiously as the enrollee's health condition requires. In relation to authorization of services and grievances and appeals, means in accordance with the ~~((healthy options (HO) state children's health insurance program (SCHIP) contract))~~ department's managed care programs and the time frames stated in this chapter.

**"Washington Medicaid Integration Partnership" or "WMIP"** means the managed care program that integrates medical, mental health, chemical dependency treatment, and long-term care services into a single coordinated health plan for eligible aged, blind, or disabled clients

**AMENDATORY SECTION** (Amending WSR 03-18-109, filed 9/2/03, effective 10/3/03)

**WAC 388-538-060 Managed care and choice.** (1) MAA requires a client to enroll in managed care when that client meets all of the following conditions:

(a) Is eligible for one of the medical programs for which clients must enroll in managed care;

(b) Resides in an area, determined by the medical assistance administration (MAA), where clients must enroll in managed care;

(c) Is not exempt from managed care enrollment as determined by MAA, consistent with WAC 388-538-130, and any related fair hearing has been held and decided; and

(d) Has not had managed care enrollment ended by MAA, consistent with WAC 388-538-130.

(2) American Indian/Alaska Native (AI/AN) clients who meet the provisions of 25 U.S.C. 1603 (c)-(d) for federally recognized tribal members and their descendants may choose one of the following:

(a) Enrollment with a managed care organization (MCO) available in their area;

(b) Enrollment with an Indian or tribal primary care case management (PCCM) provider available in their area; or

(c) MAA's fee-for-service system.

(3) A client may enroll with an MCO or PCCM provider by calling MAA's toll-free enrollment line or by sending a completed enrollment form to MAA.

(a) Except as provided in subsection (2) of this section for clients who are AI/AN, a client required to enroll in managed care must enroll with an MCO or PCCM provider available in the area where the client lives.

(b) All family members must either enroll with the same MCO or enroll with PCCM providers.

(c) Enrollees may request an MCO or PCCM provider change at any time.

(d) When a client requests enrollment with an MCO or PCCM provider, MAA enrolls a client effective the earliest possible date given the requirements of MAA's enrollment system. MAA does not enroll clients retrospectively.

(4) MAA assigns a client who does not choose an MCO or PCCM provider as follows:

(a) If the client has family members enrolled with an MCO, the client is enrolled with that MCO;

(b) If the client does not have family members enrolled with an MCO that is currently under contract with DSHS, and the client was previously enrolled ((in the last six months with an)) with the MCO or PCCM provider, and DSHS can identify the previous enrollment, the client is reenrolled with the same MCO or PCCM provider;

(c) If a client does not choose an MCO or a PCCM provider, but indicates a preference for a provider to serve as the client's primary ((~~ease~~) care) provider (PCP), MAA attempts to contact the client to complete the required choice. If MAA is not able to contact the client in a timely manner, MAA documents the attempted contacts and, using the best information available, assigns the client as follows. If the client's preferred PCP is:

(i) Available with one MCO, MAA assigns the client in the MCO where the client's PCP provider is available. The MCO is responsible for PCP choice and assignment;

(ii) Available only as a PCCM provider, MAA assigns the client to the preferred provider as the client's PCCM provider;

(iii) Available with multiple MCOs or through an MCO and as a PCCM provider, MAA assigns the client to an MCO as described in (d) of this subsection;

(iv) Not available through any MCO or as a PCCM provider, MAA assigns the client to an MCO or PCCM provider as described in (d) of this subsection.

(d) If the client cannot be assigned according to (a), (b), or (c) of this subsection, MAA assigns the client as follows:

(i) If an AI/AN client does not choose an MCO or PCCM provider, MAA assigns the client to a tribal PCCM provider if that client lives in a zip code served by a tribal PCCM provider. If there is no tribal PCCM provider in the client's area, the client continues to be served by MAA's fee-for-service system. A client assigned under this subsection may request to end enrollment at any time.

(ii) If a non-AI/AN client does not choose an MCO or PCCM provider, MAA assigns the client to an MCO or PCCM provider available in the area where the client lives. The MCO is responsible for PCP choice and assignment. An MCO must meet the healthy options (HO) contract's access standards unless the MCO has been granted an exemption by MAA ~~((The HO contract standards are as follows:~~

~~(A) There must be two PCPs within ten miles for ninety percent of HO enrollees in urban areas and one PCP within twenty five miles for ninety percent of HO enrollees in rural areas;~~

~~(B) There must be two obstetrical providers within ten miles for ninety percent of HO enrollees in urban areas and one obstetrical provider within twenty five miles for ninety percent of HO enrollees in rural areas;~~

~~(C) There must be one hospital within twenty five miles for ninety percent of HO enrollees in the contractor's service area;~~

~~(D) There must be one pharmacy within ten miles for ninety percent of HO enrollees in urban areas and one phar-~~

~~mac~~y~~ within twenty five miles for ninety percent of HO enrollees in rural areas)).~~

(iii) For clients who are new to medical assistance or who have had a break in eligibility of greater than two months, MAA sends a written notice to each household of one or more clients who are assigned to an MCO or PCCM provider. The assigned client has ten calendar days to contact MAA to change the MCO or PCCM provider assignment before enrollment is effective. The notice includes the name of the MCO or PCCM provider to which each client has been assigned, the effective date of enrollment, the date by which the client must respond in order to change MAA's assignment, and ~~((either))~~ the toll-free telephone number of either:

(A) The MCO for enrollees assigned to an MCO; or

(B) MAA for enrollees assigned to a PCCM provider.

(iv) ~~((An assigned client has at least thirty calendar days to contact MAA to change the MCO or PCCM provider assignment before enrollment is effective))~~ If the client has a break in eligibility of less than two months, the client will be automatically re-enrolled with his or her previous MCO or PCCM provider and no notice will be sent.

(5) An MCO enrollee's selection of the enrollee's PCP or the enrollee's assignment to a PCP occurs as follows:

(a) MCO enrollees may choose:

(i) A PCP or clinic that is in the enrollee's MCO and accepting new enrollees; or

(ii) Different PCPs or clinics participating with the same MCO for different family members.

(b) The MCO assigns a PCP or clinic that meets the access standards set forth in ~~((subsection (4)(d)(ii) of this section))~~ the relevant managed care contract if the enrollee does not choose a PCP or clinic;

(c) MCO enrollees may change PCPs or clinics in an MCO for any reason, with the change becoming effective no later than the beginning of the month following the enrollee's request; or

(d) In accordance with this subsection, MCO enrollees may file a grievance with the MCO and may change plans if the MCO denies an enrollee's request to change PCPs or clinics.

## NEW SECTION

**WAC 388-538-061 Managed care provided through the Washington Medicaid Integration Partnership (WMIP) or Medicare/Medicaid Integration Program (MMIP).** (1) The purpose of this section is to describe the managed care requirements for clients eligible for either the Washington Medicaid Integration Partnership (WMIP) or the Medicare/Medicaid Integration Program (MMIP).

(2) Unless otherwise stated in this section, all of the provisions of chapter 388-538 WAC apply to clients enrolled in WMIP and MMIP.

(3) The following sections of chapter 388-538 WAC do not apply to WMIP enrollees or MMIP enrollees:

(a) WAC 388-538-060. However, WAC 388-538-060(5), describing enrollees' ability to choose their PCP, does apply to WMIP enrollees and MMIP enrollees;

(b) WAC 388-538-063;

(c) WAC 388-538-065;

(d) WAC 388-538-068; and

(e) WAC 388-538-130. However, WAC 388-538-130 (3) and WAC 388-538-130(4), describing the process used when MAA receives a request from an MCO to remove an enrollee from enrollment in managed care, do apply to WMIP enrollees and MMIP enrollees. Also, WAC 388-538-130(9), describing the MCO's ability to refer enrollees to MAA's "Patient Review and Restriction" program, does apply to WMIP enrollees and MMIP enrollees.

(4) The process for enrollment of WMIP and MMIP clients is as follows:

(a) For WMIP, MAA automatically enrolls clients, with the exception of American Indian/Alaska Natives and clients eligible for both Medicare and Medicaid, when they:

- (i) Are aged, blind, or disabled;
- (ii) Are twenty-one years of age or older; and
- (iii) Receive medical assistance.

(b) For MMIP, clients are eligible to voluntarily enroll when they:

- (i) Are sixty-five years of age or older; and
- (ii) Receive Medicare and/or Medicaid.

(c) American Indian/Alaska Native (AI/AN) clients who meet the eligibility criteria in (a) or (b) of this subsection may voluntarily enroll or end enrollment in WMIP or MMIP at any time.

(d) MAA will not enroll a client in WMIP or MMIP, or will end an enrollee's enrollment in WMIP or MMIP when the client has, or becomes eligible for, CHAMPUS/TRICARE or any other accessible third-party health care coverage that would require exemption or involuntary disenrollment from managed care.

(e) Clients enrolled in WMIP or MMIP may end enrollment from the MCO at any time without cause. The client may then re-enroll at any time with the MCO. MAA ends enrollment for clients prospectively to the first of the month following request to end enrollment.

(f) On a case-by-case basis, MAA may retroactively end enrollment from WMIP and MMIP when, in MAA's judgment:

- (i) The client or enrollee has a documented and verifiable medical condition; and
- (ii) Enrollment in managed care could cause an interruption of on-going treatment that could jeopardize the client's or enrollee's life or health or ability to attain, maintain, or regain maximum function.

(5) In addition to the scope of medical care described in WAC 388-538-095, the following services are also included in the MCO contract for WMIP and MMIP enrollees:

- (a) For WMIP enrollees - mental health, chemical dependency treatment, and long-term care services; and
- (b) For MMIP enrollees - long-term care services.

(6) MAA sends each client written information about covered services when the client is eligible to enroll in WMIP or MMIP, and any time there is a change in covered services. In addition, MAA requires MCOs to provide new enrollees with written information about covered services.

**WSR 04-21-058**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed October 18, 2004, 3:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-16-086.

Title of Rule and Other Identifying Information: Part 2 of 2. Amending WAC 388-538-065 Medicaid-eligible basic health (BH) enrollees, 388-538-070 Managed care payment, 388-538-095 Scope of care for managed care enrollees, 388-538-112 DSHS fair hearing process for enrollee appeals of managed care organization actions, and 388-538-120 Enrollee request for a second medical opinion.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on November 23, 2004, at 10:00 a.m.

Date of Intended Adoption: Not sooner than November 24, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., November 23, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by November 19, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is revising these sections to clarify existing language related to proposed amendment of WAC 388-538-050 and 388-538-060, and proposed new WAC 388-538-061. No policy is being added or deleted.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.522.

Statute Being Implemented: RCW 74.09.522.

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

Name of Proponent: Department of Social and Health Services, governmental.

Name of Agency Personnel Responsible for Drafting: Wendy L. Boedigheimer, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1306; Implementation and Enforcement: Alison Robbins, P.O. Box 45530, Olympia, WA 98504-5530, (360) 725-1634.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendments and concludes the managed care organizations currently contracted with the department employ more than fifty persons each; therefore the preparation of a comprehensive small business economic impact statement is not required. Also, the rule change does not impose additional costs or administrative burdens on these providers and will not place a more than minor impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule change does not meet the def-

PROPOSED

inition of a "significant rule" according to RCW 34.05.328 (5)(c)(iii). Therefore, no cost-benefit analysis is required.

October 15, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

PROPOSED

AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

**WAC 388-538-065 Medicaid-eligible basic health (BH) enrollees.** (1) Certain children and pregnant women who have applied for, or are enrolled in, managed care through basic health (BH) (chapter 70.47 RCW) are eligible for Medicaid under pediatric and maternity expansion provisions of the Social Security Act. The medical assistance administration (MAA) determines Medicaid eligibility for children and pregnant women who enroll through BH.

(2) The administrative rules and regulations that apply to managed care enrollees also apply to Medicaid-eligible clients enrolled through BH, except as follows:

(a) The process for enrolling in managed care described in WAC 388-538-060(3) does not apply since enrollment is through the health care authority, the state agency that administers BH;

(b) American Indian/Alaska Native (AI/AN) clients cannot choose fee-for-service or PCCM as described in WAC 388-538-060(2). They must enroll in a BH-contracted MCO.

(c) If a Medicaid eligible client applying for BH does not choose an MCO (~~((within ninety days))~~), the client is transferred from BH to the department of social and health services (DSHS) for assignment to managed care.

AMENDATORY SECTION (Amending WSR 03-18-112, filed 9/2/03, effective 10/3/03)

**WAC 388-538-067 Managed care provided through managed care organizations (MCOs).** (1) Managed care organizations (MCOs) may contract with the department of social and health services (DSHS) to provide prepaid health care services to eligible (~~((medical assistance administration (MAA)))~~) clients. The MCOs must meet the qualifications in this section to be eligible to contract with DSHS. The MCO must:

(a) Have a certificate of registration from the office of the insurance commissioner (OIC) that allows the MCO to provide the services in subsection (1) of this section;

(b) Accept the terms and conditions of DSHS' HO contract;

(c) Be able to meet the network and quality standards established by DSHS; and

(d) Accept the prepaid rates published by DSHS.

(2) DSHS reserves the right not to contract with any otherwise qualified MCO.

AMENDATORY SECTION (Amending WSR 03-18-109, filed 9/2/03, effective 10/3/03)

**WAC 388-538-070 Managed care payment.** (1) The medical assistance administration (MAA) pays managed care organizations (MCOs) monthly capitated premiums that:

(a) Have been determined using generally accepted actuarial methods;

(b) ~~Are based on ((analyses of)) historical ((healthy options (HO) contractual rates and MCO experience in providing health care for the populations eligible for HO)) analysis of financial cost and/or rate information;~~ and

~~((b)) (c) Are paid based on legislative allocations ((for the HO program)).~~

(2) MAA pays primary care case management (PCCM) providers a monthly case management fee according to contracted terms and conditions.

(3) MAA does not pay providers on a fee-for-service basis for services that are the MCO's responsibility (~~(under the HO contract)~~), even if the MCO has not paid for the service for any reason. The MCO is solely responsible for payment of MCO-contracted health care services:

(a) Provided by an MCO-contracted provider; or

(b) That are authorized by the MCO and provided by nonparticipating providers.

(4) MAA pays an additional monthly amount, known as an enhancement rate, to federally qualified health care centers (FQHC) and rural health clinics (RHC) for each client enrolled with MCOs through the FQHC or RHC. MCOs may contract with FQHCs and RHCs to provide services (~~(under HO)~~). FQHCs and RHCs receive an enhancement rate from MAA on a per member, per month basis in addition to the negotiated payments they receive from the MCOs for services provided to MCO enrollees.

AMENDATORY SECTION (Amending WSR 03-18-109, filed 9/2/03, effective 10/3/03)

**WAC 388-538-095 Scope of care for managed care enrollees.** (1) Managed care enrollees are eligible for the scope of medical care as described in WAC 388-529-0100 for categorically needy clients.

(a) A client is entitled to timely access to medically necessary services as defined in WAC 388-500-0005.

(b) The managed care organization (MCO) covers the services included in the (~~((healthy options (HO)))~~) MCO contract for MCO enrollees. In addition, MCOs may, at their discretion, cover services not required under the (~~(HO))~~ MCO contract.

(c) The medical assistance administration (MAA) covers the medically necessary, covered categorically needy services not included in the (~~(HO))~~ MCO contract for MCO enrollees.

(d) MAA covers services on a fee-for-service basis for enrollees with a primary care case management (PCCM) provider. Except for emergencies, the PCCM provider must either provide the covered services needed by the enrollee or refer the enrollee to other providers who are contracted with MAA for covered services. The PCCM provider is responsible for instructing the enrollee regarding how to obtain the services that are referred by the PCCM provider. The services that require PCCM provider referral are described in the PCCM contract. MAA informs enrollees about the enrollee's program coverage, limitations to covered services, and how to obtain covered services.

(e) MCO enrollees may obtain certain services from either a MCO provider or from a medical assistance provider with a DSHS core provider agreement without needing to obtain a referral from the PCP or MCO. These services are described in the ((HØ)) managed care contract, and are communicated to enrollees by MAA and MCOs as described in (f) of this subsection.

(f) ((MAA)) DSHS sends each client written information about covered services when the client is required to enroll in managed care, and any time there is a change in covered services. This information describes covered services, which services are covered by MAA, and which services are covered by MCOs. In addition, ((MAA)) DSHS requires MCOs to provide new enrollees with written information about covered services.

(2) For services covered by MAA through PCCM contracts for managed care:

(a) MAA covers medically necessary services included in the categorically needy scope of care and rendered by providers with a current department of social and health services (DSHS) core provider agreement to provide the requested service;

(b) MAA may require the PCCM provider to obtain authorization from MAA for coverage of nonemergency services;

(c) The PCCM provider determines which services are medically necessary;

(d) An enrollee may request a fair hearing for review of PCCM provider or MAA coverage decisions (see WAC 388-538-110); and

(e) Services referred by the PCCM provider require an authorization number in order to receive payment from MAA.

(3) For services covered by MAA through contracts with MCOs:

(a) MAA requires the MCO to subcontract with a sufficient number of providers to deliver the scope of contracted services in a timely manner. Except for emergency services, MCOs provide covered services to enrollees through their participating providers;

(b) MAA requires MCOs to provide new enrollees with written information about how enrollees may obtain covered services;

(c) For nonemergency services, MCOs may require the enrollee to obtain a referral from the primary care provider (PCP), or the provider to obtain authorization from the MCO, according to the requirements of the ((HØ)) MCO contract;

(d) MCOs and their providers determine which services are medically necessary given the enrollee's condition, according to the requirements included in the ((HØ)) MCO contract;

(e) An enrollee may appeal an MCO action using the MCO's appeal process, as described in WAC 388-538-110. After exhausting the MCO's appeal process, an enrollee may also request a department fair hearing for review of an MCO action as described in WAC 388-538-112;

(f) A managed care enrollee does not need a PCP referral to receive women's health care services, as described in RCW 48.42.100 from any women's health care provider participating with the MCO. Any covered services ordered and/or pre-

scribed by the women's health care provider must meet the MCO's service authorization requirements for the specific service.

(4) Unless the MCO chooses to cover these services, or an appeal or a fair hearing decision reverses an MCO or MAA denial, the following services are not covered:

(a) For all managed care enrollees:

(i) Services that are not medically necessary;

(ii) Services not included in the categorically needy scope of services; and

(iii) Services, other than a screening exam as described in WAC 388-538-100(3), received in a hospital emergency department for nonemergency medical conditions.

(b) For MCO enrollees:

(i) Services received from a participating specialist that require prior authorization from the MCO, but were not authorized by the MCO; and

(ii) Services received from a nonparticipating provider that require prior authorization from the MCO that were not authorized by the MCO. All nonemergency services covered under the ((HØ)) MCO contract and received from nonparticipating providers require prior authorization from the MCO.

(c) For PCCM enrollees, services that require a referral from the PCCM provider as described in the PCCM contract, but were not referred by the PCCM provider.

(5) A provider may bill an enrollee for noncovered services as described in subsection (4) of this section, if the requirements of WAC 388-502-0160 are met. The provider must give the original agreement to the enrollee and file a copy in the enrollee's record.

(a) The agreement must state all of the following:

(i) The specific service to be provided;

(ii) That the service is not covered by either MAA or the MCO;

(iii) An explanation of why the service is not covered by the MCO or MAA, such as:

(A) The service is not medically necessary; or

(B) The service is covered only when provided by a participating provider.

(iv) The enrollee chooses to receive and pay for the service; and

(v) Why the enrollee is choosing to pay for the service, such as:

(A) The enrollee understands that the service is available at no cost from a provider participating with the MCO, but the enrollee chooses to pay for the service from a provider not participating with the MCO;

(B) The MCO has not authorized emergency department services for nonemergency medical conditions and the enrollee chooses to pay for the emergency department's services rather than wait to receive services at no cost in a participating provider's office; or

(C) The MCO or PCCM has determined that the service is not medically necessary and the enrollee chooses to pay for the service.

(b) For limited-English proficient enrollees, the agreement must be translated or interpreted into the enrollee's primary language to be valid and enforceable.

(c) The agreement is void and unenforceable, and the enrollee is under no obligation to pay the provider, if the ser-

vice is covered by MAA or the MCO as described in subsection (1) of this section, even if the provider is not paid for the covered service because the provider did not satisfy the payor's billing requirements.

**AMENDATORY SECTION** (Amending WSR 04-13-002, filed 6/2/04, effective 7/3/04)

**PROPOSED**

**WAC 388-538-112** The ~~((medical assistance administration's (MAA's)))~~ **department of social and health services' (DSHS) fair hearing process for enrollee appeals of managed care organization (MCO) actions.** (1) The fair hearing process described in chapter 388-02 WAC applies to the fair hearing process described in this chapter. Where a conflict exists, the requirements in this chapter take precedence.

(2) An MCO enrollee must exhaust all levels of resolution and appeal within the MCO's grievance system prior to filing an appeal (a request for a department fair hearing) with MAA. See WAC 388-538-110 for the MCO grievance system.

(3) If an MCO enrollee does not agree with the MCO's resolution of the enrollee's appeal, the enrollee may file a request for a department fair hearing within the following time frames:

(a) For appeals regarding a standard service, within ninety calendar days of the date of the MCO's notice of the resolution of the appeal.

(b) For appeals regarding termination, suspension, or reduction of a previously authorized service, or the enrollee is requesting continuation of services, within ten calendar days of the date on the MCO's notice of the resolution of the appeal.

(4) The entire appeal process, including the MCO appeal process, must be completed within ninety calendar days of the date the MCO enrollee filed the appeal with the MCO, not including the number of days the enrollee took to subsequently file for a department fair hearing.

(5) Parties to the fair hearing include the department, the MCO, the enrollee, and the enrollee's representative or the representative of a deceased enrollee's estate.

(6) If an enrollee disagrees with the fair hearing decision, then the enrollee may request an independent review (IR) in accordance with RCW 48.43.535.

(7) If there is disagreement with the IR decision, the department of social and health services (DSHS) board of appeals (BOA) issues the final administrative decision.

**AMENDATORY SECTION** (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

**WAC 388-538-120 Enrollee request for a second medical opinion.** (1) A managed care enrollee has the right to a timely referral for a second opinion upon request when:

(a) The enrollee needs more information about treatment recommended by the provider or managed care organization (MCO); or

(b) The enrollee believes the MCO is not authorizing medically necessary care.

(2) A managed care enrollee has a right to a second opinion from a ~~((primary or specialty care physician who is par-~~

~~icipating with the MCO)) participating provider.~~ At the MCO's discretion, a clinically appropriate nonparticipating provider who is agreed upon by the MCO and the enrollee may provide the second opinion.

(3) Primary care case management (PCCM) provider enrollees have a right to a timely referral for a second opinion by another provider who has a core provider agreement with medical assistance administration (MAA).

**WSR 04-21-059**

**PROPOSED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed October 18, 2004, 3:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-098.

Title of Rule and Other Identifying Information: WAC 388-416-0035 Medicare savings program certification periods.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on November 23, 2004, at 10:00 a.m.

Date of Intended Adoption: Not sooner than November 24, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., November 23, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by November 19, 2004, TTY (360) 660-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The amended rule is to reflect a name change for one of the Medicare savings program (MSP) eligibility categories and to meet the department's clear and concise rule-writing requirement.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Statute Being Implemented: RCW 74.04.050, 74.04.-057, 74.08.090, and 74.09.530 [74.09.530]; 42 U.S.C. 1396a (a) (Section 1902 (n)(2) of the Social Security Act of 1924).

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

Name of Proponent: Department of Social and Health Services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carole McCrae, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1250.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not affect small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. This is a client medical eligibility rule which is exempt under the provisions of RCW 34.05.328 (5)(b)(vii).

October 15, 2004

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 388-416-0035 Medicare savings program certification periods ((for Medicare cost sharing programs)).**  
((1) The certification period for the qualified Medicare beneficiary (QMB) program:

- (a) Is for twelve months; and
- (b) Begins the first day of the month following the month of QMB eligibility determination; and

(2) The certification period for the qualified disabled working individual (QDWI) program:

- (a) Is twelve months; and
- (b) May begin up to three months prior to the month of application if on the first day of the first month of the certification period the person:

- (i) Is or had been enrolled in Medicare Part A; and
- (ii) Meets or has met the department's eligibility requirements for QDWI.

(3) The certification period for the:

(a) Special low income medicare beneficiary (SLMB) program is twelve months in duration;

(b) Expanded special low income medicare beneficiary (ESLMB) program extends to the end of the calendar year.

(4) The certification periods for SLMB and ESLMB may begin up to three months prior to the month of application if on the first day of the first month of the certification period the person:

- (a) Is or has been enrolled in Medicare Part B; and
- (b) Meets or has met the department's eligibility requirements for SLMB or ESLMB.

(5) The certification period for SLMB coverage is twelve months in duration.)) Certification periods for the different kinds of Medicare savings programs are not all the same. The chart below explains the differences.

<u>Medicare Savings Program</u>	<u>Certification Period</u>	<u>Start Date</u>
<u>QDWI (Qualified disabled working individual)</u>  S04	12 months	Up to three months prior to the certification period if on the first day of the first month of certification, the person: • Is or has been enrolled in Medicare Part A; and • Meets QDWI eligibility requirements.
<u>QI-1 (Qualified individual)</u>  S06	Thru the end of the calendar year following QI-1 eligibility determination	Up to three months prior to the certification period if on the first day of the first month of certification, the person: • Is or has been enrolled in Medicare Part B; and • Meets QI-1 eligibility requirements.

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**WSR 04-21-060**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed October 18, 2004, 3:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-14-098.

Title of Rule and Other Identifying Information: WAC 388-533-0400 Maternity care and newborn delivery, 388-533-0500 Planned home births—Pilot project; and 388-533-0600 Births in birthing centers.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on November 23, 2004, at 10:00 a.m.

Date of Intended Adoption: November 24, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., November 23, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by November 19, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Medical Assistance Administration (MAA) is proposing to amend WAC 388-533-0400 Maternity care and newborn delivery, 388-533-0500 Planned home births—Pilot project; and 388-533-0600 Births in birthing centers. The existing planned home births pilot project is nearing the end of the authorized five-year timeframe. MAA has evaluated the effectiveness of the pilot project and will be retaining the program permanently. As a result, a revision of the aforementioned three sections of chapter 388-533 WAC is necessary to establish the planned home births program permanently. These changes meet the requirements in the Maternity Care Access Act of 1989 that requires MAA to evaluate the maternity care access system to determine effectiveness and need for modi-

<u>Medicare Savings Program</u>	<u>Certification Period</u>	<u>Start Date</u>
<u>QMB (qualified Medicare beneficiary)</u>  S03	12 months	On the first day of the month following QMB eligibility determination
<u>SLMB (Special low income Medicare beneficiary)</u>  S05	12 months	Up to three months prior to the certification period if on the first day of the first month of certification, the person: • Is or has been enrolled in Medicare Part B; and • Meets SLMB eligibility requirements.

fication and to prevent unnecessary barriers to maternity care for eligible persons.

The proposed changes:

- Remove references to the medically indigent program;
- Remove references to "pilot project" preceding planned home births and establish planned home births as an accepted program;
- Combine births in birthing centers and planned home births into one section;
- Eliminate language no longer applicable as a result of HIPAA;
- Eliminate reimbursement of prenatal assessment fee; and
- Clarify language around antepartum care.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.760, and 74.09.770.

Statute Being Implemented: RCW 74.09.770.

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

Name of Proponent: Department of Social and Health Services, governmental.

Name of Agency Personnel Responsible for Drafting: Wendy L. Boedigheimer, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1306; Implementation and Enforcement: Bev Atteridge, P.O. Box 45506, Olympia, WA 98504-5506, (360) 725-1575.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Businesses that must comply with these rules are planned home births and births in birthing centers providers who have core provider agreements on file with the MAA. The MAA has analyzed the proposed rule and concludes that the rule change does not impose additional costs or administrative burdens on these providers and will not place a more than minor impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule changes do not meet the definition of a "significant rule" according to RCW 34.05.328 (5)(c)(iii). Therefore, no cost-benefit analysis is required.

October 15, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-07-043, filed 3/13/02, effective 4/13/02)

**WAC 388-533-0400 Maternity care and newborn delivery.** (1) The following definitions and abbreviations and those found in WAC 388-500-0005 apply to this chapter. ~~((Defined words and phrases are bolded the first time they are used in the text.))~~

(a) "**Birthing center**" means a specialized facility licensed as a childbirth center by the department of health (DOH) under chapter 246-349 WAC.

(b) "**Bundled services**" means ~~((those services that are integral to a major procedure that may be bundled with the major procedure for the purposes of reimbursement))~~ services integral to the major procedure that are included in the fee for the major procedure. Under this chapter, certain ~~((bundled))~~ services which are customarily bundled must be billed

separately (unbundled) when the services are provided by different providers.

(c) "**Facility fee**" means ~~((that))~~ the portion of MAA's ((reimbursement that covers)) payment for the hospital or birthing center charges. This does not include MAA's ~~((reimbursement))~~ payment for the professional fee defined below.

(d) "**Global fee**" means the fee MAA pays for total obstetrical care. Total obstetrical care includes all bundled antepartum care, delivery services and postpartum care.

(e) "**High-risk**" pregnancy means any pregnancy that poses a significant risk of a poor birth outcome.

(f) "**Professional fee**" means ~~((that))~~ the portion of MAA's ((reimbursement that covers the)) payment for services that rely on the provider's professional skill or training, or the part of the reimbursement that recognizes the provider's cognitive skill. (See WAC 388-531-1850 for reimbursement methodology.)

(2) MAA covers full scope medical maternity care and newborn delivery services to ~~((its))~~ fee-for-service clients who qualify for categorically needy (CN) or medically needy (MN) scope of care (see WAC 388-462-0015 for client eligibility). Clients enrolled in an MAA managed care plan must receive all medical maternity care and newborn delivery services through the plan. See subsection ~~((21))~~ (20) of this section for client eligibility limitations for smoking cessation counseling provided as part of antepartum care services.

~~(3) ((MAA does not provide full scope maternity care and delivery services to its clients who qualify for medically indigent (MI) scope of care (see WAC 388-462-0015 for client eligibility). Clients who qualify for MI scope of care have hospital delivery coverage only.~~

~~(4))~~ MAA does not provide maternity care and delivery services to its clients who are eligible for:

(a) Family planning only (a pregnant client under this program should be referred to the local community services office for eligibility review); or

(b) Any other program not listed in this section.

~~((5))~~ (4) MAA requires providers of maternity care and newborn delivery services to meet all of the following. Providers must:

(a) Be currently licensed by the state of Washington's department of health (DOH) and/or department of licensing;

(b) Have signed core provider agreements with MAA;

(c) Be practicing within the scope of their licensure; and

(d) Have valid certifications from the appropriate federal or state agency, if such is required to provide these services (e.g., federally qualified health centers (FQHCs), laboratories certified through the Clinical Laboratory Improvement Amendment (CLIA), etc.).

~~((6))~~ (5) MAA covers total obstetrical care services ~~((reimbursed))~~ paid under a global fee. Total obstetrical care includes all of the following:

(a) Routine antepartum care that begins in any trimester of a pregnancy;

(b) Delivery (intrapartum care/birth) services; and

(c) Postpartum care. This includes family planning counseling.

~~((7))~~ (6) When an eligible client receives all the services listed in subsection ~~((6))~~ (5) of this section from one

provider, MAA (~~(reimburses)~~) pays that provider (~~(in one of the following ways:~~

- ~~(a) Through a global obstetrical fee; or~~
- ~~(b) Through separate fees in any combination:~~
  - ~~(i) First trimester antepartum care;~~
  - ~~(ii) Second trimester antepartum care;~~
  - ~~(iii) Third trimester antepartum care;~~
  - ~~(iv) Delivery services (intrapartum care); and~~
  - ~~(v) Postpartum care)) a global obstetrical fee.~~

~~((8)) (7)~~ When an eligible client receives services from more than one provider, MAA (~~(reimburses)~~) pays each provider for the services furnished. The separate services that MAA (~~(reimburses)~~) pays appear in subsection ~~((7)(b)) (5)~~ of this section.

~~((9) MAA reimburses)~~

~~(8) MAA pays~~ antepartum care services in one of the following two ways:

- ~~(a) Under a global fee ((for total obstetrical care)); or~~
- ~~(b) Under ((separate trimester)) antepartum care fees.~~

~~((10)) (9)~~ MAA's fees for antepartum care include all of the following:

- ~~(a) Completing an initial and any subsequent patient history;~~
- ~~(b) Completing all physical examinations;~~
- ~~(c) Recording and tracking the client's weight and blood pressure;~~
- ~~(d) Recording fetal heart tones;~~
- ~~(e) Performing a routine chemical urinalysis (including all urine dipstick tests); and~~
- ~~(f) Providing maternity counseling.~~

~~((11)) (10)~~ MAA covers certain antepartum services in addition to the bundled services listed in subsection ~~((10)) (9)~~ of this section. MAA (~~(reimburses)~~) pays separately for any of the following:

~~(a) ((A prenatal assessment fee for a pregnant client (limited to one prenatal assessment fee per pregnancy per provider);~~

~~(b)) An enhanced prenatal management fee (a ((monthly)) fee for medically necessary increased prenatal monitoring). MAA provides a list of diagnoses and/or conditions that MAA identifies as justifying more frequent monitoring visits. MAA (~~(reimburses)~~) pays for either (a) or (b) ~~(or (e))~~ of this subsection, but not both;~~

~~((e)) (b)~~ A prenatal management fee for "high-risk" maternity clients. This ~~((monthly))~~ fee is payable to either a physician or a certified nurse midwife. MAA (~~(reimburses)~~) pays for either (a) or (b) ~~(or (e))~~ of this subsection, but not both;

~~((d)) (c)~~ Necessary prenatal laboratory tests except routine chemical urinalysis, including all urine dipstick tests, as described in subsection ~~((10)) (9)(e)~~ of this section; and/or

~~((e)) (d)~~ Treatment of medical problems that are not related to the pregnancy. MAA pays these fees to physicians or advanced registered nurse practitioners (ARNP).

~~((12)) (11)~~ MAA covers high-risk pregnancies. MAA considers a pregnant client to have a high-risk pregnancy when the client:

- ~~(a) Has any high-risk medical condition (whether or not it is related to the pregnancy); or~~
- ~~(b) Has a diagnosis of multiple births.~~

~~((13)) (12)~~ MAA covers delivery services for clients with high-risk pregnancies, described in subsection ~~((12)) (11)~~ of this section, when the delivery services are provided in a hospital.

~~((14)) (13)~~ MAA (~~(covers the))~~ pays a facility fee for delivery services in the following settings:

- ~~(a) Inpatient hospital; or~~
- ~~(b) Birthing centers.~~

~~((15)) (14)~~ MAA (~~(covers the))~~ pays a professional fee for delivery services in the following settings:

~~(a) Hospitals, to a provider who meets the criteria in subsection ~~((5)) (4)~~ of this section and who has privileges in the hospital;~~

~~(b) Planned home ((birth settings for providers who are participating in MAA's home birth pilot project; or~~

~~(c) Birthing centers, as described in WAC 388-533-0600.~~

~~(16)) births and birthing centers.~~

~~(15)~~ MAA covers hospital delivery services for an eligible client as defined in ~~((subsections (2), (3), and (4)(b))) sub-section (2)~~ of this section. MAA's bundled ~~((reimbursement)) payment~~ for the professional fee for hospital delivery services include:

~~(a) The admissions history and physical examination; and~~

~~(b) The management of uncomplicated labor (intrapartum care); and~~

~~(c) The vaginal delivery of the newborn (with or without episiotomy or forceps); ((and)) or~~

~~(d) Cesarean delivery of the newborn.~~

~~((17)) (16)~~ MAA pays only a labor management fee to a provider who begins intrapartum care and unanticipated medical complications prevent that provider from following through with the birthing services.

~~((18)) (17)~~ In addition to ~~((the MAA reimbursement)) MAA's payment~~ for professional services in subsection ~~((16)) (15)~~ of this section, MAA may ~~((reimburse)) pay~~ separately for services provided by any of the following professional staff:

~~(a) A stand-by physician in cases of high risk delivery and/or newborn resuscitation;~~

~~(b) A physician assistant or registered nurse "first assist" when delivery is by cesarean section;~~

~~(c) ((A registered nurse—"first assist" when delivery is by cesarean section;~~

~~(d)) A physician, ((advanced registered nurse practitioner)) (ARNP), or licensed midwife for newborn examination as the delivery setting allows; and/or~~

~~((e)) (d)~~ An obstetrician/gynecologist specialist for external cephalic version and consultation.

~~((19)) (18)~~ In addition to the professional delivery services fee in subsection ~~((16)) (15)~~ or the global/total fees (i.e., those that include the hospital delivery services) in subsections ~~(5) and (6) ((and (7)))~~ of this section, MAA allows additional fees for any of the following:

~~(a) High-risk vaginal delivery;~~

~~(b) Multiple vaginal births. MAA's typical ((reimbursement)) payment covers delivery of the first child. For each subsequent child, MAA ((reimburses)) pays at fifty percent~~

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of the provider's usual and customary charge, up to MAA's maximum allowable fee; or

(c) High-risk cesarean section delivery.

~~((20))~~ (19) MAA does not ~~((reimburse))~~ pay separately for any of the following:

(a) More than one child delivered by cesarean section during a surgery. MAA's cesarean section surgery fee covers one or multiple surgical births;

(b) Postoperative care for cesarean section births. This is included in the surgical fee. Postoperative care is not the same as or part of postpartum care.

~~((21))~~ (20) In addition to the services listed in subsection ~~((11))~~ (10) of this section, MAA covers counseling for tobacco dependency for eligible pregnant women through two months postpregnancy. This service is commonly referred to as smoking cessation education or counseling.

(a) MAA covers smoking cessation counseling for only those fee-for-service clients who are eligible for categorically needy (CN) scope of care. See (f) of this subsection for limitations on prescribing pharmacotherapy for eligible CN clients. Clients enrolled in managed care may participate in a smoking cessation program through their plan.

(b) MAA pays a fee to certain providers who include smoking cessation counseling as part of an antepartum care visit or a postpregnancy office visit (which must take place within two months following live birth, miscarriage, fetal death, or pregnancy termination). MAA ~~((reimburses))~~ pays only the following providers for smoking cessation counseling:

(i) Physicians;

(ii) Physician assistants (PA) working under the guidance and billing under the provider number of a physician;

~~((Advanced registered nurse practitioners (ARNP)))~~ ARNPs, including certified nurse midwives (CNM); and

(iv) Licensed midwives (LM).

(c) MAA covers one smoking cessation counseling session per client, per day, up to ten sessions per client, per pregnancy. The provider must keep written documentation in the client's file for each session. The documentation must reflect the information in (e) of this subsection.

(d) MAA covers two levels of counseling. Counseling levels are:

(i) Basic counseling (fifteen minutes), which includes (e)(i), (ii), and (iii) of this subsection; and

(ii) Intensive counseling (thirty minutes), which includes the entirety of (e) of this subsection.

(e) Smoking cessation counseling consists of providing information and assistance to help the client stop smoking. Smoking cessation counseling includes the following steps (refer to MAA's physician-related services ~~((RBRVS))~~ billing instructions and births and birthing centers billing instructions for specific counseling suggestions and billing requirements):

(i) Asking the client about her smoking status;

(ii) Advising the client to stop smoking;

(iii) Assessing the client's willingness to set a quit date;

(iv) Assisting the client to stop smoking, which includes developing a written quit plan with a quit date. If the provider considers it appropriate for the client, the "assisting" step

may also include prescribing smoking cessation pharmacotherapy as needed (see (f) of this subsection); and

(v) Arranging to track the progress of the client's attempt to stop smoking.

(f) A provider may prescribe pharmacotherapy for smoking cessation for a client when the provider considers the treatment is appropriate for the client. MAA covers certain pharmacotherapy for smoking cessation as follows:

(i) MAA covers Zyban™ only;

(ii) The product must meet the rebate requirements described in WAC 388-530-1125;

(iii) The product must be prescribed by a physician, ARNP, or physician assistant;

(iv) The client for whom the product is prescribed must be eighteen years of age or older;

(v) The pharmacy provider must obtain prior authorization from MAA when filling the prescription for pharmacotherapy; and

(vi) The prescribing provider must include both of the following on the client's prescription:

(A) The client's estimated or actual delivery date; and

(B) Indication ~~((that))~~ the client is participating in smoking cessation counseling.

(g) MAA's ~~((reimbursement))~~ payment for smoking cessation counseling is subject to postpay review. See WAC 388-502-0230, Provider review and appeal, and WAC 388-502-0240, Audits and the audit appeal process for contractors/providers, for information regarding review and appeal processes for providers.

AMENDATORY SECTION (Amending WSR 00-23-052, filed 11/13/00, effective 12/14/00)

**WAC 388-533-0600 Planned home births and births in birthing centers.** (1) MAA covers planned home births and births in birthing centers for its clients when the client and the maternity care provider choose to have a home birth or to give birth in an MAA-approved birthing center and the client:

(a) Is eligible for CN or MN scope of care (see WAC 388-533-400(2));

(b) Has a MAA-approved medical provider who has accepted responsibility for the planned home birth or birth in birthing center ~~((birth))~~ as provided in this section;

(c) Is expected to deliver the child vaginally and without complication (i.e., with a low risk of adverse birth outcome); and

(d) Passes MAA's risk screening criteria. MAA provides these risk-screening criteria to qualified medical services providers.

(2) MAA approves only the following provider types to provide MAA-covered planned home births and births in birthing centers:

(a) Physicians licensed under chapters 18.57 or 18.71 RCW;

(b) Nurse midwives licensed under chapter 18.79 RCW; and

(c) Midwives licensed under chapter 18.50 RCW.

(3) Each participating birthing center must:

(a) Be licensed as a childbirth center by the department of health (DOH) under chapter 246-349 WAC;  
 (b) ~~((Have a valid core provider agreement with MAA;~~  
 (e)) Be specifically approved by MAA to provide birthing center services; ~~((and~~

~~((d)) (c) Have a valid core provider agreement with MAA; and~~

~~(d) Maintain standards of care required by DOH for licensure.~~

~~((3)) (4) MAA suspends or terminates the core provider agreement of a birthing center if it fails to maintain DOH standards cited in subsection ((2)) (3) of this section.~~

~~((4) MAA approves only the following provider types to provide MAA covered births in birthing centers:~~

~~(a) Physicians licensed under chapters 18.57 or 18.71 RCW;~~

~~(b) Nurse midwives licensed under chapter 18.79 RCW; and~~

~~(c) Midwives licensed under chapter 18.50 RCW.)~~

~~(5) ((Each provider using a)) Home birth or birthing center providers must:~~

~~(a) Obtain from the client a signed consent form in advance of the ((birthing center)) birth;~~

~~(b) Follow MAA's risk screening criteria and consult with and/or refer the client or newborn to a physician or hospital when medically appropriate;~~

~~(c) Have current, written, and appropriate plans for consultation, emergency transfer and transport of a client and/or newborn to a hospital;~~

~~(d) Make appropriate referral of the newborn for ((screening)) pediatric care and medically necessary follow-up care; ~~((and))~~~~

~~(e) Inform parents of the benefits of a newborn screening test and offer to send the newborn's blood sample to the department of health for testing; and~~

~~(f) Have evidence of current cardiopulmonary resuscitation (CPR) training for:~~

~~(i) Adult CPR; and~~

~~(ii) Neonatal resuscitation.~~

~~(6) Planned home providers must:~~

~~(a) Provide medically necessary equipment, supplies, and medications for each client;~~

~~(b) Have arrangements for twenty-four hour per day coverage;~~

~~(c) Have documentation of contact with local area emergency medical services to determine the level of response capability in the area; and~~

~~(d) Participate in a formal, state-sanctioned, quality assurance/improvement program or professional liability review process (e.g., Joint Underwriting Association (JUA), Midwives Association of Washington State (MAWS), etc.).~~

~~(7) MAA does not cover planned home births or births in birthing centers for women identified with any of the following conditions:~~

~~(a) Previous cesarean section;~~

~~(b) Current alcohol and/or drug addiction or abuse;~~

~~(c) Significant hematological disorders/coagulopathies;~~

~~(d) History of deep venous thromboses or pulmonary embolism;~~

~~(e) Cardiovascular disease causing functional impairment;~~

~~(f) Chronic hypertension;~~

~~(g) Significant endocrine disorders including pre-existing diabetes (type I or type II);~~

~~(h) Hepatic disorders including uncontrolled intrahepatic cholestasis of pregnancy and/or abnormal liver function tests;~~

~~(i) Isoimmunization, including evidence of Rh sensitization/platelet sensitization;~~

~~(j) Neurologic disorders or active seizure disorders;~~

~~(k) Pulmonary disease;~~

~~(l) Renal disease;~~

~~(m) Collagen-vascular diseases;~~

~~(n) Current severe psychiatric illness;~~

~~(o) Cancer affecting site of delivery;~~

~~(p) Known multiple gestation;~~

~~(q) Known breech presentation in labor with delivery not imminent; or~~

~~(r) Other significant deviations from normal as assessed by the provider.~~

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-533-0500

Planned home births—Pilot project.

#### **WSR 04-21-061**

#### **PROPOSED RULES**

#### **DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed October 18, 2004, 3:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-141.

Title of Rule and Other Identifying Information: Amending WAC 388-550-2598 Critical access hospital (CAH) program.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on November 23, 2004, at 10:00 a.m.

Date of Intended Adoption: Not sooner than November 24, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., November 19, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by November 19, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule allows the department to revise the method for cost settlement for services provided to clients eligible under the

PROPOSED

department's managed care programs. The anticipated effects are to ensure that critical access hospitals receive the correct level of reimbursement.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.08.090, 74.09.5225.

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

Name of Proponent: Department of Social and Health Services, governmental.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; Implementation and Enforcement: John Hanson, P.O. Box 45510, Olympia, WA 98504, (360) 725-1856.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendment and concludes that it will impose no new costs on small businesses. The preparation of a comprehensive small business economic impact statement is not required.

A cost-benefit analysis is not required under RCW 34.05.328. Since the proposed amendments do not "make significant amendments to a policy or regulatory program" (see RCW 34.05.328 (5)(c)(iii)), MAA has determined that the proposed rule is not "significant" as defined by the legislature. This rule has been rewritten to allow MAA to revise the method for cost settlement for services provided to clients eligible under the department's managed care programs to ensure that critical access hospitals receive the correct level of reimbursement.

October 15, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-13-099, filed 6/18/02, effective 7/19/02)

**WAC 388-550-2598 Critical access (~~hospital (CAH) program~~) hospitals (CAHs).** (1) ~~((The critical access hospital (CAH) program provides cost based reimbursement to a critical access hospital (CAH) through a retrospective cost reimbursement system. Reimbursement is based on a CAH's actual cost of providing hospital services to eligible medical assistance clients during the hospital fiscal year (HFY) of the CAH, subject to the conditions and limitations in this section and other published WACs. CAH program requirements and how the medical assistance administration (MAA) calculates a CAH cost settlement adjustment are described in this section.~~

~~(2) The following definitions and abbreviations and those found in WAC 388-500-0005 and 388-550-1050 apply to the CAH program:~~

~~(a) "CAH," see "critical access hospital."~~

~~(b) "CAH fee for service (FFS) cost settlement adjustment" means the department's annual reimbursement or recoupment adjustment to a CAH's fee for service interim payment:~~

~~(c) "CAH Healthy Options (HO) cost settlement payment" means the department's annual reimbursement adjustment related to a CAH's HO utilization.~~

~~(d) "CAH HFY" see "CAH hospital fiscal year."~~

~~(e) "CAH hospital fiscal year" means each individual hospital's fiscal year.~~

~~(f) "Cost settlement" means a reconciliation of the interim CAH payments with a CAH's actual costs determined after the end of the CAH's HFY.~~

~~(g) "Critical access hospital (CAH)" means an MAA-approved hospital that is Medicare certified by the Centers for Medicare and Medicaid Services (CMS) to operate as a CAH.~~

~~(h) "IDWCC rate" see "inpatient departmental weighted cost to charge (IDWCC) rate."~~

~~(i) "Inpatient departmental weighted cost to charge (IDWCC) rate" means a rate MAA uses to determine a fee-for-service interim inpatient CAH payment.~~

~~(j) "Interim CAH payment" means the actual payment the department makes, per claim, to a CAH during its HFY, using the appropriate IDWCC or ODWCC rate, as determined by MAA.~~

~~(k) "ODWCC rate" see "outpatient departmental weighted cost to charge (ODWCC) rate."~~

~~(l) "Outpatient departmental weighted cost to charge (ODWCC) rate" means a rate MAA uses to determine a fee-for-service interim outpatient CAH payment.~~

~~(m) "Per service" means services provided during a healthy options (HO) equivalent admission. (For an example of how to calculate a HO equivalent admission, see subsection (12), step 2.)~~

~~(3) An MAA approved CAH must be Medicare certified as a CAH. A CAH must provide proof of certification to MAA upon request.~~

~~(4) An MAA approved CAH must also meet the general applicable requirements in chapter 388-502 WAC, Administration of medical programs—Providers. For information on audits conducted by department staff, see WAC 388-502-0240.~~

~~(5) MAA may conduct a postpay or on-site review of any CAH to ensure quality of care.~~

~~(6) To ensure a client receives necessary care:~~

~~(a) A CAH is responsible to investigate any reports of substandard care or violations of the facility's medical staff bylaws;~~

~~(b) A CAH provider must have and follow written procedures that provide a resolution to complaints and grievances; and~~

~~(c) A complaint or grievance regarding substandard conditions or care may be investigated by any one or more of the following:~~

~~(i) Department of health (DOH); or~~

~~(ii) Other agencies with review authority for MAA programs.~~

~~(7) Subject to the restrictions and limitations in this section and other published WAC, the MAA CAH fee for service reimbursement method uses the:~~

~~(a) IDWCC rate; and~~

~~(b) ODWCC rate.~~

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(8) This section describes the parallel steps MAA uses to calculate both the fee-for-service IDWCC rate and fee-for-service ODWCC rate for each CAH. Consideration will be given to recalculation of the interim payment rates if a CAH submits changes to the initially submitted Medicare HCFA-2552 Cost Report. MAA:

(a) Obtains the following information for each CAH from the Medicare HCFA-2552 Cost Report the CAH initially submits for the period to be cost settled:

- (i) Cost-to-charge ratio of each respective ancillary service cost center; and
- (ii) Total costs and number of patient days of each respective accommodation cost center.

(b) Obtains from the Medicaid Management Information System (MMIS) the following summary claims data submitted by each CAH for the HFY to be cost settled:

- (i) Medical assistance program codes;
- (ii) Inpatient and outpatient claim types;
- (iii) Procedure codes, revenue codes or diagnosis-related group (DRG) codes;
- (iv) Allowed charges and third party liability/client and MAA paid amounts;
- (v) Number of claims; and
- (vi) Units of service.

(c) Separates the inpatient claims data and outpatient claims data.

(d) Obtains the cost-center allowed charges by classifying inpatient allowed charges billed by a CAH (using any one of, or a combination of, procedure codes, revenue codes, or DRG codes) into the related cost center in the CAH's Medicare HCFA-2552 cost report the CAH initially submits to MAA.

(e) Determines the MAA departmental-weighted costs for each cost center by multiplying the cost center's allowed charges for the appropriate inpatient or outpatient claim type by the related ancillary service cost center ratio or accommodation cost center per diem.

(f) Obtains totals from the cost centers used for cost settlement and interim rates from (e) of this subsection by:

- (i) Summing all allowed charges; and
  - (ii) Summing all MAA departmental-weighted costs.
- (g) Determines a CAH's fee for service IDWCC rate and fee for service ODWCC rate by dividing the total MAA departmental-weighted costs from (f)(ii) of this subsection by the total allowed charges from (f)(i) of this subsection. Neither the IDWCC rate nor the ODWCC rate may exceed one hundred percent.

(9) MAA makes interim CAH payments to a CAH during the CAH's HFY using the IDWCC rate for inpatient services provided, and the ODWCC rate for outpatient services provided, as determined in the CAH's most recent cost settlement.

(10) MAA performs a cost settlement for a CAH after the end of the CAH's HFY. MAA calculates the cost settlement using:

- (a) MAA claims data; and
- (b) The following information submitted by the CAH to MAA at the close of the CAH's HFY:

- (i) The Medicare HCFA-2552 Cost Report (see requirements in WAC 388-550-5700); and
- (ii) Total HO inpatient and outpatient allowed charges for the CAH's HFY dates of services.

(11) MAA rebases and implements a CAH's new IDWCC rate and ODWCC rate at cost settlement. The rebased IDWCC and ODWCC rates:

- (a) Are used to determine a CAH's adjustment for services in the cost settled HFY; and
- (b) Become the current interim payment rates.

(12) See the example in this subsection for how MAA calculates a fee-for-service and managed care CAH cost settlement adjustment. A cost settlement payment for services provided through a Healthy Options managed care plan is limited to no more than the additional amounts per service paid under the CAH program for other medical assistance programs.)

(Example of the payment calculation for a fee-for-service (FFS) and Healthy Options (HO) Critical Access Hospital (CAH) cost settlement adjustment using charges from claims and the hospital's inpatient departmental-weighted cost-to-charge (IDWCC) and outpatient departmental-weighted cost-to-charge (ODWCC)

STEP 1		CAH FFS Cost Settlement Adjustment for Hospital XYZ		
		CAH's Hospital Fiscal Year (HFY)		
		Programs		
		Inpatient Medical Assistance Programs	Outpatient Medical + Assistance Programs	Total Cost Settlement - Adjustment
CAH HFY Total allowed charges		\$96,735	\$33,265	\$130,000
IDWCC and ODWCC used for CAH cost settlement	*	84.3%	70.5%	
CAH actual FFS cost	=	\$81,548	\$23,452	\$105,000
FFS interim CAH payment	-	\$80,833	\$19,167	\$100,000
* CAH FFS cost settlement adjustment	=	\$ 715	\$ 4,285	\$ -5,000

\*If the CAH FFS cost settlement adjustment total is zero or less, a HO cost settlement is not performed. (Go directly to step 3.) If the CAH FFS cost settlement adjustment total is greater than zero, proceed to step 2.

STEP 2		Calculate Total CAH HO Cost Settlement Payment	
\$130,000	Total allowed CAH HFY charges	10	FFS inpatient admissions during CAH HFY
= \$13,000	Average charge per FFS inpatient admission used for HO equivalent admissions		

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STEP 2 — Calculate Total CAH HO Cost Settlement Payment	
\$5,000	CAH FFS cost settlement adjustment (from Step 1)
<sup>1</sup> 10	FFS admissions during CAH HFY
<del>—</del> \$ 500	CAH settlement for each FFS admission
\$ 78,000	Total allowed HO charges (includes inpatient and outpatient charges)
<sup>2</sup> \$ 13,000	Average charge per FFS admission used for HO equivalent admissions
6	HO equivalent admissions
\$ 500	CAH settlement for each FFS admission
<sup>x</sup> 6	HO equivalent admissions
<del>—</del> \$ 3,000	CAH HO cost settlement payment due the CAH

STEP 3 — Calculate Total Additional CAH Cost Settlement Adjustment	
\$ 5,000	CAH FFS cost settlement adjustment (from Step 1)
+ \$ 3,000	CAH HO cost settlement payment (from Step 2)
<del>—</del> \$ 8,000	Total additional CAH cost settlement adjustment due from the department)

The medical assistance administration (MAA) reimburses eligible critical access hospitals (CAHs) for inpatient and outpatient hospital services provided to fee-for-service medical assistance clients on a cost basis, using departmental weighted costs-to-charges (DWCC) ratios and a retrospective cost settlement process.

(2) For inpatient and outpatient hospital services provided to clients enrolled in a managed care plan, DWCC rates for each CAH are incorporated into the calculations for the managed care capitated premiums. MAA considers managed care DWCC rates to be cost. Cost settlements are not performed for managed care claims.

(3) The following definitions and abbreviations and those found in WAC 388-500-0005 and 388-550-1050 apply to this section:

- (a) "CAH," see "critical access hospital."
- (b) "CAH HFY" see "CAH hospital fiscal year."
- (c) "CAH hospital fiscal year" means each individual hospital's fiscal year.
- (d) "Cost settlement" means a reconciliation of the fee-for-service interim CAH payments with a CAH's actual costs determined after the end of the CAH's HFY.

(e) "Critical access hospital (CAH)" means a hospital that is approved by the department of health (DOH) for inclusion in DOH's critical access hospital program.

(f) "Departmental weighted costs-to-charges (DWCC) rate" means a rate MAA uses to determine a CAH payment. See subsection (8) for how MAA calculates a DWCC rate.

(g) "DWCC rate" see "departmental weighted costs-to-charges (DWCC) rate."

(h) "Interim CAH payment" means the actual payment the department makes for claims submitted by a CAH for services provided during its current hospital fiscal year, using the appropriate DWCC rate, as determined by MAA.

(4) To be reimbursed as a CAH by MAA, a hospital must be approved by the department of health (DOH) for inclusion in DOH's critical access hospital program. The hospital must provide proof of CAH status to MAA upon request. CAHs reimbursed under the CAH program must meet the general applicable requirements in chapter 388-502 WAC. For information on audits and the audit appeal process, see WAC 388-502-0240.

(5) A CAH must have and follow written procedures that provide a resolution to complaints and grievances.

(6) To ensure quality of care:

(a) A CAH is responsible to investigate any reports of substandard care or violations of the facility's medical staff bylaws; and

(b) A complaint or grievance regarding substandard conditions or care may be investigated by any one or more of the following:

- (i) Department of health (DOH); or
- (ii) Other agencies with review authority for MAA programs.

(7) MAA may conduct a postpay or on-site review of any CAH.

(8) MAA prospectively calculates fee-for-service inpatient and outpatient DWCC rates separately for each CAH. To calculate prospective interim inpatient and outpatient DWCC rates for each hospital currently in the CAH program, MAA:

(a) Obtains from each CAH its estimated aggregate charge master change for its next HFY;

(b) Obtains from the Medicare HCFA-2552 Cost Report the CAH initially submits for cost settlement of its most recently completed HFY:

- (i) The costs-to-charges ratio of each respective service cost center; and
- (ii) Total costs, charges, and number of patient days of each respective accommodation cost center.

(c) Obtains from the Medicaid Management Information System (MMIS) the following fee-for-service summary claims data submitted by each CAH for services provided during the same HFY identified in (b) of this subsection:

- (i) Medical assistance program codes;
- (ii) Inpatient and outpatient claim types;
- (iii) Procedure codes, revenue codes, or diagnosis-related group (DRG) codes;

(iv) Allowed charges and third party liability/client and MAA paid amounts;

- (v) Number of claims; and
- (vi) Units of service.

(d) Separates the inpatient claims data and outpatient claims data;

(e) Obtains the cost center allowed charges by classifying inpatient and outpatient allowed charges from (c) of this subsection billed by a CAH (using any one of, or a combination of, procedure codes, revenue codes, or DRG codes) into the related cost center in the CAH's Medicare HCFA-2552 cost report the CAH initially submits to MAA;

(f) Determines the MAA departmental-weighted costs for each cost center by multiplying the cost center's allowed charges from (c) of this subsection for the appropriate inpatient or outpatient claim type by the related service cost center ratio;

(g) Sums all allowed charges from (e) of this subsection;

(h) Sums all departmental-weighted costs for inpatient and outpatient claims from (f) of this subsection;

(i) Multiplies each hospital's total MAA departmental-weighted costs from (h) of this subsection by the Medicare Market Basket inflation rate. The Medicare Market Basket inflation rate is published and updated periodically by the Centers for Medicare and Medicaid Services (CMS);

(j) Multiplies each hospital's total allowed charges from (g) of this subsection by the CAH estimated charge master change from (a) of this subsection. If the charge master change factor is not available from the hospital, MAA will apply a reasonable alternative factor; and

(k) Determines the DWCC inpatient and outpatient rates by dividing the total appropriate MAA departmental-weighted costs from (h) of this subsection by the total appropriate allowed charges from (g) of this subsection.

(9) For a currently enrolled hospital provider that is new to the CAH program, the basis for calculating DWCC rates for inpatient and outpatient hospital claims for:

(a) Fee-for-service clients is:

(i) The hospital's most recently submitted Medicare cost report; and

(ii) The appropriate MMIS summary claims data for that hospital fiscal year (HFY).

(b) Managed care clients is:

(i) The hospital's most recently submitted Medicare cost report; and

(ii) The appropriate managed care encounter data for that HFY.

(10) For a newly licensed hospital that is also a CAH, MAA uses the current state-wide average DWCC rates for the initial prospective DWCC rates.

(11) For a CAH that comes under new ownership, MAA uses the prior owner's DWCC rates.

(12) To calculate prospective managed care inpatient and outpatient DWCC rates, MAA uses the methodology outlined in subsection (8) of this section, except that managed care encounter data are used rather than MMIS fee-for-service summary claims data. In addition, MAA:

(a) Incorporates the DWCC rates into the calculations for the managed care capitated premiums that will be paid to the managed care plans; and

(b) Requires all managed care plans having contract relationships with CAHs to pay the inpatient and outpatient DWCC rates applicable to managed care claims. For purposes of this section, MAA considers the DWCC rates used to reimburse CAHs for care given to clients enrolled in a managed care plan to be cost. Cost settlements are not performed for managed care claims.

(13) For fee-for-service claims only, MAA performs an interim retrospective cost settlement for each CAH after the end of the CAH's HFY, using Medicare cost report data and claims data from the MMIS related to fee-for-service claims. Specifically, MAA:

(a) Compares actual MAA total interim CAH payments to the departmental-weighted CAH fee-for-service costs for the period being cost settled; and

(b) Pays the hospital the difference between CAH costs and interim CAH payments if actual CAH costs are determined to exceed the total interim CAH payments for that period. MAA recoups from the hospital the difference between CAH costs and interim CAH payments if actual CAH costs are determined to be less than total interim CAH payments.

(14) MAA performs finalized cost settlements using the same methodology as outlined in subsection (13) of this section, except that MAA uses the hospital's settled Medicare cost report instead of the initial cost report. Whenever a CAH's Medicare cost report is settled by the Medicare fiscal intermediary, the CAH must send the settled cost report to MAA to be used in a final cost settlement.

**WSR 04-21-066**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed October 19, 2004, 9:40 a.m.]

Continuance of WSR 04-15-107.

Preproposal statement of inquiry was filed as WSR 04-09-097.

Title of Rule and Other Identifying Information: Safety standards for agriculture, chapters 296-62 and 296-307 WAC. The department is extending the written comment period to November 12, 2004. This will allow stakeholders additional time to review the proposed wording.

Date of Intended Adoption: December 21, 2004.

Submit Written Comments to: Cindy Ireland, Project Manager, Department of Labor and Industries, WISHA Division, P.O. Box 44620, Olympia, WA 98504-4620, fax (360) 902-5529, by November 12, 2004.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

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

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

October 19, 2004

Paul Trause

Director

**WSR 04-21-070**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order 03-09—Filed October 19, 2004, 11:42 a.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 03-21-119.

Title of Rule and Other Identifying Information: Chapter 173-407 WAC, Carbon dioxide mitigation program for fossil fueled thermal electric generating facilities.

Hearing Location(s): Department of Ecology, 300 Desmond Drive S.E., Lacey, WA 98503, on November 30, 2004, at 2:00 p.m.

Date of Intended Adoption: December 21, 2004.

Submit Written Comments to: Melissa McEachron, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, e-mail MMCE461@ecy.wa.gov, fax (360) 407-7534, by December 8, 2004.

Assistance for Persons with Disabilities: Contact Tami Dahlgren by November 22, 2004, TTY (711) 1-800-833-6388 or (360) 407-6800.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: During the 2004 legislative session, SHB 3141 became law. The new law (codified as chapter 80.70 RCW and RCW 70.94.892) establishes a carbon dioxide mitigation program and requires carbon dioxide offsets from new and certain modified fossil-fueled electric generating facilities. The purpose of the rule is to recover permitting authority costs related to implementing the mitigation program, to clarify CO<sub>2</sub> emissions calculations, and to integrate mitigation program plans into the air quality permits using the order of approval process.

There is no existing rule related to carbon dioxide mitigation program for fossil-fueled thermal electric generating facilities. The anticipated effect of the proposal is a complete and ready to implement program.

Statutory Authority for Adoption: Chapters 70.94 and 80.70 RCW.

Statute Being Implemented: Chapter 80.70 RCW and RCW 70.94.892.

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

Name of Proponent: Department of Ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Melissa McEachron, Olympia, Washington, (360) 407-6860; Implementation and Enforcement: Stu Clark, Olympia, Washington, (360) 407-6800.

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

#### Small Business Economic Impact Statement

#### 1. INTRODUCTION.

**BACKGROUND:** The Department of Ecology (ecology) is proposing adoption of a new rule implementing chapter 70.94 RCW and Title 80 RCW. The proposed rule provides additional direction regarding carbon dioxide mitigation for public and private entities that are constructing certain types of energy facilities in Washington state. Ecology's goal is that the rule will provide clarification as to what is required for energy facility developers in Washington. As required under RCW 19.85.030, ecology is developing and issuing this small business economic impact statement (SBEIS) as part of its rule adoption process. Ecology will use the information

developed in the SBEIS as required by law to ensure that the proposed rules are consistent with legislative policy.

**RULE DEVELOPMENT:** Washington has been actively involved in evaluating the implications of climate change having completed several studies in the last fifteen years. Development of a rule to mitigate GHG emissions was initiated by Governor Gary Locke in 2001. The governor authorized the Energy Facility Site Evaluation Council (EFSEC) to commence rule making in an effort to mitigate the amount of greenhouse gas emissions from new electricity generation facilities. The result was the proposed EFSEC carbon dioxide mitigation rule. The rule required new fossil fuel fired electricity generation facilities to mitigate 20% of their lifetime CO<sub>2</sub> emissions. However, the rule was never adopted because the 2004 legislature created law that closely reflected the proposed EFSEC rule. This statutory language modified portions of chapter 70.94 RCW and Title 80 RCW to reflect the legislature's intent to require greenhouse gas mitigation. Ecology is proposing to implement these revisions to statute via proposed chapter 173-407 WAC, Carbon dioxide mitigation program for fossil fueled thermal electric generating facilities, that is the subject of this analysis.

**DESCRIPTION AND PURPOSE OF THE SBEIS:** The objective of this SBEIS is to identify and evaluate the various requirements and costs that the proposed rule might impose on businesses. In particular, the SBEIS examines whether the costs to businesses that might be imposed by the proposed rule impose a disproportionate impact on the state's small businesses. The specific purpose and required contents of the SBEIS is contained in RCW 19.85.040 and are noted below (the bracketed numbers are for the reader's convenience, and reflect the organization of this SBEIS):

*"A small business economic impact statement must include [1] a brief description of the reporting, record keeping and other compliance requirements of the proposed rule, and [2] the kinds of professional services that a small business is likely to need in order to comply with such requirements. [3] It shall analyze the costs of compliance for business required to comply with the proposed rule adopted pursuant to RCW 34.05.320, including costs of equipment, supplies, labor and increased administrative costs. [4] It shall consider, based on input received, whether compliance with the rule will cause businesses to lose sales or revenue. [5] To determine whether the proposed rule will have a disproportionate impact on small businesses, the impact statement must compare the costs of compliance for small businesses with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs:*

- a. Cost per employee
- b. Cost per hour of labor
- c. Cost per hundred dollars of sales

*(2) A small business economic impact statement must also include:*

- a. [6] A statement taken by the agency to reduce the costs of the rule on small businesses as required by RCW 19.85.030(3), or reasonable justification for not doing so, addressing the options listed in RCW 19.85.030(3).

b. [7] A description of how the agency will involve small business in the development of the rule; and

c. [8] A list of industries that will be required to comply with the rule.["]

For purposes of an SBEIS, "Small business," is defined by RCW 19.85.020: "Small business" means 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.

**CONTENTS OF THE DOCUMENT:** The proposed carbon dioxide mitigation rule developed through this rule-making process will be further evaluated in the following sections as required in chapter 19.85 RCW.

Section 2 - This section discusses the new rule and provides [1] a brief description of the reporting, record keeping, and other compliance requirements, [2] the kinds of professional services that a small business is likely to need in order to comply, [3] the costs of compliance for businesses required to comply with the proposed rule including costs of equipment, supplies, labor, and increased administrative costs.

Section 3 - This section considers [4] whether compliance with the rule will cause businesses to lose sales or revenue and evaluates [5] whether the proposed rule will have a disproportionate impact on small business.

Section 4 - This section considers [6] actions taken to reduce the impact of the rule on small business, [7] how small business was involved in the development of this rule and provides [8] a list of industries required to comply with the rule. The appendix contains additional information used in this analysis.<sup>1</sup>

## **2. DISCUSSION OF COMPLIANCE COSTS FOR BUSINESSES.**

**INTRODUCTION:** The proposed rule restates much of what is explicitly presented in chapter 70.94 RCW and Title 80 RCW and clarifies several aspects likely to be relevant to energy facility construction. The most significant clarification is explicitly stating the formula for calculating carbon dioxide emissions and outlining how to incorporate multiple fuels and supplemental firing. The proposed rule also provides a fee schedule. Ecology has carefully evaluated each of the proposed new rule sections and determined which are likely to have significant impacts on future applicants. These are discussed below along with a discussion of the baseline. A discussion of costs likely to be experienced by firms is also provided.

**RULE DESCRIPTION AND BASELINE DEVELOPMENT:** In order to discuss the cost impacts of the proposed rule it is necessary to consider the proposed rule language and the baseline from which the change in requirements is measured. The baseline is the best estimate of how chapter 70.94 RCW and Title 80 RCW would be implemented if the rule was not promulgated.

The proposed rule provides definitions of the regulated community, outlines statutory authority, and provides formulas for emissions calculations and requirements for addressing multiple fuels.<sup>2</sup> The rule requires all new or expanding fossil fuel powered electricity generation facilities to mitigate a portion of their carbon dioxide emissions. Twenty percent of all emissions forecast over a thirty-year period are required

to be mitigated either via a third-party or through self-initiated mitigation.<sup>3</sup>

In the case of proposed chapter 173-407 WAC, much of the rule language is simply restated from the statute. If ecology did not adopt a rule, carbon dioxide mitigation would still be required from new fossil-fueled power plants since it is explicitly described in statute.<sup>4</sup> The components of the rule where there is additional direction provided than included in statute are those associated with supplemental firing and multiple fuel sources. The statute defines total carbon dioxide emissions as those emitted from fossil fuel powered facilities over thirty years and mandates "taking into account any enforceable limitations on operational hours or fuel types and use." This statutory language is unclear as to whether it is to require mitigation of all fuel sources or the base fuel or some estimated fuel use up to the fuel's operational hour limitation. Ecology's proposed rule requires that all allowable supplemental firing hours be used in the emissions calculations and that the fuel with the highest CO<sub>2</sub> emissions factor be incorporated first until the total annual operational hours have been allocated. Without the rule, calculation of the CO<sub>2</sub> quantity subject to mitigation would be negotiated with individual permit writers resulting in differing mitigation requirements between otherwise identical proposals.

Ecology has chosen to base this analysis on two assumptions. First, because the statute is quite clear about considering limitations on operational hours and since supplemental firing is usually an allowed use based on a maximum number of hours, it is assumed that mitigation would be required for allowed supplemental firing hours even without the rule.

Second, because the statute is unclear about regulation of multiple fuels, ecology will assume that mitigation for reserve fuels with higher emission factors than the base fuel is an impact of this rule making. Though this could have been the intention of the statute, it could also be interpreted to require basing it on actual use, estimated use, etc. Without the rule, ecology permit writers and applicants would have to negotiate which fuels are included and how much of the allowable use of the higher emitting fuel would be considered. Therefore, the baseline in the case of multiple fuel sources will be mitigation based on the primary fuel type.

**COST IMPACTS TO BUSINESSES:** For those energy facilities that want the flexibility to use multiple fuel sources, the requirements described above will be a cost impact of the rule making. Firms may have to pay a greater amount of mitigation than would have been required if they had simply negotiated with individual permit writers. It is possible this may even cause some firms to choose to reduce their permitted use of back-up fuels from what would have been the case without the rule.

The economic impact of the proposed rule will most likely be experienced by those developing/modifying electricity generation facilities<sup>5</sup> as an increase in facility development costs. The following cost categories are required by chapter 19.85 RCW.

*Reporting and Record keeping: Additional carbon mitigation rule requirements will not likely require additional on-going monitoring or record keeping.*

*Additional Professional Services: Additional carbon mitigation rule requirements may require additional project*

management services to execute additional carbon offsets if the self-mitigation option is selected. This cost is included in the mitigation amount.

*Costs of Equipment, Supplies, Labor, and Increased Administrative Costs:* No additional equipment, supplies, labor or administrative costs are anticipated.

*Other Compliance Requirements:* As mentioned above, the main impact of the rule will be the additional carbon mitigation that may be required of some facilities. This amount will vary with the facility, fuel-type and owner with a typical range of between \$0 and \$1,100,000.<sup>6</sup>

**3. REVENUE IMPACTS AND DISTRIBUTION OF COSTS.**

**INTRODUCTION:** RCW 19.85.040 requires that the analysis consider [4] whether compliance with this rule will cause businesses to lose sales or revenue and [5] whether the proposed rule will have a disproportionate impact on small businesses. The increased costs come from increased carbon dioxide mitigation requirements for new energy facilities locating in the state.

Increased mitigation costs associated with higher carbon emitting supplemental fuels could be reduced by decreasing the hourly limit on supplemental fuel use. This would reduce the amount of mitigation required of firms, but comes at the expense of decreased operational flexibility. All costs in this analysis assume no change in the use of supplemental fuels by electricity project proponents and therefore are conservative (biased against the rule).

The increased costs will affect both existing and proposed energy facilities and could have indirect effects on other business entities operating in Washington state. The increase will affect siting costs and is related to capacity of the facility but not the output.<sup>7</sup> In general, an increase in fixed costs will impact firms with less output (i.e. "small" firms) more significantly than firms with more output (i.e. "large" firms). This occurs because firms with less output that try to recoup fixed costs by raising the price of their final product must raise the price proportionately more than large firms.

Increased siting costs for new energy facilities could benefit existing firms if existing plants are used more intensively or retirements of existing plants are delayed. In some cases, the impacts may be passed along to others as secondary effects. Which business entities are affected and how these new requirements will affect them depend on the specific markets and market participants. Firms that provide third-party mitigation services may benefit from increased demand for their services.

**ANALYSIS OF FUTURE PLANTS:** The proposed rule will apply to any facility that sells power to the grid and uses a fossil fuel energy source. To analyze this, ecology considered existing and expected future market conditions and reviewed several facilities that have been constructed in the state and that obtained air operating permits. The analysis revealed that potentially impacted facilities likely to be constructed in the future include natural gas and coal-fired electricity generation plants. These facilities are typically constructed by consumer-owned utilities, investor-owned utilities, and independent power producers and range in size from 25 MW to 349 MW. Many of the larger facilities have sup-

plemental firing capability, reserve fuels and can be cogeneration facilities.

Ecology elected to evaluate the impacts on three hypothetical electricity generation facilities that represent the anticipated range of facilities likely to be constructed in the future. All facilities are natural gas fired facilities<sup>8</sup> but operational capacities are different consisting of 30 MW, 172 MW and 274 MW facilities. Capabilities for supplemental firing, reserve fuels and cogeneration vary with each facility. The specific parameters are provided in Table 3.1.

**Table 3.1. Parameters of Hypothetical Electrical Generation Facilities**

Characteristic	Facility No. 1	Facility No. 2	Facility No. 3
Turbine Type	GE LM 2500+	Siemens/Westinghouse W501D5	Siemens/Westinghouse 501F
Nominal Capacity (MW)	30	172	274
Supplemental (Duct) Firing	No	No	Yes
Type & Primary Fuel	Natural Gas-Simple Cycle	Natural Gas-Comb. Cycle	Natural Gas-Comb. Cycle
Secondary Fuel	N/A	Distillate Fuel; 876 hour limit	Distillate Fuel; 1,752 hour limit
Cogeneration Facility	No	No	Yes

**SALES IMPACTS:** Potential sales impacts for new generating resources in Washington could occur if the increased cost of siting facilities delays construction or are passed along in wholesale electricity prices. Table 3-2 provides an analysis of cost and investment return impacts for the three proposed facilities.

**Table 3-2. Facility Siting and Wholesale Electricity Cost and Investment Return Impacts Due to the Proposed Rule**

	Facility No. 1 (NGSC-30 MW)	Facility No. 2 (NGCC-172 MW)	Facility No. 3 (NGCC-274 MW)
Increased Mitigation Cost from Rule (Thousand \$)	0	108.6	312.9
Capital Cost (Million \$) <sup>9</sup>	17.7	101.1	159.6
Percentage Increase in Capital Cost	0.0%	0.11%	0.20%
Percentage Change in NPV <sup>10</sup>	0.0%	-0.4%	-0.4%
Change in Cost of Electricity (\$/MWh)	0.00	+0.01	+0.02

The estimated increased siting cost ranges from \$0 to approximately \$313,000 for the natural gas fired plants listed above. This represents an increase of between 0.0% and 0.20% of a typical plant's capital costs. If increased costs are passed along in wholesale electricity prices, the price of wholesale electricity is expected to increase between \$0.0/MWh and \$0.02/MWh which represents between 0% and 0.05% of the price of wholesale power.<sup>11</sup> This may result in a small decrease in sales depending on how sensitive the market is to a price increase. However, fuel price volatility,

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variable power demand and changing hydroelectric conditions are likely to be far more significant cost factors.

As mentioned previously, a reduction in NPV for new facilities or an increase in wholesale power costs may be a beneficial effect for existing facilities. Existing electricity generation facilities may experience an increase in sales if siting of new facilities is delayed due to the reduced investment return or if time of use (dispatch) is reduced. This would increase the dispatch of existing plants and potentially delay retirement of some plants. The impact of these investment value and price changes for both existing and new plants is likely to be relatively minor as other factors are likely to drive siting decisions like fuel costs, public responsiveness, plant efficiency, and availability of transmission facilities.

**DISTRIBUTION OF COMPLIANCE COSTS:** RCW 19.85-.040 requires an evaluation of how compliance costs may vary between small firms and the largest 10% of firms required to comply. This is complicated in this case by the fact that the rule will only apply to facilities developed in the future. To inform the rule making, ecology evaluated several energy facilities that recently obtained AOP permits with capacities that would be subject to carbon mitigation requirements if constructed today. Sixteen permits for fossil-fuel fired facilities that sold electricity to the grid were considered. In all cases, the firms were large firms.

Changes in the wholesale power industry make plants developed in the past less relevant. Developers can be classified as consumer owned utilities (COUs), investor owned utilities (IOUs) and independent power producers (IPPs). In the past, IOUs and COUs were often vertically integrated providing generation, transmission and distribution. Restructuring in the electricity markets has allowed IPPs to develop a much larger share of electricity generation. Moreover, they will likely be much more prevalent in future development. As such, ecology analyzed all existing COUs and IOUs and considered a collection of IPPs with existing assets or an interest in electricity development in Washington to assess proportionality.<sup>12</sup> The results are listed in Table 3-3.

**Table 3-3. Proportionality of Compliance Costs (Dollars per Hundred Dollars in Sales)**

Firm Size	No. Firms	Facility No. 1 (NGSC-30 MW)	Facility No. 2 (NGCC-174 MW)	Facility No. 3 (NGCC-272 MW)
Small	40	0.0	0.007	0.012
Large	42	0.0	0.007	0.012

As can be seen from Table 3-3, the cost impacts as measured per hundred dollars in sales will not be greater for small firms but will vary with the capacity of the plant. These results are not surprising because the mitigation costs are spread over the same revenue stream for a given size plant and technology regardless of the number of employees. If plant capacity or technology selection varies with the size of developer, we would expect effects to be disproportionate. Therefore, a more relevant question is "does new plant capacity or technology choice vary with the size of the proponent firm in the class of plants 25 megawatts to 350 megawatts?" Ecology's experience with previously constructed facilities indicates little relationship between plant capacity and proponent size.<sup>13</sup>

It appears that mostly large firms develop plants between 25 MW and 350 MW capacity. Even in cases where small firms develop plants, there is little evidence that plant capacity is related to the number of employees of the proponent. For both of these reasons, the proposed rule should not disproportionately affect smaller proponents more than large proponents.

**SECONDARY IMPACTS:** It is possible that some or all of the increased costs associated with the proposed rule revisions will be passed on to consumers in the form of higher electricity rates. For COUs and IOUs this would occur by including the increased cost in the utility rates approved by individual utility boards. For IPPs, higher prices would be determined within the market for wholesale power. Analysis by ecology found that it is unlikely that there will be disproportionate secondary impacts. The complete analysis can be found in the appendix.

Natural gas has been the most efficient fuel used for new electricity facilities in recent years. Raising the cost to develop these plants might lead to a reduction in the use of natural gas. However, any impact would depend on the cost of the other generation technologies like wind, and on the cost for other inputs like coal. To the extent that coal will also be subject to increased requirements for carbon mitigation and that wind is a site specific resource with a low capacity factor, it is unlikely that the increased costs from the proposed rule will change the generation technology choice at the margin.

**CONCLUSION:** Businesses engaged in the production of electricity will incur increased compliance costs as a result of the rule revisions. These costs will vary significantly with the plant characteristics. The most important characteristics affecting siting costs will be the generation technology, plant size and use of supplemental fuels. Ecology has analyzed several representative facilities and finds that the impacts on sales should be minimal and that the rule will not likely have disproportionate impacts.

#### **4. BUSINESS INVOLVEMENT AND INDUSTRY.**

**ACTIONS TAKEN TO REDUCE THE IMPACT ON SMALL BUSINESS:** As noted previously, the rule making is unlikely to have disproportionate impacts on smaller firms. Ecology's overall intent for this rule making is to implement state law mitigating greenhouse gases. It is intended that the new rule will reduce the uncertainty associated with siting 25MW-350MW capacity electricity generation facilities in Washington and reduce the associated financial penalties. To the extent that this is a fixed cost, it will benefit firms with less output more than firms with greater output. Because the impacts are unlikely to be disproportionate, ecology did not further pursue the options for reducing costs to small businesses listed in RCW 19.85.030(3).

**HOW WAS SMALL BUSINESS INVOLVED IN THE DEVELOPMENT OF THIS RULE?** As mentioned previously, the stimulus for rule making came from legislation passed in 2004. Ecology began rule making in 2004 by drafting preliminary rule language and posting it for external stakeholder review. Written comments were taken through August, 2004. The proposed rule was also posted on ecology's website. Throughout the process, ecology has encouraged the participation of all entities in considering the impacts and outcomes

of the proposed rules. This public process was open to both small and large businesses. Further input will be encouraged during the future draft rule public comment period.

**LIST OF INDUSTRIES REQUIRED TO COMPLY:** The most likely industries to which this rule will apply will be those involved in the production of electricity. Other firms that elect to develop co-generation facilities might also be included. Table 4.1 contains [9] a list of industries required to comply with the rule. The table was constructed based on air permitting data and market analysis. In general, the majority of plants are classified SIC Code 4911.

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**Chapter 173-407 WAC**

**CARBON DIOXIDE MITIGATION PROGRAM FOR FOSSIL-FUELED THERMAL ELECTRIC GENERATING FACILITIES**

NEW SECTION

**WAC 173-407-010 Policy and purpose.** (1) It is the policy of the state to require mitigation of the emissions of carbon dioxide (CO<sub>2</sub>) from all new and certain modified fossil-fueled thermal electric generating facilities with station generating capability of more than 25 MWe.

(2) A fossil-fueled thermal electric generating facility is not subject to the requirements of chapter 173-401 WAC solely due to its emissions of CO<sub>2</sub>.

(a) Emissions of other regulated air pollutants must be a large enough quantity to trigger those requirements.

(b) For fossil-fueled thermal electric generating facilities that are subject to chapter 173-401 WAC, the CO<sub>2</sub> mitigation requirements are an applicable requirement under that regulation.

(3) A fossil-fueled thermal electric generating facility not subject to the requirements of chapter 173-401 WAC is subject to the requirements of the registration program in chapter 173-400 WAC.

NEW SECTION

**WAC 173-407-020 Definitions.** The definitions in this section are found in RCW 80.70.010 (2004) and apply throughout this chapter unless clearly stated otherwise. The definitions are reprinted below.

(1) "Applicant" has the meaning provided in RCW 80.50.020 and includes an applicant for a permit for a fossil-fueled thermal electric generation facility subject to RCW 70.94.152 and 80.70.020 (1)(b) or (d).

(2) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(3) "Carbon credit" means a verified reduction in carbon dioxide or carbon dioxide equivalents that is registered with a state, national, or international trading authority or exchange that has been recognized by the council.

(4) "Carbon dioxide equivalents" means a metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

(5) "Cogeneration credit" means the carbon dioxide emissions that the council, department, or authority, as appropriate, estimates would be produced on an annual basis by a stand-alone industrial and commercial facility equivalent in operating characteristics and output to the industrial or commercial heating or cooling process component of the cogeneration plant.

**Table 4.1. Industries Likely to be Required to Comply with the Rule Revisions**

SIC Code	Description
4911	Electric Services
4931	Electric and other services combined

<sup>1</sup> Due to size limitations relating to the filing of documents with the code reviser, the SBEIS does not contain the appendices that further explain ecology's analysis. Additionally, it does not contain the raw data used in this analysis, or all of ecology's analysis of this data. However, this information is being placed in the rule-making file, and is available upon request.

<sup>2</sup> See [www.ecy.wa.gov/programs/air/psd/draft\\_rule\\_page.html](http://www.ecy.wa.gov/programs/air/psd/draft_rule_page.html) for complete text.

<sup>3</sup> Typical mitigation projects include those that will offset emissions elsewhere such as energy efficiency programs and green power purchases.

<sup>4</sup> Chapter 19.85 RCW does not require analysis where the statute explicitly defines the requirements.

<sup>5</sup> Replacement of turbines "in-kind" for remanufacturing/repair is unlikely to result in increased mitigation cost as the replacement turbine is usually of similar size.

<sup>6</sup> A cost of \$0 would occur in the case of a simple cycle natural gas CT with no reserve fuels. An additional cost of \$1,086,000 would occur for a 172 megawatt (MW) plant with unlimited use of back-up diesel. The likely upper limit in additional cost would be a 349 MW plant with unlimited back-up fuel in which mitigation would be increased by approximately \$2,000,000.

<sup>7</sup> These are known as "fixed" costs. Costs that depend on output levels are known as "variable" costs.

<sup>8</sup> Coal-fired plants were not considered since rule requirements for reserve fuel mitigation will not likely affect the required mitigation since coal is a highly emitting fuel source.

<sup>9</sup> Cost assumptions taken from "Wholesale Power Price Forecast for the Fifth Power Plan," NPPC, 2003.

<sup>10</sup> NPV is "net present value." Calculations assume a wholesale electricity price of \$40/MWh.

<sup>11</sup> Assuming a wholesale price of \$40/MWh.

<sup>12</sup> Data used is from NPPC "Power Plants of the Northwest," the Northwest Independent Power Producers Coalition, Washington Employment Security, corporate websites and personal contacts.

<sup>13</sup> All proponents with existing plants considered by ecology were large firms. Among these firms the correlation coefficient of capacity vs. number of employees was 0.09.

A copy of the statement may be obtained by contacting David Reich, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6865, fax (360) 407-6989, e-mail DAVR461@ecy.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting David Reich, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360)

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(6) "Cogeneration plant" means a fossil-fueled thermal power plant in which the heat or steam is also used for industrial or commercial heating or cooling purposes and that meets federal energy regulatory commission standards for qualifying facilities under the Public Utility Regulatory Policies Act of 1978.

(7) "Commercial operation" means the date that the first electricity produced by a facility is delivered for commercial sale to the power grid.

(8) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(9) "Department" means the department of ecology.

(10) "Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material to produce heat for the generation of electricity.

(11) "Mitigation plan" means a proposal that includes the process or means to achieve carbon dioxide mitigation through use of mitigation projects or carbon credits.

(12) "Mitigation project" means one or more of the following:

(a) Projects or actions that are implemented by the certificateholder or order of approval holder, directly or through its agent, or by an independent qualified organization to mitigate the emission of carbon dioxide produced by the fossil-fueled thermal electric generation facility. This term includes, but is not limited to, the use of energy efficiency measures, clean and efficient transportation measures, qualified alternative energy resources, demand side management of electricity consumption, and carbon sequestration programs;

(b) Direct application of combined heat and power (cogeneration);

(c) Verified carbon credits traded on a recognized trading authority or exchange; or

(d) Enforceable and permanent reductions in carbon dioxide or carbon dioxide equivalents through process change, equipment shutdown, or other activities under the control of the applicant and approved as part of a carbon dioxide mitigation plan.

(13) "Order of approval" means an order issued under RCW 70.94.152 with respect to a fossil-fueled thermal electric generation facility subject to RCW 80.70.020 (1)(b) or (d).

(14) "Permanent" means that emission reductions used to offset emission increases are assured for the life of the corresponding increase, whether unlimited or limited in duration.

(15) "Qualified alternative energy resource" has the same meaning as in RCW 19.29A.090.

(16) "Station generating capability" means the maximum load a generator can sustain over a given period of time without exceeding design limits, and measured using maximum continuous electric generation capacity, less net auxiliary load, at average ambient temperature and barometric pressure.

(17) "Total carbon dioxide emissions" means:

(a) For a fossil-fueled thermal electric generation facility described under RCW 80.70.020 (1)(a) and (b), the amount of carbon dioxide emitted over a thirty-year period based on the manufacturer's or designer's guaranteed total net station generating capability, new equipment heat rate, an assumed sixty percent capacity factor for facilities under the council's

jurisdiction or sixty percent of the operational limitations on facilities subject to an order of approval, and taking into account any enforceable limitations on operational hours or fuel types and use; and

(b) For a fossil-fueled thermal electric generation facility described under RCW 80.70.020 (1)(c) and (d), the amount of carbon dioxide emitted over a thirty-year period based on the proposed increase in the amount of electrical output of the facility that exceeds the station generation capability of the facility prior to the applicant applying for certification or an order of approval pursuant to RCW 80.70.020 (1)(c) and (d), new equipment heat rate, an assumed sixty percent capacity factor for facilities under the council's jurisdiction or sixty percent of the operational limitations on facilities subject to an order of approval, and taking into account any enforceable limitations on operational hours or fuel types and use.

#### NEW SECTION

**WAC 173-407-030 Carbon dioxide mitigation program applicability.** (1) **Statutory authority for a carbon dioxide mitigation program.** RCW 70.94.892(1) states that *"For fossil-fueled electric generation facilities having more than twenty-five thousand kilowatts station generating capability but less than three hundred fifty thousand kilowatts station generating capability, except for fossil-fueled floating thermal electric generation facilities under the jurisdiction of the energy facility site evaluation council pursuant to RCW 80.50.010, the department or authority shall implement a carbon dioxide mitigation program consistent with the requirements of chapter 80.70 RCW."*

(2) **Statutory carbon dioxide mitigation program applicability requirements.** RCW 80.70.020 describes the applicability requirements and is reprinted below:

(1) *The provisions of this chapter apply to:*

(a) *New fossil-fueled thermal electric generation facilities with station-generating capability of three hundred fifty thousand kilowatts or more and fossil-fueled floating thermal electric generation facilities of one hundred thousand kilowatts or more under RCW 80.50.020 (14)(a), for which an application for site certification is made to the council after July 1, 2004;*

(b) *New fossil-fueled thermal electric generation facilities with station-generating capability of more than twenty-five thousand kilowatts, but less than three hundred fifty thousand kilowatts, except for fossil-fueled floating thermal electric generation facilities under the council's jurisdiction, for which an application for an order of approval has been submitted after July 1, 2004;*

(c) *Fossil-fueled thermal electric generation facilities with station-generating capability of three hundred fifty thousand kilowatts or more that have an existing site certification agreement and, after July 1, 2004, apply to the council to increase the output of carbon dioxide emissions by fifteen percent or more through permanent changes in facility operations or modification or equipment; and*

(d) *Fossil-fueled thermal electric generation facilities with station-generating capability of more than twenty-five thousand kilowatts, but less than three hundred fifty thousand kilowatts, except for fossil-fueled floating thermal electric*

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generation facilities under the council's jurisdiction, that have an existing order of approval and, after July 1, 2004, apply to the department or authority, as appropriate, to permanently modify the facility so as to increase its station-generating capability by at least twenty-five thousand kilowatts or to increase the output of carbon dioxide emissions by fifteen percent or more, whichever measure is greater.

(3) **New facilities.** Any fossil-fueled thermal electric generating facility is required to mitigate CO<sub>2</sub> emissions as described in chapter 80.70 RCW, if the facility meets the following criteria:

- (a) An application was received after July 1, 2004;
- (b) The station-generating capability is below 350 MWe and above 25 MWe;

(c) The facility is not a fossil-fueled floating thermal electric generation facility subject to regulation by the energy facility site evaluation council.

(4) **Modifications to existing facilities.** A fossil-fueled thermal electric generating facility seeking to modify the facility or any electrical generating units is required to mitigate the increase of the emission of CO<sub>2</sub>, as described in RCW 80.70.020, when the following occur:

- (a) The application was received after July 1, 2004;
- (b) The unmodified station generating capability is more than 25 MWe and less than 350 MWe;

(c) The modification to the fossil-fueled thermal electric generating facility or units will increase electrical output by the greater of:

- (i) At least 25 MWe; or
- (ii) An increase in the annual emissions of CO<sub>2</sub> of 15% or more;

(d) The facility or the modification is not under the jurisdiction of the energy facility site evaluation council;

(5) **Examples of fossil-fueled thermal electric generation units.** The following are some examples of fossil-fueled thermal electric generating units:

(a) Coal, oil, natural gas, or coke fueled steam generating units (boilers) supplying steam to a steam turbine - electric generator;

(b) Simple cycle combustion turbine attached to an electric generator;

(c) Combined cycle combustion turbines (with and without duct burners) attached to an electric generator and supplying steam to a steam turbine - electric generator;

(d) Coal gasification units, or similar devices, where the synthesis gas produced is used to fuel a combustion turbine, boiler or similar device used to power an electric generator;

(e) Hydrocarbon reformer emissions where the hydrogen produced is used in a fuel cell.

$$CO_{2\text{rate}} = \frac{F_1 \times K_1}{2204.6} \times T_1 + \frac{F_2 \times K_2}{2204.6} \times T_2 + \frac{F_3 \times K_3}{2204.6} \times T_3 + \dots + \frac{F_n \times K_n}{2204.6} \times T_n$$

CO<sub>2</sub> rate = Maximum potential emissions in metric tons per year

**NEW SECTION**

**WAC 173-407-040 Carbon dioxide mitigation program fees.** (1) **Statutory authorization.** RCW 70.94.892 authorizes the department to determine, assess, and collect fees sufficient to cover costs to review and approve or deny the carbon dioxide mitigation plan components of an order of approval. The order of approval will specify costs to monitor conformance related to the carbon dioxide mitigation plan.

(2) **Fees.** The fees for the carbon dioxide mitigation program are described in this section and listed in the table below. The fees listed are added to the fees established in chapters 173-400 and 173-401 WAC, when the carbon dioxide mitigation plan requirements are triggered.

Activity	Fee
<b>a. Application Review</b>	\$65.00/hr <sup>1</sup> not to exceed \$500.00
<b>b. Mitigation Plan approval</b>	
i. Payment to third party	\$100 <sup>2</sup>
ii. Purchase of CO <sub>2</sub> credits	\$65.00/hr <sup>3</sup>
iii. Direct investment	\$65.00/hr <sup>4</sup>
<b>c. Routine Compliance Monitoring</b>	
i. Payment to third party	\$100 <sup>5</sup> annually until full amount paid
ii. Purchase of CO <sub>2</sub> credits	\$65.00/hr <sup>6</sup>
iii. Applicant Controlled Project	\$65.00/hr <sup>7</sup>

<sup>1</sup>Estimated using an EE3 per hour rate with a cap.  
<sup>2</sup>Small fee primarily to check math and that the source is using an EFSEC approved qualified organization.  
<sup>3</sup>Estimated EE3 per hour rate to check that the credits purchased will be verifiable and from a reputable trading or marketing organization.  
<sup>4</sup>Estimated using an EE3 per hour rate.  
<sup>5</sup>Same as rationale for <sup>2</sup> above.  
<sup>6</sup>Verify and confirm credits with the trading or marketing organization.

(3) The department or authority may use RCW 70.94.085 to structure a cost-reimbursement agreement with the applicant.

**NEW SECTION**

**WAC 173-407-050 Calculating total carbon dioxide emissions to be mitigated.** (1) **Step 1 is to calculate the total quantity of CO<sub>2</sub>.** The total quantity of CO<sub>2</sub> is referred to as the **maximum potential emissions of CO<sub>2</sub>.** The maximum potential emissions of CO<sub>2</sub> is defined as the annual CO<sub>2</sub> emission rate. The annual CO<sub>2</sub> emission rate is derived by the following formula or similar analysis:

PROPOSED

- $F_{1..n}$  = Maximum design fuel firing rate in mmBtu/hour calculated as manufacturer/designer's guaranteed total net station generating capability in MWe times the new equipment heat rate in Btu/MWe
- $K_{1..n}$  = Conversion factor for the fuel(s) being evaluated in lb CO<sub>2</sub>/mmBtu for fuel  $F_n$
- $T_{1..n}$  = Hours per year fuel  $F_n$  is allowed to be used. The default is 8760 hours unless there is a limitation on hours in an order of approval
- $F_s$  = Maximum design supplemental fuel firing rate in mmBtu/hour
- $K_s$  = Conversion factor for the supplemental fuel being evaluated in lb CO<sub>2</sub>/mmBtu for fuel  $F_s$  given fuel
- $T_s$  = Hours per year supplemental fuel  $F_s$  is allowed. The default is 8760 hours unless there is a limitation on hours in an order of approval

(a) When there are multiple new fossil-fueled electric generating units, the above calculation will be performed for each unit and the total CO<sub>2</sub> emissions of all units will be summed.

(b) When a unit or facility is allowed to use multiple fuels, the maximum allowed hours on the highest CO<sub>2</sub> producing fuels will be utilized for each fuel until the total of all hours per fuel add up to the allowable annual hours.

(c) When a new unit or facility is allowed to use multiple fuels without restriction in its approval order(s), this calculation will be performed assuming that the fuel with the highest CO<sub>2</sub> emission rate is used 100% of the time.

(d) When the annual operating hours are restricted for any reason, the total of all  $T_{1..n}$  hours equals the annual allowable hours of operation in the Order of Approval.

(e) Fuel to CO<sub>2</sub> conversion factors:

Fuel	$K_n$ lb/mmBtu
#2 oil	158.16
#4 oil	160.96
#6 oil	166.67
Lignite	328.57
Sub-bituminous coal	282.94
Bituminous coal, low volatility	312.50
Bituminous coal, medium volatility	274.55
Bituminous coal, high volatility	306.11
Natural gas	117.6
Propane	136.61
Butane	139.38
Petroleum coke	242.91
Coal coke	243.1

Fuel	$K_n$ lb/mmBtu
Other fuels	Calculate based on carbon content of the fossil fuel and application of the gross heat content (higher heating value) of the fuel

(2) **Step 2 - Insert the annual CO<sub>2</sub> rate to determine the total carbon dioxide emissions to be mitigated.** The formula below includes specifications that are part of the total carbon dioxide definition:

$$\text{Total CO}_2 \text{ Emissions} = \text{CO}_{2\text{rate}} \times 30 \times 0.6$$

(3) **Step 3 - Determine and apply the cogeneration credit (if any).** Where the cogeneration unit or facility qualifies for cogeneration credit, the cogeneration credit is the annual CO<sub>2</sub> emission rate (in metric tons per year) and is calculated as shown below or similar method:

$$\text{CO}_{2\text{credit}} = \frac{H_s}{2204.6} (K_n) \div .35$$

Where cogeneration credit = The annual CO<sub>2</sub> credit for cogeneration in metric tons/year.

$H_s$  = Annual heat energy supplied by the cogeneration plant to the "steam host" per the contract or other binding obligation/agreement between the parties in mmBtu/yr as substantiated by an engineering analysis.

$K_n$  = The time weighted average CO<sub>2</sub> emission rate constant for the cogeneration plant in lb CO<sub>2</sub>/mmBtu supplied. The time weighted average is calculated similarly to the above method described in subsection (1) of this section.

$$\text{Cogeneration Credit} = \text{CO}_{2\text{credit}} \times 30$$

(4) **Step 4 - Apply the mitigation factor.**

(a) RCW 80.70.020(4) states that "Fossil-fueled thermal electric generation facilities that receive site certification approval or an order of approval shall provide mitigation for twenty percent of the total carbon dioxide emissions produced by the facility."

(b) The CO<sub>2</sub> emissions mitigation quantity is determined by the following formula:

$$\text{Mitigation Quantity} = \text{Total CO}_2 \text{ Emissions} \times 0.2 - \text{Cogeneration Credit}$$

Mitigation quantity = The total CO<sub>2</sub> emissions to be mitigated in metric tons

PROPOSED

- CO<sub>2</sub>rate = The annual maximum CO<sub>2</sub> emissions from the generating facility in tons/year
- 0.2 = The mitigation factor in RCW 80.70.020(4)

(5) Additional restrictions for modifications to an existing facility not involving installation of new generating units. The quantity of CO<sub>2</sub> to be mitigated is calculated by the same methods used for the new generating units with the following restrictions:

- (a) The quantity of CO<sub>2</sub> subject to mitigation is only that resulting from the modification and does not include the CO<sub>2</sub> emissions occurring prior to the modification.
- (b) An increase in operating hours or other operational limitations established in an order of approval is not an exempt modification under this regulation. However, only emissions related to the increase in operating hours are subject to the CO<sub>2</sub> mitigation program requirements.
- (c) The annual emissions (CO<sub>2</sub> rate) is the difference between the premodification condition and the postmodification condition, but using the like new heat rate for the combustion equipment.
- (d) The cogeneration credit may be used, but only if it is a new cogeneration credit, not a cogeneration agreement or arrangement established prior to July 1, 2004, or used in a prior CO<sub>2</sub> mitigation evaluation.

<sup>7</sup>Review reports and document project progress.

**NEW SECTION**

**WAC 173-407-060 Carbon dioxide mitigation plan requirements and options.** (1) **Once the total carbon dioxide emissions mitigation quantity is calculated, what is next?** The facility must mitigate that level of carbon dioxide emissions. A CO<sub>2</sub> mitigation plan is required and must be approved as part of the order of approval. RCW 80.70.020 (2)(b) states that "For fossil-fueled thermal electric generation facilities not under jurisdiction of the council, the order of approval shall require an approved carbon dioxide mitigation plan." A mitigation plan is a proposal that includes the process or means to achieve carbon dioxide mitigation through use of mitigation projects or carbon credits (RCW 80.70.010).

(2) **What are the mitigation plan options?** The options are identified in RCW 80.70.020(3), which states that "An applicant for a fossil-fueled thermal electric generation facility shall include one or a combination of the following carbon dioxide mitigation options as part of its mitigation plan:

- (a) Payment to a third party to provide mitigation;
- (b) Direct purchase of permanent carbon credits; or
- (c) Investment in applicant-controlled carbon dioxide mitigation projects, including combined heat and power (cogeneration)."

(3) **What are the requirements of the payment to a third party option?** The payment to a third party option requirements are found in RCW 80.70.020 (5) and (6). Subsection (5) identifies the mitigation rate for this option and

describes the process for changing the mitigation rate. Subsection (6) describes the payment options.

The initial mitigation rate is **\$1.60 per metric ton** of carbon dioxide to be mitigated. If there is a cogeneration plant, the monetary amount is based on the difference between twenty percent of the total carbon dioxide emissions and the cogeneration credit. This rate will change when the energy facility site evaluation council adjusts it through the process described in RCW 80.70.020 (5)(a) and (b). The total payment amount = mitigation rate x mitigation quantity.

An applicant may choose between a **lump sum payment or partial payment over a period of five years**. The **lump sum payment** is described in RCW 80.70.020 (6)(a) and (b). The payment amount is the mitigation quantity multiplied by the per ton mitigation rate. The entire payment amount is due to the independent qualified organization no later than one hundred twenty days after the start of commercial operation.

The alternative to a one-time payment is a **partial payment** described in RCW 80.70.020 (6)(c). Under this alternative, twenty percent of the total payment is due to the independent qualified organization no later than one hundred twenty days after the start of commercial operation. A payment of the same amount (or an adjusted amount if the rate is changed under RCW 80.70.020 (5)(a)) is due on the anniversary date of the initial payment for the next four consecutive years. In addition, the applicant is required to provide a letter of credit or comparable security for the remaining 80% at the time of the first payment. The letter of credit (or comparable security) must also include possible rate changes.

(4) **What are the requirements of the permanent carbon credits option?** RCW 80.70.030 identifies the criteria and specifies that these credits cannot be resold without approval from the local air authority having jurisdiction or ecology where there is no local air authority. The permanent carbon credit criteria of RCW 80.70.030(1) is as follows:

- (a) Credits must derive from real, verified, permanent, and enforceable carbon dioxide or carbon dioxide equivalents emission mitigation not otherwise required by statute, regulation, or other legal requirements;
- (b) The credits must be acquired after July 1, 2004; and
- (c) The credits may not have been used for other carbon dioxide mitigation projects.

(5) **What are the requirements for the applicant controlled mitigation projects option?** RCW 80.70.040 identifies the requirements for applicant controlled mitigation projects. Subsections (1) through (5) specify the criteria. Subsection (6) specifies that if federal requirements are adopted for carbon dioxide mitigation for fossil-fueled thermal electric generation facilities, ecology or the local air authority may deem the federal requirements equivalent and replace RCW 80.70.040 with the federal requirements.

The applicant controlled mitigation project must be:

- (a) Implemented through mitigation projects conducted directly by, or under the control of, order of approval holder. (Section 1);
- (b) Approved by the authority having jurisdiction or the department where there is no local air authority and incorporated as a condition of the proposed order of approval. (Section 2);

(c) Fully in place within a reasonable time after the start of commercial operation. Failure to implement an approved mitigation plan is subject to enforcement under chapter 70.94 RCW. (Section 3)

In addition, an order of approval holder may not use more than twenty percent of the total funds for the selection, monitoring, and evaluation of mitigation projects and the management and enforcement of contracts. (Section 4)

#### NEW SECTION

**WAC 173-407-070 Carbon dioxide mitigation option statement and mitigation plan approval.** (1) Applicants must provide the department or authority with a statement selecting the mitigation option(s) at the time the application is submitted.

(2) Applicants choosing to use the payment to a third party or the permanent carbon credit option must provide the department or the authority, as appropriate, with the documentation to show how the requirements will be satisfied before an order or approval will be issued.

(3) Applicants seeking to use the applicant controlled mitigation projects option must submit the entire mitigation plan to the department or the authority. The department or authority having jurisdiction will review the plan. Under RCW 70.94.892 (2)(b), the review criteria is based on whether the mitigation plan is consistent with the requirements of chapter 80.70 RCW.

(4) Upon completing the review phase, the department or the authority having jurisdiction must approve or deny the mitigation plan.

(5) Approved mitigation plans become part of the order of approval.

#### NEW SECTION

**WAC 173-407-080 Enforcement.** Applicants or facilities violating the carbon dioxide mitigation program requirements are subject to the enforcement provisions of chapter 70.94 RCW.

#### NEW SECTION

**WAC 173-407-090 Severability.** The provisions of this regulation are severable. If any provision is held invalid, the application of that provision to other circumstances and the remainder of the regulation will not be affected.

#### **WSR 04-21-071**

#### **WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF HEALTH**

(By the Code Reviser's Office)

[Filed October 19, 2004, 2:18 p.m.]

WAC 246-924-510 and 246-924-515, proposed by the Department of Health in WSR 04-08-098 appearing in issue 04-08 of the State Register, which was distributed on April 21, 2004, 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 04-21-072**

#### **PROPOSED RULES**

#### **DEPARTMENT OF FISH AND WILDLIFE**

[Filed October 19, 2004, 3:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-17-029.

Title of Rule and Other Identifying Information: Rules pertaining to the protection of shellfish from disease, pests and predators.

Hearing Location(s): Shilo Inn, Ocean Shores Boulevard N.W., Ocean Shores, WA 98569, on December 3-4, 2004, begins 8:00 a.m., December 3rd.

Date of Intended Adoption: December 3, 2004.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail jacobesj@dfw.wa.gov, fax (360) 902-2155, by December 2, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by November 22, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to provide protection to the shellfish grower industry and wild stock shellfish from new diseases and expanded areas of predatory drills. The anticipated effect is to slow the spread of predator populations and diseases, provide the ability to track associated shellfish transfers and transport should new diseases be discovered and provide movement history to importing jurisdictions should concerns arise. This will change existing rules, which currently allow much of the movement under a pamphlet possession and compliance document, to a transfer permit requirement, which may be valid for a single transfer, an annual transfer, or some degree in between, and which has two exceptions, market ready shellfish and shellfish seed transferred under a shellfish health agreement.

Reasons Supporting Proposal: The current pamphlet/permit process does not provide the ability to track shellfish and associated movements and when new disease outbreaks occur the department is unable to track the movement of diseased stock or contaminated equipment, which obviates the ability to prevent or control the spread of the disease, pest or predator. This fails to prevent the spread of a disease and does not offer any importer of Washington shellfish products an assurance of a disease free origin. These issues and concepts were reviewed and supported by the Shellfish Import Advisory Committee (WAC 220-77-040) which includes shellfish pathologists, academia, tribal, industry, aquarists and representatives from the Department of Fish and Wildlife and the Department of Agriculture.

Statutory Authority for Adoption: RCW 77.115.010, 77.12.047.

Statute Being Implemented: RCW 77.115.010.

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

Name of Proponent: Washington Department of Fish and Wildlife and Department of Agriculture, governmental.

Name of Agency Personnel Responsible for Drafting: Morris Barker, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA, (360) 902-2826; Implementation: Lew Atkins, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA, (360) 902-2651; and Enforcement: Bruce Bjork, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA, (360) 902-2373.

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

#### Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: All transfers and transport of shellfish, shellfish aquaculture products, and aquaculture equipment will require a written permit from the director, except for transfer of market ready shellfish and shellfish seed transfers under a shellfish health agreement. Companies operating under shellfish health agreements are required to submit quarterly or on demand reports of shellfish seed transfers from hatchery to out plant sites. High-risk transfer may require a histological examination of the stock as a condition of granting the permit.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: Businesses that move a large volume of shellfish products may require a professional service to help enumerate and track seed and shell stock transfers that are subject to reporting requirements. Businesses that apply for transfer or import permits may be required to hire the services of a shellfish pathologist for disease health certification.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: There could be increased administrative costs associated with tracking of transfers and out plant sites. We estimate up to a quarter time position of a clerk level position for a large volume dealer, this would equate to \$500 to \$600 a month for the largest business affected. Most businesses likely perform this function in their current operations.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? Compliance with the rules could act to increase markets in importing jurisdictions by creating assurances on the health history of stocks from the export area. High risk transfers may be restricted and this could impact current operations that reduce flexibility thus resulting in: (1) A delayed revenue stream; (2) higher costs for leasing new grounds; and (3) a histology certification exam from a recognized shellfish pathologist when proposing transfers from a disease restricted area to a nondisease restricted area which may cost \$500 to \$1400 per exam in the case of Denman Island Disease in oysters, for example.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Pro-

posed Rules Using One or More of the Following as a Basis for Comparing Costs:

1. Cost per employee;
2. Cost per hour of labor; or
3. Cost per one hundred dollars of sales.

Cost categories require proprietary information from the affected industry and are not available for such calculations.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: The agency has met with the industry and modified some of the proposals to lessen the cost to growers by modifying rules and/or boundary lines where appropriate. The cost of no action could increase the risk of disease, pest or predator transmission, which has a negative economic impact to the industry and to wild shellfish stocks.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The agency has convened a meeting of the Shellfish Import Advisory Committee to discuss the issues and develop rule proposal concepts that will meet disease, pest, and predator protection needs. The agency has held meetings with the grower community to discuss the issues and rule proposals. The agency has modified rule proposals based on input from the industry. The industry will have further opportunities for input during public hearings on the rule proposals under the auspices of the Fish and Wildlife Commission public hearing process.

8. A List of Industries That Will Be Required to Comply with the Rule: Members of the shellfish grower industry and importers of shellfish destined to come into contact with state waters.

A copy of the statement may be obtained by contacting Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail [jacobesj@dfw.wa.gov](mailto:jacobesj@dfw.wa.gov).

A cost-benefit analysis is not required under RCW 34.05.328. The rule is not a hydraulic rule proposal.

October 18, 2004.

Evan Jacoby  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 03-86, filed 4/30/03, effective 5/31/03)

**WAC 220-72-011 Oyster drill restricted shellfish areas—Puget Sound.** All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Puget Sound within the following areas are designated as oyster drill restricted shellfish areas:

(1) Dungeness Bay—inside and bounded westerly of a line projected from the most easterly tip of Dungeness Spit true-south to the mainland.

(2) Drayton Harbor—inside and southerly of a line projected from the north most tip of Semiahmoo Spit to where the International Boundary line intersects the mainland.

(3) Lummi Bay—inside the Lummi Dike and inside and bounded by a line projected from:

((Point No. 1 at)) 48°46'32" N. Lat.  
122°40'00" W. Long.; thence to

((~~Point No. 2 at~~) 48°45'55" N. Lat.  
122°40'00" W. Long.; thence to

((~~Point No. 3 at~~) 48°45'55" N. Lat.  
122°39'12" W. Long.; then northerly along the  
beach to the point of origin.

(4) Samish Bay—inside and easterly of a line starting at the most westerly tip of Governor's Point and projected in a southerly direction to the most westerly tip of William Point on Samish Island.

(5) Padilla Bay—easterly (including the Swinomish channel) of a line starting at the most westerly tip of William Point on Samish Island and projected southerly to the most northerly tip of March Point on Fidalgo Island.

(6) Similk and Skagit Bays—northerly of a line projected across Skagit Bay following latitude 48°20' N. and easterly of the Deception Pass bridge.

(7) Liberty Bay—inside and westerly of a line projected true south from the most southerly point at Tower Point.

(8) Dyes Inlet—inside and northerly of a line projected true east from the most northerly tip of Rocky Point to the mainland.

(9) Carr Inlet—

(a) Burley Lagoon—inside and northerly of the Purdy bridge.

(b) Minter Creek—inside and westerly of a line projected from the east shore at 122°41'00" W. Long. true south to 47°21'00" N. Lat., then true west to shore.

(10) Case Inlet—

(a) Rocky Bay and North Bay—northerly of a line projected across Case Inlet following latitude 47°20'44" N.

(b) Vaughn Bay—easterly of a line projected true north from the most northerly point of the southern spit at the mouth of Vaughn Bay to the mainland on the north shore.

(11) Hammersley Inlet and Oakland Bay—inside, westerly and northerly of a line starting at the most southeasterly point of Munson Point and projected in a southeasterly direction to Eagle Point.

(12) Totten Inlet, Oyster Bay and Little Skookum Inlet—inside and southerly of a line starting at the most southeasterly point on Windy Point and projected northeasterly to the most northerly tip of Sandy Point (i.e., the southern base of the Steamboat Island Bridge).

(13) Eld Inlet—

(a) Mud Bay—inside and westerly of a line projected from the most easterly point of Flapjack Point and projected true south to the mainland.

(b) Sanderson Harbor—lying inside and westerly of a line starting at the most northern point on Sanderson Spit and projected northeasterly to the mainland.

(14) Nisqually Flats—inside and southerly of a line starting ((~~at the end of~~) near the DuPont Dock on the east shore at 47°07'00" N. Lat. and projected true west to the mainland.

(15) Hood Canal—

(a) Quilcene Bay—inside, northerly and easterly of a line starting at the Port of Port Townsend boat ramp north of Coast Seafoods company shellfish hatchery projected easterly to a point at 48°48'10" N. Lat., 122°51'30" W. Long. and then projected southeasterly to the most westerly tip of Fisherman's Point.

(b) Tarboo Bay—inside, northerly and easterly of a line starting at the most northerly tip of Long Spit and then projected true west to the mainland.

(c) The Great Bend to Lynch Cove—inside and bounded easterly by a line((s)) projected from((:

~~Point No. 1 at 47°23'02.7" N. Lat.  
123°06'42.8" Long. thence to~~

~~Point No. 2 at 47°23'02.7" N. Lat.  
123°06'55" W. Long. thence to~~

~~Point No. 3 at 47°21'00" N. Lat.  
123°06'55" W. Long., then projected true east)) the western most point at Musqueti Point true west to the mainland.~~

(d) Hamma Hamma Flats and Jorsted Creek—inside and westerly of a line((s)) projected from:

((~~Point No. 1 at~~) 47°33'15" N. Lat.  
123°01'42" W. Long.; thence to

((~~Point No. 2 at~~) 47°32'54" N. Lat.  
123°01'06" W. Long.; thence to

((~~Point No. 3 at~~) 47°32'54" N. Lat.  
123°01'48" W. Long.; thence to

((~~Point No. 4 at~~) 47°31'00" N. Lat.  
123°01'54" W. Long.; then true west to shore.

(e) Dosewallips Delta—inside and westerly of lines projected from:

((~~Point No. 1 at~~) 47°41'03" N. Lat.  
122°53'45" W. Long.; thence to

((~~Point No. 2 at~~) 47°41'03" N. Lat.  
122°52'24" W. Long.; thence to

((~~Point No. 3 at~~) 47°42'20.6" N. Lat.  
122°52'24" W. Long.; thence to

((~~Point No. 4 at~~) 47°42'20.6" N. Lat.  
122°52'39" W. Long.

(f) Point Whitney—inside and westerly of lines projected from:

((~~Point No. 1 at~~) 47°45'43.7" N. Lat.  
122°51'02" W. Long.; thence to

((~~Point No. 2 at~~) 45°45'56" N. Lat.  
122°51'02" W. Long.; thence to

((~~Point No. 3 at~~) 45°45'56" N. Lat.  
122°51'12" W. Long.; thence to

((~~Point No. 4 at~~) 47°45'45" N. Lat.  
122°51'12" W. Long.

(g) Duckabush River Mouth—inside and westerly of a line projected from:

((~~Point No. 1 at~~) 47°38'46" N. Lat.  
122°54'08" W. Long.; thence to

((~~Point No. 2 at~~) 47°37'55" N. Lat.  
122°56'25" W. Long.

(16) Henderson Inlet—South Bay—inside and southerly of a line commencing at a point on the west shore of Henderson Inlet where the south line of Section 17, Twp 19 N R 1 WWM intersects the shoreline, thence projected true east across Henderson Inlet to the east shoreline.

AMENDATORY SECTION (Amending Order 03-86, filed 4/30/03, effective 5/31/03)

**WAC 220-72-076 Unlawful acts—Permit required.**

(1) It shall be unlawful to transfer shellfish, shellfish aquaculture products (including oyster seed, cultch and shell), aquaculture equipment (including aquaculture vehicles and vessels) or any marine organisms adversely affecting shellfish (~~((from a oyster drill restricted area into an oyster drill unrestricted area))~~) without obtaining written permission from the director of fish and wildlife or the director's authorized agent. Such written permit must be affixed to or otherwise accompany the conveyance affecting the physical transfer of such shellfish, shellfish aquaculture products (including oyster seed, cultch and shell), ~~or aquaculture equipment (including aquaculture vehicles and vessels) ((oyster drills, or drill infested or marine organisms harmful to shellfish. Areas found to have aquatic diseases or pests (including the oyster drill *Ceratostoma inornatum*) will be immediately considered restricted by the department of fish and wildlife. The department will immediately notify property owners of the restricted status)).~~ Permits will be approved with conditions or denied based on the shellfish disease or pest transfer risk between prohibited, restricted, and unclassified bodies of water. Existing permits may be revoked, suspended or modified upon a finding of an aquatic disease or pest. In the event of revocation, suspension or denial of a 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. Violation of this subsection is punishable under RCW 77.15.350.

(2) ~~((To control the spread of European green crabs, it is unlawful to transfer shellfish aquaculture products (including all oysters and clams, oyster seed, cultch, and shell), and aquaculture equipment (including aquaculture vehicles and vessels) from a European green crab restricted area into a European green crab unrestricted area without obtaining written permission from the director of fish and wildlife or the director's authorized agent. Transfers to the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater are exempted from this written permission requirement. Such written permit must be affixed to or otherwise accompany the conveyance affecting the physical transfer of such shellfish, shellfish aquaculture products (including oyster seed, cultch, and shell), or aquaculture equipment (including aquaculture vehicles and vessels).~~)

(3) ~~To control the spread of Denman Island Disease, it is unlawful to transfer shellfish aquaculture products (including all oysters and clams, oyster seed, cultch, and shell), and aquaculture equipment (including aquaculture vehicles and vessels) from or between a Denman Island Disease prohibited or surveillance area to a Denman Island Disease unrestricted area without obtaining written permission from the director of fish and wildlife or the director's authorized agent.)~~ Shellfish which are market ready and intended for immediate human consumption, and which will not be placed into or come in contact with state waters, can be transferred without a WDFW permit.

(3) When shellfish health agreements between WDFW and companies which operate shellfish hatcheries have been

made, the company may be authorized to issue shellfish transfer authorization forms for shellfish seed to seed buyers without a transfer permit. Shellfish transfer authorization forms may be revoked for cause. Shellfish health agreements will require sending reports of shellfish seed transfers from a hatchery and outplant sites to WDFW on a quarterly basis and when requested by authorized department personnel.

AMENDATORY SECTION (Amending Order 03-86, filed 4/30/03, effective 5/31/03)

**WAC 220-72-089 Denman Island Disease prohibited area.** An area where *Mikrocytos mackini*, the causative agent of Denman Island Disease, has been confirmed with department approved histological methods by a department approved shellfish pathologist or reported in peer-reviewed scientific journal and accepted by the department. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands within the following areas are designated as Denman Island Disease prohibited areas:

(1) Strait of Juan de Fuca, Dungeness Bay—inside and westerly of a line projected from the tip of Dungeness Spit due south to the mainland.

(2) Orcas Island—

(a) Deer Harbor—inside and northerly of a line projected between Pole Pass Point and Steep Point.

(b) West Sound—inside and northerly of a line projected between Caldwell Point and the most southerly point of land west of the community of Orcas.

(c) East Sound—inside and northerly of a line projected between Diamond Point and the most southwesterly point on Orcas Island at Obstruction Pass.

(3) Westcott Bay—inside and westerly of a line projected between the most southerly point of White Point and the most northerly point of Delacombe Point.

(4) Bellingham and Samish Bays—southerly and inside of a line projected between Lummi Point and Gooseberry Point and easterly and inside of a line projected between Carter Point and William Point.

(5) Minter Creek—inside and westerly of a line projected from:

The mainland at 122°41'00" W. Long. due south to 47°21'00" N. Lat., 122°41'00" W. Long.; thence to 47°21'00" N. Lat. where it intersects the mainland.

(6) McMicken Island—inside and westerly of a line projected between the following two points on the east shore of Hartstene Island:

47°14.84' N. Lat., 122°51.316' W. Long and 47°16.224' N. Lat., 122°51.746' W. Long.

(7) Oakland Bay—inside and northerly of a line projected across Oakland Bay at 47°14'30" N. Lat. and inside and southerly of a line projected from:

The mainland on the west side of Oakland Bay at 47°15'00" due east to 47°15'00" N. Lat., 123°04'00" W. Long.; thence to 123°04'00" N. Lat. where it intersects the mainland.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 220-72-002	Promulgation.
WAC 220-72-070	Oyster drill unrestricted shellfish areas.
WAC 220-72-073	Unlawful acts—Shellfish transfer.
WAC 220-72-079	Unlawful acts—Compliance.
WAC 220-72-085	Imports—Written permission.
WAC 220-72-087	European green crab unrestricted area.
WAC 220-72-090	Denman Island Disease surveillance area.
WAC 220-72-092	Denman Island Disease unrestricted area.

**WSR 04-21-092****PROPOSED RULES****DEPARTMENT OF REVENUE**

[Filed October 20, 2004, 10:06 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 03-19-022.

Title of Rule and Other Identifying Information: Amending WAC 458-10-050 Continuing education requirements—Appraisal practice and ethics.

Hearing Location(s): Capital Plaza Building, 4th Floor, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on November 30, 2004, at 9:30 a.m.

Date of Intended Adoption: December 7, 2004.

Submit Written Comments to: James A. Winterstein, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, e-mail JimWi@dor.wa.gov, fax (360) 586-5543, by November 30, 2004.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-7499.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 458-10-050 is proposed to be amended so as to coordinate the accreditation requirements for accredited appraisers with the Department of Revenue and county assessor's offices under RCW 36.21.015 with the requirements for certified and licensed real estate appraisers under chapter 18.140 RCW. The rule currently provides that no continuing education credit will be given for courses taken within any five-year period that have the same or very similar content. The proposed rule provides that no continuing education credit will be given for courses taken within any four-year period. This change more closely

coordinates with the continuing education requirements for certified and licensed real estate appraisers.

Reasons Supporting Proposal: RCW 36.21.015 requires the Department of Revenue to coordinate accreditation requirements with the requirements for certified real estate appraisers under chapter 18.140 RCW. This rule change does that.

Statutory Authority for Adoption: RCW 36.21.015, 84.08.010, and 84.08.070.

Statute Being Implemented: RCW 36.21.015.

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

Name of Proponent: Department of Revenue, governmental.

Name of Agency Personnel Responsible for Drafting: James A. Winterstein, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6117; Implementation and Enforcement: Peri Maxey, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 570-5860.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required for the reason that the rule does not impose any administrative performance requirement upon any small business.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule is not a significant legislative rule as defined by RCW 34.05.328.

October 20, 2004

Alan R. Lynn

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 97-08-068, filed 4/1/97, effective 5/2/97)

**WAC 458-10-050 Continuing education requirements—Appraisal practice and ethics.** (1) **Introduction.** This rule provides information about the process for renewing an accreditation certificate, including detailed information about the continuing education requirements required of renewal applicants.

(2) **Renewal of accreditation certificate.** An accredited appraiser desiring to renew his or her accreditation certificate must complete a renewal application and submit it to the property tax division of the department at least two weeks prior to the expiration date of the certificate. In order to receive a renewal of the certificate, the applicant must provide proof that he or she has attended a minimum of fifteen classroom hours of approved instruction within the two years preceding the expiration date of the certificate.

((2)) (3) **Extensions of time for renewal.** An applicant may request an extension of time to submit the renewal application and complete the continuing education requirements if the request is submitted prior to the expiration date of the certificate. The time extension shall only be approved upon a showing of good cause by the applicant and only for a maximum time period of three months from the original expiration date of the certificate. Good cause may include, but is not limited to, a showing of long-term illness or extended absence from work for valid reasons. Excessive workload,

insufficient funds, lack of budget allocation, or other similar reasons are not satisfactory to show good cause.

~~((3))~~ **(4) Preapproval of courses.** All courses, seminars, or workshops must be preapproved by the department in order to be applied toward the continuing education requirement. The department ~~((shall))~~ will use the following criteria to approve courses, seminars, or workshops:

(a) Any course, seminar, or workshop directly related to real property appraising and offered by qualified personnel ~~((shall))~~ will be approved for the full number of classroom hours involved; and

(b) Any seminar or workshop directly related to a topic or topics of general interest to an assessor's office and offered by qualified personnel ~~((shall))~~ will be approved for a maximum of three classroom hours. No more than three hours out of the fifteen classroom hours required may be on a topic or topics of general interest to an assessor's office.

~~((4))~~ **(5) Course examination not required.** No examination is required for courses, seminars, or workshops taken to satisfy the requirement for continuing education classroom hours.

~~((5))~~ **(6) Participation in education other than as a student.** The continuing education requirement may be satisfied by participating other than as a student in educational process and programs approved by the department including teaching, program development, and authorship of textbooks or other written instructional materials. Approval of the number of classroom hours ~~((shall))~~ will be based upon the subject matter and time spent in preparation or development of the training or materials. In order to meet the continuing education requirement in this manner, the following criteria must be met:

(a) Textbook, course, or presentation materials must originate with and be developed by the textbook or course author or the presenter;

(b) The textbook or course author or presenter must provide the department with a description of the work involved in preparing the textbook, course, or presentation, together with the amount of time spent in preparation and amount of time, if any, proposed to be spent in actual training or presenting; and

(c) The course author or presenter must provide the department with a copy of the course or presentation outline showing the amount of time allotted to each topic covered in the course or presentation.

~~((6))~~ **(7) Topics covered.** Courses, seminars, or workshops taken to satisfy the continuing education requirement for accredited appraisers must cover topics related to real property appraisal, such as:

- (a) Ad valorem taxation;
- (b) Arbitrations;
- (c) Business courses related to practice of real estate;
- (d) Construction estimating;
- (e) Ethics and standards of professional practice;
- (f) Land use planning, zoning, and taxation;
- (g) Property development;
- (h) Real estate law;
- (i) Real property exchange;
- (j) Real property computer applications;
- (k) Mass appraisal;

(l) Geographic information systems (GIS);

(m) Levy process;

(n) Boards of equalization; and

(o) Other subjects as are approved by the department.

~~((7))~~ **(8) Same or similar content.**

(a) No applicant ~~((shall))~~ will receive approval from the department for courses taken within any ~~((five))~~ four-year time period that have the same or very similar content and are deemed comparable by the department, even if the course providers are different.

(b) Applicants who request approval from the department for continuing education hours for preparation and development of textbook, course, or presentation materials that have previously been approved by the department must provide sufficient information and explanation to indicate how the materials differ from the original approved materials and how much preparation and time was involved in the revision of the original materials.

~~((8))~~ **(9) Carry-over of classroom hours.** A maximum of five continuing education classroom hours may be carried over and applied to the following two-year period of accreditation.

~~((9))~~ **(10) Education requirement for standards of appraisal practice and ethics.** Each accredited appraiser is required to successfully complete fifteen classroom hours of a course or courses approved by the department in standards of appraisal practice and ethics. If the course or courses have not been successfully completed at the time an applicant is accredited, the course or courses attended to satisfy this requirement may also be used to satisfy the general continuing education requirement and are not in addition to the fifteen hours of continuing education required to be satisfied every two years. The requirement for successful completion of fifteen classroom hours in standards of appraisal practice and ethics must be satisfied in any one of the following three ways:

(a) An accredited appraiser had successfully completed the fifteen classroom hours of a course or courses at the time he or she was initially accredited, and can provide proof to the department of such successful completion;

(b) An accredited appraiser who has not yet successfully completed the fifteen hours of such course or courses must do so within three years of the effective date of this rule; or

(c) An applicant for accreditation must either:

(i) Have successfully completed fifteen hours of such course or courses within three years prior to the date of application; or

(ii) Successfully complete fifteen hours of such course or courses within three years of the date of accreditation.

~~((10))~~ **(11) Failure to comply with continuing education requirements.** Any accredited appraiser whose accreditation certificate has expired, and who has not received an extension of time under subsection ~~((2))~~ (3) of this section, is prohibited from appraising real property for purposes of taxation. After the certificate has expired, an applicant must show the following in order to renew the certificate:

(a) For a certificate that expired less than two years prior to the date the renewal application is submitted, an applicant must show that he or she has satisfied the fifteen classroom hours of continuing education requirement within the previ-

ous two years. Any application submitted within two years of the certificate expiration that fails to satisfy the continuing education requirement will be denied.

(b) For a certificate that expired more than two years prior to the date the renewal application is submitted, the application will be treated as a new application for accreditation and in addition, the applicant will be required to show that he or she has satisfied thirty classroom hours of continuing education within the previous four years.

**WSR 04-21-095**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed October 20, 2004, 11:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-18-130.

Title of Rule and Other Identifying Information: WAC 232-12-021 Importation and retention of dead nonresident wildlife.

Hearing Location(s): Shilo Inn, 707 Ocean Shores Boulevard N.W., Ocean Shores, 98569, (360) 289-4600, on December 3-4, 2004, at 8:00 a.m.

Date of Intended Adoption: December 3, 2004.

Submit Written Comments to: Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthning@dfw.wa.gov, fax (360) 902-2612, by Tuesday, November 16, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by December 1, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Establish restrictions on the importation of deer and elk from states known to harbor chronic wasting disease in wild populations.

Reasons Supporting Proposal: Protect native deer and elk populations from disease threat.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington Fish and Wild Commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule regulates recreational hunters and does not directly regulate small business.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

October 20, 2004

Evan Jacoby  
Rules Coordinator

AMENDATORY SECTION (Amending Order 583, filed 1/27/93, effective 2/13/93)

**WAC 232-12-021 Importation and retention of dead nonresident wildlife.** It is unlawful:

(1) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts. Violation of this subsection is punishable under RCW 77.15.290.

(2) For a person who imports a dead mountain sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within ten days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored and general information describing where and how the wildlife was obtained. Violation of this subsection is punishable under RCW 77.15.290.

(3) To import or possess deer or elk, or parts thereof, harvested in Colorado, Wyoming, Utah, New Mexico, Wisconsin, Illinois, South Dakota, Nebraska, and Saskatchewan with the following exceptions: (a) meat that has been deboned in the state or province where it was harvested and is imported as boned out meat, (b) skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed, (c) hides or capes without heads attached, (d) tissue imported for use by a diagnostic or research laboratory, (e) finished taxidermy mounts. Violation of this subsection is punishable under RCW 77.15.290.

(4) To fail to notify the Department within 24 hours if an importer or receiver of deer or elk is notified by a state or province that a harvested animal has tested positive for chronic wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160.

**WSR 04-21-096**

**PROPOSED RULES**

**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed October 20, 2004, 11:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-14-045.

Title of Rule and Other Identifying Information: WAC 232-12-129 Captive propagation of raptors—Sale, records, reports and inspection.

Hearing Location(s): Shilo Inn, 707 Ocean Shores Boulevard N.W., Ocean Shores, 98569, (360) 289-4600, on December 3-4, 2004, at 8:00 a.m.

PROPOSED

Date of Intended Adoption: December 3, 2004.

Submit Written Comments to: Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2612, by Tuesday, November 16, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by December 1, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Currently under authority of WAC 232-12-064(5) Live wildlife, live wildlife held in captivity or their progeny may not be sold or otherwise commercialized except by rule of the commission.

In November 2003 the Washington Falconer's Association (WFA), petitioned the Washington Fish and Wildlife Commission to allow the sale of progeny of captive bred raptors and that any lawfully held raptor could be transferred to a valid raptor propagation permit. To do this they recommended a change to WAC 232-12-129. The commission heard their petition at a May 6, 2004, commission conference call and moved to consider their proposal to change this WAC at the December 2004 commission meeting.

The Washington Department of Fish and Wildlife (WDFW) is opposed to this change. Therefore, the commission will be presented with two options: Option A (WDFW) - maintains the rule with clarification that progeny of captive raptors may not be sold; and Option B (WFA) - allows for the sale of progeny of captive bred raptors and the transfer of legally held birds to propagation permits.

Reasons Supporting Proposal: WDFW reasons in support of Option A:

- WDFW by policy is opposed to commercialization of any live wildlife and is concerned that allowance of this practice in falconry will have ramifications for the commercialization of wildlife in other areas.
- The commercialization of the progeny of captive bred raptors increases the incentive for criminal activity, such as, the illegal removal of wild raptors for direct sale or breeding purposes.
- If a reintroduction of species is necessary it is unlikely that the stock would be taken from private falconers because of ability to control breeding purity and/or disease. It is more likely that reintroduction would take place from birds taken directly from the wild or from a zoo or university where the breeding line can be more closely tracked.

WFA reasons in support of Option B:

- Providing a captive gene pool should reintroduction become necessary (e.g., peregrine falcon).
- Providing diversity in the captive bred breeding pool.
- Providing a recreational opportunity to gain knowledge of the raptor's full life cycle.
- Improving the welfare of captive raptors by allowing them to engage in their normal annual breeding behavior.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

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

#### Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: None beyond what is already required.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: None.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs: Cost per employee, cost per hour of labor, or cost per one hundred dollars of sales. No appreciable costs for compliance.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: None were needed.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: Virtually all businesses are members of the Washington State Falconer's Association. We have had considerable correspondence and a workshop with this group when considering this rule.

8. A List of Industries That Will Be Required to Comply with the Rule: Persons required to have a raptor propagation permit.

A copy of the statement may be obtained by contacting Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2515, fax (360) 902-2162, e-mail Wildthing@dfw.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

October 20, 2004

Evan Jacoby  
Rules Coordinator

#### Option A

AMENDATORY SECTION (Amending 85-09-006 (Order 245), filed 4/5/85)

**WAC 232-12-129 Captive propagation of raptors—Sale, records, reports and inspection.** (1) Anyone holding a valid raptor propagation permit may offer for sale, sell, or trade any captive bred raptor, wearing a seamless U.S. Fish and Wildlife Service band, to anyone holding a permit authorizing possession of said raptor.

**WSR 04-21-097**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed October 20, 2004, 11:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-18-130.

Title of Rule and Other Identifying Information: WAC 232-28-284 2005 Spring black bear damage seasons and regulations, the recommended rule creates a spring black bear season to reduce tree damage by bears in the Kapowsin tree farm and Capitol Forest area.

Hearing Location(s): Shilo Inn, 707 Ocean Shores Boulevard N.W., Ocean Shores, 98569, (360) 289-4600, on December 3-4, 2004, at 8:00 a.m.

Date of Intended Adoption: December 3, 2004.

Submit Written Comments to: Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2612, by Tuesday, November 16, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by December 1, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rule establishes hunting seasons for black bear in the Kapowsin tree farm and Capitol Forest area. The purpose of the recommended rule is to provide a management tool to reduce black bear damage to trees. The anticipated effect of the recommended rule is a reduced bear population in focused areas that are experiencing heavy tree damage.

Reasons Supporting Proposal: Provides a management tool to reduce black bear damage to trees.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule regulates recreational hunters and does not directly regulate small business.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

October 20, 2004

Evan Jacoby

Rules Coordinator

(2) Anyone holding a valid raptor propagation permit, falconry permit, or other permit authorizing possession may purchase said captive bred raptor.

(3) Sale of a captive bred raptor is unlawful if it is not accompanied by an invoice. The raptor propagator must retain a copy of the invoice for two years and must send to the department a copy or a listing of the transfers in an annual report.

(4) Anyone holding a valid raptor propagation permit must keep record of the date each clutch is initiated, the onset of incubation and the date of hatching of each chick. The initiation of each clutch of eggs must be reported to the department within 72 hours. These records must be up to date and the breeding facilities and records open for inspection by a wildlife agent at reasonable times.

(5) Wild caught raptors taken in Washington may not be used for propagation purposes.

~~((5))~~ (6) Anyone holding a valid raptor propagation permit must submit to the department before January 31 of each year a report summarizing the year's activities.

### Option B

AMENDATORY SECTION (Amending Order 245, filed 4/5/85)

**WAC 232-12-129 Captive propagation of raptors—Sale, records, reports and inspection.** (1) Anyone holding a valid raptor propagation permit may offer for sale, sell, or trade any captive bred raptor, wearing a seamless U.S. Fish and Wildlife Service band, to anyone holding a permit authorizing possession of said raptor.

(2) Anyone holding a valid raptor propagation permit, falconry permit, or other permit authorizing possession may purchase said captive bred raptor.

(3) Sale of a captive bred raptor is unlawful if it is not accompanied by an invoice. The raptor propagator must retain a copy of the invoice for two years and must send to the department a copy or a listing of the transfers in an annual report.

(4) Anyone holding a valid raptor propagation permit must keep record of the date each clutch is initiated, the onset of incubation and the date of hatching of each chick. The initiation of each clutch of eggs must be reported to the department within 72 hours. These records must be up to date and the breeding facilities and records open for inspection by a wildlife agent at reasonable times.

(5) Anyone holding a valid raptor propagation permit must submit to the department before January 31 of each year a report summarizing the year's activities.

(6) Any lawfully held raptor may be transferred to a valid raptor propagation permit.

(7) The progeny of lawfully taken Washington raptors possessed under a valid raptor propagation permit may be marked with a seamless U.S. Fish and Wildlife Service band and offered for sale, sold, or traded to anyone holding a permit authorizing possession of said raptor.

### NEW SECTION

**WAC 232-28-284 2005 Spring black bear damage seasons and regulations.** Spring black bear hunting seasons

under this section constitute a three-year pilot program to reduce black bear damage to trees.

**Who may apply:** Anyone with a valid Washington big game license, which includes black bear.

**Hunt areas, permits and season dates:**

Hunt name	Hunt area	2005 Permits	2005 Season dates	Special restrictions
Capitol Forest North A	Capitol Forest north of C-line road in GMU 663	25	April 15 - May 15	
Capitol Forest North B	Capitol Forest north of C-line road in GMU 663	25	May 16 - June 15	
Capitol Forest South A	Capitol Forest south of C-line road in GMU 663	50	April 15 - May 15	
Capitol Forest South B	Capitol Forest south of C-line road in GMU 663	50	May 16 - June 15	
Kapowsin (All)	PLWMA 401 in GMU 653 and 654	100	April 15 - June 15	Hunter must contact Rainier Timber Company for permit and access opportunity. Persons interested in these black bear permits should contact Rainier Timber Company, 31716 Camp 1 Road, Orting, WA 98360. For more information, please call 1-800-782-1493.

**Bag limit:** One (1) black bear per black bear special permit season.

**Hunting method:** Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of dogs or bait to hunt black bear is prohibited statewide.

**Submitting bear teeth:** Successful bear hunters must submit the black bear premolar located behind the canine tooth of the upper jaw.

**Assistance for Persons with Disabilities:** Contact Susan Yeager by December 1, 2004, TTY (360) 902-2207 or (360) 902-2267.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The proposed change redraws the southern boundary of GMU 368 to include approximately 18,400 acres of private and public land along the northern edge of the Yakama Indian Reservation. The purpose is to create additional recreational opportunity where we have jurisdiction over nonmember hunters, and clarify the status of this area for hunters. This should reduce crowding and provide increased opportunity.

**Reasons Supporting Proposal:** This would clearly open approximately 18,400 acres of prime hunting area for recreational deer and elk hunting opportunity. At least one-half of the area is publicly owned by the Department of Natural Resources, with the remainder almost entirely in private ownership. The entire area is within the DNR Ahtanum multiple use area, which includes roads, trails, campsites, and other recreational amenities. This would provide access to that public land for deer and elk hunting. The area is currently open for other types of hunting, but there has been ongoing confusion within the public as to whether this area is open for hunting. This would help clear up that confusion. This will also provide for a consistent treatment of similar lands within the Yakama Reservation.

**Statutory Authority for Adoption:** RCW 77.12.047.

**Statute Being Implemented:** RCW 77.12.047.

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

**Name of Proponent:** Washington Fish and Wildlife Commission, governmental.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Brittel, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce

**WSR 04-21-098  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed October 20, 2004, 11:29 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-18-130.

**Title of Rule and Other Identifying Information:** WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three, the proposed change specifically relates to subsection GMU 368-Cowiche (Yakima County).

**Hearing Location(s):** Shilo Inn, 707 Ocean Shores Boulevard N.W., Ocean Shores, 98569, (360) 289-4600, on December 3-4, 2004, at 8:00 a.m.

**Date of Intended Adoption:** December 3, 2004.

**Submit Written Comments to:** Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2612, by Tuesday, November 16, 2004.

Bjork, Natural Resources Building, Olympia, (360) 902-2932.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule regulates recreational hunters and does not directly regulate small business.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

October 20, 2004

Evan Jacoby  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 03-175, filed 8/5/03, effective 9/5/03)

**WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.**

**GMU 328-NANEUM (Kittitas and Chelan counties):**

Beginning US Hwy 97 and US Forest Service Rd 9716 at Blewitt Pass; E on US Forest Service Rd 9716 to US Forest Service Rd 9712 (Liberty-Beehive Rd); E on US Forest Service Rd 9712 (Liberty-Beehive Rd) to the Naneum Ridge (Chelan-Kittitas county line) at the west boundary of Section 22, T21N, R19E; SE along the Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) at Wenatchee Mountain; SE on Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) to Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10); S on Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10) to the Highline Canal (North Branch Canal); NW along the Highline Canal (North Branch Canal) to Lower Green Canyon Rd; S on Lower Green Canyon Rd to US Hwy 97; N on US Hwy 97 to Blewett Pass and the point of beginning.

**GMU 329-QUILOMENE (Kittitas and Chelan counties):**

Beginning on the Columbia River at the mouth of Tarpiscan Creek; E from Tarpiscan Creek to the Douglas-Kittitas county line on the Columbia River; S along the Columbia River (Douglas-Kittitas county line) to a point north of Cape Horn; S from the Columbia River (Douglas-Kittitas county line) to Cape Horn; S up Cape Horn to its rim; SE along the top of Cape Horn and the rim of the West Bar Cliffs (cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along WA Dept. of Fish and Wildlife Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 rear gate; S on WA Dept. of Fish and Wildlife Rd 14 to Tekison Creek; SE along Tekison Creek its mouth on the Columbia River; E from Tekison Creek to the Grant-Kittitas county line on the Columbia River; S along Columbia River (Grant-Kittitas county line) to I-90 bridge at the town of Vantage; W along I-90 to Highline Canal (North Branch Canal); N on Highline Canal (North Branch Canal) to Colockum Rd (WA Dept. of Fish and Wildlife Rd 10); N on Colockum Rd to North Fork Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 10.10); E on North Fork Tarpiscan Rd to Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14); S on Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14) approximately 100 feet to Tarpiscan Creek; E down Tarpiscan Creek

to its mouth on the Columbia River and the point of beginning.

**GMU 330-West Bar (Kittitas County):**

Beginning on the Columbia River at Cape Horn; S up Cape Horn to its rim; SE along the rim of Cape Horn and West Bar Cliffs (the cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 near the gate; S on WA Dept. of Fish and Wildlife Rd. 14 to Tekison Creek; SE down Tekison Creek to its mouth on the Columbia River; E from Tekison Creek to the Kittitas-Grant county line on the Columbia River; N and W along the Columbia River (Kittitas-Grant then Kittitas-Douglas county lines) to a point north of Cape Horn; S from the aforesaid point in the Columbia River to Cape Horn and the point of beginning.

**GMU 334-ELLENSBURG (Kittitas County):**

Beginning on US Hwy 97 and Lower Green Canyon Rd; N on Lower Green Canyon Rd to Highline Canal; N, E and S along Highline Canal to I-90 and the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to I-82; N on I-82 to Thrall Rd; W on Thrall Rd to Wilson Creek; S down Wilson Creek to Yakima River; N up Yakima River to Umptanum Rd; S up Umptanum Rd to the South Branch Extension Canal; W on South Branch Extension Canal to Bradshaw Rd; W on Bradshaw Rd to the elk fence; N along the elk fence to Taneum Creek; NE down Taneum Creek to the Yakima River; NE down the Yakima River to Thorp Hwy; NW along the Thorp Hwy to SR 10; SE on SR 10 to US Hwy 97 junction; N on US Hwy 97 to Lower Green Canyon Rd and point of beginning.

**GMU 335-TEANAWAY (Kittitas County):**

Beginning at I-90 and US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Alpine Lakes Wilderness boundary; E on the Alpine Lakes Wilderness boundary to the Chelan-Kittitas county line; E on US Forest Service Trail 1226 to US Hwy 97 at Blewett Pass; S on US Hwy 97 to SR 10; N and W on SR 10 to Thorp Hwy; SE on Thorp Hwy to Yakima River; SW up the Yakima River to Taneum Creek; SW up Taneum Creek to I-90; W on I-90 to US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass and the point of beginning.

**GMU 336-TANEUM (Kittitas County):**

Beginning at US Forest Service Trail 2000 (Pacific Crest Trail) and I-90 at Snoqualmie Pass; E on I-90 to Taneum Creek; W up Taneum Creek to the south fork of Taneum Creek; W up the south fork of Taneum Creek to US Forest Service Trail 1367; W on US Forest Service Trail 1367 to US Forest Service Trail 1363; S on US Forest Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1388; W on US Forest Service Trail 1388 to US Forest Service Trail 2000 (Pacific Crest Trail) to Blowout Mountain; N on US Forest Service Trail 2000 (Pacific Crest Trail) to I-90 at Snoqualmie Pass and the point of beginning.

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**GMU 340-MANASTASH (Kittitas County):**

Beginning at I-82 and SR 821; N on SR 821 to SR 823 (Harrison Rd); W on SR 823 (Harrison Rd) to Yakima River; N up Yakima River to Umtanum Creek; W up Umtanum Creek to Ellensburg-Wenas Rd; W and S along Ellensburg-Wenas Rd to North Fork Wenas Rd (Audubon Rd, W5000); NW along North Fork Wenas Rd to Barber Springs Rd; W on Barber Springs Rd to US Forest Service Trail 4W694; NW on US Forest Service Trail 4W694 to US Forest Service Trail 4W307; NW on US Forest Service Trail 4W307 to US Forest Service Trail 1388; NW on US Forest Service Trail 1388 to US Forest Service Trail 4W306; NW on US Forest Service Trail 4W306 to US Forest Service Trail 1388 at Quartz Mountain; NW along US Forest Service Rd 1388 to US Forest Service Trail 1363 (Peaches Ridge Trail); N and E along US Forest Service Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1367; SE along US Forest Service Trail 1367 to South Fork Taneum Creek; E down the South Fork Taneum Creek to Taneum Creek; E down Taneum Creek to the elk fence; SE along the elk fence to Bradshaw Rd; E on Bradshaw Rd to South Branch Extension Canal; SE along the South Branch Extension Canal to Umtanum Rd; N on Umtanum Rd to Yakima River; S down the Yakima River to Wilson Creek; NE up Wilson Creek to Thrall Rd; E on Thrall Rd to I-82; SE and SW on I-82 to SR 821 and the point of beginning.

**GMU 342-UMTANUM (Kittitas and Yakima counties):**

Beginning at US Forest Service Rd 1701 and Barber Springs Rd (WA Dept. of Natural Resources Rd W5000) at T17N, R15E, NE 1/4 of Section 12; SE on Barber Springs Rd to the North Fork Wenas Rd (Audubon Rd); SE on the North Fork Wenas Rd to Wenas-Ellensburg Rd; NE on Wenas-Ellensburg Rd to Umtanum Creek; E down the Umtanum Creek to the Yakima River; S down the Yakima River to I-82; SE on I-82 to US Hwy 12 at the city of Yakima; NW on US Hwy 12 to SR 410; NW on SR 410 to US Forest Service Rd 1701; N on US Forest Service Rd 1701 to Barber Spring Rd-US Forest Service Trail 4W694 intersection and the point of beginning.

**GMU 346-LITTLE NACHES (Yakima and Kittitas counties):**

Beginning at US Forest Service Rd 1388 and US Forest Service Trail 2000 (Pacific Crest Trail) at Blowout Mountain; SE on US Forest Service Rd 1388 to US Forest Service Trail 4W306; SE on US Forest Service Trail 4W306 to US Forest Service Trail 1388; SE on US Forest Service Trail 1388 to US Forest Service Trail 4W307; SE on US Forest Service Trail 4W307 to US Forest Service Trail 4W694; E on US Forest Service Trail 4W694 to US Forest Service Rd 1701 (T17N, R15E, NW 1/4 of Section 12); S on US Forest Service Rd 1701 to SR 410; NW and SW on SR 410 to US Forest Service Trail 2000 (Pacific Crest Trail) near Chinook Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Rd 1388 at Blowout Mountain and the point of beginning.

**GMU 352-NILE (Yakima County):**

Beginning on the Bumping Lake Rd and SR 410; E and S on SR 410 to the Lower Nile Loop Rd; W and N on the Lower Nile Loop Rd to US Forest Service Rd 1500; W on US Forest

Service Rd 1500 to US Forest Service Rd 1502 (McDaniel Lake Rd); W on the US Forest Service Rd 1502 (McDaniel Lake Rd) to Rattlesnake Creek; N down Rattlesnake Creek to the North Fork of Rattlesnake Creek; W up the North Fork of Rattlesnake Creek to US Forest Service Trail 973 (Richmond Mine Rd); N on US Forest Service Trail 973 (Richmond Mine Trail) to US Forest Service Rd 1800 (Bumping Lake Rd); N on the US Forest Service Rd 1800 (Bumping Lake Rd) to SR 410 and the point of beginning.

**GMU 356-BUMPING (Yakima County):**

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and SR 410 at Chinook Pass; NE on SR 410 to US Forest Service Rd 1800 (Bumping Lake Rd); SW on the US Forest Service Rd 1800 (Bumping Lake Rd) to US Forest Service Trail 973 (Richmond Mine Rd); SE on US Forest Service Trail 973 (Richmond Mine Rd) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to US Forest Service Rd 1502 (McDaniel Lake Rd); SE on US Forest Service Rd 1502 (McDaniel Lake Rd) to US Forest Service Rd 1500; S on US Forest Service Rd 1500 to US Hwy 12; W on US Hwy 12 to US Forest Service Trail 2000 (Pacific Crest Trail) at White Pass; N on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 410 at Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

**GMU 360-BETHEL (Yakima County):**

Beginning on SR 410 and the Lower Nile Loop Rd; SE on SR 410 to US Hwy 12; SW on US Hwy 12 to US Forest Service Rd 1500; N and E on US Forest Service Rd 1500 to Nile Loop Rd; SE on Nile Loop Rd to SR 410, southeast of the town of Nile, and the point of beginning.

**GMU 364-RIMROCK (Yakima County):**

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and US Hwy 12 at White Pass; E on US Hwy 12 to US Forest Service 1302 (Jump Off Rd) at Windy Point; SW on US Forest Service 1302 (Jump Off Rd) to US Forest Service Trail 1127, southeast of the Jump Off Lookout; SW on US Forest Service Trail 1127 to US Forest Service Rd 613; SW on US Forest Service Rd 613 to US Forest Service Rd 1020; SW on US Forest Service Rd 1020 to US Forest Service Rd 615; SW on US Forest Service Rd 615 to US Forest Service Trail 1136; SW on US Forest Service Trail 1136 to its southernmost point; W from US Forest Service Trail 1136 to Spenser Point; NW on the Yakama Indian reservation boundary from Spenser Point to the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 12 at White Pass and the point of beginning.

**GMU 368-COWICHE (Yakima County):**

Beginning on US Hwy 12 to US Forest Service Rd 1302 (Jump Off Rd) at Windy Point; NE and SE on US Hwy 12 to I-82; NW on I-82 to the Yakima River; S down the Yakima River to Ahtanum Creek; W up Ahtanum Creek to the south fork of Ahtanum Creek; SW up the south fork of Ahtanum Creek to its junction with Reservation Creek; (~~NW up the south fork of Ahtanum Creek to its headwaters; N along the crest of the main divide between the Diamond Fork drainage~~)

~~and the Middle Fork Ahtanum Creek drainage to Darland Mountain)) SW up Reservation Creek to the high point on the ridge above its headwaters; NW to Spenser Point (as represented on the Mt. Adams DNR 100K Map); SE from Spenser Point to US Forest Service Trail 1136; NE on US Forest Service Trail 1136 to US Forest Service Trail 615; NE on US Forest Service Trail 615 to US Forest Service Rd 1020; NE on US Forest Service Rd 1020 to US Forest Service Rd 613; NE on US Forest Service Rd 613 to US Forest Service Trail 1127; NE on US Forest Service Trail 1127 to US Forest Service Rd 1302 (Jump Off Rd), SE of the Jump Off Lookout Station; NE on US Forest Service Rd 1302 (Jump Off Rd) to US Hwy 12 and the point of beginning.~~

**GMU 371-ALKALI (Kittitas and Yakima counties):**

Beginning at the Vantage Bridge where I-90 crosses the Columbia River; S down the Columbia River (Kittitas-Grant and Grant-Yakima county line) to the Priest Rapids Dam; NW on the southern shore of the Columbia River (Priest Rapids Lake) to the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to the main gate on Firing Center Rd; W along Firing Center Rd to I-82; N along I-82 to Yakima Training Center boundary at Vanderbuilt Gap; N and E along the Yakima Training Center boundary to I-90; E on I-90 to the Vantage Bridge on Columbia River and the point of beginning.

**GMU 372-KIONA (Benton and Yakima counties):**

Beginning at southern corner of Yakima Training Center border on the Columbia River, northwest of the Priest Rapids Dam; SE on the southern shore of the Columbia River (Priest Rapids Lake) to the Priest Rapids Dam; E along the Columbia River (Yakima-Grant, Grant-Benton county lines) to the Vernita Bridge on SR 24; E and S down the Benton County side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Yakima River; NE from the mouth of the Yakima River to the Franklin-Benton county line in the Columbia River; SE down the Columbia River (Franklin-Benton and Benton-Walla Walla county lines) to the Washington-Oregon state line; W on the Columbia River (Washington-Oregon state line) from the southern junction of the Benton-Walla Walla county lines to Alder Creek (including all islands in the Columbia River north of the Oregon state line and between Alder Creek and the junction of the Benton-Walla Walla county lines); N on Alder Creek to SR 14; E on SR 14 to Alderdale Rd; N on the Alderdale Rd to Ridge Rd; W and S on Ridge Rd to Donaho Rd; W on Donaho Rd to Mabton-Bickleton Hwy (Glade Rd); N on Mabton-Bickleton Rd to the power transmission lines; SW on the power transmission lines to the power line access road in Section 3, T6N, R20E; N on power line access road to Yakama reservation Road 272 at the Yakama Indian reservation boundary; NE on the Yakama Indian reservation boundary to the Mabton-Sunnyside Rd; N on the Mabton-Sunnyside Rd to the Yakima River; NW up the Yakima River to SR 823 (Harrison Rd) south of the town of Pomona; E along SR 823 (Harrison Rd) to SR 821; SE on SR 821 to Firing Center Rd at I-82; E on Firing Center Rd to the main gate of the Yakima Training Center; S and E along the Yakima Training Center boundary to southern corner of the Yakima Training Center boundary on the Columbia River and the point of

beginning. (The Hanford Nuclear Reservation is closed to all unauthorized public entry.)

**GMU 381-ESQUATZEL (Franklin, Grant and Adams counties):**

Beginning at the Vernita Bridge on SR 24 and the west shore of the Columbia River Grant-Benton county line; N and E on SR 24 to Muse Rd; E on Muse Rd to Mail Rd; E on Mail Rd to Scootney Rd; N on Scootney Rd to SR 17; N on SR 17 to SR 26; E on SR 26 to Old SR 26; E on Old SR 26 to the Palouse River (Whitman-Franklin county line); S down the Palouse River to Snake River (Franklin-Walla Walla county line); W and SW down the Snake River to the Columbia River (Franklin-Benton-Walla Walla county line junction); NW up the Columbia River (Franklin-Benton county line) to a point northeast of the mouth of the Yakima River where it joins the Columbia River; SW to the mouth of the Yakima River; N and W up the Benton county side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Vernita Bridge on SR 24 and the point of beginning. (Certain portions of the Hanford Reach National Monument are closed to public entry. The Hanford Nuclear Reservation and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry.)

**GMU 382-EAST KCLICKITAT (Klickitat County):**

Beginning at the US Hwy 97 Bridge on the Columbia River at the town of Maryhill; N on US Hwy 97 to the Yakama Indian reservation at Satus Pass; E along the Yakama Indian reservation boundary to Yakama Reservation Rd 272 and the power line access road; S and E on the power line access road to the electrical transmission lines; N and E on the electrical transmission lines to the Mabton-Bickleton Hwy (Glade Rd); S on the Mabton-Bickleton Hwy to Donaho Rd; E on Donaho Rd to Ridge Rd; E and N on Ridge Rd to Alderdale Rd; SE and S on Alderdale Rd to SR 14; W on SR 14 to Alder Creek; S down Alder Creek to the Columbia River; W down the Columbia River to the US Hwy 97 Bridge at the town of Maryhill and the point of beginning including all islands in the Columbia River both north of the Washington-Oregon state line and between Alder Creek and the US Hwy 97 Bridge at Maryhill.

*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 04-21-099**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed October 20, 2004, 11:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-18-130.

Title of Rule and Other Identifying Information: WAC 232-28-291 Special hunting season permits.

Hearing Location(s): Shilo Inn, 707 Ocean Shores Boulevard N.W., Ocean Shores, 98569, (360) 289-4600, on December 3-4, 2004, at 8:00 a.m.

Date of Intended Adoption: December 3, 2004.

Submit Written Comments to: Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2612, by Tuesday, November 16, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by December 1, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This WAC provides general rules and guidelines for "limited-entry" special permit hunts for big game. The proposed amendment will reduce confusion regarding terminology and remove unnecessary language.

Reasons Supporting Proposal: The proposed amendment would clarify terminology in the rule and remove redundant language that appears in the deer and elk hunting season WACs.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule regulates recreational hunters and does not directly regulate small business.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

October 20, 2004

Evan Jacoby

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 03-175, filed 8/5/03, effective 9/5/03)

**WAC 232-28-291 Special hunting season permits.**

The commission may establish special hunting seasons limited to species and/or weapon type.

1. Deer, elk, cougar, or black bear special hunting season permit applications:

A. To apply for special hunting season permits for deer, elk, cougar, or black bear applicants must have a valid Washington big game hunting license and a valid transport tag for the appropriate species. To apply for a particular hunt, each applicant for deer or elk must have the proper transport tag as identified in the special deer or elk permit regulations.

B. No refunds or exchanges for deer, elk, cougar, or black bear hunting licenses or transport tags will be made for persons applying for special hunting season permits after the permit drawing has been held.

2. Mountain goat, moose, and bighorn sheep special hunting season permit applications:

A. Persons who have previously harvested a mountain goat, bighorn sheep, or moose in Washington are ineligible to apply for a special hunting season permit for that species. This lifetime harvest restriction does not apply to individuals who harvested a mountain goat before 1999, raffle or auction hunt authorizations, or antlerless-only moose hunts.

B. Successful applicants under this section must purchase the appropriate hunting license within fifteen days of the published notification deadline by the department. Failure to purchase forfeits the permit to an alternate applicant.

C. No refunds for mountain goat, moose, or bighorn sheep hunting licenses will be made for persons successfully drawing and purchasing special hunting season permits.

3. Wild turkey special hunting season permit applications

A. To apply for wild turkey special hunting season permits, each applicant must have a valid small game hunting license.

B. No refunds for small game hunting licenses will be made, regardless of success in the drawing for wild turkey special hunting season permits.

C. Wild turkey special hunting season permit holders must have a valid turkey transport tag in possession to hunt turkeys in the special hunting season.

4. Special hunting season permit applications:

A. Group applications will be accepted for any species with a group size larger than one. Maximum group sizes are determined for each species. If a group application is drawn, all hunters in the group will receive a special hunting season permit and each hunter in the group can take an animal.

i. Maximum group size for deer is 12.

ii. Maximum group size for elk is 12.

iii. Maximum group size for bear is 2.

iv. Maximum group size for cougar is 2.

v. Maximum group size for mountain goat is 2.

vi. Maximum group size for bighorn sheep is 2.

vii. Maximum group size for turkey is 4.

viii. Maximum group size for moose is 2.

B. An applicant may purchase only one application for a special hunting season permit for each species.

C. Permits will be drawn by computer selection using a weighted point selection system.

D. Incomplete applications will not be accepted.

E. If an applicant makes a mistake, applies for the wrong hunt, and is successfully drawn, the special hunting season permit can be returned to the Department of Fish and Wildlife Olympia headquarters before the opening day of the special hunting season or the opening day of the general hunting season, whichever comes first. The applicant's points will be restored to the level prior to the permit drawing.

F. Anyone may apply for a special hunting season permit for deer, elk, bear, cougar, and wild turkey.

5. In addition to requirements for special hunting season permit applications, following are application requirements for:

A. Special hunting seasons for persons of disability: Only applicants with a Washington disabled hunter permit are eligible to apply for any special hunting season permits for persons of disability.

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B. Special hunting seasons for youth: Only persons who are eligible to lawfully purchase a youth hunting license are eligible to apply for special hunting season permits for youth.

C. Special hunting seasons for hunters age 65 and older: Only applicants sixty-five years of age or older on or before March 31 of the current license year will be eligible to apply for special hunting season permits for hunters age 65 and older.

D. Special hunting seasons for advanced hunter education graduates: Only persons who hold a valid certificate from the Washington department of fish and wildlife advanced hunter education (AHE) program are eligible to apply for special hunting season permits for AHE hunters.

6. Citizen reward for reporting violations - bonus points: A person who provides information which contributes substantially to the arrest of another person for illegally hunting or killing big game or an endangered species as defined by Title 77 RCW is eligible to receive ten bonus points toward the special hunting permit drawing for deer or elk special hunting season permits.

A. Only ten bonus points can be awarded for providing information for each person charged regardless of the number of violations involved.

B. Selection of bonus points is in lieu of application for a cash award.

7. In addition to requirements for special hunting season permit applications, following are application and permit requirements for antlerless deer and elk ("B") second tags. Successful applicants under this section may purchase an appropriate second hunting license and tag for an antlerless animal only (~~within fifteen days of the published notification deadline by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license~~).

### WSR 04-21-100

#### PROPOSED RULES

#### DEPARTMENT OF FISH AND WILDLIFE

[Filed October 20, 2004, 11:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-18-130.

Title of Rule and Other Identifying Information: WAC 232-28-248 Special closures and firearm restriction areas.

Hearing Location(s): Shilo Inn, 707 Ocean Shores Boulevard N.W., Ocean Shores, 98569, (360) 289-4600, on December 3-4, 2004, at 8:00 a.m.

Date of Intended Adoption: December 3, 2004.

Submit Written Comments to: Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2612, by Tuesday, November 16, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by December 1, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This is an area of expanding development and hunting activity has become a source of concern for residents during the hunting seasons. Residents have requested that the county government designate the area as a no shooting zone. Residents have also requested the Washington Department of Fish and Wildlife make this area a no hunting area. As a compromise, the department is recommending that the area be designated as a firearm restriction area.

The rule designates areas that have more restrictive regulations pertaining to the use of certain types of firearms. These restrictions allow firearms with reduced effective ranges like shotguns, muzzleloaders, and handguns. The desired effect of the proposal would be to address the safety concerns of the residents without eliminating recreational opportunity for hunters.

Reasons Supporting Proposal: The proposed amendment would address the safety concerns of the residents while still maintaining an open hunting season in the area.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule regulates recreational hunters and does not directly regulate small business.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

October 20, 2004

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 04-98, filed 5/12/04, effective 6/12/04)

**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

PROPOSED

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.
6. Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit), except for the hunting of elk by special permit holders during established seasons and designated areas.
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.

**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 the hunting of elk by the holders of GMU-157 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.

**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.

COUNTY	AREA
Chelan	<u>That portion of GMU 251 (Mission) beginning at the intersection of the Duncan Road and Highway 2; south on Duncan Road to Mountain Home Road; south along Mountain Home Road to the Icicle Irrigation Ditch; south and west along the Icicle Irrigation Ditch to the Snow Lake Trail; west and north along the Snow Lake Trail and across the Icicle River to Icicle River Road; east and north along Icicle River Road to the Wenatchee River; northwest along the Wenatchee River to Highway 2; north and east on Highway 2 to Duncan Road and the point of beginning.</u>
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.

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COUNTY	AREA	COUNTY	AREA
Clark	GMU 564 (Battleground) That portion of GMU 554 in Clark County.		
Cowlitz	GMU 554 (Yale) GMU 504 (Stella) That portion of GMU 564 (Battleground) in Cowlitz County.		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.)
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 Chehalis Valley restriction applies only during elk seasons: That portion of GMU 660 (Minot Peak) described as follows: 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 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.	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. GMU 681 between U.S. Highway 101, Chinook Valley Road and the Columbia River from Astoria-Megler bridge to the Wallacut River.
		Pierce	GMU 652 (Anderson and Ketron islands) limited to archery, shotgun, and muzzle-loader. 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.
Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands.	Snohomish	West of Highway 9.
Jefferson	Indian and Marrowstone islands.	Skagit	Guemes Island and March Point north of State Highway 20.
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.	Skamania	That portion of GMU 564 (Battle Ground) in Skamania County.
		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.

**WSR 04-21-101  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**  
[Filed October 20, 2004, 11:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-18-130.

Title of Rule and Other Identifying Information: WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions.

Hearing Location(s): Shilo Inn, 707 Ocean Shores Boulevard N.W., Ocean Shores, 98569, (360) 289-4600, on December 3-4, 2004, at 8:00 a.m.

Date of Intended Adoption: December 3, 2004.

Submit Written Comments to: Attn: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthning@dfw.wa.gov, fax (360) 902-2612, by Tuesday, November 16, 2004.

Assistance for Persons with Disabilities: Contact Susan Yeager by December 1, 2004, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rule sets dates, boundaries, and bag limits for deer and elk hunting on PLWMAs. The proposed amendment language adjusts calendar dates of hunting seasons for PLWMAs.

Reasons Supporting Proposal: Provides recreational opportunity and hunting access to private lands for the public.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

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

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2932.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule regulates recreational hunters and does not directly regulate small business.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

October 20, 2004

Evan Jacoby

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 03-321, filed 1/13/04, effective 2/13/04)

**WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions.**

**DEER GENERAL SEASONS ON PRIVATE LANDS  
WILDLIFE MANAGEMENT AREAS**

<b>Rainier Timber Company (PLWMA 401) Kapowsin Tree Farm</b>			
<b>Hunting Method</b>	<b>((2004)) 2005 Dates</b>	<b>Special Restrictions</b>	<b>Boundary Description</b>
Early Archery	(( <del>Aug. 27-Sept. 12</del> ) <u>Aug. 26-Sept. 11</u> )	Any Buck	PLWMA 401 B & C (Central & South)
Early Muzzleloader	(( <del>Aug. 27-Sept. 12</del> ) <u>Aug. 26-Sept. 11</u> )	Any Buck	PLWMA 401A (North)
Modern Firearm	(( <del>Oct. 8-24</del> ) <u>Oct. 7-23</u> )	2 Pt. Min.	PLWMA 401 (All)
Late Archery	(( <del>Nov. 19-Dec. 5</del> ) <u>Nov. 18-Dec. 4</u> )	2 Pt. Min. or Antlerless	PLWMA 401A (North)
Late Muzzleloader	(( <del>Nov. 19-Dec. 5</del> ) <u>Nov. 18-Dec. 4</u> )	2 Pt. Min. or Antlerless	PLWMA 401 B & C (Central & South)

<b>Merrill and Ring (PLWMA 600) Pysht Tree Farm (South Unit)</b>			
<b>Hunting Method</b>	<b>((2004)) 2005 Dates</b>	<b>Special Restrictions</b>	<b>Boundary Description</b>
Archery	(( <del>Nov. 26-Dec. 31</del> ) <u>Nov. 25-Dec. 23</u> )	2 Pt. Min.	South Unit (600B)
Modern Firearm	Oct. (( <del>16-31</del> ) <u>15-30</u> ) and Nov. (( <del>18-21</del> ) <u>17-20</u> )	2 Pt. Min.	South Unit (600B)
Muzzleloader	Oct. 1-10	2 Pt. Min.	South Unit (600B)

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**((2004)) 2005 DEER PERMIT SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS**

**PROPOSED**

**((2004)) 2005 - Mule and Whitetail Deer**  
**Buckrun Limited Permit Draw Hunts.** Hunters apply to Washington Department of Fish and Wildlife. Only hunters possessing a modern firearm deer tag are eligible for Buckrun Limited draw hunts. Hunters can expect one to three days of hunting during the permit season with written authorization from the PLWMA manager. All hunters must check in and out on hunt day.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun A	20	Sept. 1-Oct. 15	(( <del>*Partnership application required; *</del> ))*3 Pt. Maximum or Antlerless deer	PLWMA 201
Buckrun B	40	Oct. 25-Dec. 31	(( <del>*Partnership application required;</del> )) Antlerless deer	PLWMA 201
Buckrun C	10	Sept. 1-Oct. 15 and Oct. 25-Dec. 31	Senior hunters only, Antlerless deer	PLWMA 201

((~~\*To apply for Buckrun A or B, you must submit a partnership application. One partner must be an adult and the other a youth between the ages 12 and 15. Successful partnership applicants will each be able to harvest one deer.~~))  
 ((~~\*~~))\*3 Pt. maximum - A legal deer must have no more than 3 antler points on either antler (i.e. 1x1, 1x2, 1x3, ((1x4, 1x5, 1x6, etc.)) 2x2, 2x3, ((2x4, 2x5, 2x6, etc.)) 3x3((~~3x4, 3x5, 3x6, etc.~~))) are legal). All antler points must be at least one inch long. Antler points exclude eye guards.  
 Hunts are scheduled by the manager 509-345-2577. All other hunting regulations apply.

**((2004)) 2005 - Blacktail Deer**  
**Rainier Timber Company Kapowsin Tree Farm -**  
**Rainier Timber Company Permit Draw Deer Permits - Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process.**

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Kapowsin North	50	Dec. (( <del>10-12</del> )) <u>9-11</u>	Antlerless Only, All Hunters	PLWMA 401A North
Kapowsin Central	10	Dec. (( <del>10-12</del> )) <u>9-11</u>	Antlerless Only, AHE Hunters	PLWMA 401B Central
	15	Dec. (( <del>10-12</del> )) <u>9-11</u>	Antlerless Only, Disabled Hunters	PLWMA 401B Central
	25	Dec. (( <del>10-12</del> )) <u>9-11</u>	Antlerless Only, Youth Hunters	PLWMA 401B Central
Kapowsin South	50	Dec. (( <del>10-12</del> )) <u>9-11</u>	Antlerless Only, Hunters 65 & Older	PLWMA 401C South
	50	Dec. (( <del>10-12</del> )) <u>9-11</u>	Antlerless Only, All Hunters	PLWMA 401C South

**ACCESS QUOTAS AND RAFFLE SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS**

**((2004)) 2005 - Mule and Whitetail Deer**  
**Buckrun Limited Area - Access Quotas and Seasons**  
 Only hunters possessing a modern firearm deer tag are eligible for access authorizations on PLWMA 201. An access fee will be charged for these hunts. You may contact the PLWMA manager, Derek Stevens, at (509) 345-2577 for information.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	70	(( <del>Oct. 1</del> ) <u>Sept. 15</u> -Oct. 15 and Oct. 25-Dec. 31	Any Deer	PLWMA 201
	40	(( <del>Oct. 1</del> ) <u>Sept. 15</u> -Oct. 15 and Oct. 25-Dec. 31	Antlerless Only	PLWMA 201
Buckrun Raffle	2	(( <del>Oct. 1</del> ) <u>Sept. 15</u> -Oct. 15 and Oct. 25-Dec. 31	Raffle - Any Deer	PLWMA 201

PROPOSED

**((2004)) 2005 - Blacktail Deer**  
**Rainier Timber Company Kapowsin Tree Farm—Raffle Quotas and Seasons**  
**Hunter must contact Rainier Timber Company for auction/raffle permit opportunity.**  
**Only hunters possessing a valid deer tag (any ((2004)) 2005 deer tag) are eligible for Rainier Timber Company buck permits. Hunters drawing a Rainier Timber Company deer raffle permit may purchase a second deer tag for the hunt. Persons interested in these deer permits should contact Rainier Timber Company, 31716 Camp 1 Road, Orting, WA 98360. For more information, please call 1-800-782-1493.**

Hunt Name	Permit Number	Raffle Season	Special Restrictions	Boundary Description
Kapowsin North/Buck	9	(( <del>Oct. 29</del> - <del>Nov. 14</del> )) <u>Oct. 28-Nov. 13</u>	Buck Only (Raffle)	PLWMA 401A North
Kapowsin Central/Buck	21	(( <del>Oct. 29</del> - <del>Nov. 14</del> )) <u>Oct. 28-Nov. 13</u>	Buck Only (Raffle)	PLWMA 401B Central
Kapowsin South/Buck	21	(( <del>Oct. 29</del> - <del>Nov. 14</del> )) <u>Oct. 28-Nov. 13</u>	Buck Only (Raffle)	PLWMA 401C South
Kapowsin Central	50	Dec. (( <del>10-12</del> )) <u>9-11</u>	Antlerless Only (Draw)	PLWMA 401B Central

**((2004)) 2005 - Blacktail Deer**  
**Merrill and Ring's Pysht Tree Farm - Raffle Quotas and Seasons**  
**An access fee will be charged by the landowner for hunting on the Pysht Tree Farm. The following hunts are raffle hunts offered by Merrill and Ring. Hunters must possess a valid deer tag when participating in these hunts. Hunters drawing a Merrill and Ring deer raffle permit may purchase a second deer tag for the hunt. Persons interested in these hunts should contact Merrill and Ring, 11 Pysht River Rd., Clallam Bay, WA 98326. For more information, please call Merrill and Ring at 1-800-998-2382.**

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Pysht A	15	(( <del>Nov. 26</del> - <del>Dec. 31</del> )) <u>Nov. 25-Dec. 23</u>	Raffle, Archery, 3 pt. minimum	PLWMA (600) North Unit
Pysht B	20	Oct. 1-10	Raffle, Muzzleloader, 3 pt. minimum	PLWMA (600) North Unit
Pysht C	30	Nov. (( <del>8-23</del> )) <u>7-22</u>	Raffle, Any Weapon, 3 pt. minimum	PLWMA (600) North Unit
Pysht D	5	Nov. (( <del>8-23</del> )) <u>7-22</u>	Restricted, 3 pt. minimum	PLWMA (600) North Unit

2004 ELK RAFFLE SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

**((2004)) 2005 - Elk**  
**Rainier Timber Company (PLWMA 401) Kapowsin Tree Farm - Raffle Quotas and Seasons**  
**Only hunters possessing a valid ((2004)) 2005 elk tag and meeting the special restrictions noted for each hunt are eligible for Rainier Timber Company access permits on PLWMA 401. Hunters must contact Rainier Timber Company for auction/raffle permit opportunity. Hunters drawing a Rainier Timber Company elk raffle permit are eligible to purchase a second elk tag for the hunt. Rainier Timber Company, 31716 Camp 1 Road, Orting, Washington 98360. For more information, please call 1-800-782-1493.**

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Kapowsin Bull Central	4	(( <del>Sept. 17</del> - <del>Oct. 3</del> )) <u>Sept. 16-Oct. 2</u>	Raffle Any Bull, Any Tag	PLWMA 401B Central
Kapowsin Bull South	4	(( <del>Sept. 17</del> - <del>Oct. 3</del> )) <u>Sept. 16-Oct. 2</u>	Raffle Any Bull, Any Tag	PLWMA 401C South

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**((2004)) 2005 - Elk**  
**Rainier Timber Company (PLWMA 401) Kapowsin Tree Farm - Permit Draw Elk Hunts.**  
**Hunters apply to WDFW in WDFW permit draw process. An access fee will be charged for this hunt.**

Hunt Name	Permit Number	Raffle Season	Special Restrictions	Boundary Descriptions
Kapowsin Bull North	1	((Sept. 17-Oct. 3)) Sept. 16-Oct. 2	Any Bull, Any Elk Tag	PLWMA 401A North

**((2004)) 2005 - Elk**  
**Merrill and Ring PLWMA 600 Pysht Tree Farm - Raffle Quota and Season**  
**Hunter must contact Merrill and Ring for raffle hunt opportunity. Hunters drawing a Merrill and Ring elk raffle permit may purchase a second elk tag for the hunt. For more information please call Merrill and Ring at 1-800-998-2382 or write to them at Merrill and Ring Tree Farm, 11 Pysht River Rd., Clallam Bay, WA 98326.**

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Pysht A	4	Sept. 15-30	Any Bull Elk, Any Weapon	PLWMA 600
Pysht B	1	Sept. 1-14	Any Bull Elk, Archery	PLWMA 600
Pysht C	1	Oct. ((6-15)) <u>5-14</u>	Any Bull Elk, Muzzleloader	PLWMA 600

**((2004)) 2005 - Elk**  
**Merrill and Ring PLWMA 600 Pysht Tree Farm - Permit draw elk hunt. Hunters apply to WDFW in WDFW permit draw process. An access fee will be charged for this hunt.**

Hunt Name	Harvest Quota	Permit Season	Special Restrictions	Boundary Descriptions
Pysht	1	Nov. 1-7	Any Bull	PLWMA 600

**AREA DESCRIPTIONS - PRIVATE LANDS WILDLIFE MANAGEMENT AREAS**

**PLWMA 201 - Buckrun Limited (Grant County):**  
**PLWMA 201 SHALL INCLUDE THE FOLLOWING DESCRIBED LANDS WITHIN GAME MANAGEMENT UNIT 272 (BEAZLEY) IN GRANT COUNTY:**

**T22N R29EWM:**  
 Sections 2 (S 1/2 of NW 1/4), 3 (N 1/2), 4 (except SE 1/4 of SE 1/4), 5, 6 (those lands lying north of the Burlington Northern Santa Fe Railroad bed and S 1/2 of the SE 1/4), 8, and 9.

**T23N R26EWM:**  
 Section 13 (E 1/2 of SE 1/4).

**T23N R27EWM:**  
 Sections 7 (E 1/2 of SE 1/4 and SE 1/4 of NE 1/4), 8 (S 1/2 and S 1/2 of the NW 1/4), 11 (S 1/2), 12 (S 1/2 of SW 1/4 and SW 1/4 of SE 1/4), 13 (except the area between Dry Coulee Road and the Northern Pacific Railroad bed), 14, 17 (except those lands enrolled in the Hunt By Written Permission program), 18, 19, 20 (W 1/2), 21, 22, 23, 24, 25 (N 1/2), 26, and 27.

**T23N R28EWM:**  
 Sections 1, 2, 3 (except W 1/2 of W 1/2), 4 (W 1/2 of SE 1/4 south of the Pinto Ridge Road), 8 (SE 1/4 and S 1/2 of SW 1/4), 9 (southeast of the Pinto Ridge Road except the Stratford Game Reserve), 10 (NE 1/4 and the E 1/2 of NW 1/4), 12 (N 1/2), 15 (south of the Stratford Game Reserve), 16 (south of the Stratford Game Reserve), 18 (south of the Northern Pacific Railroad bed), 19, 20, 21, 22, 23, 26, 27, 28, 29 (N 1/2 and N 1/2 of the S 1/2), 30, 32 (SE 1/4, S 1/2 of NE 1/4 east of the Pinto Ridge Road), 33, 34 (N 1/2 and N 1/2 of the S 1/2), and 35 (north of the Stratford Game Reserve).

**T23N R29EWM:**  
 Sections 1 (S 1/2 of S 1/2), 5, 6, 7, 8, 9, 12 (except S 1/2 of SW 1/4), 13, 14, 15, 16 (E 1/2), 17, 18, 19 (except the Stratford Game Reserve), 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 (SE 1/4), 31, 32, 33, 34, and 35).

**T24N R28EWM:**  
 Section 35.  
**T24N R29EWM:**  
 Sections 31 and 32 (W 1/2).  
 A map of PLWMA 201 is available from WDFW's Region 2 office in Ephrata, (509) 754-4624.

**PLWMA 401 - Rainier Timber Company (Pierce County):**

**Kapowsin North:**  
**T19N R06E** all of section 24; section 12 SWSE; section 13 except private holdings in W 1/2; section 14 N of S Prairie Ck except NW and except private holdings in SW; section 25 N of S Prairie Ck;

**T19N R07E** all of sections 14, 15, 18, 19, 20, 21, 22, 27, 28, 29; sections 6, 7, 8, 10, 11 S of White River except private holdings; section 9 E 1/2 S of White River except private holdings; except private holdings section 16 except NWNW and NWNENW; section 17 S of White River except N 1/2 NE; section 30 E 1/2 N of S Prairie Ck; sections 31, 32 N of S Prairie Ck; section 33 except S 1/2 SWSE; section 34 W 1/2;

**T18N R07E** section 3 N of E Fork S Prairie Ck; section 5 E 1/2 N of S Prairie Ck;

**Kapowsin Central:**  
**T19N R05E** section 34 SE S of Patterson Road;

**T19N R06E** section 32 S of Carbon River;

**T18N R05E** all of sections 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35, 36; section 1 E 1/2 except SWSE and W 1/2 SESE; section 2 S 1/2 except private holdings in SE; section 3 N of Coplar Ck except NWNW; section 9 SE except SWSE; section 10 except NW and E 1/2 SW; section 15 except private holdings in SW; section 16 except W 1/2 NW and except private holdings in E 1/2 NW; section 21 NE and E 1/2 SE and NENW; section 28 E 1/2 and S 1/2 SW; section 29 N of Puyallup River except private holdings in E 1/2 and NW; section 32 N of Puyallup River or E of 1 Road; section 33 except private holdings in S 1/2 of S 1/2;

**T18N R06E** all of sections 7, 8, 17, 18, 19, 20, 29, 30, 32; sections 4, 5, 9 S of Carbon River; section 6 except private holdings in SWSW; section 16 W 1/2; section 21 W 1/2; section 28 except E 1/2 of E 1/2; section 31 except private holdings in NWNW; section 33, 34 S of Highway 165;

**T17N R05E** all of sections 1, 2; sections 3, 10, 11, 12 N of Puyallup River;

**T17N R06E** all of sections 3, 4, 5, 6, 8, 9, 10, 15, 16, 22, 23, 24, 25, 26, 27, 35, 36; sections 2, 11, 13, 14 S of Highway 165; sections 7, 17, 18, 20, 21, 28, 33, 34 N of Puyallup River;

**T17N R07E** sections 32, 33; section 29 except N 1/2 of N 1/2;

**T16N R06E** all of section 1; sections 2, 3, 11, 12 N of Puyallup River;

**T16N R07E** all of sections 4, 5, 6, 7, 8, 16; sections 17, 18, 20, 21, 33 N of S Fork Puyallup River; section 28 N of S Fork Puyallup River except E 1/2 NE;

#### **Kapowsin South:**

**T17N R04E** all of section 36; sections 23, 24 E of Ohop Creek except private holdings; section 25 N 1/2 except private holdings; section 26 NE E of Ohop Creek except private holdings; section 35 E of Orville Road and E of Ohop Lake;

**T17N R05E** all of sections 9, 14, 15, 16, 17, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36; section 3 SWSW except private holdings; section 4 SW and SWNW except private holdings; section 5 S of Kapowsin Lake except NENE and except private holdings in S 1/2 sections 7, 18 S of Kapowsin Lake; section 8 except private holdings in N 1/2 section 10 except private holdings in N 1/2; section 11 SW S of Flume and S 1/2 SE S of Flume; section 13 S of Flume except NENE; section 19 except SWSW; sections 20 except private holdings in NE; section 21 except private holdings in NW; section 30 except W 1/2 NW and NWSW;

**T17N R06E** all of sections 19, 30, 32; section 18 SW S of Flume; section 20 S of Flume except private holdings in N 1/2; section 29 S of Flume except N 1/2 SE and SWNE; section 31 except W 1/2 NE; section 33 S of Flume except private holdings;

**T16N R05E** section 2 NW; section 6 N 1/2 except private holdings; section 36 E of Busywild Creek;

**T16N R06E** all of sections 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36; sections 2, 11, 12 S of Puyallup River; section 3 except private holdings in NW;

**T16N R07E** all of sections 19, 30, 31; sections 17, 18, 20, 21, 28, 33 S of S Fork Puyallup River;

**T15N R06E** all of sections 1, 2, 3, 4, 5, 11, 12, 13, 14, 15, 22; sections 6, 8, 9, 10 N of Busywild Creek; section 23 except SW; section 24 except E 1/2 SE.

#### **PLWMA 600 - Merrill and Ring (Clallam County):**

Beginning at Clallam Bay, east along the Strait of Juan de Fuca to the mouth of Deep Creek, south along Deep Creek to the township line between Townships 30 and 31, west along said township line to Highway 113 (Burnt Mt. Road) and north along Burnt Mt. Road (Highway 112 and 113) to Clallam Bay and point of beginning, except the following described lands: T31N R10W: E 1/2 W 1/2, E 1/2 West of Deep Creek Section 19, Except SW 1/4 NW 1/4, SW 1/4, W 1/2 E 1/2 West of Deep Creek Section 30, Except North & West of Deep Creek Section 31: T31N R11W; Except the SW 1/4 SE 1/4 Section 7, Except that portion of NW 1/4 SE 1/4 which is County Park Section 10, Except the NE 1/4 NE 1/4 Section 14, Except W 1/2, W 1/2 E 1/2, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 16, Except SW 1/4 NE 1/4 Section 17, Except NW 1/4 NW 1/4, SW 1/4, NW 1/4 north of the Pysht River, SE 1/4 NW 1/4, south of the Pysht River, SE 1/4 NE 1/4, NW 1/4 SE 1/4 Section 18, Except W 1/2 SW 1/4 Section 27, Except S 1/2 S 1/2, N 1/2 SW 1/4 Section 28, Except E 1/2 SE 1/4, SW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 29, Except SW 1/4 SE 1/4 Section 30, Except NE 1/4 Section 31, Except All Section 32, Except All Section 33, except SW 1/4 NE 1/4, S 1/2 Section 34, Except All Section 36, T31N R12W; Except SE 1/4 SE 1/4, W 1/2 SE 1/4 East of Highway 112 Section 4, Except All East of Highway 112 Section 9, Except E 1/2 NE 1/4, SW 1/4 NE 1/4, E 1/2 SW 1/4, NW 1/4 SE 1/4 Section 13, Except S 1/2 SE 1/4 Section 14, Except E 1/2 NW 1/4 East of Highway 112 Section 23, Except SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 26, Except N 1/2 N 1/2, NE 1/4 SW 1/4 Section 35, Except All Section 36: T32N R12W; Except W 1/2 SE 1/4 Section 21, Except All Section 22, Except NW 1/4 Section 27, Except NE 1/4, N 1/2 SE 1/4, E 1/2 W 1/2 East of Highway 112 Section 28, Except E 1/2 W 1/2 East of Highway 112 Section 33, Except S 1/2 Section 36.

**PLWMA 600A North - Merrill and Ring North:** That portion of PLWMA 600 north of Highway 112.

**PLWMA 600B South - Merrill and Ring South:** That portion of PLWMA 600 south of Highway 112.

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

**WSR 04-21-102**  
**PROPOSED RULES**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed October 20, 2004, 11:50 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-16-080.

**Title of Rule and Other Identifying Information:** The state Parks and Recreation Commission has proposed amendments to chapter 352-37 WAC, Ocean beaches.

**Hearing Location(s):** Best Western Lighthouse Suites Inn, 491 Damon Road, Ocean Shores, WA 98559, (360) 289-2311, on December 2, 2004, at 8:00 a.m.

**Date of Intended Adoption:** December 2, 2004.

**Submit Written Comments to:** Washington State Parks, Attention: Pam McConkey, 7219 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, fax (360) 586-5875, by November 15, 2004.

**Assistance for Persons with Disabilities:** Contact Pauli Larson by November 29, 2004, TTY (360) 664-3133 or (360) 902-8505.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The state Parks and Recreation Commission conducted its review of chapter 352-37 WAC, Ocean beaches, to ensure the provisions and language reflect changes in the agency's park management and operational practices and to provide greater public safety to state park users. The proposed amendments include definitions for aircraft, director and drivable beach. The amendments update driving and parking limitations, clarify right-of-way privileges for nonmotorized vehicles, extend prohibitions for recreation activities on ocean beaches to various forms of aircraft. These proposed changes will also reflect changes made during the recodification of the authorizing statutes referenced in this chapter and changes to state park names.

**Reasons Supporting Proposal:** The review and proposed changes to this chapter are intended to improve public safety and to reduce park visitor use conflicts on the ocean beaches under commission management and to respond to park visitor comments related to the use of wind sand sailing devices. The clarification of park names, definitions and authorizing statutes is intended to improve the clarity of these rules.

**Statutory Authority for Adoption:** RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070, and 79A.05.165.

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

**Name of Proponent:** Washington State Parks and Recreation Commission, governmental.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Pam McConkey, 7219 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, (360) 902-8595; and **Enforcement:** Phil Shave, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, (360) 902-8606.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This chapter of administrative rule does not regulate or have economic impact

through regulations on small business. There are no compliance costs to small business.

A cost-benefit analysis is not required under RCW 34.05.328. Significant legislative rule-making requirements are not imposed on the state Parks and Recreation Commission, nor has the commission voluntarily applied those requirements.

October 20, 2004

Jim French

Chief of Policy Research  
and Program Development

**AMENDATORY SECTION** (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

**WAC 352-37-010 Purpose.** The purpose of this chapter is to implement the provisions of RCW ((43.51.650)) 79A.05.600 through ((43.51.765)) 79A.05.695 which require local governments which have a portion of the Seashore Conservation Area within their boundaries to prepare recreation management plans for the ocean beaches designating at least forty percent of the beach for use by pedestrians and nonmotorized vehicles from April 15 to the day following Labor Day of each year.

This chapter sets forth those sections of the plans which the commission has adopted as rules.

**AMENDATORY SECTION** (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

**WAC 352-37-020 Definitions.** Whenever used in this chapter the following terms shall have the meanings herein defined unless the context clearly indicates otherwise:

((4)) "Aircraft" shall mean any machine designed to travel through the air, whether heavier or lighter than air; airplane, dirigible, balloon, helicopter, etc. The term aircraft shall not include paraglider or remote controlled aircraft.

"Campfires" shall mean any open flame from a wood source. Campfires are restricted to within the designated campfire pit, ring or other provided campfire enclosure and the flame must be no higher than two feet, except on ocean beaches where campfires must be at least one hundred feet from the dunes, no more than four feet in diameter and no more than four feet high. No campfires are allowed on any shellfish bed. Park rangers have the authority, as found in RCW 79A.05.165(5), to regulate and/or restrict all fires for the protection of the health, safety and welfare of the public, park visitors or staff, or park resources.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Commission" shall mean the Washington state parks and recreation commission.

((2)) "Director" shall mean the director of the Washington state parks and recreation commission or ((his/her)) the director's designee.

((3)) "~~Persons~~" shall mean ~~all natural persons, firms, partnerships, or combinations of persons whenever acting for themselves or by an agent, servant, or employee.~~

(4) "Ocean beaches" shall mean all lands fronting on the Pacific Ocean between Cape Disappointment and Leadbetter Point; between Toke Point and the south jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation, and occupying the area between the line of ordinary high tide and the line of extreme low tide, as these lines now are or may hereafter be located, and, where applicable, between the Seashore Conservation Line, as established by survey of the Washington state parks and recreation commission and the line of extreme low tide, as these lines now are or may hereafter be located, or as defined in RCW 43.51.655; provided, that the ocean beaches shall not include any lands within the established boundaries of any Indian reservation.

(5) "Long Beach Peninsula" shall mean that area of the ocean beaches as defined in subsection (4) of this section lying between Cape Disappointment on the south and Leadbetter Point on the north.

(6) "South Beach" shall mean that area of the ocean beaches as defined in subsection (4) of this section lying between Toke Point on the south and the south jetty on Point Chehalis on the north.

(7) "North Beach" shall mean that area of the ocean beaches as defined in subsection (4) of this section lying between Damon Point on the south and Cape Flattery on the north.

(8) "Hard sand area" shall mean that area over which the tide ebbs and flows on a daily basis; and which is sufficiently hard or firm to support the weight of, and to provide unhindered traction for, an ordinary passenger vehicle.

(9) "Dry sand area" shall mean that area lying above and to the landward side of the hard sand area as defined in subsection (8) of this section.

(10) "Driveable beach" shall mean that area of the ocean beaches lying between the upper or landward limit of the hard sand area and the clam beds.

(11) "Motor vehicle" shall mean any self propelled device capable of being moved upon a public highway, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor bikes, motor scooters, mopeds, jeeps, or similar type four wheel drive vehicles, buses, camper trucks, motor homes, and other self propelled recreational vehicles. A motor vehicle must have a means of propulsion associated or attached directly to the device, and not receive motive power from a source independent or outside of the device. A motor vehicle must be certificated and licensed according to the provisions of chapter 46.12 RCW (Certificates of ownership and registration), and chapter 46.16 RCW (Vehicle licenses).

(12) "Wind/sand sailer" shall mean a wheeled, wind-driven recreational conveyance.

(13) "Parasail" shall mean a parachute type device attached to a rope pulled by a motor vehicle, resulting in the participant being lifted from the ground by the force of the wind.

(14) "Hovercraft" shall mean a powered vehicle supported by a cushion of air capable of transporting persons.) "Driveable beach" shall mean that area of the ocean beaches lying between the upper or landward limit of the hard sand area and the clam beds.

"Dry sand area" shall mean that area lying above and to the landward side of the hard sand area as defined in this section.

"Fire" shall mean any open flame from any source or device including, but not limited to, campfires, stoves, candles, torches, barbecues and charcoal. Park rangers have the authority, as found in RCW 79A.05.165(5), to regulate and/or restrict all fires for the protection of the health, safety and welfare of the public, park visitors or staff or park resources.

"Hard sand area" shall mean that area over which the tide ebbs and flows on a daily basis; and which is sufficiently hard or firm to support the weight of, and to provide unhindered traction for, an ordinary passenger vehicle.

"Hovercraft" shall mean a powered vehicle supported by a cushion of air capable of transporting persons.

"Long Beach Peninsula" shall mean that area of the ocean beaches as defined in this section lying between Cape Disappointment on the south and Leadbetter Point on the north.

"Motor vehicle" shall mean every vehicle that is self-propelled. For the purposes of this chapter, a motor vehicle must be approved for highway use in accordance with Title 46 RCW.

"North Beach" shall mean that area of the ocean beaches as defined in this section lying between Damon Point on the south and Cape Flattery on the north.

"Ocean beaches" shall mean all lands fronting on the Pacific Ocean between Cape Disappointment and Leadbetter Point; between Toke Point and the south jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation, and occupying the area between the line of ordinary high tide and the line of extreme low tide, as these lines now are or may hereafter be located, and, where applicable, between the Seashore Conservation Line, as established by survey of the Washington state parks and recreation commission and the line of extreme low tide, as these lines now are or may hereafter be located, or as defined in RCW 79A.05.605, provided, that the ocean beaches shall not include any lands within the established boundaries of any Indian reservation.

"Parasail" shall mean a parachute-type device attached to a rope pulled by a motor vehicle, resulting in the participant being lifted from the ground by the force of the wind.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"South Beach" shall mean that area of the ocean beaches as defined in this section lying between Toke Point on the south and the south jetty on Point Chehalis on the north.

"Wind/sand sailer" shall mean a wheeled, wind-driven recreational conveyance.

**AMENDATORY SECTION** (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

**WAC 352-37-030 Vehicular traffic—Where permitted—Generally.** Subject to the restrictions set forth in subsequent sections of this chapter, and except at the point of inter-

section of any access road and the beach, the use of motor vehicles on and along the ocean beaches shall be permitted only on that area between the extreme upper or landward limit of the hard sand area and the clam beds, (~~and~~) defined as the "driveable beach" in WAC 352-37-020. The operation (~~or parking~~) of any vehicle is prohibited above and on the landward side of the driveable beach. The provisions of this section shall not apply to official vehicles engaged in authorized law enforcement, maintenance, or sanitary patrol activities or emergency vehicles while engaged in the performance of any necessary service.

(~~Areas identified within~~) The Long Beach Peninsula, South Beach, and North Beach Recreation Management Plans, as referenced in RCW (~~43-51-650~~) 79A.05.600 through (~~43-51-765~~) 79A.05.695, as adopted by local governments located on the same beach and approved by the commission, identify those areas where the operation or parking of any vehicle is prohibited. Exceptions that allow for the use of any vehicles in these areas identified as exclusive pedestrian/nonmotorized use areas are found in WAC 352-37-070. Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

**AMENDATORY SECTION** (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

**WAC 352-37-040 Long Beach Peninsula.** (1) Leadbetter Point exclusive pedestrian/nonmotorized vehicle use area is described as the area from the northern tip of Leadbetter Point to the north side of the Oysterville beach access road.

(a) Motor vehicles are not allowed year round in the area located between the northern tip of Leadbetter Point and the southern boundary of Leadbetter Point State Park.

(b) Motor vehicles are not allowed in the area located between the southern boundary of Leadbetter Point State Park to the north side of the Oysterville beach access road, from April 15 to the day following Labor Day of the same year.

(2) Long Beach/Seaview exclusive pedestrian/nonmotorized vehicle use area is described as the area from the south side of the Bolstad Avenue beach access road south to the north side of the Seaview beach access road at 38th Avenue.

Motor vehicles are not allowed from April 15 to the day following Labor Day of the same year.

(3) Ft. Canby unit exclusive pedestrian/nonmotorized vehicle use area is described as the area from the north jetty of the Columbia River located in (~~Ft. Canby~~) Cape Disappointment State Park to north head/south boundary of Beard's Hollow (~~State Park~~).

Motor vehicles are not allowed on Benson Beach in front of (~~Ft. Canby~~) Cape Disappointment State Park for the entire year. Motor vehicles may not be used on the beach in front of the state park for any clam season at any time of the year.

**AMENDATORY SECTION** (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

**WAC 352-37-070 Conditions under which motor vehicles may be used in the exclusive pedestrian/non-**

**motorized use areas.** Unless specifically excepted in the description of the times during which motor vehicles are not allowed for each exclusive pedestrian/nonmotorized vehicle use area, motor vehicles may be used in the pedestrian/nonmotorized vehicle use areas under the following circumstances:

(1) Motor vehicles may be used in the areas during any recreational razor clam digging seasons designated by the department of fisheries which take place partially or entirely during the period when motor vehicles are otherwise not allowed to use the area.

(2) Motor vehicles may also be used in the areas during special events approved by the commission as set forth in WAC 352-37-200 Special group recreation event permit, which specifically allows the use of motorized vehicles. The vehicle may be used for access or in the event.

(3) As provided by RCW (~~43-51-720~~) 79A.05.660, public vehicles operated in the performance of official duties and vehicles responding to an emergency can use the areas at any time.

(4)(a) Motor vehicles may be used to remove sand from a beach access, gap road, or other area provided that all required permits have been obtained and the removal complies with all applicable requirements.

(b) On the Long Beach Peninsula pursuant to RCW 4.24.210, (~~43-51-045~~) 79A.05.035(5), and (~~43-51-715~~) 79A.05.655(3), the Pacific County planning department and the city of Long Beach may issue permits for wood debris removal during any period of closure to vehicular traffic, in their respective jurisdictions, if in the opinion of said jurisdiction the amount, size, and location of such wood debris is determined to constitute a hazard to the general public and/or impede the movement of public vehicles on the ocean beach. Said permits shall be valid for twenty-four hours only. Persons seeking permits for removal of wood debris within the seashore conservation area must apply to the director or (~~his~~) designee for a wood debris removal permit.

(5)(a) Motor vehicles may be used to remove wood debris under RCW 4.24.210 and (~~43-51-045~~) 79A.05.035 (5) provided that all required permits have been obtained and the removal complies with all applicable requirements.

(b) On the Long Beach Peninsula in accordance with RCW (~~43-51-715~~) 79A.05.655(4), the Pacific County planning department and the city of Long Beach may issue permits, on their respective jurisdictions, for the removal of sand on the ocean beach during periods of closure to vehicular traffic. Said sand removal shall occur only on beach access roads and private property under the terms of a covenant, easement, or deed that allows such activity. The local jurisdictions shall exercise good judgment in setting the terms of such sand removal permits. Such terms should prohibit sand removal during weekends, holidays, festivals, and other occasions when and where there is increased use of the ocean beach by the public. The hours of sand removal shall also be specified and shall prohibit this activity from occurring too early or too late in the day in order to minimize disturbance of nearby businesses, residents, and visitors.

(6) In case of an emergency, motor vehicles may be used to maintain and construct erosion control devices, including bulkheads, provided that all required permits have been

obtained and the operation of the vehicles and the construction complies with all applicable requirements.

**AMENDATORY SECTION** (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

**WAC 352-37-090 Pedestrians to be granted right of way.** Vehicular and equestrian traffic shall at all times yield the right of way to pedestrians and nonmotorized vehicles on the ocean beaches. Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

**AMENDATORY SECTION** (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

**WAC 352-37-100 Parking.** Parking of vehicles shall be permitted only in an area extending one hundred feet westerly from the upper or landward limit of the hard sand area, or driveable beach area (WAC 352-37-020) or where otherwise specifically designated by the Washington state parks and recreation commission. Beach parking shall only be allowed in areas open for beach driving. Except as provided in WAC 352-37-220, any violation of this section is an infraction under chapter 7.84 RCW.

**AMENDATORY SECTION** (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

**WAC 352-37-190 Excluded/limited recreation activities.** The following forms of public outdoor recreation activities or devices are prohibited on the ocean beaches unless specifically designated therefore or authorized by the director as a special recreation event.

(1) Vehicles not licensed and certificated pursuant to chapters 46.12 and 46.16 RCW.

(2) Wind/sand sailers.

(3) Parasails.

(4) Hovercraft.

(5) Powered parasail.

(6) Ultra-light aircraft.

(7) Powered hang gliders.

**AMENDATORY SECTION** (Amending WSR 95-22-067, filed 10/30/95, effective 1/1/96)

**WAC 352-37-200 Special group recreation event permit.** (1) Any person or group desiring to make use of a portion of the ocean beaches for a group recreation event which will require the closure of the area to certain conflicting recreational uses, may apply to the director for a special group recreation event permit. The director, or his/her designee, may issue such a permit after consultation with the appropriate local government, if the event does not unduly interfere with normal public recreation. Such authorization shall include the closure of the specified area to recreational activities, including motor vehicle traffic, which are determined to have the potential to interfere with the event or which could risk the safety of the recreating public or the special event participants. However, no such authorization may result in the unreasonable exclusion of pedestrian recreation-

ists from the specified portion of the ocean beach; all events authorized under this permit shall be open to public participation and/or observation.

(2) In determining whether to issue the permit, the director or designee will review the proposal for consistency with established approval criteria developed by the agency, which are designed to ensure the appropriateness of the event to the ocean beaches, and the basis for any associated public recreation restrictions. The criteria are available upon request from the agency.

(3) A special group recreation event permit shall be issued only for recreational events where there is a reasonable expectation that a minimum of twenty persons will participate. The event must be oriented towards a recreational pursuit. Not more than three permits will be issued to a given applicant for the same event during a one-year period. The group recreation activity must be consistent with the seashore conservation area (RCW ((43.51.650)) 79A.05.600 through ((43.51.685)) 79A.05.630), and may include an activity otherwise excluded under this chapter. Special group recreation events shall not exceed three days or seventy-two hours.

(4) Persons or organizations that desire to conduct a special group recreation event on the ocean beaches shall submit a permit application provided by the director and appropriate fees to the:

Washington State Parks and Recreation Commission  
7150 Cleanwater Lane  
P.O. Box 42650  
Olympia, WA 98504-2650

Such application shall be submitted at least fifteen days in advance of the proposed date of the event, to allow for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required agency preparations and coordination. The director or his/her designee shall approve or disapprove a permit application and establish the conditions for an approved application. The permittee must pay any fees published by state parks for the use of park lands or facilities. The director or the designee shall determine the need for any fees necessary to cover costs incurred by the agency, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the character of the event. Any such fees, bond, damage deposit, or liability insurance shall be provided prior to the issuance of the permit.

(5) If additional costs are incurred by the commission resulting from the event, the applicant shall reimburse the commission for such costs in a timely manner. If the additional costs are not paid, the director may recover such costs from the bond or damage deposits provided if previously required. Any funds remaining from the bond or damage deposit shall be returned to the applicant.

**WSR 04-21-103**  
**PROPOSED RULES**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed October 20, 2004, 11:51 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-16-079.

**Title of Rule and Other Identifying Information:** The state Parks and Recreation Commission has completed its annual review of chapter 352-32 WAC, Public use of state park areas, to ensure the language and provisions reflect current or proposed changes to the agency's business practices and to help ensure that park visitors have easy access and understanding for the information they seek in this chapter. This proposed action will add definitions, update public use restrictions at specific park sites and repeal the off season pass program as established in WAC 352-32-252. The commission has also proposed rules related to public harvesting of seaweed to be codified into the provisions of chapter 352-32 WAC.

**Hearing Location(s):** Best Western Lighthouse Suites Inn, 491 Damon Road, Ocean Shores, WA 98559, (360) 289-2311, on December 2, 2004, at 8:00 a.m.

**Date of Intended Adoption:** December 2, 2004.

**Submit Written Comments to:** Pamela McConkey, P.O. Box 42650, Tumwater, WA 90850-2650, e-mail Pamela.mcconkey@parks.wa.gov, fax (360) 902-8595, by November 15, 2004.

**Assistance for Persons with Disabilities:** Contact Pauli Larson by November 29, 2004, TTY (360) 664-3133 or (360) 902-8505.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The Washington state Parks and Recreation Commission is responsible for protecting those natural resources under its jurisdiction while simultaneously monitoring appropriate public enjoyment of renewable resources. This proposed rule-making action is intended to provide a definition of seaweed, clarify the application of statutes and regulations under the jurisdiction of the state Department of Natural Resources to inform the public of the director's authority to take special actions to reduce seaweed harvest to prevent environmental damage and to specify the method of posting restrictions and closures of state park areas for seaweed harvesting. The proposed changes will also eliminate the off-season senior citizen pass program and provide the agency the opportunity to offer reduced rates for all campers during the off season. Changes also include language and provisions which reflect current or proposed changes to the agency's business practices and will restrict alcohol consumption at Sacajawea State Park.

**Reasons Supporting Proposal:** As specified in RCW 79.96.210, the Department of Natural Resources in cooperation with the Department of Fish and Wildlife may establish seaweed harvest limits. The state Parks and Recreation Commission coordinates the regulations related to natural resource harvesting on state park properties with these agencies. The adoption of this proposed rule will further support coordination of resources protection, consistency in publishing education and public information materials and in the

uniformity of enforcement of seaweed harvesting regulations, between these state agencies.

**Statutory Authority for Adoption:** RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070.

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

**Name of Proponent:** Washington State Parks and Recreation Commission, governmental.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Pam McConkey, 7219 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, (360) 902-8595; and **Enforcement:** Phil Shave, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, (360) 902-8606.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This chapter of administrative rule does not regulate or have economic impact through regulations on small business. There are no compliance costs to small business.

A cost-benefit analysis is not required under RCW 34.05.328. Significant legislative rule-making requirements are not imposed on the state Parks and Recreation Commission, nor has the commission voluntarily applied those requirements.

July 21, 2004

Jim French

Chief of Policy Research  
and Program Development

**AMENDATORY SECTION** (Amending WSR 04-01-067, filed 12/12/03, effective 1/12/04)

**WAC 352-32-010 Definitions.** Whenever used in this chapter the following terms shall be defined as herein indicated:

"Aircraft" shall mean any machine designed to travel through the air, whether heavier or lighter than air; airplane, dirigible, balloon, helicopter, etc. The term aircraft shall not include paraglider or remote controlled aircraft.

"Aquatic facility" shall mean any structure or area within a state park designated by the director or designee for aquatic activities, including, but not limited to, swimming pools, wading pools, swimming beaches, floats, docks, ramps, piers or underwater parks.

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

"Campfires" shall mean any open flame from a wood source. Campfires are restricted to within the designated campfire pit, ring or other provided campfire enclosure and the flame must be no higher than two feet, except on ocean beaches where campfires must be at least one hundred feet from the dunes, no more than four feet in diameter and no more than four feet high. No campfires are allowed on any shellfish bed. Park rangers have the authority, as found in RCW 79A.05.165(5), to regulate and/or restrict all fires for the protection of the health, safety and welfare of the public, park visitors or staff, or park resources.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping party" shall mean an individual or a group of people (two or more persons not to exceed eight) that is organized, equipped and capable of sustaining its own camping activity. A "camping party" is a "camping unit" for purposes of RCW 79A.05.065.

"Commercial recreation use" is a recreational activity in a state park that is packaged and sold as a service by an organization or individual, other than state parks or a state park concessionaire.

"Commercial recreation provider" is any individual or organization that packages and sells a service that meets the definition of a commercial recreation use.

"Commission" shall mean the Washington state parks and recreation commission.

"Conference center" shall mean a state park facility designated as such by the director or designee that provides specialized services, day-use and overnight accommodations available by reservation for organized group activities.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission or the director's designee.

"Disrobe" shall mean to undress so as to appear nude.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Extra vehicle" shall mean each additional unhitched vehicle in excess of the one recreational vehicle that will be parked in a designated campsite or parking area for overnight.

"Fire" shall mean any open flame from any source or device including, but not limited to, campfires, stoves, candles, torches, barbecues and charcoal. Park rangers have the authority, as found in RCW 79A.05.165(5), to regulate and/or restrict all fires for the protection of the health, safety and welfare of the public, park visitors or staff or park resources.

"Fish" shall mean all marine and freshwater fish and shellfish species including all species of aquatic invertebrates.

"Group" shall mean 20 or more people engaged together in an activity.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for

the use of organized groups. Facilities and extent of development vary from park to park.

"Hiker/biker campsite" shall mean a campsite that is to be used solely by visitors arriving at the park on foot or bicycle.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for camping to accommodate peak camping demands in the geographic region.

"Overnight accommodations" shall mean any facility or site designated for overnight occupancy within a state park area.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity on Friday or Saturday night during the high use season.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the

agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 79A.05.160, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Remote controlled aircraft" shall mean nonpeopled model aircraft that are flown by using internal combustion, electric motors, elastic tubing, or gravity/wind for propulsion. The flight is controlled by a person on the ground using a hand held radio control transmitter.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

(1) Camping at a given park for more than thirty days within a forty-day time period April 1 through September 30; or forty days within a sixty-day time period October 1 through March 31. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping party shall be limited to ten consecutive nights April 1 through September 30. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights October 1 through March 31 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

(2) The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Seaweed" shall mean all species of marine algae and flowering sea grasses.

"Sno-park" shall mean any designated winter recreational parking area.

"Special groomed trail area" shall mean those sno-park areas designated by the director as requiring a special groomed trail permit.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal, and flush comfort station.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conser-

vation area as defined in RCW 79A.05.605 and as regulated under chapter 352-37 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Vehicle" shall include every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway. For the purposes of this chapter, this definition excludes bicycles, wheelchairs, motorized foot scooters, electric personal assistive mobility devices (EPAMDs), snowmobiles and other nonlicensed vehicles.

"Vehicle parking permit" means the permit issued on a daily, multiple day or annual basis for parking a vehicle in any state park area designated for daytime vehicle parking, excluding designated sno-park parking areas.

"Walk-in campsite" shall mean a campsite that is accessed only by walking to the site and which may or may not have vehicle parking available near by.

"Watercraft launch site" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-borne or trailer-borne watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 79A.05.420.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

**WAC 352-32-075 Use of nonmotorized cycles or similar devices.** (1) Whenever used in this section, nonmotorized cycle or similar device shall mean any wheeled, operator-propelled equipment that transports the operator on land, including cycles, (~~roller blades~~) in-line skates and skateboards, but not including wheelchairs or other devices utilized by persons with disabilities.

(2) Operation of nonmotorized cycles or similar devices shall be permitted upon public roads in state park areas.

(3) No operation of nonmotorized cycles or similar devices shall be permitted on trails in any state park area, except where designated and posted to specifically or conditionally permit such activity, or as specified in (b) of this subsection.

(a) The director or designee may open or close trails to such use. This decision shall include an evaluation of factors including, but not limited to, the degree of conflict with other park users, public safety, and damage to park resources and/or facilities related to these devices. This evaluation shall include a reasonable effort to involve interested trail users of the park in question, including, at a minimum, one public

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meeting advertised and conducted in the region where the park is located.

(b) No existing trails open to use by nonmotorized cycles or similar devices prior to January 1, 1999, shall be closed to such use without an evaluation of use suitability following the criteria and process of (a) of this subsection; except for temporary closures by the park manager due to emergency health, safety, or resource protection considerations.

(4) No operation of nonmotorized cycles or similar devices shall be permitted off trails in any state park area, except where authorized by the commission and posted to specifically or conditionally permit such activity.

(5) Use of nonmotorized cycles or similar devices is prohibited in the following state park areas:

(a) Within designated natural areas, natural forest areas, or natural area preserves: Provided, That relocation of existing nonmotorized trails into natural areas or natural forest areas may be permitted upon a finding by the director or designee that such relocation is for the purpose of reducing overall resource impacts to a state park area.

(b) Upon designated special use trails such as interpretive or exercise trails.

(c) Upon docks, piers, floats, and connecting ramps.

(6) Persons operating such devices in state park areas shall:

(a) Obey regulatory signs, including those permanently or temporarily erected, that govern the timing, location, speed, type and/or manner of operation, designed to promote visitor health and safety.

(b) Restrict speed and manner of operation to reasonable and prudent practices relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety, and the safety of all other park visitors.

(c) Yield the right of way to pedestrians and animals.

(d) Dismount and walk in congested areas and posted walk zones.

(e) Slow down, make presence known well in advance, and use courtesy and caution when approaching or overtaking other persons or animals.

(f) Display adequate lighting during hours of darkness.

(g) Use caution when approaching turns or areas of limited sight distance.

(h) Not disturb or harass wildlife.

(i) When on public roads within a state park area, operate in compliance with any additional requirements of RCW 46.61.750 through 46.61.850.

(7) The director or designee may designate trails for preferential use by cyclists and may specifically authorize use of any facilities for special cycling recreation events, excluding roads or trails specified in subsection (5) of this section.

(8) Any violation of this section is an infraction under chapter 7.84 RCW.

**AMENDATORY SECTION** (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

**WAC 352-32-155 Lakes located wholly within state parks boundaries—Internal combustion engines prohibited.** (1) In order to preserve the scenic quality, peace, and

tranquility and to protect and preserve the wildlife on lakes lying wholly within state park boundaries, to increase visitor safety, and to limit the degradation of lake water quality, the use of internal combustion engines on lakes lying wholly within the boundaries of state park areas is prohibited except where listed in WAC 352-32-155(2) or when authorized in writing by the director.

(2) Lakes where internal combustion engines may be used are:

Horsethief Lake in (~~Horsethief Lake~~) Columbia Hills State Park.

(3) This provision does not apply to government employees, or their agents in the performance of their duties, or search and rescue, medical emergency response, law enforcement or fire fighting activities.

(4) Any violation of this section is an infraction under chapter 7.84 RCW.

**AMENDATORY SECTION** (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

**WAC 352-32-210 Consumption of alcohol in state park areas.** (1) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages in any state park or state park area is prohibited except in the following designated areas and under the following circumstances in those state parks or state park areas not posted by the director or designee as closed to alcohol pursuant to subsection (4) of this section:

(a) In designated campsites or in other overnight accommodations, by registered occupants or their guests; provided ELC users obtain written permission through state parks application process;

(b) In designated picnic areas, which shall include those sites within state park areas where picnic tables, benches, fireplaces, and/or outdoor kitchens are available, even though not signed as designated picnic areas and public meeting rooms;

(c) In any reservable group day use facility by any authorized group which has paid the reservation fee and applicable damage deposit and which has obtained prior permit authorization to have alcohol by the park manager; and

(d) In any building, facility or park area operated and maintained under a concession agreement, wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(2) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages is prohibited at the following locations:

(a) Dash Point State Park;

(b) Saltwater State Park;

(c) Sacajawea State Park;

Except in the following designated areas and under the following circumstances:

(i) In designated campsites, or in other overnight accommodations by registered occupants or their guests.

(ii) In any building, facility or park area operated and maintained under a concession agreement wherein the con-

cessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(iii) In any reservable group day use facility by any authorized group which has paid the reservation fee and applicable damage deposit and which has obtained prior permit authorization to have alcohol by the park manager.

(3) The director or designee may, for a specified period or periods of time, close any state park or state park area to alcohol if the director concludes that an alcohol closure is necessary for the protection of the health, safety and welfare of the public, park visitors or staff, or park resources. The director or designee shall consider factors including but not limited to the effect or potential effect of alcohol on public and employee safety, park appearance, atmosphere, and noise levels, conflicts with other park uses or users, the demand for law enforcement, and the demand on agency staff. Prior to closing any park or park area to alcohol, the director or designee shall hold a public hearing in the general area of the park or park area to be closed to alcohol. Prior notice of the meeting shall be published in a newspaper of general circulation in the area. In the event the director or designee determines that an immediate alcohol closure is necessary to protect against an imminent and substantial threat to the health, safety and welfare of the public, park visitors or staff, or park resources, the director or designee may take emergency action to close a park or park area to alcohol without first complying with the publication and hearing requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director or designee to comply with the publication and hearing requirements of this subsection.

(4) The director or designee shall ensure that any park or park area closed to alcohol pursuant to subsection (3) of this section is conspicuously posted as such at the entrance to said park or park area. Additionally, the director or designee shall maintain for public distribution a current list of all parks and park areas closed to alcohol pursuant to subsection (3) of this section.

(5) Dispensing alcoholic beverages from containers larger than two gallons is prohibited in state park areas except when authorized in writing and in advance by the park manager.

(6) The provisions of this rule shall not apply to any part of the Seashore Conservation Area, as designated and established by RCW 79A.05.605.

(7) Opening, consuming, or storing alcoholic beverages in Fort Simcoe State Park and Squaxin Island State Park is prohibited.

(8) Any violation of this section is an infraction under chapter 7.84 RCW.

**AMENDATORY SECTION** (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

**WAC 352-32-235 Use of metal detectors in state parks.** The use and operation of metal detectors, as well as the removal of small contemporary materials, is permitted within selected state parks as designated by the director or designee, in accordance with all commission direction on

land management, and subject to the conditions and limitations specified.

(1) The use of metal detectors is permitted only within specified portions of approved state parks as posted for public reference. Metal detecting may be allowed in an approved campsite occupied by the registered detectorist and in unoccupied campsites within approved campgrounds.

(2) The use of metal detectors within a state park shall be limited to daylight hours that the park has posted as "open." No use shall be allowed during periods of seasonal or emergency park closure, except where otherwise posted.

(3) Any person wishing to use a metal detector shall so indicate to park personnel at the park where the use is to occur, by complying with the registration process provided for such purpose.

(4) Exceptional uses of metal detectors in state parks may be allowed through the issuance of a special recreation event application, available from the agency.

(5) This section does not apply to commission employees while engaged in the performance of their duties.

(6) Persons operating metal detectors in state parks and state park areas shall:

(a) Observe all laws and regulations.

(b) Never destroy or disturb park facilities, natural features, or historical or archeological resources. No item which is, or appears to be of historical or archaeological significance, may be removed from the site at which it was found. Any such find shall be immediately reported to park personnel, and the area in which the find occurred shall ~~((not))~~ be ~~((disturbed further))~~ closed.

(c) Limit digging implements to ice picks, screwdrivers and probes not to exceed two inches in width and sand scoops not to exceed six inches in width and eight inches in length, containing perforations no less than one-half inch in width, to be used only on sand surfaces. Any holes dug shall be limited to six inches maximum depth and shall be immediately refilled and the surface restored to its earlier condition.

(d) Properly dispose of all found or recovered trash and litter.

(e) Conduct themselves with thoughtfulness, courtesy and consideration for others, and not interfere with other recreational activities. An operator shall not allow any emitted metal detector sound audible to other park users.

(7) Any violation of this section is an infraction under chapter 7.84 RCW.

**AMENDATORY SECTION** (Amending WSR 04-01-067, filed 12/12/03, effective 1/12/04)

**WAC 352-32-250 Standard fees charged.** Fees shall be charged in parks operated by the commission for use of lands, facilities, programs, services, and materials as published by state parks: Provided, however, That the commission may suspend any or all of these fees if revenues generated by the fees are not returned to the benefit of the parks: Provided further, That the director or designee has the authority to discount fees in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time up to one year in duration. The director or designee may con-

sider the following factors in temporarily establishing or discounting fees:

- Prevailing rates for comparable facilities;
- Day of the week;
- Season of the year;
- Amenities of the park area and site;
- Demand for facilities;
- Low-income eligibility requirements as adopted by state parks; and

Such other considerations as the director or designee deems appropriate. The director or designee shall prescribe the specific details and manner in which fees shall be applied. The director or designee may also waive fees for marketing or promotional purposes or to redress visitor complaints. The director or designee may also establish temporary fees for a maximum of one year for new facilities or services. An administrative fee, as published by state parks, will be assessed for replacement of lost, damaged, or destroyed passes or permits.

(1) The director or designee may authorize reciprocity or cooperative arrangements with other state and/or federal agencies for the use of annual permits for like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit or other permit as approved by the director or designee;

(2) Overnight camping - standard campsite; utility campsite; emergency campsite; overflow campsite; hiker/biker campsite; walk-in campsite; primitive campsite for nonmotorized for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger;

(3) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee and providing the required information on the occupants of the other sites. The multiple campsite fee will be calculated by multiplying the standard, utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(4) Group camping area - certain parks: Individual camping units using these facilities must pay campsite fees as published by state parks;

(5) Conference center facilities - fees will be charged for use of facilities and services as set forth in the fee schedule published by state parks and will include, but not be limited to: Overnight accommodations in individual recreational housing units or dormitory units; use of meeting rooms, performance venues and rally areas; linen and janitorial services; group food services; and use of equipment, supplies, and staff time necessary to support group activities. Certain deposits, reservation and cancellation fees also apply as set forth in the fee schedule published by state parks and may not be refundable.

(6) Environmental interpretation:

(a) Service fees will be established by the director or designee in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation

services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director or designee. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 79A.05.060.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650;

(7) Adirondacks - not to include those located in ELC areas: Occupancy shall be limited to the number of built-in bunks provided;

(8) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: Provided, An extra vehicle overnight parking fee shall not be imposed when:

(a) Up to four motorcycles occupy one campsite, exclusive of other vehicles or recreation vehicles; or

(b) When the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(9) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

(10) Watercraft launch site permit fee - charged according to facilities provided. Watercraft launch permit shall not be required for:

(a) Vehicles, other than those registered as extra overnight parking vehicles, registered for camping or overnight mooring in the park containing the watercraft launch site;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual watercraft launch site permit;

(11) Annual watercraft launch site permit valid for one year from month of purchase at any launch site designated by the director or designee. Permit must be displayed as instructed on permit backing;

(12) Trailer dump station fee - fee shall not be required for:

(a) Registered camping vehicles in the park containing the dump station;

(b) Vehicles of persons holding limited-income senior citizen, disability or disabled veterans passes;

(13) Variable pricing - variable prices will apply for use of campsites and/or facilities during such periods as the director may specify;

(14) Water trail site fees - for one day/night will be set by the commission;

(15) In addition to the regular fee, a surcharge may be imposed for failure to pay the self-registration fee;

(16) Group day use facilities - a minimum daily permit fee will be charged for groups of 20 or more;

(17) Reservation transaction - fee will be charged as published by state parks;

(18) Moorage facilities - fee will be charged as published by state parks;

(19) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended;

(20) Commercial recreation provider permit registration - a fee shall be charged, as published by state parks for registration as a commercial recreation provider;

(21) Commercial recreation provider permit - a fee shall be charged, as published by state parks for obtaining a permit to engage in commercial recreational use of state parks, as defined in WAC 352-32-010.

(22) Sno-park permit - seasonal and daily permit fees will be charged as published by state parks.

(23) Special groomed trail permit - a statewide special groomed trail permit will be required for use of special groomed trail areas. The fee charged will be as published by state parks.

(24) Wood debris collection permit - fee will be charged for collection and removal of wood debris from a state park area pursuant to RCW 4.24.210. The fee may be waived for volunteers assisting with emergency salvage and storm cleanup in the parks.

(25) Merchandise - prices for merchandise including but not limited to interpretive, recreational and historic materials, literature, food, beverage, grocery and other items at agency operated sales points will be based on market rates and practices.

(26) Back country camping permit - fee will be charged as published by state parks for selected state park areas as designated by the director.

(27) Group use registration - fee will be charged for groups of a size to be specified in the fee schedule on a park by park basis who have not otherwise reserved group facilities.

(28) Special event - fees will be charged based on the cost of providing events and market rates for comparable activities at other locations.

(29) Aquatic facilities - fees will be charged as published by state parks.

(30) Vehicle parking permit:

(a) The director or designee shall designate state parks where a vehicle parking permit shall be required for parking and shall publish a fee schedule to include any or all of the following:

(i) A single day or multiple day vehicle parking permit;

(ii) An annual vehicle parking permit;

(b) Vehicle parking permits shall not be required for:

(i) Vehicles registered for overnight accommodations, other than those registered as extra overnight parking vehicles;

(ii) Vehicles whose occupants hold a current pass authorized in WAC 352-32-251, Limited income senior citizen, disability, and disabled veteran passes;

(iii) Vehicles whose occupants hold a current watercraft launch site permit;

(iv) Vehicles whose occupants perform volunteer activities approved by the park ranger;

(v) Vehicles whose occupants engage in official business as authorized by agreement or otherwise approved by the park ranger;

(c) Any vehicle parking permit must be displayed as instructed on the permit.

(31) Checks dishonored by nonacceptance or nonpayment (NSF checks) - handling fee and interest:

(a) A handling fee may be assessed consistent with the maximum amount allowed in the office of state procurement, department of general administration's state contract and as published by state parks for checks as defined by chapter 62A.3-104 RCW, dishonored by nonacceptance or nonpayment.

(b) Interest at the maximum rate allowable may be charged on the NSF check as defined by chapter 62A.3-515 RCW, and as published by state parks for a check not paid within fifteen days after a statutory notice of dishonor is sent to maker's last known address.

AMENDATORY SECTION (Amending WSR 03-01-079, filed 12/13/02, effective 1/13/03)

**WAC 352-32-251 Limited income senior citizen, disability, and disabled veteran passes.** (1)(a) Persons who are senior citizens, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission accompanied by either a copy of a federal income tax return filed for the previous calendar year, or a senior citizen property tax exemption pursuant to RCW 84.36.381, or a notarized affidavit of income on a form provided by the commission, receive a limited income senior citizen pass at no charge, which entitles the holder's camping party to free parking at any state park, free use of trailer dump stations, watercraft launch sites, and to a 50 percent reduction in any campsite fees, or moorage fees levied by the commission. Limited income senior citizen passes shall remain valid so long as the pass holder meets eligibility requirements.

(b) Proof submitted to the commission for the return of a senior citizen pass surrendered upon request to a commission employee who has reason to believe the user does not meet the eligibility criteria shall be the same as listed in subsections (1) and (5) of this section for original pass issuance.

(2) Persons who are permanently disabled, legally blind, or profoundly deaf, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive a five year disability pass at no charge and temporarily disabled persons who meet the eligibility requirements of RCW 79A.05.065 and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive a one year disability pass at no charge which entitles the holder's camping party to free parking at any state park, free use of trailer dump stations, watercraft launch sites, and

to a 50 percent reduction in any campsite fees, or moorage fees levied by the commission.

(3) Persons who are veterans, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past twelve consecutive months shall, upon application to the commission, receive a lifetime disabled veteran pass at no charge. Pass holders must provide proof of continued residency as determined by the director or designee. The pass entitles the holder's camping party to free parking at any state park and to free use of any state park campsite, trailer dump station, watercraft launch site, moorage facility, and reservation service.

(4) Applications for limited income senior citizen, disability, and disabled veteran passes shall be made on forms prescribed by the commission.

(5) Verification of age shall be by original or copy of a birth certificate, notarized affidavit of age, witnessed statement of age, baptismal certificate, or driver's license. Verification of residency shall be by original or copy of a Washington state driver's license, voter's registration card, or senior citizen property tax exemption.

(6) For pass holders who travel by ~~((car))~~ vehicle or recreational vehicle, camping party shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping party of a pass holder at one campsite or portion of a designated group camping or emergency area, when in the judgment of a ranger, the constructed facilities so warrant, and the total number of guests of the holder do not exceed seven.

(7) For pass holders who travel by a mode of transportation other than ~~((car))~~ vehicle or recreational vehicle, camping party shall include the pass holder and up to seven guests who travel with the pass holder and use one campsite or portion of a designated group camping or emergency area.

(8) If the conditions of a pass holder change or the pass holder changes residency to a place outside Washington state during the time period when a pass is valid such that a pass holder no longer meets the eligibility requirements of RCW 79A.05.065 and WAC 352-32-251, the pass becomes invalid, and the pass holder shall return the pass to the commission or surrender the pass to a state park representative.

**AMENDATORY SECTION** (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

**WAC 352-32-255 Self-registration.** In those parks so posted by the commission, park visitors shall register for the use of facilities and shall pay the appropriate fee upon arrival, on a self-registration basis, in accordance with all posted instructions. Any violation of this section is an infraction under chapter 7.84 RCW.

#### **NEW SECTION**

**WAC 352-32-350 Seaweed harvest.** (1) For the purposes of this section, seaweed is defined as all species of marine algae and flowering sea grasses.

(2) Pursuant to RCW 79A.05.165(1), all state park areas are closed to the harvest of seaweed except Fort Ebey, Fort

Flagler and Fort Worden state parks which are open to the noncommercial harvest of seaweed in accordance with RCW 79.96.210 from April 16 - May 15 each year. Seaweed harvesting in state park areas is limited to posted park hours.

(3) Seaweed shall be harvested using the following techniques: The leaves of bull kelp (*Nereocystis*) will be cut no closer than twenty-four inches (61 cm) above the bulb, and short stemmed kelps such as sugar wrack (*Laminaria*) and wing kelp (*Alaria*) are to be cut no closer than twelve inches (30 cm) above the anchor point. Cutting will be done using a knife or similar instrument, leaving the anchor point in place at all times. No tearing of the plants from the substrate or trimming is allowed, and rakes, tined forks, or similar tools are prohibited. The limit weight is ten pounds wet weight (fresh-picked before cleaning) per person per day, and drying or partial drying is prohibited prior to weighing. Each harvester must use a scale to determine when the harvest weight limit has been reached, and use their own container. Multiple limits may not be combined in the same container.

(4) The director of state parks or designee may take immediate action to reduce harvest levels where there is evidence of environmental damage. Such state park areas shall post changes in the daily harvest limits to inform the public of the reduced harvest levels.

(5) No person shall harvest or possess any seaweed within a state park area closed to harvest pursuant to subsection (2) or (4) of this section, except as necessary for scientific research authorized in writing by the environmental program manager at state parks.

(6) Any violation of this section is an infraction under chapter 7.84 RCW.

#### **REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 352-32-252

Off-season senior citizen pass—Fee.

#### **WSR 04-21-104**

#### **WITHDRAWAL OF PROPOSED RULES PARKS AND RECREATION COMMISSION**

[Filed October 20, 2004, 11:52 a.m.]

The Washington state Parks and Recreation Commission has decided to withdraw the following notices of proposed rule making related to the adoption of a new administrative rule governing seaweed harvesting on state park areas: CR-102 published in the Washington State Register as WSR 04-14-080 filed July 6, 2004; and CR-102 published in the Washington State Register as WSR 04-15-160 filed July 21, 2004.

The commission has deferred action on the adoption of rules related to seaweed harvesting to a public hearing to be conducted on December 2, 2004, in Ocean Shores, Washington. Further information related to this hearing will be published in the Washington State Register.

Jim French can be reached at (360) 902-8523 if additional information is required.

Jim French  
Chief of Policy Research  
and Program Development

PROPOSED



**WSR 04-21-054**  
**EXPEDITED RULES**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Filed October 18, 2004, 2:15 p.m.]

Title of Rule and Other Identifying Information: Chapter 284-49 WAC, Washington basic coverage policy (small group) insurance regulation, Insurance Commissioner Matter No. R 2004-07.

**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 THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kacy Scott, Insurance Commissioner, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, AND RECEIVED BY December 21, 2004.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Small group laws that have been enacted subsequent to the adoption of these regulations create a conflict between those laws and this chapter. This proposal will eliminate that conflict.

Reasons Supporting Proposal: This chapter is in conflict with small group laws that have been enacted subsequent to the adoption of the chapter.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.110, 48.44.020, 48.44.050, 48.46.060, 48.46.200.

Statute Being Implemented: RCW 48.21.045, 48.44.-023, 48.46.066.

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

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Jon Hedegard, P.O. Box 40255, Olympia, WA 98504, (360) 725-7039; Implementation: Beth Berendt, P.O. Box 40255, Olympia, WA 98504, (360) 725-7117; and Enforcement: Carol Sureau, P.O. Box 40255, Olympia, WA 98504, (360) 725-7050.

October 20, 2004

Mike Kreidler  
Insurance Commissioner

AMENDATORY SECTION (Amending Order 90-10, filed 9/4/90, effective 10/5/90)

**WAC 284-49-010 ((Scope.)) Reservation of chapter.**  
 ((The regulations contained in this chapter shall apply to all policies or contracts issued to groups of fewer than twenty-five employees by disability insurers, health care service contractors and health maintenance organizations, pursuant to the authority of chapter 187, Laws of 1990, and such policies or contracts shall be referred to as "basic coverage policies."))

~~All other policies or contracts issued by disability insurers, health care service contractors, and health maintenance organizations shall conform to all other provisions of the Insurance Code and regulations issued thereunder applying to the type of policy or contract being issued.)) Chapter 284-49 WAC is reserved for future small group health regulations.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-49-020	Supplanting or superseding of existing policies.
WAC 284-49-050	Definitions.
WAC 284-49-100	Forms—prior approval.
WAC 284-49-115	General contents of form and rate filings.
WAC 284-49-300	Minimum policy requirements.
WAC 284-49-330	Minimum coverage.
WAC 284-49-500	Standards for loss ratios.
WAC 284-49-510	Filing requirements.
WAC 284-49-520	Experience records.
WAC 284-49-900	Collection of data and reporting.
WAC 284-49-999	Separability.

**WSR 04-21-083**

**EXPEDITED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed October 20, 2004, 9:12 a.m.]

Title of Rule and Other Identifying Information: Based upon RCW 34.05.353 (1)(c), the department is using the expedited rule-making process to amend WAC 16-470-912(3). The amendment will delete the words "Effective July 1, 2003," which are no longer needed.

**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 THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO George Huffman, Rules Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, e-mail ghuff-

man@agr.wa.gov, AND RECEIVED BY December 20, 2004.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department inadvertently failed to remove the words "Effective July 1, 2003" from WAC 16-470-912(3) when the section was last amended. The proposed amendment will delete those words, which are no longer needed and would cause confusion if allowed to remain.

Reasons Supporting Proposal: The proposed amendment is a minor but necessary housekeeping change to WAC 16-470-912(3).

Statutory Authority for Adoption: Chapters 17.24 and 34.05 RCW.

Statute Being Implemented: Chapter 17.24 RCW.

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Wessels, Olympia, (360) 902-1984.

October 20, 2004

Mary A. Martin Toohey  
Assistant Director

**AMENDATORY SECTION** (Amending WSR 04-17-036, filed 8/10/04, effective 9/10/04)

**WAC 16-470-912 Schedule of fees and charges—Applicable fees and charges.** (1) Hourly rate.

Hourly rate - business hours	\$31.10
Hourly rate - nonbusiness hours	\$39.70

(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) Plant pathology laboratory diagnostic fees are as follows:

~~((Effective July 1, 2003))~~

Identity Determination	1 sample	5 samples	10 samples	50 samples	100+ samples
virus (ELISA)	At cost	At cost	\$10.30 ea	\$5.10 ea	\$2.95 ea
bacteria	41.20 ea	39.80 ea	37.30 ea	36.10 ea	36.10 ea
fungus	43.60 ea	37.30 ea	36.10 ea	34.80 ea	32.30 ea
nematode	32.30 ea	29.80 ea	27.30 ea	26.60 ea	24.80 ea

Note: To receive volume rates, samples must be submitted as a unit and identification requests must be for one specific virus, bacterium, fungus, or nematode. Samples tested for multiple pathogens will be considered as multiple samples unless all pathogens can be detected in a single test without additional inputs.

(4) The department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate for projects with at least one of the following characteristics:

(a) Projects greater than one hundred samples;

(b) Projects requiring materials not readily available; or  
(c) Projects requiring special handling or prolonged incubation periods.

The rate charged shall not be less than the cost to the department of performing the tests.

**WSR 04-21-091**

**EXPEDITED RULES**

**DEPARTMENT OF REVENUE**

[Filed October 20, 2004, 10:05 a.m.]

Title of Rule and Other Identifying Information: Repealing WAC 458-12-320 Timber—Ownership—Valuations—Roads—Easements.

**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 THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qually, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, fax (360) 586-5543, e-mail kimq@dor.wa.gov, AND RECEIVED BY December 20, 2004.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department proposes to repeal WAC 458-12-320 because of chapter 177, Laws of 2004, otherwise known as ESHB 2693, which relates to the taxation of timber on publicly owned land. Standing timber on public land is exempt from property tax until it is sold to a private person. Timber located on public land purchased by a timber harvester that is still standing on the January 1 assessment date is subject to property tax. Timber harvesters are required to pay timber excise tax on timber harvested on public and private lands. The personal property tax paid is used to offset a harvester's timber excise tax liability. As a direct result of ESHB 2693, a timber harvester will only have to pay timber excise tax on the timber harvested from public lands. The personal property tax on the sale of public timber is eliminated as of January 1, 2005.

Reasons Supporting Proposal: The personal property tax owed because of a sale of public timber, which was the focus of WAC 458-12-320, will be eliminated as of January 1, 2005, so the rule is no longer necessary.

Statutory Authority for Adoption: RCW 84.04.080.

Statute Being Implemented: RCW 84.33.040, 84.33-078.

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

Name of Proponent: Department of Revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6113; Implementation and Enforcement:

EXPEDITED

Peri Maxey, 1025 Union Avenue S.E., Suite #200, Olympia,  
WA, (360) 570-5860.

October 20, 2004  
Alan R. Lynn  
Rules Coordinator

EXPEDITED



**WSR 04-21-005**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**

[Filed October 7, 2004, 4:36 p.m., effective November 7, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To allow teachers from outside the state of Washington who hold a certificate comparable to the residency teaching certificate, and who have practiced for at least three years as a teacher at the P-12 level outside the state of Washington, and whose teacher preparation pathway included a supervised internship to obtain a residency teaching certificate in Washington.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-257 Out-of-state candidates.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 04-15-119 on July 20, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 27, 2004.

October 6, 2004

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 04-04-011, filed 1/23/04, effective 2/23/04)

**WAC 180-79A-257 Out-of-state candidates.** Candidates for certification from other states who meet the general certificate requirements described in WAC 180-79A-150 (1) and (2) shall be eligible for Washington certificates as follows:

(1) Initial and residency certificates. The initial certificate (residency certificate for teachers after August 31, 2000,) shall be issued by the superintendent of public instruction to any candidate who meets requirements for the residency certificate including testing requirements as described in RCW 28A.410.220, and who passes the WEST-B and meets one of the following:

(a) Qualifies under provisions of the interstate compact.

(b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state approved preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 180-79A-150(4).

(c) Provided, That if a candidate for teacher, administrator or educational staff associate certification does not meet the qualifications described in (a) or (b) of this subsection, an initial/residency certificate shall be issued to a candidate who holds an appropriate degree from a regionally accredited college or university and also holds or has held a certificate in the role, comparable to an initial/residency certificate, issued by another state and has practiced at the P-12 level in that respective role outside the state of Washington for three years: Provided further, That the teacher preparation program through which the teacher earned their teaching certificate included a supervised classroom-based internship.

(d) Provided further, That if a candidate for a teacher's certificate would qualify under (b) of this subsection, but for the fact that he or she has completed an approved teacher preparation program in a subject area that is not listed in chapter 180-82 WAC as a Washington endorsement, the candidate shall be issued a certificate that bears the out-of-state area of program preparation. It shall be noted on the certificate so issued that the subject area listed is not a Washington state endorsement.

(e) Holds an appropriate degree from a regionally accredited college or university and has practiced three years as an educational staff associate in that role in a state where such certificate was not required.

(f) Holds a valid Nationally Certified School Psychologist (NCSP) certificate issued by the National School Psychology Certification Board (NSPCB) after December 31, 1991, and applies for an initial educational staff associated school psychologist certificate.

(2) Continuing certificate. The continuing certificate shall be issued to administrators and educational staff associates on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

(3) Professional certificate. After August 31, 2000, the professional certificate shall be issued to out-of-state candidates if the candidate meets requirements for the residency certificate including testing requirements as described in RCW 28A.410.220, meets the child abuse course work requirement as described in WAC 180-79A-206 (3)(b), and if one of the following conditions is met:

(a) The candidate has completed an advanced level certification procedure approved by the state board of education as equivalent to the approved program procedure required in Washington; or

(b) The candidate holds a valid teaching certificate issued by the National Board for Professional Teaching Standards; or

(c) A Washington state college or university with an approved professional certificate program verifies that the candidate has met all the requirements of that institution's approved program. The college/university shall evaluate the candidate's background to determine whether or not course work or certification activities are equivalent to that college/university's approved program.

## WSR 04-21-013

## PERMANENT RULES

ENERGY SITE FACILITY  
EVALUATION COUNCIL

[Filed October 11, 2004, 3:22 p.m., effective November 11, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Update and reorganize EFSEC's rules for energy facilities (Title 463 WAC) and adopt siting standards. Updates incorporate changes to the APA and SEPA since Title 463 WAC was last updated and incorporation of EFSEC's current procedures and operations. Title 463 WAC was reorganized for ease of use and understanding. Adoption of new siting standards to streamline siting process.

Citation of Existing Rules Affected by this Order: Repealing WAC 463-06-130, 463-06-140, 463-06-160, 463-18-030, 463-18-040, 463-18-060, 463-18-070, 463-18-080, 463-26-040, 463-26-070, 463-26-080, 463-26-120, 463-26-130, 463-28-090, 463-36-010, 463-38-020, 463-38-030, 463-38-040, 463-38-050, 463-38-060, 463-42-382, 463-42-385, 463-42-435, 463-42-525, 463-42-625, 463-42-645, 463-42-655, 463-42-665, 463-42-675, 463-42-680, 463-42-685, 463-42-690, 463-47-040 and 463-50-020; and amending chapters 463-06, 463-10, 463-14, 463-18, 463-22, 463-26, 463-28, 463-30, 463-34, 463-36, 463-38, 463-40, 463-42, 463-43, 463-47, 463-50, 463-54, and 463-58 WAC.

Statutory Authority for Adoption: RCW 80.50.040 (1) and (12).

Adopted under notice filed as WSR 04-13-154 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: A sentence was added to WAC 463-62-010, 463-68-010, and 463-72-010 to clarify statement and intent.

A final cost-benefit analysis is available by contacting Allen Fiksdal, P.O. Box 43172, Olympia, WA 98504-3172, phone (360) 956-2152, fax (360) 956-2158, e-mail allenf@ep.cted.wa.gov.

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 61, Amended 139, Repealed 43.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 61, Amended 139, Repealed 43.

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.

Date Adopted: October 11, 2004.

James O. Luce  
EFSEC Chair

## Chapter 463-06 WAC

~~((GENERAL ORGANIZATION))~~  
AGENCY OPERATIONS AND PUBLIC RECORDS

AMENDATORY SECTION (Amending WSR 98-01-079, filed 12/12/97, effective 1/12/98)

WAC 463-06-010 ((Organization of this title.)) Purpose. ((This title (Title 463 WAC) contains the regulations by which the energy facility site evaluation council (hereafter, the council) functions under state and federal law.

Chapter 463-06 WAC contains general informational provisions relating to agency operation and public records handling which are required by the state Administrative Procedure Act and state laws relating to public records.

Chapter 463-10 WAC contains definitions of terms used throughout this title.

Chapter 463-14 WAC sets forth a number of significant policy and interpretive provisions relating to the scope and application of chapter 80.50 RCW and these rules.

Chapter 463-18 WAC deals with procedures for the conduct of business at regular and special council meetings.

Chapter 463-22 WAC sets forth procedures to be followed when a request for a potential site study is submitted under RCW 80.50.175.

Chapter 463-26 WAC sets forth procedures governing the public hearings referred to in RCW 80.50.090 (1), (2), and (4).

Chapter 463-28 WAC sets forth the council's procedures in determining whether to recommend that the state preempt local land use plans or zoning ordinances for a site.

Chapter 463-30 WAC contains procedural provisions governing adjudicative proceedings held pursuant to RCW 80.50.090(3).

Chapter 463-34 WAC outlines procedures for rule making and for obtaining declaratory orders from the council.

Chapter 463-36 WAC sets forth the council's procedures in amending or terminating a site certification agreement.

Chapter 463-38 WAC contains procedure and guidelines relating to issuance of permits to discharge pollutants into Washington waters pursuant to federal law.

Chapter 463-39 WAC provides the basic framework for the conduct of the council's responsibilities for air pollution prevention and control.

Chapter 463-42 WAC embodies council procedures and guidelines governing preparation of applications for energy facility site certification.

Chapter 463-43 WAC sets forth requirements for preparation and processing of applications which qualify for expedited processing.

Chapter 463-47 WAC implements the statewide SEPA rules in chapter 197-11 WAC.

Chapter 463-50 WAC defines guidelines for the use of independent consultants pursuant to RCW 80.50.070 and 80.50.175.

Chapter 463-54 WAC sets forth procedures and guidelines for performance of surveillance monitoring by the council pursuant to RCW 80.50.040(11).

~~Chapter 463-58 WAC contains rules relating to independent consultant fees for potential site study, application processing, and compliance determination.)~~ The purpose of this chapter is to describe the council and set out general information on agency operations and implementation of the public records provisions of chapter 42.17 RCW.

AMENDATORY SECTION (Amending WSR 98-01-078, filed 12/12/97, effective 1/12/98)

**WAC 463-06-020 Description of organization.** (1) The council is a state agency authorized by chapter 80.50 RCW.

(2) The voting membership of the council consists of ~~((the authorized representatives))~~ directors, administrators, or their designee of the member agencies listed in RCW 80.50.030. In addition, a voting county representative, a voting city representative, and a nonvoting port district representative may sit with the council under the circumstances described in RCW 80.50.030.

~~((2))~~ (3) The chair ~~((of the council))~~ is the person appointed by the governor with the advice and consent of the senate to a term coextensive with that of the governor pursuant to RCW 80.50.030.

(a) The chair has a vote on all matters before the council and has an office at the ~~((department of community, trade, and economic development))~~ council's office.

~~((3))~~ (b) Pursuant to RCW 80.50.030, the chair may designate a member of the council to serve as acting chair. The acting chair shall remain entitled to vote on any proposed council action and shall continue to fulfill his or her responsibilities under RCW 80.50.030 (3) through (5).

(c) The chair or a designee executes all official documents, contracts and other materials on behalf of the council.

(d) The chair or any member of the council may perform such duties as are specifically authorized and directed by the council, not in conflict with RCW 80.50.040.

(4) The department of community, trade, and economic development provides administrative services and staff to the council.

AMENDATORY SECTION (Amending WSR 98-01-078, filed 12/12/97, effective 1/12/98)

**WAC 463-06-030 Council office—Business hours.** The council office is currently located at ~~((the Department of Community, Trade, and Economic Development))~~ 925 Plum Street S.E., Olympia, Washington. It is open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., Saturdays, Sundays, and legal holidays excepted. Notices, applications, business correspondence, or other communication should be sent to the council office. The council's mailing address is P.O. Box 43172, Olympia, WA 98504-3172.

AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

**WAC 463-06-050 General method by which operations are conducted.** (1) In general, the council reaches major policy and operational decisions through formal council action at ~~((regular and special))~~ meetings held pursuant to

the Open Public Meetings Act, the state Administrative Procedure Act, or other applicable laws.

(2) In some circumstances, the chair may perform duties which are specifically authorized by the council.

(3) Day-to-day administration is handled by the council manager and staff.

(4) The council manager is responsible for implementing the decisions of the council and for directing the staff that supports the council.

(5) The council staff shall assist applicants in identifying issues presented by the application, review all information submitted, and recommend resolutions to issues in dispute that would allow site approval and may make recommendations to the council.

(6) The council staff are not parties to adjudicative proceedings conducted under chapter 34.05 RCW.

AMENDATORY SECTION (Amending Order 103, filed 11/4/76)

**WAC 463-06-060 How to obtain public records ~~((available))~~.** (1) All public records of the council are available for public inspection and copying at the council office ~~((pursuant to))~~, during regular business hours, in accordance with chapter 42.17 RCW and these rules, except as otherwise provided by ~~((RCW 42.17.310 or any superseding))~~ law.

(2) The public may request public records through the following mechanisms:

(a) Mail. Requests by mail shall be addressed to the council's mailing address: The Energy Facility Site Evaluation Council, P.O. Box 43172, Olympia, WA 98504-3172. The front of the envelope shall conspicuously state: "Public Records Request."

(b) E-mail. As of the date these rules are promulgated, the council's e-mail address is: efsec@ep.cted.wa.gov. This e-mail address may change without notice. The subject line of e-mail requests shall state: "Public Records Request."

(c) In person. In-person requests shall be made at the council's office, 925 Plum Street S.E., Olympia, Washington, or as such office may subsequently be relocated, during regular business hours.

(d) Fax. Faxed requests shall be accompanied by a cover sheet that conspicuously states: "Public Records Request."

AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

**WAC 463-06-070 Public records officer.** The council's public records officer is the council manager, or designee, who is responsible for implementation of these and other applicable regulations regarding public records. ~~((Correspondence regarding public records is to be addressed to the public records officer.))~~

AMENDATORY SECTION (Amending Order 103, filed 11/4/76)

**WAC 463-06-080 Contents of requests for public records.** ~~((Public records may be inspected and copied by members of the public when a request is made in writing which reflects the following information:~~

- (1) Name of the person requesting the records; and  
 (2) The day on which the written request was prepared or submitted; and  
 (3) The nature of the request (to the extent that this may expedite compliance); and  
 (4) If the matter requested is indexed, an appropriate index reference; or  
 (5) If the requested matter is not identifiable by reference to the current index, an adequate description of the record requested; and  
 (6) A prominent statement that the request is being made pursuant to chapter 42.17 RCW and these regulations.)) Chapter 42.17 RCW requires the council to prevent invasions of privacy, protect public records from damage or disorganization, prevent excessive interference with its essential functions, and prevent unreasonable disruptions of operations. Accordingly, the public may inspect and copy public records upon compliance with the following procedures:

(1) A member of the public who seeks a public record shall make a written request. The purpose of requiring written requests is to assist the council in tracking, managing and responding to the request in a timely and orderly fashion.

(2) No particular form of writing is required so long as the request complies with WAC 463-06-060 and contains the following information:

(a) Name, mailing address, and telephone number of the requesting party;

(b) The date on which the written request is made;

(c) Identification of the record requested with sufficient particularity that the council can identify the record and make it available. Such identifying information should, if possible, include the title, subject matter, and date of the record;

(d) A signed statement that the records will not be used for commercial purposes if a list of individuals is being requested, or for any use prohibited by law; and

(e) A prominent statement that the request is being made pursuant to chapter 42.17 RCW and these regulations.

(3) To facilitate processing the request, the requesting party should also include:

(a) Either a fax number or an e-mail address or both.

(b) A reference to the record as it is described in the current public record index maintained by the council.

**AMENDATORY SECTION** (Amending Order 103, filed 11/4/76)

**WAC 463-06-090 Staff assistance.** ((It is the obligation of the staff to assist requestors in identifying the public record requested. Staff members who are dealing with requests will make a sincere effort to respond to each initial request within two working days of first receipt.)) The council staff shall provide assistance to help persons requesting records to identify the records they seek. The staff may ask the requesting party to clarify what records are being sought.

**AMENDATORY SECTION** (Amending Order 103, filed 11/4/76)

**WAC 463-06-110 ((Fees for)) Copying and fees.** ((No fees are charged for inspection of public records. Requestors will be charged a fee not to exceed twenty five cents per page

of copy for use of the council's copy equipment in cases where no significant staff time is taken up with the request. In cases where significant staff time is taken up with the request, copying costs shall include the cost of said staff time. Charges for costs of providing records shall be submitted and paid prior to delivery of documents; provided that this advance payment requirement shall not be required of other government agencies or parties or intervenors in proceedings before this council.)) (1) Copying. The council shall make copies on the council's copy equipment when doing so will not unreasonably disrupt the council's operations or cause excessive interference with other essential functions. If it is determined that making copies will disrupt the council's operations, an alternative schedule will be developed, or other arrangements for copying will be made.

(2) Fees.

(a) The council shall not impose a fee for locating documents, for making them available, or for inspection of records by the public.

(b) The council may charge up to fifteen cents per page fee for copies of public records provided.

(c) The council, at its option, shall not provide copies unless the associated fees have been paid in full prior to delivery of documents; provided that this advance payment requirement shall not apply to other government agencies or tribes or to parties or intervenors in proceedings before the council.

**AMENDATORY SECTION** (Amending Order 103, filed 11/4/76)

**WAC 463-06-120 ((Determination of exempt status)) Disclosure procedure.** ((Determination whether a requested record is exempt under the provisions of RCW 42.17.310 will be made in each instance.)) (1) In accordance with RCW 42.17.320, within five business days of receiving a public records request, the council shall respond by:

(a) Providing the records;

(b) Acknowledging the council has received the request and providing a reasonable estimate of the time the council will require to respond; or

(c) Denying the record request, as set out in subsection (4) of this section.

(2) The council shall review the requested public records prior to disclosure.

(3) If the records do not contain materials exempt from public disclosure, the council shall disclose the records.

(4) If the records contain materials exempt from public disclosure, the council shall deny disclosure of the exempt materials and disclose any remaining, nonexempt materials. At the time of denial, the council shall clearly specify in writing the reasons for denial, including a statement of the specific exemptions or reason for denial of disclosure.

**AMENDATORY SECTION** (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

**WAC 463-06-150 Review of denials.** ((Any person is entitled to review of a public record request denial if written request for review is promptly made. The request should specifically refer to the written statement constituting the denial.

~~Any such written request is to be promptly referred to the council manager who shall either affirm or reverse the denial. The council manager may request a special meeting of the council to review the denial if such action is requested in writing and is otherwise warranted.) For the purpose of judicial review, final agency action is deemed to have occurred at the end of the second business day after the requesting party received notification of a denial of inspection.~~

AMENDATORY SECTION (Amending Order 103, filed 11/4/76)

**WAC 463-06-170 Records index.** The council shall maintain(s) and make available for public inspection an index of those classes of records described in RCW 42.17-.260 ((which)). The index is available for public inspection and copying.

(1) Form and content. The index shall be maintained in electronic form with copies available on paper. The index shall contain topic headings.

(2) Location and availability. The index shall be available to the public under the same rules and on the same conditions as are applied to other public records.

(3) Schedule for revisions and updates. The council shall revise and update the index annually.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 463-06-130	Deletion of identifying details.
WAC 463-06-140	Written denials.
WAC 463-06-160	Time for completion of review.

AMENDATORY SECTION (Amending WSR 98-01-080, filed 12/12/97, effective 1/12/98)

**WAC 463-10-010 Definitions.** Except where otherwise indicated in the following chapters, the following terms have the meaning shown:

(1) "Council" ((refers to)) means the energy facility site evaluation council created pursuant to chapter 80.50 RCW and, where appropriate, to the staff of the council.

(2) "Applicant" means the person or entity making application for a certification or permit covered by this title.

(3) "Adjudicative proceeding" means a proceeding conducted pursuant to RCW 80.50.090(3) and the state Administrative Procedure Act.

(4) "Certificate holder" means a person or entity who is signatory to a site certification agreement, which has been ((approved by the council and)) signed by the governor, and who is bound by ((the)) its terms ((therein)).

(5) "Chair" means the person appointed by the governor pursuant to RCW 80.50.030.

(6) "Council manager" means the individual who handles day-to-day administration for the council, administers

the decisions of the council, and directs the staff that supports the council.

(7) "Site certification agreement (SCA)" means the agreement between the state of Washington and the applicant that prescribes the conditions required for construction and operation of an energy facility.

(8) "Rule" as used herein, includes the terms "agency order," "directive" or "regulation" in accordance with RCW 34.05.010(16).

AMENDATORY SECTION (Amending Order 104, filed 11/4/76)

**WAC 463-14-010 Purpose ((of this chapter)).** The purpose of this chapter is to publicize significant policy determinations and interpretations by which the council is guided in implementing chapter 80.50 RCW and this title.

AMENDATORY SECTION (Amending Order 104, filed 11/4/76)

**WAC 463-14-020 Need for energy facilities—Legislative intent binding.** RCW 80.50.010 requires the council "to recognize the pressing need for increased energy facilities." In acting upon any application for certification, the council action will be based on the policies and premises set forth in RCW 80.50.010 ((1), (2), and (3))) including, but not limited to:

(1) Ensuring through available and reasonable methods that the location and operation of such facilities will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life;

(2) Enhancing the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; and

(3) Providing abundant power at reasonable cost.

AMENDATORY SECTION (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

**WAC 463-14-030 Public meetings and hearings policy for application reviews.** ((RCW 80.50.090 requires a minimum of two public hearings concerning each site for which certification is sought. The first of these is the local public hearing described in RCW 80.50.090 (1) and (2) where the council is obligated)) The council encourages, and will provide for, public participation in its public meetings and hearings during reviews of applications for site certification as afforded by law and rule. The following sets forth the public participation in those meetings and hearings required in RCW 80.50.090.

(1) The public informational hearing as prescribed in RCW 80.50.090(1) shall be held in the county of the proposed site. All persons shall be afforded an opportunity to comment to the council regarding the proposed site.

(2) The public land use consistency hearing as prescribed in RCW 80.50.090(2) shall be held in the county where the proposed site is located to determine whether or not the proposed use of the site is consistent and in compliance with city, county or regional land use plans ((or)) and zoning ordi-

nances at the time of application. ~~((However, in order to foster general public comment on the proposed site, the council will allow general public comment at such local public hearings, wherever possible. The council must also conduct a second))~~ If the proposed site is located in more than one county, a land use consistency hearing shall be held in each county. The council shall limit public testimony at this hearing to the issue of consistency and compliance with city, county, or regional land use plans and zoning ordinances.

(3) Although all persons desirous of participating may not be accorded "party" status in the public hearing held as an adjudicative proceeding under chapter 34.05 RCW ~~((Although all persons desirous of participating may not be accorded "party" status in this proceeding))~~ prior to preparation of any recommendation to the governor, the council, at times and places designated by the council, upon compliance with reasonable procedures, shall allow any person desiring to be heard ~~((shall be allowed))~~ to speak in favor of or in opposition to the proposed ~~((facility after the close of the evidentiary hearing but prior to preparation of any recommendation to the governor))~~ site.

(4) The council views the provisions of RCW 80.50.090 (4) as authorizing it to conduct additional public hearings ~~((of either the))~~ as ~~((local))~~ "public informational hearings," "public land use consistency hearings" or "adjudicative proceedings." ~~((variety))~~ The council may also hold public meetings concerning the application for site certification.

AMENDATORY SECTION (Amending Order 104, filed 11/4/76)

**WAC 463-14-050 Preemption.** Chapter 80.50 RCW operates as a state preemption of all matters relating to energy facility sites. Chapter 80.50 RCW certification is given in lieu of any permit, certificate, or similar document which might otherwise be required by state agencies and local governments.

AMENDATORY SECTION (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

**WAC 463-14-080 EFSEC deliberative process.** RCW 80.50.100 requires the council to report to the governor its recommendation ~~((as to the))~~ of approval or rejection of an application for certification. In order for the council to develop such a recommendation, it shall ~~((utilize a deliberative process for analysis and evaluation of an application to determine compliance with the intent and purpose of chapter 463-42 WAC. The council will))~~ use wherever applicable the following deliberative process:

(1) Evaluate an application to determine compliance with chapter 80.50 RCW and chapter 463-60 WAC;

(2) Contract for an independent consultant study of the application ~~((An environmental impact statement also will be adopted.~~

~~The council during the deliberative process will))~~ ;

(3) Conduct a review under the State Environmental Policy Act;

(4) Conduct an ~~((extensive public hearing as an))~~ adjudicative proceeding for the presentation of evidence on the application ~~((The council will));~~

(5) Conduct one or more sessions for the taking of public testimony concerning the proposed project ~~((The council will evaluate));~~

(6) Consider public comments received ~~((as part of the environmental review. The council throughout all of the deliberative process will));~~

(7) Consider any laws or ordinances, rules or regulations, which may be preempted by certification.

The council ~~((in open session)),~~ when fully satisfied that all issues have been adequately ~~((discussed))~~ reviewed, will consider and by majority decision will act on the question of approval or rejection of an application.

#### NEW SECTION

**WAC 463-14-100 Citations.** As used in Title 463 WAC citations to state statutes and regulations include such laws as they now exist or as hereafter amended.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 463-14-060

Open meetings with full discussion.

#### **Chapter 463-18 WAC**

#### ~~((PROCEDURE—REGULAR AND SPECIAL))~~ **COUNCIL MEETINGS AND PROCEEDINGS**

AMENDATORY SECTION (Amending Order 105, filed 11/4/76)

**WAC 463-18-010 Purpose** ~~((of this chapter)).~~ This chapter delineates procedures to be followed ~~((in the conduct of council business at regular and special))~~ at meetings of the council. Business conducted by the council may fall within the scope of the Open Public Meetings Act, chapter 42.30 RCW, or the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

**WAC 463-18-020 Governing procedure.** ~~((Council business at regular and special meetings is conducted according to Roberts Rules of Order except as suspended by majority vote. To the extent that any adjudicative proceeding is dealt with at regular or special meeting of the council, it is to be governed by the procedures set forth in chapters 463-30 and 463-38 WAC.))~~ The following procedures shall apply to proceedings under the Open Public Meetings Act, chapter 42.30 RCW and rule-making proceedings under the Administrative Procedure Act, chapter 34.05 RCW:

(1) A majority of the voting council members constitutes a quorum for the conduct of council business.

(2) All council decisions shall be transacted by motion. Motions may be made by any council member and shall require a second.

(3) Voting on all motions shall be by voice vote unless a division is called for, in which case the chair shall call the roll by agency and record the votes of each voting member present, "yea" or "nay."

(4) The order of business shall be conducted as prescribed by the agenda.

(a) The council manager shall prepare each meeting's agenda in consultation with the chair.

(b) The council may modify a meeting's agenda.

AMENDATORY SECTION (Amending WSR 98-01-084, filed 12/12/97, effective 1/12/98)

WAC 463-18-050 ((Special meetings.)) **Open Public Meetings Act proceedings.** The following requirements apply to those portions of the council's business that fall within the scope of the Open Public Meetings Act, chapter 42.30 RCW:

(1) Other than executive sessions, the council's meetings are open to the public.

(2) Regular meetings. Because the council does not hold meetings in accordance with a periodic schedule declared by statute or rule, the council's meetings are not "regular meetings" within the meaning of the Open Public Meetings Act.

(3) Special meetings.

(a) The chair or a majority of the voting members of the council may call a special meeting ((may be called)) at any time ((by the chair or by a majority of the members of the council)) in accordance with RCW 42.30.080 by delivering written notice personally or by mail ((written notice)) to each council member; and to each local newspaper of general circulation and to each local radio or television station which has on file a written request to be notified of such special meeting((s-ef)) or of all special meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the ((EFSEC)) council manager a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

(b) In addition to the special meeting notice requirements under RCW 42.30.080 described in subsection (4) of this section, the council shall, on or before January of each year, fix the time and place of the special meetings it proposes to hold during the upcoming calendar year and publish a schedule of those meetings in the *Washington State Register*. The council need not publish in the Register notice of any change from such meeting schedule although it may, in its discretion, elect to do so. In addition to the scheduled special meetings pub-

lished in the *Washington State Register*, the council may hold other special meetings without publication in the Register.

(4) Executive sessions. The chair or a majority of the voting members of the council may call an executive session at any time in accordance with RCW 42.30.110.

#### NEW SECTION

**WAC 463-18-090 Adjudicative proceedings.** Adjudicative proceedings required by RCW 80.50.090(3) shall be governed by the Administrative Procedure Act, chapter 34.05 RCW, and chapter 463-30 WAC.

#### NEW SECTION

**WAC 463-18-100 Rule-making proceedings.** Rule-making proceedings shall be governed by the Administrative Procedure Act, chapter 34.05 RCW.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 463-18-030	Quorum.
WAC 463-18-040	Delegation of duties.
WAC 463-18-060	Procedure in the absence of the chairman.
WAC 463-18-070	Council duties of acting chairman.
WAC 463-18-080	County, city and port district representatives—Participation.

#### **Chapter 463-22 WAC**

#### ~~((PROCEDURE AND GUIDELINES—))~~ **POTENTIAL SITE STUDIES**

AMENDATORY SECTION (Amending Order 106, filed 11/4/76)

**WAC 463-22-010 Purpose ((of this chapter)).** This chapter sets forth procedures and guidelines for processing potential site((s)) studies pursuant to RCW ((80.50.170 and)) 80.50.175.

AMENDATORY SECTION (Amending Order 106, filed 11/4/76)

**WAC 463-22-020 Potential site study request—Where submitted.** Requests shall be submitted to the energy facility site evaluation council at the council office in writing.

AMENDATORY SECTION (Amending Order 106, filed 11/4/76)

**WAC 463-22-030 Potential site study—Fee. ((A))** An initial fee of \$10,000 shall accompany the study request and

shall be a condition precedent to any action by the council. Payment shall be made by a cashier's check payable to the state treasurer.

AMENDATORY SECTION (Amending Order 106, filed 11/4/76)

**WAC 463-22-050 Retention of consultant.** Upon ~~((determining that the request is complete))~~ receipt of a request for a potential site study, the council ~~((will))~~ shall commission an independent consultant of its choice to study and report in writing to the council on the potential site. The report of study ~~((will))~~ shall set forth a general analysis of the potential environmental impact of the proposed energy facility and ~~((will))~~ shall identify significant areas of environmental concern. The study may also encompass whatever other matters the council and potential applicant deem essential for an adequate appraisal of the potential site and potentially impacted areas surrounding or adjacent to the site.

AMENDATORY SECTION (Amending Order 106, filed 11/4/76)

**WAC 463-22-090 Additional costs procedure.** ~~((In the event that the council determines that the initial fee of \$10,000 is insufficient to adequately fund the potential site study,))~~ The council shall ~~((so advise))~~ provide the potential applicant ~~((and shall furnish))~~ an estimate of the ~~((supplemental fees))~~ full cost needed to complete the study including costs for consultants, council staff, council members, and other such expenses that are deemed reasonable by the council. In no event shall the study be allowed to continue if the potential applicant has not agreed to pay the cost thereof.

NEW SECTION

**WAC 463-22-100 Public information meeting.** During the potential site study, the council may hold a public information meeting in the county or counties within whose boundaries the site of the proposed energy facility is located, or as close to the proposed site as practicable. The council shall publish notice of the meeting in local daily or weekly news publications. This public information meeting shall not be in lieu of the requirements of RCW 80.50.090.

**Chapter 463-26 WAC**

~~((PROCEDURE INITIAL PUBLIC HEARING AND))~~  
**PUBLIC ~~((INFORMATION))~~ INFORMATIONAL MEETING AND LAND USE HEARING**

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

**WAC 463-26-010 Purpose ~~((of this chapter))~~.** This chapter sets forth the procedures to be followed in the conduct of the ~~((initial public hearing held pursuant to RCW 80.50.090(1) and the))~~ public informational meeting pursuant to RCW 80.50.090(1) and as described in WAC ~~((463-26-130))~~ 463-26-025, and the public land use hearing held pursuant to RCW 80.50.090(2).

AMENDATORY SECTION (Amending Order 78-8, filed 8/28/78)

**WAC 463-26-020 Notification of local authorities.** Before ~~((scheduling the initial public hearing))~~ conducting either the public informational meeting under RCW 80.50.090(1) or the public land use hearing under RCW 80.50.090(2), the council will notify the legislative authority in each county, city and port district within whose boundaries the site of the proposed energy facility is located.

NEW SECTION

**WAC 463-26-025 Public informational meeting.** The council shall conduct at least one public informational meeting concerning each application. At this meeting, the council will present the general procedure to be followed in processing the application including a tentative sequence of council actions, the rights and methods of participation by local government in the process, and the means and opportunities for the general public to participate.

(1) The applicant shall make a presentation of the proposed project utilizing appropriate exhibits. The presentation shall include: A general description of the project and the proposed site; reasons why the proposed site or location was selected; and a summary of anticipated environmental, social, and economic impacts.

(2) The general public shall be afforded an opportunity to present written or oral comments relating to the proposed project. The comments may become part of the adjudicative proceeding record.

(3) The informational meeting shall be held in the general proximity of the proposed project as soon as practicable within sixty days after receipt of an application for site certification.

NEW SECTION

**WAC 463-26-035 Introduction of counsel for the environment.** The council shall invite the counsel for the environment to be present at the public informational meeting. Counsel for the environment shall be introduced and afforded an opportunity to explain his or her statutory duties under chapter 80.50 RCW.

AMENDATORY SECTION (Amending Order 78-8, filed 8/28/78)

**WAC 463-26-050 Purpose for land use hearing.** At the commencement of the ~~((initial))~~ public land use hearing, the council shall explain that the purpose of the ~~((initial))~~ hearing under RCW 80.50.090~~((1))~~ (2) is to determine whether at the time of application the proposed facility ~~((is))~~ was consistent and in compliance with ~~((county or regional))~~ land use plans ~~((or))~~ and zoning ordinances ~~((and that this matter shall have priority))~~. Pursuant to RCW 80.50.020(15) "land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government under chapters 35.63, 35A.63, or 36.70 RCW. Pursuant to RCW 80.50.020(16) "zoning ordinance" means an ordinance of local government regulating the use of land and adopted pur-

PERMANENT

suant to chapters 35.63, 35A.63, or 36.70 RCW or Article XI of the state constitution.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

**WAC 463-26-060 Public announcement—Testimony.** At the outset of the ~~((initial))~~ public land use hearing, the council shall publicly announce that opportunity for testimony by anyone shall be allowed relative to the consistency and compliance with ~~((county or regional))~~ land use plans ~~((or))~~ and zoning ordinances.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

**WAC 463-26-090 Procedure where certificates affirming compliance with ~~((zoning ordinances or))~~ land use plans and zoning ordinances are presented.** This rule contemplates that applicants will enter as exhibits, at the land use hearing, certificates from local authorities attesting to the fact that the proposal is consistent and in compliance with ~~((county or regional))~~ land use plans ~~((or))~~ and zoning ordinances. In cases where this is done, such certificates will be regarded as *prima facie* proof of consistency and compliance with such land use plans and zoning ordinances ~~((or land use plans))~~ absent contrary demonstration by anyone present at the hearing.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

**WAC 463-26-100 Procedure where no certificates relating to ~~((zoning ordinances or))~~ land use plans and zoning ordinances are presented.** In cases where no certificates relating to ~~((zoning or))~~ land use plans and zoning ordinances are presented to the council, then the applicant ~~((will be required to demonstrate compliance with local zoning or land use plans as part of its presentation. Local authorities shall then be requested to testify on the question of consistency and compliance with county or regional))~~ and local authorities shall address compliance or noncompliance with land use plans or zoning ordinances.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

**WAC 463-26-110 Determination regarding ~~((zoning or))~~ land use plans and zoning ordinances.** ~~((Prior to the conclusion of the hearing,))~~ The council shall make a determination as to whether the proposed site is consistent and in compliance with land use plans ~~((or))~~ and zoning ordinances pursuant to RCW 80.50.090(2).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 463-26-040 Adversary nature of hearings.

WAC 463-26-070	Introduction of counsel for the environment.
WAC 463-26-080	Explanation of entire certification process.
WAC 463-26-120	Initial determination subject to review.
WAC 463-26-130	Public information meeting.

**Chapter 463-28 WAC**

~~((PROCEDURE—))~~STATE PREEMPTION

AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

**WAC 463-28-010 Purpose ~~((and scope))~~.** This chapter sets forth procedures to be followed by the council in determining whether to recommend to the governor that the state preempt local land use plans or zoning ordinances for a site or portions of a site for an energy facility.

AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

**WAC 463-28-030 Determination of noncompliance—Procedures.** If the council determines during the hearing required by RCW 80.50.090 that the site of a proposed energy facility or any portion of a site is not consistent and in compliance with ~~((existing))~~ land use plans or zoning ordinances in effect at the date of the application, the following procedures shall be observed:

- (1) As a condition necessary to continue processing the application, it shall be the responsibility of the applicant to make the necessary application for change in, or permission under, such land use plans or zoning ordinances, and make all reasonable efforts to resolve the noncompliance.
- (2) All council proceedings on the application for certification may be stayed at the request of the applicant during the period when the plea for resolution of noncompliance is being processed by local authorities.
- (3) The applicant shall submit regular reports to the council regarding the status of negotiations with local authorities on noncompliance issues.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 463-28-090 Governing rules.

PERMANENT

Chapter 463-30 WAC

~~((PROCEDURE))~~ ADJUDICATIVE PROCEEDINGS

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-010 Purpose** ~~((and scope of this chapter))~~. The purpose of this chapter is to set forth procedures by which adjudicative proceedings are to be conducted before the council under chapter 34.05 RCW. Except as indicated herein, the uniform procedural rules set forth in chapter 10-08 WAC shall not apply to adjudicative proceedings before the council.

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-020 Council conducted hearings and administrative law judges.** The council ~~((may conduct))~~ is the presiding officer at adjudicative proceedings pursuant to chapters 34.05 and 80.50 RCW ~~((or it))~~. The council may utilize an administrative law judge provided by the office of administrative hearings ~~((pursuant to chapter 34.12 RCW. In the event the council elects to conduct the hearing, a presiding officer shall be appointed and the hearing shall be governed by the regulations and procedures contained in this chapter and chapter 34.05 RCW, as applicable))~~ to facilitate conduct of administrative hearings and all matters related thereto. Administrative hearings shall be governed by chapter 34.05 RCW and this chapter.

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-050 Status of ~~((agencies and agency))~~ members in adjudicative proceedings.** All state agencies and local governments having members on the council are deemed to be parties to any adjudicative proceeding before the council. For purposes of any adjudicative proceeding, however, the agency or local government representative on the council shall be deemed to be a member of the council and not a member of the agency or local government. ~~((It shall be proper for the agency representative on the council to))~~ Members of the council shall not communicate with employees of the represented agency or local government, ~~((excepting those agency employees))~~ who have participated in the proceeding ~~((in any manner))~~ or who are otherwise disqualified by RCW 34.05.455.

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-060 Definitions—Persons and parties.** The terms "person" and "party" when used in this chapter shall have the following meanings. The term "person" shall be defined according to RCW 80.50.020(3). The term "party" shall mean and be limited to the following:

- (1) The "applicant" as defined in RCW 80.50.020(1).
- (2) Each "member agency" as ~~((defined))~~ specified in RCW 80.50.030 (3) through (6).

(3) The "counsel for the environment" as defined in RCW 80.50.020(12).

(4) Each person admitted to an adjudicative proceeding as an "intervenor," is a party only for the purposes and subject to any limitations and conditions specified in the council order granting intervention.

AMENDATORY SECTION (Amending WSR 98-01-084, filed 12/12/97, effective 1/12/98)

**WAC 463-30-080 Commencement of adjudicative proceedings.** Adjudicative proceedings shall commence upon issuance of a formal notice of hearing or prehearing conference. The notice shall be served upon all parties at least twenty days in advance of the initial hearing date, unless the council finds that an emergency exists requiring the hearing or prehearing conference to be held upon less notice.

The time and place of continued hearing sessions may also be set:

- (1) Upon the record without further written notice to the parties; or
- (2) By letter from the ~~((EFSEC))~~ council manager; or
- (3) By letter from the presiding officer.

In such instances, twenty days' prior notice is not required.

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-090 Publicity—Commencement of adjudicative proceedings.** Upon the filing of an application for certification, the council shall prepare an appropriate statement for dissemination to the news media which shall: (1) Describe all actions taken to date regarding the proposed site, and (2) state clearly that any person may be allowed to present timely written or oral argument for or against the proposed site to be certified and that advance notice within a reasonable time shall be required of persons who desire status as intervenors in accordance with WAC ~~((463-30-400))~~ 463-30-091.

NEW SECTION

**WAC 463-30-091 Intervention.** On timely application in writing to the council, intervention shall be allowed to any person upon whom a statute confers a right to intervene and, in the discretion of the council, to any person having an interest in the subject matter and whose ability to protect such interest may be otherwise impaired or impeded. All petitions to intervene shall be verified under oath by the petitioner, shall adequately identify the petitioner, and shall establish with particularity an interest in the subject matter and that the ability to protect such interest may be otherwise impaired or impeded. In exercising discretion with regard to intervention, the council shall consider whether intervention by the petitioner would unduly delay the proceeding or prejudice the rights of the existing parties. The council may establish a date after which petitions to intervene will not be considered except for good cause shown. When such a date has been established, the council will assure that adequate public notice is given.

PERMANENT

NEW SECTION

**WAC 463-30-092 Participation by intervenor.** In general, it is the policy of the council to allow any intervenor broad procedural latitude. To the extent that the council determines that numerous intervenors might unduly delay the proceedings or prejudice the rights of existing parties, intervenor status may be conditioned upon assent by the prospective intervenor and counsel for the environment to allow the counsel for the environment to act as lead counsel for the balance of the hearing, where the intervenor's interests more closely align with those of the counsel for the environment. Intervenor status may also be conditioned upon allowance of other parties to act as lead parties, where appropriate. The council reserves the right to prescribe other limitations and conditions, where appropriate.

NEW SECTION

**WAC 463-30-093 Participation by county, city and port district representatives.** In any adjudicative site certification proceeding, designated council members representing local jurisdictions may discuss and, if authorized, vote only on issues affecting their jurisdictions. Issues shall be separated for purposes of discussion and voting.

AMENDATORY SECTION (Amending WSR 98-01-084, filed 12/12/97, effective 1/12/98)

**WAC 463-30-120 Format, filing and service of documents.** (1) ~~(Filing. Filing of any document shall be deemed complete only upon receipt by the EFSEC manager or other authorized agent of the council. Receipt in the council's telefax machine, or similar device, does not constitute filing. Unless in a particular case the council specifies a different number of copies, every pleading submitted to the council shall be filed with two copies. Filing a document with the council does not constitute service upon the office of the attorney general or any other party. Likewise, service on the office of the attorney general does not constitute a filing with the council.~~

~~(a))~~ Format.

(a) All pleadings, motions, and other documents (including prefiled testimony) filed with the council shall be legibly written or printed. The use of letter size paper (8 1/2 by 11 inches) is mandatory. The writing or printing shall appear on two sides of the page.

(b) The requirements of (a) of this subsection are not mandatory for exhibits but the use of exhibits that comply with (a) of this subsection is encouraged if it does not impair legibility.

(2) Filing.

(a) In each case, the council will specify the number of copies required for motions, related pleadings, and exhibits which must be filed with the council.

(b) Document shall be deemed filed only upon actual receipt by the council manager or designee during office hours.

(c) Faxes.

(i) As used in this rule, "fax" means electronic telefacsimile transmission.

(ii) Except as specified in (c)(iii) of this subsection, receipt of a document in the council's fax machine does not constitute filing.

(iii) For good cause shown, a party may request and the council manager or designee may in his or her sole discretion grant authority to file a document by fax.

(iv) Filing by fax is perfected when a complete legible copy of the document is reproduced on the council manager's fax machine during the council's normal office hours, so long as the council receives the required number of nonfaxed originals on the next successive business day. If a transmission of a document by fax commences after the council's normal office hours, the document shall be filed on the next successive business day.

(v) Any document filed by fax must be accompanied by a cover page or other form identifying the party making the transmission, listing the address, telephone, and fax number of the party, identifying the adjudicative proceeding to which the document relates, and indicating the date faxed and total number of pages included in the transmission.

(vi) The party attempting to file a document by fax bears the risk that the document will not be timely received or legibly printed, regardless of the cause. If a fax is not received in legible form, it will be considered as if it had never been sent.

(d) E-mail. The filing of documents with the council by electronic mail is not authorized without the express approval of the council manager or designee and under such circumstances as the council manager or designee allows.

(e) Filing a document with the council does not constitute service upon the office of the attorney general or any other party. Likewise, service on the office of the attorney general does not constitute a filing with the council.

(f) Applications. Applications for a site certificate shall be filed in the manner prescribed by the rules governing such applications.

~~((b) Other pleadings. All pleadings shall be legible and a copy shall be served upon each party to the proceeding.~~

~~(2))~~ (3) Service.

(a) A copy of each pleading, motion, and document filed with the council shall be simultaneously served upon each party.

(b) Service by parties.

(i) Service of pleadings, motions, and other documents by parties shall be made by delivering one copy to each party (A) in person, (B) by mail, ((properly addressed with postage prepaid,)) (C) by commercial parcel delivery company ((properly tendered with fees prepaid, or by telefacsimile transmission)) or (D) for documents not exceeding twenty-five pages, if authorized by the council manager or designee, by fax, where originals are mailed simultaneously.

(ii) Except as otherwise provided, when any party has appeared by attorney or other authorized representative, service upon such attorney or representative will be deemed valid service upon the party ((of all future pleadings before the council)). ((Service of pleadings by mail shall be complete when a true copy of the document is properly addressed and stamped and deposited in the United States mail. Service by commercial parcel delivery company shall be complete when accepted for delivery by the company.

~~(b))~~ (iii) Service of documents shall be deemed complete upon (A) personal delivery, (B) deposit in the United States mail properly addressed with appropriate first-class postage prepaid, (C) acceptance for delivery by a commercial parcel delivery company, properly tendered with fees prepaid, or (D) production by the fax machine of a confirmation of transmission by fax, with simultaneous deposit of the originals in the United States mail, properly addressed with appropriate first-class postage prepaid.

(c) Service by the council. All notices, ~~((findings of fact, decisions, and))~~ orders and other documents required to be served by the council may be served by delivery of one copy to each party (i) in person, (ii) by mail, (iii) by commercial parcel delivery company, ~~((properly tendered with fees prepaid, or by telefacsimile transmission))~~ or (iv) by fax, when originals are mailed simultaneously. Service of documents ~~((shall be complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail with first class postage affixed, or accepted for delivery by the parcel delivery company))~~ by the council shall be deemed complete upon (A) personal delivery, (B) deposit in the United States mail properly addressed with appropriate first-class postage prepaid, (C) acceptance for delivery by a commercial parcel delivery company, properly tendered with fees prepaid, or (D) production by the council's fax machine of a confirmation of the transmission by fax, with simultaneous deposit of the originals in the United States mail, properly addressed with appropriate first-class postage prepaid.

~~((e))~~ (d) Certificate of service. There shall appear on or in a separate document accompanying the original of every pleading when filed with the council in accordance with this subsection, either an acknowledgment of service, or the following certificate:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by authorized method of service pursuant to WAC 463-30-120 ~~((2)(a))~~ (3).

Dated at . . . . . this . . . . . day of . . . . .  
(signature) . . . . .

(4) Courtesy copies. Parties are encouraged to send courtesy copies of documents to the council and all other parties via electronic mail.

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-200 Subpoenas—Practice.** (1) Subpoenas shall be issued and enforced, and witness fees paid, as provided in RCW 34.05.446.

(2) Every subpoena shall identify the party causing issuance of the subpoena and shall state the name of the agency and the title of the proceeding and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his or her control at the time and place set for the hearing.

(3) A subpoena may be served by any suitable person over eighteen years of age, by exhibiting and reading it to the witness, or by giving him or her a copy thereof, or by leaving such copy at the place of his or her abode. When service is

made by any other person than an officer authorized to serve process, proof of service shall be made by affidavit.

(4) The presiding officer, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may:

(a) Quash or modify the subpoena if it is unreasonable and oppressive; or

(b) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(5) No subpoena shall be issued or given effect to require the attendance and testimony of, or the production of evidence by, any member of the council or any member of the council staff ~~((in any proceeding before the council))~~. For these purposes, the council's independent consultant is deemed a member of the council staff.

(6) The council shall ~~((only))~~ be responsible for paying only the witness fees of the witnesses which it subpoenas. Each subpoena shall bear the name of the party requesting or issuing the subpoena and the party responsible for paying the witness fees.

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-250 Stipulations ~~((and settlement))~~ of fact.** ~~((1) Stipulations are encouraged. The parties to any adjudicative proceeding before the council may, by stipulation in writing filed with the council or entered into the record, agree upon the facts or any portion thereof involved in the proceeding. This stipulation, if accepted by the council, shall be binding upon the parties thereto and may be used by the council as evidence at the hearing. The council may reject the stipulation or require proof by evidence of the stipulated facts, notwithstanding the stipulation of the parties.~~

(2) Before or after a formal hearing, parties to a proceeding may enter into discussions leading to a voluntary settlement. In furtherance of a voluntary settlement, the council may invite the parties to confer among themselves or with a designated person. Settlement conferences shall be informal and without prejudice to the rights of the parties. No statement, admission, or offer of settlement made at a settlement conference shall be admissible in evidence in any formal hearing before the council. Any resulting settlement or stipulation shall be stated on the record or submitted in writing and is subject to approval by the council.) A stipulation is an agreement among parties intended to establish one or more operative facts in an adjudicative proceeding. The council encourages parties to enter stipulations of fact. The parties to an adjudicative proceeding before the council may agree to all of the facts or any portion of the facts involved in the proceeding. The parties to a stipulation may file it in writing or enter it orally into the record. A stipulation, if accepted by the council, is binding on the stipulating parties. The parties may present the stipulation as evidence at the hearing. The council may reject the stipulation or require proof of the stipulated facts, despite the parties' agreement to the stipulation.

PERMANENT

NEW SECTION

**WAC 463-30-251 Alternative dispute resolution.** The council supports parties' informal efforts to resolve disputes when doing so is lawful and consistent with the public interest. Alternative dispute resolution (ADR) includes any mechanism to resolve disagreements, in whole or in part.

(1) Forms of ADR. Parties may agree to negotiate with other parties at any time without council oversight. The council may direct parties to meet or consult as provided in subsection (2) of this section, or may establish or approve a collaborative process as provided in subsection (3) of this section. The council may assign a mediator or facilitator to assist the parties. The council may also assign an arbitrator whose decision is subject to council review.

(2) Settlement conference. The council may invite or direct the parties to confer among themselves or with a designated person. Settlement conferences must be informal and without prejudice to the rights of the parties.

(3) Collaborative.

(a) Defined; membership. A collaborative is a form of ADR and is a council-sanctioned negotiation in which interested parties work with each other and representatives of council staff to achieve consensus on one or more issues assigned by the council or identified by the collaborative participants. Any interested party whose interests may be substantially affected by the result of the collaborative must be given an opportunity to participate. Collaborative participants must inform the council and seek approval if a collaborative changes its membership or redefines the issues it will address.

(b) Communication with council. Communication between the council and collaborative participants may be through council staff assigned to serve as a third party neutral in the collaborative, or through the council manager, subject to agreement among the participants to the form and substance of any such communication.

(4) ADR guidelines. In any ADR process, the following apply unless all participants agree otherwise:

(a) The parties, as their first joint act, will consider any guidelines or directions by the council, and determine the ground rules governing the negotiations;

(b) No statement, admission or offer of settlement made during negotiations is admissible in evidence in any formal hearing before the council without the consent of the participants or unless necessary to address the process of the negotiations;

(c) To the extent permitted by law, parties may agree that information exchanged exclusively within the context of settlement negotiations will be treated as confidential as provided in a council protective order; and

(d) Participants in a council-sanctioned ADR process must periodically advise any nonparticipating parties and the council of any substantial progress made toward settlement. Participants must immediately advise the council if a council-sanctioned ADR process is without substantial prospects of resolving the issue or issues under negotiation.

NEW SECTION

**WAC 463-30-252 Settlement.** A settlement is an agreement among two or more parties. Applicants, member agencies, and the counsel for the environment may enter into a settlement concerning any matter. Intervenors may enter into a settlement agreement subject to any limits and conditions specified in the council's order granting intervention. Settlements are filed with the council as a proposed resolution of the issues addressed in the agreement.

(1) Full settlement. An agreement of all parties that would resolve all issues in a proceeding may be presented as a full settlement for council review.

(2) Partial settlement. An agreement of all parties on fewer than all issues in a proceeding may be presented as a partial settlement for council review, and remaining matters may be the subject of further council proceedings.

(3) Multiparty settlement. An agreement of some but not all parties on one or more issues may be offered as their position in the proceeding along with the evidence that they believe supports it.

(4) Notice to council. Parties must advise the council if they reach a full, partial, or multiparty settlement and may suggest preferred procedural alternatives for review of the settlement, subject to the requirements of WAC 463-30-253 and 463-30-254. The council will determine the appropriate procedure in each proceeding consistent with the requirements of WAC 463-30-253 and 463-30-254.

NEW SECTION

**WAC 463-30-253 Settlement consideration procedure.** The council must have a reasonable opportunity to hear parties' views on why a proposed settlement should be approved and adopted, to ask questions of the parties, and to conduct its processes in an orderly fashion. Parties must, therefore, consider the timing and the content of their settlement presentation to the council.

(1) Settlement presentation timing. Parties must file a proposed settlement that allows the council sufficient time for the filing, review, and approval of any filing.

(2) Settlement presentation contents. When filing a proposed settlement agreement, parties must also file supporting documentation sufficient to demonstrate to the council that the proposal is appropriate for adoption.

(a) Supporting documentation should include supporting evidence; a narrative outlining the scope of the settlement and its principal aspects; a statement explaining in detail why the proposal is appropriate for adoption; a summary of its costs and benefits; and a summary of legal points that bear on the proposed settlement. The documentation may be in the form of a memorandum, supporting prefiled testimony, brief, or other form that serves the same functions.

(b) Parties must make a brief presentation to the council concerning the proposed settlement and address any legal or factual matters associated with it. Each party to the settlement agreement must offer to present one or more witnesses to testify in support of the proposal and to answer questions. In the case of a contested settlement, parties opposed to the council's adoption of the proposal may offer to present one or more witnesses to testify or argue against the proposal.

NEW SECTION

**WAC 463-30-254 Council discretion to accept or reject a proposed settlement or other agreement.** The council will not delegate to parties the power to make decisions. The council retains the right to exercise its authority in every adjudicative proceeding to consider any proposed settlement or other agreement of the parties. The council may decide whether or not to consider a proposed settlement or agreement. If the council considers a proposed settlement or agreement, the council may accept it, reject it, or take any other action the council deems appropriate.

**AMENDATORY SECTION** (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-270 Prehearing conference.** (1) The ~~((presiding officer))~~ council upon ~~((his or her))~~ its own motion or upon request of a party may direct the parties or their representatives to engage in a prehearing conference or conferences to consider:

- (a) Simplification of issues;
- (b) The necessity or desirability of amendments to the pleadings;
- (c) The possibility of obtaining stipulations, admissions of fact, and admissions of the genuineness of documents which will avoid unnecessary proof;
- (d) Limitations on the number and consolidation of the examination of witnesses;
- (e) Procedural matters;
- (f) Distribution of written testimony and exhibits to the parties prior to the hearing;
- (g) The disposition of petitions for leave to intervene in the proceeding filed pursuant to WAC ~~((463-30-400))~~ 463-30-091 may be ruled upon at a prehearing conference;
- (h) Such other matters as may aid in the disposition or settlement of the proceeding including scheduling the hearing and determination of the sequence of the subject matter.

(2) Prehearing conferences may be held by telephone conference call or at a time and place specified by the ~~((presiding officer))~~ council.

(3) Following the prehearing conference, the presiding officer shall issue an order reciting the action taken at the conference, the amendments allowed to the pleadings, ~~((and))~~ the agreements made by the parties concerning all of the matters considered and other matters as appropriate. If no objection to ~~((such notice))~~ the order is filed within ten days after the date ~~((such notice))~~ the order is mailed, it shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(4) In any proceeding the ~~((presiding officer))~~ council may ~~((at his or her discretion,))~~ conduct a conference prior to the taking of testimony, or may recess the hearing for such conference, for the purpose of carrying out the purpose of this section. The ~~((presiding officer))~~ council shall state on the record the results of such conference.

(5) Nothing in this section shall be construed to limit the right of the council to order a prehearing conference or other settlement procedure prior to issuance of a notice of hearing.

**AMENDATORY SECTION** (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-30-320** ~~((Entry of initial and final orders.))~~ Preparation of recommendation to the governor. Every ~~((decision and order whether initial or final))~~ recommendation to the governor shall:

- (1) Be correctly captioned to identify the council and name of the proceeding;
- (2) Identify all parties and representatives participating in the proceeding;
- (3) Include a concise statement on the nature and background of the proceeding;
- (4) Contain appropriate numbered findings of fact ~~((meeting the requirements of RCW 34.05.461));~~
- (5) Contain appropriate numbered conclusions of law, including citations to statutes and rules relied upon;
- (6) Contain ~~((an initial or final order))~~ a recommendation disposing of all contested issues;
- (7) ~~((If applicable,))~~ Contain such other information deemed appropriate by the council;
- (8) Contain a statement describing the parties' rights to reconsideration or other administrative relief.

**AMENDATORY SECTION** (Amending WSR 98-01-084, filed 12/12/97, effective 1/12/98)

**WAC 463-30-335 Petition for reconsideration of recommendations to the governor.** A petition for reconsideration of a ~~((final order under RCW 34.05.470))~~ recommendation to the governor shall be filed with the ~~((EFSEC))~~ council manager.

(1) The petition for reconsideration shall be filed with the council within twenty days of the date of service of the recommendation to the governor, unless a different place and time limit for filing the petition are specified in the recommendation to the governor in its statement describing available procedures for administrative relief. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed.

(2) The petition for reconsideration shall specify the challenged portions of the recommendation to the governor and shall refer to the evidence of record and legal authority which is relied upon to support the petition.

(3) Any party may file an answer to a petition for reconsideration. The answer shall be filed with the council manager within fourteen days after the date of service of the petition and copies of the answer shall be served upon all other parties or their representatives at the time the answer is filed.

NEW SECTION

**WAC 463-30-345 Recommendation—Transmittal to governor.** Upon the adoption by the council of its recommendations as to the approval or disapproval of an application for certification, the council shall forward such recommendations to the governor.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 463-30-030 Use of the term "council."
- WAC 463-30-055 Applicant funding of council members salaries and fringe benefits for extended adjudications.
- WAC 463-30-280 Attendance by council members at prehearing conferences.
- WAC 463-30-330 Petition for review and replies.
- WAC 463-30-390 Recommendation—Transmittal to governor.
- WAC 463-30-400 Intervention.
- WAC 463-30-410 Participation by intervenor.
- WAC 463-30-420 Participation by county, city and port district representatives.

**Chapter 463-34 WAC**

**~~(PROCEDURE)~~ PETITIONS FOR RULE MAKING AND DECLARATORY ORDERS**

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-34-010 Purpose** (~~and scope of this chapter~~). This chapter sets forth procedures to be followed in petitions for rule making and for declaratory orders pursuant to chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-34-030 Petitions for rule making—(Form), Content and filing.** ((A)) (1) Petitions for adoption, amendment, or repeal of a rule may be filed pursuant to RCW 34.05.330 and shall (~~generally adhere to the following form:~~

(1) ~~At the top of the page, centered, shall appear the wording "before the energy facility site evaluation council." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for rule making." Opposite the caption shall appear the word "petition."~~

(2) ~~The body of the petition shall be set out in numbered paragraphs:~~

(a) ~~The first paragraph shall state the name and address of the petitioner and whether the petition seeks the adoption of a new rule or amendment or repeal of an existing rule.~~

(b) ~~The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired~~

~~rule in its entirety. If the petition seeks repeal of an existing rule, the rule proposed to be repealed shall be set forth in full.~~

~~(c) The third paragraph shall set forth concisely the reasons for the proposal and shall state the petitioner's interest in the subject matter of the rule. The petition should in subsequent paragraphs state a full explanation of reasons supporting the proposal.~~

~~(3) Petitions shall be dated and signed by the petitioner or its attorney. The original and two legible copies shall be filed with the council)) include the information required by WAC 82-05-020. In addition, petitioners are encouraged to include the information identified in WAC 82-050-020 (1)(c) and (2).~~

~~(2) Petitions for adoption, repeal, or amendment of a rule must be submitted in accordance with WAC 82-05-030.~~

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-34-050 Petitions for rule making—Consideration (and disposition).** (1) In accordance with WAC 82-05-040, within a reasonable time of receipt of a petition for rule making, the council will send the petitioner an acknowledgment of receipt of the petition and the name and telephone number of the council's contact person.

(2) Each petition for the adoption, amendment, or repeal of a rule shall be considered by the council, and the council may, in its discretion, solicit comments or invite discussion concerning the matter prior to disposition of the petition.

~~((2) If the council denies the petition, the denial shall be in writing and shall be served upon the petitioner.))~~

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-34-060 Petitions for rule making—Disposition (time).** In accordance with RCW 34.05.330 and WAC 82-05-040, within sixty days after receipt of the petition (s submission), the council shall deny the petition in writing, stating its reasons for the denial, and serve petitioner with a copy, or initiate rule-making proceedings.

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-34-070 Declaratory orders—Form, content, and filing.** A petition for a declaratory order may be filed pursuant to RCW 34.05.240 to determine the applicability to a specified circumstance of a statute, rule, or order enforceable by the council and shall generally adhere to the following form:

(1) At the top of the page, centered, shall appear the wording "before the energy facility site evaluation council." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory order." Opposite the caption shall appear the words "petition for declaratory order."

(2) The body of the petition shall be set out in numbered paragraphs:

PERMANENT

(a) The first paragraph shall state the name and address of the petitioning party.

(b) The second paragraph shall ~~((state))~~ identify all statutes, rules, orders, or ((statutes)) other legal requirements that ((may be brought into the)) are at issue ((by the petition)).

(c) Succeeding paragraphs shall set out the facts relied upon ~~((and))~~ by the ~~((reasons for granting its relief))~~ petitioner to make the showing required by RCW 34.05.240(1) and to support the petitioner's requested outcome.

(d) The concluding paragraph shall specify the ~~((relief))~~ outcome sought by the petitioner.

The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

(3) The original and two legible copies of the petition shall be filed with the council.

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-34-080 Declaratory orders—Procedural rights of persons in relation to petition.** (1) In accordance with WAC 10-08-251, if a petition for a declaratory order is set for specified proceedings under RCW 34.05.240 (5)(b), the ((agency)) council shall give not less than seven days' advance written notice of the proceeding to the petitioner and all persons described in RCW 34.05.240(3). The notice shall specify the time, date, place, and nature of the proceeding and shall describe how interested persons may participate.

(2) The council may order that RCW 34.05.410 through 34.05.494 and chapter 463-30 WAC shall apply in a proceeding under this section.

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

**WAC 463-34-090 Declaratory orders—Disposition ((of petition)).** In accordance with WAC 10-08-252, a declaratory order entered by the council or a decision by the council to decline to enter a declaratory order shall be in writing and shall be served upon the petitioner and all other persons described in RCW 34.05.240(3).

### Chapter 463-36 WAC

#### ~~((PROCEDURE—))~~ AMENDING, TRANSFERRING, OR TERMINATING A SITE CERTIFICATION AGREEMENT

AMENDATORY SECTION (Amending Order 87-2, filed 11/19/87)

**WAC 463-36-030 Request for amendment.** A request for amendment of ~~((an))~~ a site certification agreement shall be made in writing by a certificate holder to the council. The council will consider the request and determine a schedule for action at the next feasible council meeting. ~~((The council will then refer the question to committee for recommendation, determine a schedule for action, or take action upon the request.))~~ The council may, if appropriate and required for full understanding and review of the proposal, secure the

assistance of a consultant or take other action at the expense of the certificate holder. The council shall hold one or more public hearing sessions upon the request for amendment at times and places determined by the council.

AMENDATORY SECTION (Amending Order 87-2, filed 11/19/87)

**WAC 463-36-070 Approval by ~~((resolution))~~ council action.** An amendment request which ~~((changes a technical provision or requirement within the terms of the SCA, and constitutes no substantial alteration))~~ does not substantially alter the substance of any provisions of the SCA, ~~((and))~~ or which is determined not to have ((no)) a significant detrimental effect upon the environment, shall be effective upon ((adoption)) approval by the council. Such approval may be in the form of a council resolution.

AMENDATORY SECTION (Amending Order 87-2, filed 11/19/87)

**WAC 463-36-080 Approval by governor.** An amendment which substantially alters the substance of any provision of the SCA or which is determined to have a significant detrimental effect upon the environment shall be effective upon the signed approval of the governor ~~((of Washington state)).~~

AMENDATORY SECTION (Amending WSR 92-23-012, filed 11/6/92, effective 12/7/92)

**WAC 463-36-100 Transfer of a site certification agreement.** ~~((1))~~ No site certification agreement, any portion of a site certification agreement, nor any legal or equitable interest in such an agreement issued under this chapter shall be transferred, assigned, or in any manner disposed of (including abandonment), either voluntarily or involuntarily, directly or indirectly, through transfer of control of the certification agreement or the site certification agreement owner or project sponsor without express council approval of such action. In the event a site certification agreement is to be acquired via a merger, leveraged buy-out, or other change in corporate or partnership ownership, the successor in interest must file a formal petition under the terms of this section to continue operation or other activities at the certificated site.

~~((2)(a))~~ (1) A certification holder seeking to transfer or otherwise dispose of a site certification agreement must file a formal application with the council including information about the new owner required by WAC ~~((463-42-065 and 463-42-075))~~ 463-60-015 and 463-60-075 that demonstrate the transferee's organizational, financial, managerial, and technical capability to comply with the terms and conditions of the original site certification agreement including council approved plans for termination of the plant and site restoration. The council may place conditions on the transfer of the certification agreement including provisions that reserve liability for the site in the original certification holder.

~~((b))~~ (2) If the certification holder is seeking an alternative disposition of a certificated site, the certification holder must petition the council for an amendment to its site certification agreement pursuant to the provisions of this chapter

and gain council approval of its alternative disposition plan. In submitting a request for an alternative disposition of a certificated site, the certification holder must describe the operational and environmental effects of the alternative use of the site on the certified facility. If the proposed alternative use of the site is inconsistent with the terms and conditions of the original site certification agreement the council may reject the application for alternative use of the site.

(3) The council shall require any person who submits an application to acquire a site certification agreement under provisions of this section to file a written consent from the current certification holder, or a certified copy of an order or judgment of a court of competent jurisdiction, attesting to the person's right, subject to the provisions of chapter 80.50 RCW et seq. and the rules of this chapter, to possession of the energy facility involved.

(4) After mailing a notice of the pending application for transfer of the site certification agreement to all persons on its mailing list, the council shall hold an informational hearing on the application. Following the hearing the council may approve an application for transfer of the site certification agreement if the council determines that:

(a) The applicant satisfies the provisions of WAC (~~463-42-065 and 463-42-075~~) 463-60-015 and 463-60-075;

(b) The applicant is entitled to possession of the energy facility described in the certification agreement; and

(c) The applicant agrees to abide by all of the terms and conditions of the site certification agreement to be transferred and has demonstrated it has the organizational, financial, managerial, and technical capability and is willing and able to comply with the terms and conditions of the certification agreement being transferred.

(5) The council shall issue a formal order either approving or denying the application for transfer of the site certification agreement. If the council denies the request, it shall state the reasons for its denial.

**NEW SECTION**

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
463-36-020	463-66-020
463-36-030	463-66-030
463-36-040	463-66-040
463-36-050	463-66-050
463-36-060	463-66-060
463-36-070	463-66-070
463-36-080	463-66-080
463-36-090	463-66-090
463-36-100	463-66-100

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 463-36-010	Council policy.
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**NEW SECTION**

**WAC 463-38-005 Purpose.** (1) This chapter establishes regulations specifying procedures and other rules which will be utilized by the council in implementing section 402 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.

(2) The purpose of these regulations is to establish a state individual permit program, applicable to the discharge of pollutants and other wastes and materials to the surface waters of the state, which complies with the requirements of chapters 80.50 and 90.48 RCW, EPA, and applicable state laws and regulations.

(3) These regulations apply to:

(a) Any energy facility for which a certification agreement has been executed pursuant to chapter 80.50 RCW et seq.; and

(b) Any energy facility for which an application has been filed with the council for certification pursuant to chapter 80.50 RCW et seq.

(4) The authority for these regulations is based upon RCW 80.50.040(1), chapter 90.48 RCW, chapter 155, Laws of 1973, and the act.

**AMENDATORY SECTION** (Amending Order 114, filed 2/4/77)

**WAC 463-38-010 Definitions.** As used in this chapter, the following terms shall have the meanings indicated below:

(1) ~~((The term))~~ "Act" means the Federal Water Pollution Control Act (FWPCA) as amended, ~~((Public Law 92-500))~~ (33 U.S.C. ~~((1314))~~ 1251, et seq.).

(2) ~~((The term))~~ "Administrator" means the administrator of the United States Environmental Protection Agency.

(3) ~~((The term "applicable effluent standards and limitations" means all state of Washington and federal effluent standards and limitations to which a discharge is subject under the act, including but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.~~

(4) ~~The term))~~ "Applicable water quality standards" means all water quality standards of the state of Washington to which a discharge is subject under ~~((the act and which have been:~~

~~(a) Approved or permitted to remain in effect by the administrator pursuant to section 303(a) or section 303(e) of the act, or,~~

~~(b) Promulgated by the administrator pursuant to section 303(b) or section 303(e) of the act.~~

(5) ~~The term))~~ state and federal law, including, but not limited to, those which are codified in chapters 173-200, 173-201A, and 173-204 WAC, and 40 CFR 131.36.

(4) "Applicant" shall mean any person who has applied for an NPDES permit pursuant to ~~((the act and section 402(b) thereof))~~ this chapter.

~~((6) The term))~~ (5) "Certification agreement" means that binding site certification agreement executed between an applicant under chapter 80.50 RCW and the state ~~((which embodies compliance with the siting guidelines adopted in RCW 80.50.050)), and shall contain the conditions set forth in the NPDES permit to be met prior to or concurrent with the~~

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construction or operation of any energy facility coming under chapter 80.50 RCW.

~~((7) The term "chairman"))~~ (6) "Chair" means the chairman of the energy facility site evaluation council.

(7) "Contiguous zone" means the entire zone established or to be established by the United States under Article 24 of the Convention of the Territorial Sea and the Contiguous Zone.

~~((The term))~~ "Council" means the Washington state energy facility site evaluation council.

~~((The term))~~ "Council manager" means the individual holding the position of manager of the council.

(10) "Discharge of pollutant" and the term "discharge of pollutants" each mean:

(a) Any addition of any pollutant ~~((to navigable waters))~~ or combination of pollutants to surface waters of the state from any point source~~(;);~~

(b) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source.

~~((10) The term "DOE"))~~ (11) "Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration or surface waters as may be present.

(12) "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. In case of subsurface sewage treatment and disposal, the term is restricted to mean those facilities treating and disposing of domestic wastewater only from a septic tank with subsurface sewage treatment and disposal and an ultimate design capacity exceeding fourteen thousand five hundred gallons per day at any common point.

(13) "Ecology" means the Washington state department of ecology.

~~((11) The term))~~ (14) "Effluent limitations" means any restriction established ~~((pursuant to the act))~~ by the state of Washington or the administrator on quantities, rates and concentrations of chemical, physical, biological and other constituents which are discharged from point sources into ~~((navigable))~~ surface waters, the waters of the ~~((contiguous zone or the ocean))~~ state, including schedules of compliance.

~~((12) The term))~~ (15) "Energy facility" means any energy facility, as defined in RCW 80.50.014.

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

~~((13) The term "executive secretary" means the individual holding the position of executive secretary of the council.~~

~~((The term))~~ (17) "General permit" means a permit which covers multiple dischargers within a designated geographical area, in lieu of individual permits being issued to each discharger.

(18) "Governor" ~~((shall))~~ means the governor of the state of Washington.

~~((15) The term "minor discharge" means any discharge which:~~

(a) Has a total volume of less than 50,000 gallons on every day of the year;

~~(b) Does not affect the waters of any state other than Washington, and;~~

~~(c) Is not identified by the council, the regional administrator or by the administrator in regulations issued pursuant to section 307(a) of the act as a discharge which is not a minor discharge.~~

If there is more than one discharge from a facility and the sum of the volumes of all discharges exceeds 50,000 gallons on any one day of the year, then no discharge from the facility is a "minor discharge" as defined herein.

~~(16) The term "national data bank" means a facility or system established or to be established by the administrator for the purpose of assembling, organizing and analyzing data pertaining to water quality and the discharge of pollutants.~~

~~((The term))~~ (19) "Municipality" means a city, town, county, district, association, or other public body created by or pursuant to state law and having 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 section 208 of the Federal Water Pollution Control Act (FWPCA).

(20) "National Pollutant Discharge Elimination System (NPDES)" means the national system for the issuance of permits under section 402 of the act and includes the Washington state program (set forth in chapter 151, Laws of 1973) for participation in said system which has been approved by the administrator in whole pursuant to section 402 of the act.

~~((18) The term))~~ (21) "New source" means any building, structure, facility or installation from which there is or may be the discharge of pollutants, the construction of which is commenced ~~((after the publication of proposed regulations prescribing a standard of performance under section 306 of the act, which will be applicable to such source if such standard is thereafter promulgated in accordance with section 306 of the act))~~:

(a) After promulgation of standards of performance under section 306 of the act which are applicable to such sources; or

(b) After proposal of standards of performance in accordance with section 306 of the act which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within one hundred twenty days of their proposal.

~~((19) The term))~~ (22) "NPDES application" means the uniform national forms for application for a NPDES permit (including subsequent additions, revisions or modifications duly promulgated by the administrator pursuant to the act) as ~~((adopted))~~ prescribed by the council for use in the Washington state NPDES program.

~~((20) The term))~~ (23) "NPDES form" means any issued NPDES permit, ~~((refuse action application;))~~ the NPDES application and the NPDES reporting form, and any uniform national form developed for use in the NPDES program as prescribed in regulations promulgated by the administrator.

~~((21) The term))~~ (24) "NPDES permit" means the permit incorporated in the certification agreement issued by the council which regulates the discharge of pollutants pursuant to section 402 of the act.

~~((22) The term)~~ (25) "NPDES program" means that program of the state of Washington pursuant to section 402 of the act.

~~((23) The term)~~ (26) "NPDES reporting form" or "discharge monitoring report" means the uniform national forms (including subsequent additions, revisions or modifications duly promulgated by the administrator pursuant to the act) for reporting data and information pursuant to monitoring and other conditions of NPDES permits.

~~((24) The term "permittee" means any person who has been issued a complete Refuse Act or an NPDES permit.~~

~~(25) The term "pollution" means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.~~

~~(26) The term "Refuse Act" means section 13 of the River and Harbor Act of March 3, 1899.~~

~~(27) The term "Refuse Act application" means the application for a permit under the Refuse Act.~~

~~(28) The term "Refuse Act permit" means any permit issued under the Refuse Act.~~

~~((29) The term)~~ (27) "Permit" means an authorization, license, or equivalent control document issued by the council to implement this chapter. "Permit" does not include any permit which has not yet been the subject of final council action, such as a "draft permit" or a "proposed permit."

~~(28) "Person" means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, local, state, or federal government agency, industry, firm, individual or any other entity whatsoever.~~

~~(29) "Point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.~~

~~(30) "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. This term does not mean:~~

~~(a) Sewage from vessels within the meaning of section 312 of the act; or~~

~~(b) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state in which the well is located, and if such state determines that such injection or disposal will not result in the degradation of ground or surface water resources.~~

~~(31) "Regional administrator" means the EPA's region X administrator.~~

~~((30) The term "schedule of compliance" means a schedule of remedial measures, including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, prohibition or standard.~~

~~(31) The term "sewage" means human body waste and the wastes from toilets and other receptacles intended to receive or retain body wastes.~~

~~(32) The term "sewage sludge" means the solids and precipitates separated from waste water by unit processes.~~

~~(33) The term "energy facility" means any energy facility, as defined in RCW 80.50.020(11).~~

~~(34) "Trade secrets" as used in these regulations means information having an alleged commercial importance which, under relevant state law, is protected by reason of a confidential relationship, exclusive, however, of any data or information required by Federal law or regulation to be made publicly available.~~

~~(35) The definitions of the following terms contained in section 502 of the act shall be applicable to such terms as used in these regulations unless the context otherwise requires:~~

~~(a) The term "interstate agency" means an agency of two or more states established by or pursuant to an agreement or compact approved by the congress, or any other agency of two or more states, having substantial powers or duties pertaining to the control of pollution as determined and approved by the administrator.~~

~~(b) The term)~~ (32) "State" means ((a) any of the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

~~((c) The term "municipality" means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to state law and having 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 section 208 of this act.~~

~~(d) The term "person" means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body.~~

~~(e) The term "pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. This term does not mean:~~

~~(i) Sewage from vessels within the meaning of section 312 of this act; or,~~

~~(ii) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state in which the well is located, and if such state determines that such injection or disposal will not result in the degradation of ground or surface water resources.~~

~~(f) The term "navigable waters" means the waters of the United States, including the territorial seas.~~

~~(g) The term "territorial seas" means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea~~

and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.

(h) The term "contiguous zone" means the entire zone established or to be established by the United States under Article 24 of the Convention of the Territorial Sea and the Contiguous Zone.

(i) The term "ocean" means any portion of the high seas beyond the contiguous zone.

(j) The term "toxic pollutant" means those pollutants, or combinations of pollutants, including disease-causing agents, which after the discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

(k) The term "point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

(l) The term "biological monitoring" shall mean the determination of the effects on aquatic life, including accumulation of pollutants in tissue, in receiving waters due to the discharge of pollutants

(i) By techniques and procedures, including sampling of organisms representative of appropriate levels of the food chain appropriate to the volume and the physical, chemical, and biological characteristics of the effluent, and

(ii) At appropriate frequencies and locations.

(m) The term "discharge" when used without qualification includes a discharge of a pollutant, and a discharge of pollutants.)

(33) "Storm water discharge associated with industrial activity" means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial facility. For energy facilities, the term includes, but is not limited to, storm water discharges from industrial facility yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined in 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this subsection, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on facility lands separate from the facility's industrial activities, such as office buildings and accompanying parking lots as long as the

drainage from the excluded areas is not mixed with storm water drained from the above described areas. The following additional categories of facilities are considered to be engaging in "industrial activity":

(a) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N;

(b) Facilities where construction activity includes clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

(34) "Surface waters of the state" means all waters defined as "waters of the United States" in 40 CFR 122.2 that are within the boundaries of the state of Washington. This includes lakes, rivers, ponds, streams, inland waters, wetlands, ocean, bays, estuaries, sounds, and inlets.

(35) In the absence of other definitions as set forth herein, the definitions as set forth in 40 CFR 122.2 and 122.26(b) shall be used.

## NEW SECTION

**WAC 463-38-025 Authorization required.** No waste materials or pollutants may be discharged from any energy facility as defined in WAC 463-76-010 into surface waters of the state, except as authorized pursuant to this chapter or as authorized by the council pursuant to its authority under chapter 80.50 RCW for coverage under a general permit promulgated by ecology.

## AMENDATORY SECTION (Amending Order 114, filed 2/4/77)

**WAC 463-38-031 Application filing with the council.** (1) For each energy facility ((described in WAC 463-38-020(3))) proposing to commence a discharge of pollutants to surface waters of the state, there shall be filed with the council:

(a) A complete ((Refuse Act)) NPDES application ((as previously submitted to the U.S. Corps of Engineers unless such application has been transmitted to the council by the regional administrator; or,)) at the time of submitting an application for site certification to the council pursuant to RCW 80.50.071, for proposals to discharge wastewater or storm water to surface waters of the state. Applicants may seek coverage for storm water discharge associated with construction activity or storm water from areas located on facility lands separate from the facility's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from the areas described in WAC 463-76-010(33) under a NPDES storm water general permit, promulgated by ecology. Any subsequent determination of such an NPDES application's adequacy shall not affect the council's finding that a complete application pursuant to RCW 80.50-070 has been received.

(b) A complete NPDES application ((no later than 60 days following receipt by the person identified in WAC 463-

38-032 for such energy facility of notice from the council that the previously filed Refuse Act application is so deficient as not to have satisfied the filing requirements; or

(e) A complete NPDES application at the time of submitting an application to the council pursuant to RCW 80.50.070. Any subsequent determination of such an NPDES application's adequacy shall not affect the council's finding that a complete application pursuant to RCW 80.50.070 has been received.

(d) A complete NPDES application for any energy facility described in WAC 463-38-020(3) and not covered in paragraph (1)(a), (b) or (c) above. Such NPDES application for any energy facility and not covered above shall be filed either:

(i) No less than ~~((180))~~ one hundred eighty days in advance of the day on which it desires to commence the discharge of pollutants ~~(;);~~ ; or ~~(;);~~

(ii) In sufficient time prior to the commencement of the discharge of pollutants to insure compliance with the requirements of section 306 of the act, ~~((or with any applicable zoning or siting requirements established pursuant to section 208 (b)2(e) of the act))~~ and other applicable water quality standards and applicable effluent standards and limitations.

(2) Each person requesting an NPDES permit from the council shall be required to submit additional information as determined necessary by the council after ~~((a Refuse Act or))~~ an NPDES application has been filed and reviewed by the council. Information shall be provided in sufficient detail such as to fulfill the requirements of 40 CFR 122.26(c).

(3) If ~~((a Refuse Act or))~~ an NPDES application is determined to be incomplete or otherwise deficient, the NPDES portion of any application filed pursuant to RCW 80.50.070 shall not be processed until ~~((such time as))~~ the applicant has supplied the missing information or otherwise corrected the deficiency.

(4) The council shall not consider any NPDES application for a energy facility ~~((included within WAC 463-38-020 (3)(b)))~~ until and unless an application for certification is filed with the council pursuant to RCW 80.50.070.

(5) Each NPDES application will be submitted on such form as specified by the council.

#### AMENDATORY SECTION (Amending Order 114, filed 2/4/77)

**WAC 463-38-032 Signature form.** ~~((Any NPDES form submitted to the council shall be signed as follows:~~

~~(1) In the case of private corporations, by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the NPDES form originates.~~

~~(2) In the case of a partnership, by a general partner.~~

~~(3) In the case of a sole proprietorship, by the proprietor.~~

~~(4) In the case of a municipal corporation, state or other public organization, by either a principal executive officer, the ranking elected official or a duly authorized employee.)~~

(1) Applications. All permit applications shall be signed as follows:

(a) For a corporation. By a responsible corporate officer. For the purpose of this section, responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

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

(c) For a municipality, state, federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

(i) The chief executive officer of the agency; or

(ii) A senior executive officer having responsibility.

(2) All reports required by permits, and other information requested by the council shall be signed by a person described in subsection (1) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(a) The authorization is made in writing by a person described in subsection (1) of this section;

(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of facility manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(c) The written authorization is submitted to the council.

(3) Changes to authorization. If an authorization under subsection (2) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection (2) of this section must be submitted to the council prior to or together with any reports, information, or applications to be signed by an authorized representative.

(4) Certification. Any person signing a document under subsection (1) or (2) of this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly

gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**AMENDATORY SECTION** (Amending Order 114, filed 2/4/77)

**WAC 463-38-033 Tentative determination on NPDES permits.** (1) The council shall formulate and prepare tentative determinations with respect to an NPDES application in advance of public notice as to the proposed issuance or denial of the NPDES permit. Such tentative determination shall be made no later than six months after receipt of a complete NPDES application, or such later time as determined by the council. Such tentative determination shall include at least the following:

(a) A proposed determination to issue or deny an NPDES permit for the discharge described in the ~~((Refuse Act or))~~ NPDES application; and

(b) If the proposed determination in paragraph 1 of this section is to issue the NPDES permit, the following ~~((additional tentative determinations shall be made by the council))~~ shall be included in the tentative determination:

(i) Proposed effluent limitations, identified pursuant to WAC ~~((463-38-053))~~ 463-76-053(1)~~((,2))~~;

~~((ii))~~ (ii) A proposed schedule of compliance including interim dates and requirements for meeting the proposed effluent limitations identified pursuant to WAC 463-38-054); and

~~((iii))~~ (ii) A brief description of any other proposed special conditions (other than those required pursuant to WAC ~~((463-38-055))~~ 463-76-055) which will have a significant impact upon the discharges described in the NPDES application.

(2) The council shall organize the tentative determination prepared pursuant to paragraph 1 of this section into a draft NPDES permit.

**AMENDATORY SECTION** (Amending Order 114, filed 2/4/77)

**WAC 463-38-034 Fact sheets.** (1) ~~((For every discharge in excess of 500,000 gallons on any one day of the year,))~~ The council shall prepare and include in any public notice given pursuant to WAC ~~((463-38-041))~~ 463-76-041 a fact sheet with respect to the ~~((Refuse Act or))~~ NPDES application described in the public notice. Such fact sheet shall include at least the following:

(a) The type of facility or activity which is subject of the application;

(b) A sketch or detailed description of the location of the discharge described in the NPDES application;

~~((b))~~ (c) A quantitative description of the type of discharge described in the NPDES application which includes at least the following:

(i) The rate and frequency of the proposed discharge; ~~((if the discharge is continuous, the))~~ as average daily flow in gallons per day or million gallons per day and whether the flow is continuous or intermittent;

(ii) For thermal discharges ~~((subject to limitation under the act)),~~ the estimated maximum, minimum and average summer and winter temperatures ~~((in degrees Fahrenheit));~~ and

(iii) The average daily discharge in pounds per day, or other appropriate units, of any pollutants which are present in significant quantities or which are subject to limitations or prohibition under this chapter and RCW 90.48.010, 90.54.020 and sections 301, 302, 306 or 307 of the act and regulations published thereunder;

~~((e))~~ (d) The tentative determinations required under WAC ~~((463-38-033))~~ 463-76-033.

~~((d))~~ A brief citation, including a brief identification of the uses for which the waters receiving said discharges have been classified by DOE, of the water quality standards and of the effluent standards and limitations applied to the proposed discharge; and

~~((e))~~ A fuller description than that given in the public notice ~~((e))~~ The legal and technical grounds for the tentative determination, including an explanation of how conditions meet both the technology-based and water quality-based requirements of the act and chapters 90.48, 90.52, and 90.54 RCW;

(f) The effluent standards and limitations applied to the proposed discharge;

(g) The applicable water quality standards, including identification of the uses for which receiving waters have been classified by ecology;

(h) How the draft permit addresses use or disposal of residual solids generated by wastewater treatment; and

(i) A description of the procedures to be used by the council in formulating final determinations for an NPDES permit, which shall include, but not be limited to:

(i) Thirty day comment period required by WAC ~~((463-38-041))~~ 463-76-041(2);

(ii) Procedures for requesting a public hearing and the nature thereof; and

(iii) Any other procedures by which the public may participate, either directly or through counsel for the environment, in the formulation of the final determinations, including the availability of any environmental assessments or detailed statements of environmental impact and any public hearings which may be held by the council prior to the final determination on the ~~((Refuse Act or))~~ NPDES application.

(2) The name of any person or group will be added to a mailing list upon request for receipt of copies of fact sheets. A fact sheet will be sent to the applicant and each person or group on such mailing list. Each person or group on such mailing list will be sent notice of any subsequent revision of the permit or fact sheet.

**AMENDATORY SECTION** (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

**WAC 463-38-041 Public notice**~~((, provisions))~~. (1) ~~((Notices shall be circulated))~~ The council shall circulate

notice of the NPDES application and tentative determination within the geographical areas of the proposed discharge (~~and shall be published in a local or daily newspaper of general circulation; such~~). Circulation (~~may~~) shall include (~~any~~) one or (at least) more of the following:

(a) Posting for a period of thirty days in the post office and public places of the municipality nearest the premises of the applicant in which the effluent source is located;

(b) Posting for a period of thirty days at or near the entrance of the applicant's principal place of business and in nearby places;

(c) Posting on the council's internet website;

(d) Publishing in a major local newspaper of general circulation.

(2) Any persons may, within thirty days following the date of the public notice, submit their written views on the tentative determinations with respect to the NPDES application. All written comments submitted during the (~~30~~) thirty-day comment period shall be retained by the council and considered in their final determination with respect to the NPDES applications. The period for comments may be extended at the discretion of the council.

(3) The contents of public notice of application for NPDES permits shall include at least the following:

(a) Name, address and telephone number of (~~agency issuing the public notice~~) the council;

(b) Name and address of applicant;

(c) Brief description of applicant's activities or operations which result in the discharge described in the NPDES application (e.g., thermal electric power generating facility stationary or floating);

(d) Name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway, indicating whether such discharge is new, a modification, or an existing discharge;

(e) A statement of the tentative determination to issue or deny an NPDES permit for the discharge described in the NPDES application;

(f) A brief description of the procedures for the formulation of final determinations, including the (~~30~~) thirty-day comment period required by paragraph (2) of this section and any other means set forth in WAC (~~(463-38-034)~~) 463-76-034 (1)(~~(e)~~) (i).

(g) Address and telephone number of state or interstate agency premises at which interested persons may obtain further information, request a copy of the draft permit prepared pursuant to WAC (~~(463-38-033)~~) 463-76-033(2), request a copy of the fact sheet described in WAC (~~(463-38-034)~~) 463-76-034 and inspect and copy NPDES forms and related documents at a reasonable charge.

(4) The council shall notify the applicant and persons who have submitted written comments or requested notice of the final permit decision. This notification shall include response to comments received and reference to the procedures for contesting the decision.

(5) Public and agency notice will be given as set forth below:

(a) (~~Notice shall be mailed~~) The council shall mail the notice to any person or group carried on the mailing list identified in WAC (~~(463-38-034)~~) 463-76-034(2). Upon written

request, the name of any person or group shall be added upon written request to a mailing list for distributing copies of notices for all NPDES applications within the state or within a certain geographical area.

(b) At the time of issuance of public notice pursuant to (~~WAC 463-38-041~~) this section a fact sheet will be sent to:

(i) Any other state whose waters may be affected by the issuance of the NPDES permit and to any interstate agency having water quality control authority over waters which may be affected by the issuance of a permit and, upon request, providing such state and interstate agencies with a copy of the NPDES application and a copy of the proposed permit prepared pursuant to WAC (~~(463-38-033)~~) 463-76-033(2). Each affected state and interstate agency shall be afforded an opportunity to submit written recommendations to the council and to the regional administrator, which shall be duly considered by the council in accordance with the policies, provisions and regulations of the act, chapter 80.50 RCW et seq., and chapter 34.05 RCW et seq.

(ii) The district engineer of the Army Corps of Engineers (for NPDES applications for discharges (other than minor discharges) into navigable waters), the United States Fish and Wildlife Service, the United States National Oceanic and Atmospheric Administration - Fisheries, the state departments of ecology, fish and wildlife, natural resources, and social and health services, the office of archaeology and historic preservation office, applicable Indian tribes and any other applicable government agency.

(iii) Any other federal, state or local agency (~~or any affected county~~), Indian tribe, upon request and shall provide such agencies an opportunity to respond, comment or request a public hearing pursuant to WAC (~~(463-38-042)~~) 463-76-042. (~~Such agencies shall include at least the following:~~

~~(a) The agency responsible for the preparation of an approved plan pursuant to section 208(b) of the act;~~

~~(b) DOE; and~~

~~(c) Appropriate public health agencies, including those represented on the council.))~~

AMENDATORY SECTION (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

WAC 463-38-042 Public hearings. (1) (~~Any~~) The applicant, any affected state, any affected interstate agency, any affected county, any interested agency, any affected tribe, person or group of persons, or the regional administrator may request of or petition the council for a public hearing ((to be held with respect to an NPDES application)) on the council's tentative determination under WAC 463-76-033. Any such request or petition for public hearing shall be filed within thirty days after the giving of public notice pursuant to WAC (~~(463-38-041)~~) 463-76-041. Said request or petition shall indicate the interest of the party filing such request and the reasons why it is thought that a hearing is warranted.

(2) A public hearing shall be held if there is a significant public interest (including the filing of request(s) or petition(s) for such hearing) in holding such a hearing. (~~Instances of doubt should be resolved by the council in favor of holding the hearing.))~~

(3) Any hearings brought pursuant to this section shall be held in the geographical area of the proposed discharge or other appropriate area, in the discretion of the council, and may, as appropriate, consider related groups of permit applications.

(4) Any public hearings held hereunder will be conducted in accordance with provisions of RCW 80.50.090, chapter 34.05 RCW et seq., and regulations promulgated thereunder.

(5) Public notice of any hearing held pursuant to WAC ((463-38-042)) 463-76-042 (1) through (4) shall be circulated at least as widely as was the notice of the NPDES application and shall include at least the following:

(a) Notice shall be published in at least one major local newspaper of general circulation within the geographical area of the discharge;

(b) Notice shall be sent to all persons and government agencies which received a copy of the notice or the fact sheet ((for the NPDES application));

(c) Notice shall be mailed to any person or group upon request; and

(d) Notice shall be effected pursuant to subparagraphs (a) and (c) of this paragraph at least [thirty] days in advance of the hearing. The council may give notice of a public hearing concurrent with public notice given pursuant to WAC ((463-38-041)) 463-76-041.

(6) The contents of public notice of any hearing held pursuant to WAC ((463-38-042)) 463-76-042 (1) through (4) shall include at least the following notice which meets the requirements of this section:

(a) Name, address and phone number of the council;

(b) Name and address of each applicant whose application will be considered at the hearing;

(c) Name of waterway to which each discharge is made and short description of the location of each discharge on the waterway;

(d) A brief reference to the public notice issued for each NPDES application, including identification number and date of issuance (where applicable);

(e) Information regarding the time and location for the hearing;

(f) The purpose of the hearing;

(g) A short and plain statement of the matters asserted;

(h) Address and phone number of premises at which interested persons may obtain further information, request a copy of each draft NPDES permit prepared pursuant to WAC ((463-38-033)) 463-76-033(2) above, request a copy of each fact sheet prepared pursuant to WAC ((463-38-034)) 463-76-034, and inspect a copy NPDES forms and related documents; and

(i) A brief description of the nature of the hearing, including the rules and procedures to be followed.

(7) The council shall cause a record to be made of all hearings required pursuant to this section. The record may be stenographic, mechanical, or electronic.

**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 114, filed 2/4/77)

**WAC 463-38-043 Public access to information.** (1) All ((NPDES forms)) records relating to NPDES applications (including the draft NPDES permit prepared pursuant to WAC ((463-38-033)) 463-76-033(2) or any public comment upon those ((forms)) records pursuant to WAC ((463-38-041)) 463-76-041(2)) shall be available to the public for inspection and copying ((at a nominal charge. Any other records, reports, plans or information received by the council or the state pursuant to its participation in the NPDES program shall be available at a reasonable charge to the public in accordance with existing law)) consistent with WAC 463-06-110 - Copying and fees.

(2) Any information (other than effluent data) received by the council and contained in any NPDES forms, or other records, reports or plans shall be protected as confidential upon a showing by any person that such information if made public would divulge methods or processes entitled to protection as trade secrets of such person. ~~((If, however, the information being considered for confidential treatment is contained in an NPDES form, the council shall forward such information to the regional administrator for his concurrence in any determination of confidentiality. If the regional administrator does not agree that some or all of the information being considered for confidential treatment merits such protection he shall request advice from the office of general counsel stating the reasons for his disagreement with the determination of the council. The regional administrator shall simultaneously provide a copy of such request to the person claiming trade secrecy. The general counsel shall determine whether the information in question would, if revealed, divulge methods or processes entitled to protection as trade secrets. In making such determination, he shall consider any additional information submitted to the office of the general counsel within 30 days of receipt of the request from the regional administrator. If the general counsel determines that the information being considered does not contain trade secrets he shall so advise the regional administrator and shall notify the person claiming trade secrecy of such determination by certified mail. No later than 30 days following the mailing of such notice, the regional administrator shall communicate to the council his decision not to concur in the withholding of such information and the council and the regional administrator shall then make available to the public upon request that information determined not to constitute trade secrets.))~~ Claims of confidentiality for the following information will be denied:

(a) The name and address of any permit applicant or permittee;

(b) Permit applicants, permits, and effluent data;

(c) Information required by NPDES application forms pursuant to WAC 463-76-031 may not be claimed confidential.

(3) Any information afforded confidential status ~~((whether or not contained in an NPDES form))~~ shall be disclosed upon request to the regional administrator or his authorized representative who shall maintain the disclosed information as confidential.

(4) The council shall provide facilities for the inspection of nonconfidential information relating to NPDES forms during normal business hours of the council at its headquarters and shall insure that state employees will comply with requests for such inspection as soon as is reasonably possible without undue interference with council business. The ~~((executive secretary))~~ council manager shall insure that a machine or device for the copying of papers and documents is available for a reasonable fee as determined by the council.

AMENDATORY SECTION (Amending Order 86-1, filed 12/17/86)

**WAC 463-38-051 General conditions.** (1) Any NPDES permit shall be issued for a period of not longer than five years, which period shall start on the date of issuance of said permit. Review and reissuance of this authorization per WAC 463-76-061 to discharge wastewater, storm water, and sanitary sewer wastes and any related changes to the site certification agreement shall not require approval of the governor. However, the permittee shall inform the council at least ~~((180))~~ one hundred eighty days prior to any initiation of such a discharge.

(2) The decision to approve or reject, and on what conditions an NPDES permit shall be issued, shall be in conformance with the requirements of this ~~((section))~~ chapter. A majority vote of council members ~~((listed in RCW 80.50.030 (3)))~~ shall resolve any dispute and shall determine the approval or rejection of ~~((a Refuse Act or))~~ an NPDES application.

AMENDATORY SECTION (Amending Order 114, filed 2/4/77)

**WAC 463-38-052 Prohibited discharges.** (1) No discharge regulated under the act shall be made by energy facilities subject to the jurisdiction of the council unless authorized by an NPDES permit issued pursuant to these regulations.

(2) No NPDES permit may be issued by the council ~~((shall authorize any person to))~~:

(a) ~~((Discharge))~~ When the conditions of the permit do not provide for compliance with the applicable requirements of the act, or regulations promulgated under the act;

(b) When the applicant is required to obtain a state certification under section 401 of the act and 40 CFR 124.53 and that certification has not been obtained or waived;

(c) When the imposition of conditions cannot ensure compliance with the applicable water quality requirements of Washington state;

(d) For the discharge of any radiological, chemical or biological warfare agent or high-level radioactive waste into ~~((navigable))~~ surface waters of the state;

~~((b))~~ (e) For the discharge of any pollutants which the secretary of the Army acting through the chief, Corps of Engineers, finds would substantially impair anchorage and navigation in waters subject to the jurisdiction of the Corps of Engineers;

~~((e))~~ (f) For the discharge of any pollutant to which the regional administrator has objected in writing pursuant to any

right to object provided the administrator in section 402(d) of the act;

~~((d))~~ (g) For discharge from a point source any pollutant which is in conflict with the plan or amendment thereto approved pursuant to section 208(b) of the act;

(h) For the discharge of any pollutant subject to a toxic pollutant discharge prohibition under section 307 of the act;

(i) For any discharge to the territorial sea, the waters of the contiguous zone, or the oceans in the following circumstances:

(i) Before the promulgation of guidelines under section 403(c) of the act, unless the council determines permit issuance to be in the public interest;

(ii) After promulgation of guidelines under section 403(c) of the act, when insufficient information exists to make a reasonable judgment whether the discharge complies with them;

(j) To a new source or a new discharger, if the discharge from its construction or operation will cause or contribute to a violation of water quality standards. The owner or operator of a new source or new discharger proposing to discharge into a water segment which does not meet applicable water quality standards or is not expected to meet those standards even after the application of effluent limitations required by sections 301 (b)(1)(A) and 301 (b)(1)(B) of the act, and for which the state has performed a pollutants load allocation for the pollutant to be discharged, must demonstrate, before the close of comment period, that:

(i) There are sufficient remaining pollutant load allocations to allow for the discharge; and

(ii) The existing dischargers into that segment are subject to compliance schedules designed to bring the segment into compliance with applicable water quality standards. The council may waive the submission of information by the new source or new discharger required by (j) of this subsection if the council determines that the council already has adequate information to evaluate the request. An explanation of the development of limitations to meet the criteria of this paragraph is to be included in the fact sheet;

(k) Discharge any dangerous waste as defined in the Dangerous waste regulations, chapter 173-303 WAC, into a subsurface disposal system such as a well or drainfield.

AMENDATORY SECTION (Amending Order 114, filed 2/4/77)

**WAC 463-38-053 Effluent limitations, water quality standards and other requirements for NPDES permits.**

(1) Any NPDES permit issued by the council shall apply and insure compliance with all of the following, whenever applicable:

(a) ~~((Effluent limitations under sections 301 and 302 of the act;~~

~~((b) Standards of performance for new sources under section 306 of the act;~~

~~((c) Effluent standards, effluent prohibitions and pretreatment standards under section 307 of the act;~~

~~((d))~~ All known, available, and reasonable methods of treatment; including effluent limitations established under sections 301, 302, 306, and 307 of the act. The effluent lim-

itations shall not be less stringent than those based upon the treatment facility design efficiency contained in approved engineering plans and reports or approved revisions thereto. The effluent limitations shall reflect any seasonal variation in industrial loading;

(b) Any more stringent limitation, including those:

(i) Necessary to meet water quality standards, treatment standards or schedules of compliance established pursuant to any state law or regulation under authority preserved to the state by section 510 of the act; or

(ii) Necessary to meet any applicable federal law or regulation other than the act or regulations thereunder; or

(iii) Required to implement any applicable water quality standards; such limitations to include any legally applicable requirements necessary to implement total maximum daily loads established pursuant to section 303(d) and incorporated in the continuing planning process approved under section 303(e) of the act and any regulations and guidelines issued pursuant thereto;

~~((e))~~ (iv) Prevent or control pollutant discharges from facility site runoff, spillage or leaks, sludge or waste disposal, or materials handling or storage; and

(v) Meet the permit by rule provisions of the state dangerous waste regulation, WAC 173-303-802 (4) or (5).

(c) Any more stringent legal applicable requirements necessary to comply with a plan approved pursuant to section 208(d) of the act; and

~~((f))~~ (d) Prior to promulgation by the administrator of applicable effluent standards and limitations pursuant to sections 301, 302, 306 and 307 of the act, such conditions as the council determines are necessary to carry out the provisions of the act.

(2) In any case where an issued NPDES permit applies the effluent standards and limitations described in paragraph 1 of this section, the council shall make a finding that any discharge authorized by the permit will not have reasonable potential to violate applicable water quality standards and will have prepared some explicit verification of that ~~((fact. In any case where an issued NPDES permit applies any more stringent effluent limitation, based upon applicable water quality standards, a waste load allocation shall be prepared to ensure that the discharge authorized by the permit is consistent with applicable water quality standards))~~ finding.

(3) In the application of effluent standards and limitations, water quality standards and other legally applicable requirements pursuant to ~~((paragraphs))~~ subsections (1) and (2) (hereof) of this section, each issued NPDES permit shall specify:

(a) Average and maximum daily quantitative or other appropriate limitations for the level of pollutants in the authorized discharge. The average and maximum daily quantities must be made by weight except where the parameters are such that other measures are appropriate;

(b) If a dilution zone is authorized within which water quality standards are modified, the dimensions of such dilution zone.

AMENDATORY SECTION (Amending Order 114, filed 2/4/77)

**WAC 463-38-054 Schedules of compliance.** (1) ~~((In addition to the application of the effluent standards and limitations, water quality standards, and other legally applicable requirements, all pursuant to WAC 463-38-053 (1), (2), the council shall establish schedules in NPDES permit conditions to achieve compliance with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements.))~~ With respect to any discharge which is found by the council not to be in compliance with applicable effluent standards and limitations, applicable water quality standards, or other legally applicable requirements listed in WAC ~~((463-38-053))~~ 463-76-053 (1)((d)(e)) (b) and (c), the permittee shall be required to take specific steps to achieve compliance with the following:

(a) Any legally applicable schedule of compliance contained in:

(i) Applicable effluent standards and limitations;

(ii) ~~((If more stringent,))~~ Water quality standards; or

(iii) ~~((If more stringent,))~~ Legally applicable requirements listed in WAC ~~((463-38-053 (1)(d)(e)))~~ 463-76-053; or

(b) In the absence of any legally applicable schedule of compliance, the permittee shall take the required steps in a reasonable period of time, such period to be consistent with the guidelines and requirements of the act.

(2) In any case where the period of time for compliance specified in paragraph (1)(a) of this section exceed nine months, a schedule of compliance shall be specified in the permit which will set forth interim requirements and the dates for their achievement; however, in no event shall more than nine months elapse between interim dates. If the time necessary for completion of the interim requirement (such as construction of a treatment facility) is more than nine months and is not readily divided into stages of completion, interim dates shall be specified for the submission of reports of progress toward completion of the interim requirement. For each NPDES permit schedule of compliance, interim dates and the final date of compliance shall, to the extent practicable, fall on the last day of the months of March, June, September and December.

(3) Either before or up to ~~((14))~~ fourteen days following each interim date and the final date of compliance, the permittee shall provide the council with written notice of the permittee's compliance or noncompliance with the interim or final requirement.

(4) If a permittee fails or refuses to comply with an interim or final requirement in a permit, such noncompliance shall constitute a violation of the permit for which the council may modify or revoke the permit or take direct enforcement action.

AMENDATORY SECTION (Amending Order 114, filed 2/4/77)

**WAC 463-38-055 Other terms and conditions.** In addition to the requirements of WAC ~~((463-38-051, 463-38-052 and 463-38-053))~~ 463-76-051, 463-76-052 and 463-76-053, each issued NPDES permit shall require that:

(1) All discharges authorized by the NPDES permit shall be consistent with the terms and conditions of the permit; any facility expansions, production increases or process modifications which would result in new or increased discharges of pollutants must be reported to the council by submission of a new NPDES application or supplement thereto or, if such discharge does not violate effluent limitations specified in the NPDES permit, by submission to the council of notice of such new or increased discharges of pollutants; any discharge of any pollutant more frequent than or at a level in excess of that identified and authorized by the NPDES permit shall constitute a violation of the terms and conditions of the NPDES permit;

(2) The permit may be modified, suspended or revoked in whole or in part during its terms for cause including, but not limited to, the following:

(a) Violation of any term or condition of the NPDES permit;

(b) Obtaining an NPDES permit by misrepresentation or failure to disclose fully all relevant facts; ~~(and)~~

(c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; and

(d) A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations.

(3) The permittee shall allow the council or its authorized representative upon the presentation of credentials and at reasonable times:

(a) To enter upon permittee's premises in which an effluent source is located or in which any records are required to be kept under terms and conditions of the NPDES permit;

(b) To have access to and copy at reasonable cost any records required to be kept under terms and conditions of the NPDES permit;

(c) To inspect any monitoring equipment or method required in the NPDES permit; or

(d) To sample any discharge of pollutants.

(4) The permittee shall at all times maintain a good working order and operate as efficiently as possible any facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the NPDES permit.

(5) If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the act for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the NPDES permit, ~~the ((council shall revise or modify the NPDES permit in accordance with the toxic effluent standard of prohibition and so notify the))~~ permittee shall comply with that toxic effluent standard or prohibition even if this permit has not yet been modified to incorporate the requirement.

AMENDATORY SECTION (Amending Order 114, filed 2/4/77)

**WAC 463-38-061 Reissuance of NPDES permits.** (1) Any permittee shall make application for reissuance of an

NPDES permit((s)) or continuation of discharges after the expiration date of ~~((his))~~ the NPDES permit by filing with the council an application for reissuance of ~~((his))~~ the permit at least ~~((180))~~ one hundred eighty days prior to its expiration. ~~((The filing requirement for reissuance shall be satisfied in the first instance by a simply written request for reissuance by the permittee to the council, except that the council in its discretion may require any and/or all permittees to request a reissuance by submitting to the council all then applicable NPDES forms.))~~

(2) The scope and manner of any review of an application for reissuance of an NPDES permit by the council shall be sufficiently detailed as to insure the following:

(a) That the permittee is in compliance with or has substantially complied with all of the terms, conditions, requirements and schedules of compliance of the expired NPDES permit;

(b) That the council has up-to-date information on the permittee's production levels, permittee's waste treatment practices, and the nature, content and frequencies of permittee's discharge, either pursuant to the submission of new forms and applications or pursuant to monitoring records and reports ~~((resubmitted))~~ submitted to the council by the permittee and;

(c) That the discharge is consistent with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements listed in WAC ~~((463-38-053))~~ 463-76-053 (1) and (2), including any additions to, or revisions or modifications of, such effluent standards and limitations, water quality standards, or other legally applicable requirements during the term of the permit.

(3) The notice and procedures specified in WAC ~~((463-38-041 and 463-38-042))~~ 463-76-041 and 463-76-042 are applicable to each request for reissuance of an NPDES permit.

(4) ~~((Notwithstanding any other provision any point source of a discharge having a thermal component the construction of which is commenced after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and which is so constructed as to meet all applicable standards of performance shall not be subject to any more stringent standard of performance with respect to the thermal component of its discharge during a ten-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169 (or both) of the Internal Revenue Code of 1954, whichever period ends first.))~~ When a permittee has made timely and sufficient application for the renewal of a permit, an expiring permit remains in effect and enforceable until the application has been denied or a replacement permit has been issued by the council pursuant to WAC 463-76-0625 - Permit issuance.

AMENDATORY SECTION (Amending Order 114, filed 2/4/77)

**WAC 463-38-062 Modification of NPDES permit.** (1) After notice and opportunity for a public hearing, any permit issued under the NPDES can be modified, suspended or revoked ~~((for cause,))~~ in whole or in part during its term for

cause including, but not limited to, the causes listed in WAC 463-76-055(2).

(2) The council may, upon request of a permittee, revise or modify a schedule of compliance in an issued NPDES permit if the council determines good and valid cause exists for such revision and if within ~~((30))~~ thirty days following receipt of notice from the council, the regional administrator does not object in writing.

(3) Any such modifications shall be executed by the council and the permittee in the same manner as the NPDES permit was executed, including full compliance with the requirements of WAC ~~((463-38-041, 463-38-042 and 463-38-043))~~ 463-76-041, 463-76-042 and 463-76-043.

#### NEW SECTION

**WAC 463-38-0625 Permit issuance.** Any permit issued by the council pursuant to this chapter shall become an attachment to a site certification agreement. For an energy facility proposal requiring the execution of a governor-approved site certification agreement, the permit shall be effective upon the governor's approval and execution of the site certification agreement. For existing facilities under the jurisdiction of the council, revisions, modifications or reissuance of the NPDES permit shall be effective when approved by the council and signed by the chair.

AMENDATORY SECTION (Amending Order 114, filed 2/4/77)

**WAC 463-38-064 Transmission to regional administrator of proposed NPDES permit.** (1) Each proposed NPDES permit will be transmitted to the regional administrator in accordance with the following procedures:

(a) A copy of the proposed NPDES permit, including any and all terms, conditions, requirements or documents which are a part of the proposed permit or which affect the authorization by the proposed permit of the discharge of pollutants except as to classes, types or sizes within any category of point sources waived in writing by the regional administrator.

(b) The regional administrator shall be provided a ninety-day period, unless waived in advance, in which to comment upon, make recommendations with respect to, or object in writing to the issuance of the proposed permit pursuant to any right to object provided the administrator in section 402 (d)(2) of the act. No permit shall be issued if the regional administrator objects in writing to the issuance of such permit pursuant to any such right within said period, unless such objection is waived or withdrawn by the regional administrator in writing. Should no such objection be received within said period, it shall be presumed that the administrator has no objection to the issuance of the proposed permit.

(2) Immediately following execution by the applicant and the state, a copy of every issued NPDES permit ~~((immediately following execution by the applicant and the state,))~~ along with any and all terms, conditions, requirements or documents which are a part of such NPDES permit or which will affect the authorization of the discharge of pollutants will be sent to the regional administrator.

AMENDATORY SECTION (Amending Order 114, filed 2/4/77)

**WAC 463-38-065 Monitoring and enforcement.** (1) Monitoring.

(a) Any discharge authorized by a permit may be subject to such monitoring requirements as may be reasonably required by the council, including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). These monitoring requirements would normally include:

(i) Flow (in gallons per day);

(ii) Pollutants (either directly or indirectly through the use of accepted correlation coefficients or equivalent measurements) which are subject to limitation, reduction, or elimination under the terms and conditions of the permit;

(iii) Pollutants which the council finds could have a significant impact on the quality of waters of the state; and

(iv) Pollutants specified by the administrator, in regulations issued pursuant to the act, as subject to monitoring.

(b) Each effluent flow or pollutant required to be monitored pursuant to (a) of this subsection shall be monitored at intervals sufficiently frequent to yield data which reasonably characterizes the nature of the discharge of the monitored effluent flow or pollutant.

Variable effluent flows and pollutant levels may be monitored at more frequent intervals than relatively constant effluent flows and pollutant levels which may be monitored at less frequent intervals.

(c) Monitoring of intake water, influent to treatment facilities, internal waste streams, and/or receiving waters may be required when determined necessary by the council to verify compliance with net discharge limitations or removal requirements, to verify that proper waste treatment or control practices are being maintained, or to determine the effects of the discharge on the surface waters of the state.

(2) Recording of monitoring activities and results. Any permit which requires monitoring of the authorized discharge shall require that:

(a) The permittee shall maintain records of all information resulting from any monitoring activities required of them in their permit;

(b) Any records of monitoring activities and results shall include for all samples:

(i) The date, exact place, and time of sampling;

(ii) The dates analyses were performed;

(iii) Who performed the analyses;

(iv) The analytical techniques/methods used; and

(v) The results of such analyses; and

(c) The permittee shall be required to retain for a minimum of three years any records of monitoring activities and results including all original strip chart recording for continuous monitoring instrumentation and calibration and maintenance records. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the council or regional administrator.

(3) Reporting of monitoring results.

(a) The permittee shall periodically report (at a frequency of not less than once per year) on the proper reporting form, the monitoring results obtained pursuant to monitoring

requirements in a permit. In addition to the required reporting form, the council at its discretion may require submission of such other results as it determines to be necessary.

(b) Monitoring reports shall be signed by:

(i) In the case of corporations, by a responsible corporate officer or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.

(ii) In the case of a partnership, by a general partner.

(iii) In the case of a sole proprietorship, by the proprietor.

(iv) In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

(4) Use of registered or accredited laboratories.

(a) Except as established in (b) of this subsection, monitoring data submitted to the council in accordance with this chapter shall be prepared by a laboratory accredited under the provisions of chapter 173-50 WAC. These requirements are effective and binding on all permittees under the authority of rule, regardless of whether they have been included as conditions of a permit.

(b) The following parameters need not be done by an accredited or registered lab:

(i) Flow;

(ii) Temperature;

(iii) Settleable solids;

(iv) Conductivity, except that conductivity shall be accredited if the laboratory must otherwise be registered or accredited;

(v) pH, except that pH shall be accredited if the laboratory must otherwise be registered or accredited;

(vi) Turbidity, except that turbidity shall be accredited if the laboratory must otherwise be registered or accredited; and

(vii) Parameters which are used solely for internal process control.

(5) Compliance monitoring. The council (~~hereby delegates to the DOE the~~) may establish an interagency contract with ecology for compliance monitoring activities of water discharges under a certification agreement which incorporates the NPDES permit. (~~As a result of said monitoring activities, DOE shall report to the council any activity by a permittee which in its judgment requires the initiation of appropriate enforcement activities by the council including those in WAC 463-38-055, pursuant to RCW 80.50.150. The council shall then take or initiate action to enforce the terms of any certification agreement and the incorporated NPDES permit. This in no way shall restrict any enforcement by other public agencies and officials under existing law. If DOE determines that immediate action is needed to enforce the act or any statute or regulation derived therefrom, it is delegated the enforcement authority and responsibility to carry out such immediate action as it deems necessary and shall report such actions to the council. Such action shall remain in effect until confirmed or modified by the council.~~) Monitoring and/or appropriate enforcement activities by ecology are authorized by WAC 463-70-060(1).

(6) Enforcement.

(a) Enforcement activities regarding the NPDES program, including the levying of civil and criminal fines per-

taining to all energy facilities where the permit is issued by the council, shall be undertaken by the council, with assistance from ecology, the attorney general, or the prosecuting attorney, as appropriate.

(b) Pursuant to the provisions of RCW 80.50.150 - Enforcement of compliance penalties, the council shall take or initiate such actions to enforce the terms of any site certification agreement and the incorporated NPDES permit. The council may take any or all of the following actions:

(i) Assess or sue to recover in court such civil fines, penalties, and other civil relief as may be appropriate for the violation by any person of:

(A) Any effluent standards and limitations or water quality standards;

(B) Any permit or term or condition thereof;

(C) Any filing requirements;

(D) Any duty to permit or carry out inspection, entry, or monitoring activities; or

(E) Any rules, regulations, or orders issued by the council.

(ii) Request the prosecuting attorney to seek criminal sanctions for the violation of any permits or conditions thereof without the necessity of a prior revocation of the permit;

(iii) Request the prosecuting attorney to seek criminal sanctions for the violation by such persons of:

(A) Any effluent standards and limitations or water quality standards;

(B) Any permit or term condition thereof; or

(C) Any filing requirements.

(iv) Seek criminal sanctions against any person who knowingly makes any false statement, representation, or certification in any form or any notice or report required by the terms and conditions of any issued permit or knowingly renders inaccurate any monitoring device or method required to be maintained by the council.

(v) Enter any premises in which an effluent source is located or in which records are required to be kept under terms or conditions of a permit, and otherwise be able to investigate, inspect, or monitor any suspected violations of water quality standards, or effluent standards and limitations, or of permits or terms or conditions thereof.

AMENDATORY SECTION (Amending Order 114, filed 2/4/77)

**WAC 463-38-080 Transmittal of data to regional administrator.** (1) (~~Copies of NPDES~~) A complete NPDES form or relevant portions of any forms received by the council as outlined below shall be transmitted to the regional administrator(

~~;~~) upon receipt by the council(

~~;~~) (b) A complete copy, or relevant portions thereof, of any appropriate NPDES form received by the council;

(2) The regional administrator may object in writing to deficiencies in any NPDES application or reporting form (~~received by him~~) and to (~~have~~) required such deficiency to be corrected, so long as (~~he~~) the administrator acts to inform (~~by written letter~~) the council by letter within twenty days after (~~his~~) receipt of the NPDES application or report-

ing form. If the regional administrator's objection relates to an NPDES application, the council will send to the regional administrator ((will be sent)) any information necessary to correct the deficiency. If the regional administrator so requests, the council will not issue the NPDES permit until they receive notice from the regional administrator that the deficiency has been corrected, which notice shall not be withheld for more than ((30)) thirty days.

(3) For all minor discharges, the council may require the operator of such a discharge to submit NPDES application forms or such other information as may be requested by the regional administrator.

(4) On the last day of the months of February, May, August, and November, the council shall transmit to the regional administrator a list of all instances in the previous ninety days of failure or refusal of a permittee to comply with an interim or final requirement. Such list shall be available to the public for inspection or copying and shall contain at least the following information on each instance of noncompliance:

(a) Name and address of each noncomplying permittee;

(b) A short description of the instance of noncompliance (e.g., failure to submit preliminary plans, delay in commencement of construction of treatment facility, failure to notify the council of compliance with an interim requirement, etc.);

(c) A short description of any actions or proposed actions by the permittee or the council to comply or enforce compliance with the interim or final requirement; and

(d) Any details which explain or mitigate an instance of noncompliance with an interim or final requirement.

AMENDATORY SECTION (Amending Order 114, filed 2/4/77)

**WAC 463-38-090 Conflict of interest.** No member of the council shall have received, or has during the previous two years received, a significant portion of his income directly or indirectly from permit holders or applicants for an NPDES permit under the jurisdiction of this council.

(1) For the purposes of this section, the term "member" includes any individual who has or shares authority to approve permit applications or portions thereof, either in the first instance or on appeal.

(2) For the purpose of this section, the term "permit holders or applicants for a permit" shall not include any department or agency of a state government.

(3) For the purposes of this section, the term "significant portion of his income" shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over ((60)) sixty years of age and is receiving such portion pursuant to retirement pension or similar arrangement.

(4) For the purposes of this section, the term "income" includes retirement benefits, consultant fees and stock dividends.

(5) For the purposes of this section, income is not received "directly or indirectly from permit holders or applicants for a permit" if it is derived from mutual fund payments

or from other diversified investments over which the recipient does not know the identity of the primary source of income.

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
463-38-010	463-76-010
463-38-031	463-76-031
463-38-032	463-76-032
463-38-033	463-76-033
463-38-034	463-76-034
463-38-041	463-76-041
463-38-042	463-76-042
463-38-043	463-76-043
463-38-051	463-76-051
463-38-052	463-76-052
463-38-053	463-76-053
463-38-054	463-76-054
463-38-055	463-76-055
463-38-061	463-76-061
463-38-062	463-76-062
463-38-063	463-76-063
463-38-064	463-76-064
463-38-065	463-76-065
463-38-080	463-76-080
463-38-090	463-76-090

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 463-38-020	Scope and purpose.
WAC 463-38-030	NPDES application and tentative determination.
WAC 463-38-040	Notice, hearings and information accessibility.
WAC 463-38-050	NPDES permit contents.
WAC 463-38-060	NPDES permits review and appeal.

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
463-39-005	463-78-005
463-39-010	463-78-010

PERMANENT

463-39-020	463-78-020
463-39-030	463-78-030
463-39-070	463-78-070
463-39-090	463-78-090
463-39-095	463-78-095
463-39-100	463-78-100
463-39-105	463-78-105
463-39-115	463-78-115
463-39-120	463-78-120
463-39-135	463-78-135
463-39-140	463-78-140
463-39-170	463-78-170
463-39-230	463-78-230

**Chapter 463-42 WAC**

**~~((PROCEDURE GUIDELINES))~~ APPLICATIONS FOR SITE CERTIFICATION**

**Subpart A - General**

AMENDATORY SECTION (Amending WSR 92-23-012, filed 11/6/92, effective 12/7/92)

**WAC 463-42-010 Purpose ~~((and scope))~~.** This chapter sets forth guidelines for preparation of applications for energy facility site certification pursuant to chapter 80.50 RCW. Applications for siting energy facilities must contain information regarding the standards required by chapter 463-62 WAC.

The application shall provide the council with information regarding the applicant, the proposed project design and features, the natural environment, and the built environment ~~((and plans for project termination and site restoration))~~. This information shall be in such detail as determined by the council to enable the council to go forward with its application review.

The council encourages applicants to consult with appropriate agencies for guidance in gathering sufficient detailed information, and development of comprehensive mitigation plans, for inclusion in their application.

AMENDATORY SECTION (Amending WSR 92-23-012, filed 11/6/92, effective 12/7/92)

**WAC 463-42-012 General—Organization—Index.** Except as may be otherwise approved by the council and except as otherwise provided below with respect to applications covering nuclear power plants, the contents of the application shall be organized in the same order as these guidelines.

(1) To aid in the council's review under SEPA and chapter 463-47 WAC, WAC ~~((463-42-302))~~ 463-60-302 through ~~((463-42-382))~~ 463-60-372 are similar to the elements required in an environmental impact statement.

(2) In the case of an application covering a nuclear power plant, the environmental report prepared for the nuclear regulatory commission may be substituted for the comparable sections of the site certification application, provided that the environmental report is supplemented as necessary to comply with this chapter and that an index is included listing these guidelines in order and identifying where each applicable guideline is addressed.

NEW SECTION

**WAC 463-42-021 Council recognizes pressing need for energy facilities.** RCW 80.50.010 requires the council to "recognize the pressing need for increased energy facilities." For that reason, applications for site certification need not demonstrate a need for the energy facility.

AMENDATORY SECTION (Amending Order 82-5, filed 12/22/82)

**WAC 463-40-010 Purpose.** The energy facility site evaluation council, under authority ~~((invested))~~ vested in it by chapter 80.50 RCW is charged with the responsibility of adopting rules sufficient to ~~((the protection of))~~ protect the public and the environment from the effects of dangerous wastes generated at energy facilities subject to chapter 80.50 RCW.

AMENDATORY SECTION (Amending Order 82-5, filed 12/22/82)

**WAC 463-40-040 Monitoring and enforcement.** The council will contract with the department of ecology ~~((DOE))~~ for the monitoring activities for dangerous wastes regulated by this chapter under a certification agreement. As a result of said monitoring activities, DOE shall report to the council any activity by a permittee which in its judgment requires the initiation of appropriate enforcement activities by the council. The council shall then take or initiate action to enforce the terms of any certification agreement. This in no way shall restrict any enforcement by other public agencies and officials under existing law. If ~~((DOE))~~ the department of ecology determines that immediate action is needed to enforce the act or any statute or regulation derived therefrom, it shall report immediately to the chairman who shall initiate such immediate enforcement action as may be necessary. Such action shall remain in effect until confirmed or modified by the council.

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
463-40-010	463-74-010
463-40-020	463-74-020
463-40-030	463-74-030
463-40-040	463-74-040

PERMANENT

AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

**WAC 463-42-055 General—Form and number of copies.** (1) Applications shall be on 8-1/2 by 11" sheets, in loose-leaf form with a hard cover binder. The applicants shall supply ((thirty-five)) a sufficient number of copies of the application to the council, the number to be determined by the council in consultation with its staff, consultants and the applicant. The applicants shall also supply two copies to each county, two copies to each city, and one copy to each port district in which the proposed project would be located. In addition, one copy shall be supplied to each intervenor on admission to the proceedings. Information later submitted shall be by page-for-page substitutions suitable for insertion in the application binder, bearing the date of the submission.

(2) An applicant shall also provide the council copies of its application in a digital format for use in personal computers. Digital format shall be determined by the council in consultation with its staff, consultants and the applicant.

(3) At the time of submittal of the application, the applicant shall submit one copy of the applicable land use plans and zoning ordinances for the project site.

AMENDATORY SECTION (Amending Order 87-1, filed 2/11/87)

**WAC 463-42-075 General—Assurances.** The application shall set forth insurance, bonding or other arrangements proposed in order to mitigate for damage or loss to the physical or human environment caused by project construction, operation, abandonment, termination, or when operations cease at the completion of a project's life. The application shall describe the applicant's commitment to the requirements of chapter 463-72 WAC, Site restoration and preservation.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

**WAC 463-42-085 General—Mitigation measures.** (1) Mitigation measures summary. The application shall ((describe)) summarize the impacts to each element of the natural or built environment and the means to be utilized to minimize or mitigate possible adverse impacts ((on the physical or human environments)) during construction, operation, and decommissioning of the proposal, all associated facilities, and any alternatives being brought forward.

(2) Fair treatment. The application shall describe how the proposal's design and mitigation measures ensure that no group of people, including any racial, ethnic, or socioeconomic group, bear a disproportionate share of the environmental or socioeconomic impacts resulting from the construction and operation of the proposed facility.

#### NEW SECTION

**WAC 463-42-101 General—Consultation.** (1) Preapplication consultation. The application shall summarize all consultation that the applicant has conducted with local, state and federal agencies and governments, Indian tribes, non-

profit organizations and community citizen and interest groups prior to submittal of the application to the council.

(2) Meaningful involvement. The application shall describe all efforts made by the applicant to involve the public, regardless of race, ethnicity, or socioeconomic status, prior to submittal of the application to the council. The application shall also set forth information for contacting local interest and community groups to allow for meaningful involvement of all people, regardless of race, ethnicity or socioeconomic status. For example, such information may include contacts with local minority radio stations and news publications.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

**WAC 463-42-105 General—Graphic material.** It is the intent that material submitted pursuant to these guidelines shall be descriptive and shall include illustrative graphics in addition to narration. This requirement shall particularly apply to subject matter that deals with systems, processes, and ((spæial)) spatial relationships. The material so submitted shall be prepared in a professional manner and in such form and scale as to be understood by those who may review it.

#### NEW SECTION

**WAC 463-42-116 General—Amendments to applications, additional studies, procedure.** (1) Applications to the council for site certification shall be complete and shall reflect the best available current information and intentions of the applicant.

(2) Amendments to a pending application must be presented to the council at least thirty days prior to the commencement of the adjudicative hearing, except as noted in subsection (3) of this section.

(3) Within thirty days after the conclusion of the hearings, the applicant shall submit to the council, application amendments which include all commitments and stipulations made by the applicant during the adjudicative hearings.

(4) After the start of adjudicative hearings, additional environmental studies or other reports shall be admitted only for good cause shown after petitions to the council or upon request of the council, or submitted as a portion of prefiled testimony for a witness at least thirty days prior to appearance.

#### NEW SECTION

**WAC 463-42-117 General—Applications for expedited processing.** (1) Request for expedited processing. Requests for expedited processing shall be accompanied by a completed environmental checklist delineated in WAC 197-11-960. The request for expedited processing shall also address the reasons for which the following are not significant enough to warrant a full review of the application for certification under the provisions of chapter 80.50 RCW:

(a) The environmental impact of the proposed energy facility;

(b) The area potentially affected;

(c) The cost and magnitude of the proposed energy facility; and

(d) The degree to which the proposed energy facility represents a change in use of the proposed site.

(2) Contents. Applications for expediting processing submitted to the council in accordance with the requirements of chapter 463-43 WAC must address all sections of chapters 463-60 and 463-62 WAC.

(3) Fees. The applicant shall submit those fees and costs for independent consultant review and application processing pursuant to RCW 80.50.071 (1)(a) and (b) and chapter 463-58 WAC with the understanding that any unexpended portions shall be returned to the applicant at the completion of application processing.

### Subpart B - Proposal

AMENDATORY SECTION (Amending Order 82-6, filed 12/22/82)

**WAC 463-42-135 Proposal—Legal descriptions and ownership interests.** (1) Principal facility(ies). The application shall contain a legal description of the site to be certified and shall identify the applicants and all nonprivate ownership interests in such land.

(2) ~~(Ancillary)~~ Associated and transmission facilities(ies). For those facilities described in RCW 80.50.020 (6) and (7) the application shall contain the legal metes and bounds description of the preferred centerline of the corridor necessary to construct and operate the facility contained therein, the width of the corridor, or variations in width between survey stations if appropriate, and shall identify the applicant's and others' ownership interests in lands over which the preferred centerline is described and of those lands lying equidistant for 1/4 mile either side of such center line.

AMENDATORY SECTION (Amending Order 82-6, filed 12/22/82)

**WAC 463-42-155 Proposal—Energy transmission systems.** ~~((The applicant shall discuss the criteria utilized as well as describe the routing, the conceptual design, and the construction schedule for all facilities identified in RCW 80.50.020 (6) and (7) which are proposed to be constructed.))~~ The application shall identify the federal, state, and industry criteria used in the conceptual design, route selection, and construction for all facilities identified in RCW 80.50.020 (6) and (7), and shall indicate how such criteria are met.

AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

**WAC 463-42-165 Proposal—Water supply ((system)).** ~~((The applicant shall describe the location and type of water intakes and associated facilities.))~~ (1) Water intake and conveyance facilities. The application shall describe the location and type of water intakes, water lines, pipelines and water conveyance systems, and other associated facilities required for providing water to the energy facility for which certification is being requested.

(2) Water supply and usage alternatives.

(a) The applicant shall consider water supply alternatives, including use of reclaimed water, water reuse projects, and conservation methods. The application shall describe all supply alternatives considered, including the associated cost of implementing such alternatives, and the resulting benefits and penalties that would be incurred.

(b) The application shall include detailed information regarding using air cooling as an alternative to consumptive water use, including associated costs.

(c) The application shall describe water conservation methods that will be used during construction and operation of the facility.

(3) Water rights and authorizations. An applicant proposing to use surface or ground water for the facility shall describe the source and the amount of water required during construction and operation of the energy facility and shall do one or more of the following:

(a) Submit a water use authorization or a contractual right to use water supplied by a municipal corporation or other water purveyor; or

(b) Submit a water right permit or water right certificate issued by the department of ecology for the proposed facility in an amount sufficient to meet the need of the facility. If the permit and/or certificate has been issued five years prior to the submittal date, the applicant shall provide evidence that the water right permit is in good standing, or that the certificate has not relinquished through nonuse; or

(c) For applications for new surface or ground water withdrawals, or applications for water right changes or transfers of existing rights or certificates for withdrawal, the applicant shall submit appropriate application(s) for such rights, certificates or changes in rights and certificates, to the department of ecology prior to submittal of the application for site certification to the council. The application for site certification shall include report(s) of examination, identifying the water rights, or water right changes, submitted to and under review by the department of ecology, the quantities of water in gallons per minute and acre feet per year that are eligible for change, together with any limitations on use, including time of year. The report(s) of examination shall also include comments by the Washington state department of fish and wildlife with respect to the proposed water right applications under review by the department of ecology.

(d) Mitigation. The application shall contain a description of mitigation proposed for water supply, and shall include any and all mitigation required by the department of ecology pursuant to the review of water rights or certificates, or changes to water rights or certificates required in (c) of this subsection.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

**WAC 463-42-175 Proposal—System of heat dissipation.** The ~~((applicant))~~ application shall describe both the proposed and alternative systems for heat dissipation from the proposed facilities.

PERMANENT

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

**WAC 463-42-185 Proposal—Characteristics of aquatic discharge systems.** (1) Where discharges into a watercourse are involved, the applicant shall identify outfall configurations ~~((and show proposed locations))~~ including:

- (a) Location(s) of water discharge pipeline or conveyance system, the outfall, and any associated dilution systems;
- (b) Average and maximum discharge rate;
- (c) Extent of the dilution zone if necessary;
- (d) Width of the receiving water body at the outfall location;
- (e) Dimension(s), and rated and maximum carrying capacity of the water discharge pipeline or conveyance system, the outfall structure and any associated dilution systems;
- (f) Depth and width of the receiving water body at the discharge point;
- (g) Average, minimum and maximum water velocity of the receiving water body at the discharge point, and the times when the maximum and minimum flows occur.

(2) Where discharges are into a water-course via an existing discharge system for which certification is not being sought, the applicant shall also provide the following information:

- (a) Ownership of the discharge conveyance system;
- (b) A description of, and the terms and duration contained in, the use agreement that allows the applicant to use the discharge conveyance system;
- (c) Identification of the party responsible for operation and maintenance of the discharge conveyance system;
- (d) NPDES or state wastewater discharge permit number for the existing system discharge;
- (e) Location of connection point into the existing discharge system;
- (f) Diameter and rated and maximum volume capacity of the wastewater line or conveyance system into which discharge is being proposed;
- (g) Existing, rated and maximum flow levels in the wastewater line or conveyance system into which the discharge is being proposed;
- (h) Where a discharge is proposed to a publicly owned treatment works, in addition to the items provided in subsections (1) and (2) of this section, the applicant shall provide an engineering analysis showing that the proposed discharge will not cause the waste treatment facility to exceed capacities or to violate its authorized discharge limits, including both the quality of the discharge and the volume of the discharge, or to violate the permits governing its operation.

AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

**WAC 463-42-195 Proposal—Wastewater treatment.**

- (1) The ((applicant)) application shall describe each wastewater source associated with the facility and for each source, the applicability of all known, available, and reasonable methods of wastewater control and treatment to ensure it meets current waste discharge and water quality regulations.
- (2) Where wastewater control involves collection and retention for recycling and/or resource recovery, the appli-

cant shall show in detail the methods selected, including at least the following information:

- (a) Waste source(s)((;));
- (b) Average and maximum daily amounts and composition of wastes((;));
- (c) The type of storage vessel and the storage capacity and duration((;)); and
- (d) Any bypass or overflow facilities to the wastewater treatment system(s) or the receiving waters.
- (3) Where wastewaters are discharged into receiving waters, the applicant shall provide a detailed description of the proposed treatment system(s), including:
  - (a) Appropriate flow diagrams and tables showing the sources of all tributary waste streams((;));
  - (b) Their average and maximum daily amounts and composition((;));
  - (c) Individual treatment units and their design criteria((;));
  - (d) Major piping (including all bypasses)((;)); and
  - (e) Average and maximum daily amounts and composition of effluent(s).

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

**WAC 463-42-205 Proposal—Spillage prevention and control.** The ((applicant)) application shall describe all spillage prevention and control measures to be employed regarding accidental and/or unauthorized discharges or emissions, relating such information to specific facilities, including but not limited to locations, amounts, storage duration, mode of handling, and transport. The application shall describe in general detail the content of a Construction Phase and an Operational Phase Spill Prevention, Control and Countermeasure Plan (chapter 40 CFR Part 112 and Hazardous Waste Management Plan) that will be required prior to commencement of construction.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

**WAC 463-42-215 Proposal—Surface-water runoff.** The ((applicant)) application shall describe how surface-water runoff and erosion are to be controlled during construction and operation to assure compliance with state water quality standards. The application shall describe in general detail the content of the construction and operational storm water pollution prevention plans that will be prepared prior to commencement of construction and/or operation of the facility.

AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

**WAC 463-42-225 Proposal—Emission control.** (1) The application shall describe and quantify all construction and operational air emissions subject to regulation by local, state or federal agencies.  
 (2) The application shall identify all construction and operational air emissions that are exempt from local, state

PERMANENT

and federal regulation, and the regulatory basis for the exemption.

(3) The applicant shall demonstrate that the highest and best practicable treatment for control of emissions will be utilized in facility construction and operation.

(4) The application shall identify all state and federal air emission permits that would be required after approval of the site certification agreement by the governor, and the timeline for submittal of the appropriate applications for such permits.

(5) In the case of fossil-fuel ((power)) fired energy plants, ((petroleum refineries, and transmission and associated facilities, the applicant should deal with products containing sulphur, NO<sub>x</sub>, volatile organics, CO, CO<sub>2</sub>, aldehydes, particulates, and any other emissions subject to regulation by local, state, or federal agencies)) the application shall describe and quantify all emissions of greenhouse gases.

(6) In the case of a nuclear-fueled plant, the applicant ((should deal with)) shall address optional plant designs as these may relate to gaseous emissions.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

**WAC 463-42-235 Proposal—Construction and operation activities.** The ((applicant)) application shall: Provide the proposed construction schedule, identify the major milestones, and describe activity levels versus time in terms of craft and noncraft employment; and describe the proposed operational employment levels.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

**WAC 463-42-245 Proposal—Construction management.** The ((applicant)) application shall describe the organizational structure including the management of project quality and environmental functions.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

**WAC 463-42-255 Proposal—Construction methodology.** The ((applicant)) application shall describe in detail the construction procedures, including major equipment, proposed for any construction activity within watercourses, wetlands and other sensitive areas.

AMENDATORY SECTION (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

**WAC 463-42-265 Proposal—Protection from natural hazards.** The ((applicant)) application shall describe the means to be employed for protection of the facility from earthquakes, volcanic eruption, flood, tsunamis, storms, avalanche or landslides, and other major natural disruptive occurrences.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

**WAC 463-42-275 Proposal—Security concerns.** The ((applicant)) application shall describe the means employed for protection of the facility from sabotage, terrorism, vandalism and other security threats.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

**WAC 463-42-285 Proposal—Study schedules.** The ((applicant)) application shall furnish a brief description of all present or projected schedules for additional environmental studies. The studies descriptions should outline their scope and indicate projected completion dates.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

**WAC 463-42-295 Proposal—Potential for future activities at site.** The ((applicant)) application shall describe the potential for any future additions, expansions, or further activities which might be undertaken by the applicant on or contiguous to the proposed site.

NEW SECTION

**WAC 463-42-296 Proposal—Analysis of alternatives.** The application shall include an analysis of alternatives for site, route, and other major elements of the proposal.

NEW SECTION

**WAC 463-42-297 Proposal—Pertinent federal, state and local requirements.** (1) Each application shall include a list of all applicable federal, state, and local statutes, ordinances, rules, permits, and required use authorizations (i.e., leases, easements, rights of way, or similar authorizations) that would apply to the project if it were not under council jurisdiction. For each federal, state, or local requirement, the applicant shall describe how the project would comply or fail to comply. If the proposed project does not comply with a specific requirement, the applicant shall discuss why such compliance should be excused.

(2) Inadvertent failure by the applicant to discover and list a pertinent requirement shall not invalidate the application, but may delay the council's processing of the application.

### Subpart C - Natural Environment

AMENDATORY SECTION (Amending WSR 92-23-012, filed 11/6/92, effective 12/7/92)

**WAC 463-42-302 Natural environment—Earth.** (1) The applicant shall provide detailed descriptions of the existing environment, project impacts, and mitigation measures for the following:

((+)) (a) Geology((-). The ((applicant)) application shall include the results of a comprehensive geologic survey

showing conditions at the site, the nature of foundation materials, and potential seismic activities.

~~((2))~~ (b) Soils~~((--))~~. The ~~((applicant))~~ application shall describe all procedures to be utilized to minimize erosion and other adverse consequences during the removal of vegetation, excavation of borrow pits, foundations and trenches, disposal of surplus materials, and construction of earth fills. The location of such activities shall be described and the quantities of material shall be indicated.

~~((3))~~ (c) Topography~~((--))~~. The ~~((applicant))~~ application shall include contour maps showing the original topography and any changes likely to occur as a result of energy facility construction and related activities. Contour maps showing proposed shoreline or channel changes shall also be furnished.

~~((4))~~ (d) Unique physical features~~((--))~~. The ~~((applicant))~~ application shall list any unusual or unique geologic or physical features in the project area or areas potentially affected by the project.

~~((5))~~ (e) Erosion/enlargement of land area (accretion) ~~((--))~~. The ~~((applicant))~~ application shall identify any potential for erosion, deposition, or change of any land surface, shoreline, beach, or submarine area due to construction activities, placement of permanent or temporary structures, or changes in drainage resulting from construction or placement of facilities associated with construction or operation of the proposed energy project.

(2) The application shall show that the proposed energy facility will comply with the state building code provisions for seismic hazards applicable at the proposed location.

AMENDATORY SECTION (Amending WSR 92-23-012, filed 11/6/92, effective 12/7/92)

**WAC 463-42-312 Natural environment—Air.** The ~~((applicant))~~ application shall provide detailed descriptions of the affected environment, project impacts, and mitigation measures for the following:

(1) Air quality~~((--))~~. The ~~((applicant))~~ application shall identify all pertinent air pollution control standards. The application shall contain adequate data showing air quality and meteorological conditions at the site. Meteorological data shall include, at least, adequate information about wind direction patterns, air stability, wind velocity patterns, precipitation, humidity, and temperature. The applicant shall describe the means to be utilized to assure compliance with applicable local, state, and federal air quality and emission standards.

(2) Odor~~((--))~~. The ~~((applicant))~~ application shall describe for the area affected~~((;))~~ all odors caused by construction or operation of the facility, and shall describe how these are to be minimized or eliminated.

(3) Climate~~((--))~~. The ~~((applicant))~~ application shall describe the extent to which facility operations may cause visible plumes, fogging, misting, icing, or impairment of visibility, and changes in ambient levels caused by all emitted pollutants.

(4) Dust~~((--))~~. The ~~((applicant))~~ application shall describe for any area affected~~((;))~~ all dust sources created by

construction or operation of the facility, and shall describe how these are to be minimized or eliminated.

AMENDATORY SECTION (Amending WSR 92-23-012, filed 11/6/92, effective 12/7/92)

**WAC 463-42-322 Natural environment—Water. (1)** The ~~((applicant))~~ application shall provide detailed descriptions of the affected natural water environment, project impacts and proposed mitigation measures, and shall demonstrate that facility construction and/or operational discharges will be compatible with and meet state water quality standards. ~~((The applicant shall indicate the source and the amount of water required during construction and operation of the plant and show that it is available for this use and describe all existing water rights, withdrawal authorizations, or restrictions which relate to the proposed source.~~

~~((1))~~ (2) Surface water movement/quality/quantity~~((--))~~. The application shall set forth all background water quality data pertinent to the site, and hydrographic study data and analysis of the receiving waters within one-half mile of any proposed discharge location with regard to: Bottom configuration; minimum, average, and maximum water depths and velocities; water temperature and salinity profiles; anticipated effluent distribution ~~((and))~~, dilution, and plume characteristics under all discharge conditions; and other relevant characteristics which could influence the impact of any wastes discharged thereto.

~~((2))~~ (3) Runoff/absorption~~((--))~~. The ~~((applicant))~~ application shall describe how surface water runoff and erosion are to be controlled during construction and operation, how runoff can be reintroduced to the ground for ~~((retention))~~ return to the ground water supply, and to assure compliance with state water quality standards.

~~((3))~~ (4) Floods~~((--))~~. The ~~((applicant))~~ application shall describe potential for flooding, identify the five, fifty, and one hundred~~((, and five hundred))~~ year flood boundaries, and describe possible flood impacts at the site, as well as possible flood-related impacts both upstream and downstream of the proposed facility as a result of construction and operation of the facility and all protective measures to prevent possible flood damage to the site and facility.

~~((4))~~ (5) Ground water movement/quantity/quality~~((--))~~. The ~~((applicant))~~ application shall ~~((include the results of a comprehensive hydrologic survey;))~~ describe the existing ground water ~~((conditions))~~ movement, quality, and quantity on and near the site, and in the vicinity of any points of water withdrawal associated with water supply to the project. The application shall describe any changes in surface and ground water movement, quantity, ~~((or))~~ quality or supply uses which might result from project construction or operation and from ground water withdrawals associated with water supply for the project, and shall provide mitigation for adverse impacts that have been identified.

~~((5))~~ (6) Public water supplies~~((--))~~. The ~~((applicant))~~ application shall provide a detailed description of any public water supplies which may be used or affected by the project during construction or operation of the facility.

**AMENDATORY SECTION** (Amending WSR 92-23-012, filed 11/6/92, effective 12/7/92)

**WAC 463-42-332 Natural environment—((Plants and animals)) Habitat, vegetation, fish and wildlife. ((1) Habitat for and number or diversity of species of plants, fish, or other wildlife— The applicant shall describe all habitat types, vegetation, wetlands, animal life, and aquatic life which might reasonably be affected by construction, operation, or cessation of construction or operation of the energy facility and any associated facilities. Assessment of these factors shall include density and distribution information. The application shall contain a full description of each measure to be taken by the applicant to protect all habitat types, vegetation, wetlands, animal life, and aquatic life from the effects of project construction, operation, abandonment, termination, or cessation of operations.**

**(2) Unique species—** Any endangered species or noteworthy species or habitat shall receive special attention.

**(3) Fish or wildlife migration routes—** The applicant shall identify all fish or wildlife migration routes which may be affected by the energy facility or by any discharge to the environment.)) The application shall describe all existing habitat types, vegetation, wetlands, fish, wildlife, and in-stream flows on and near the project site which might reasonably be affected by construction, operation, decommissioning, or abandonment of the energy facility and any associated facilities. For purposes of this section, the term "project site" refers to the site for which site certification is being requested, and the location of any associated facilities or their right of way corridors, if applicable. The application shall contain the following information:

(1) **Assessment of existing habitats and their use.** The application shall include a habitat assessment report prepared by a qualified professional. The report shall contain, but not be limited to, the following information:

(a) **A detailed description of habitats and species present on and adjacent to the project site, including identification of habitats and species present, relative cover, density, distribution, and health and vigor;**

(b) **Identification of any species of local importance, priority species, or endangered, threatened, or candidate species that have a primary association with habitat on or adjacent to the project site;**

(c) **A discussion of any federal, state, or local special management recommendations, including department of fish and wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;**

(2) **Identification of energy facility impacts.** The application shall include a detailed discussion of temporary, permanent, direct and indirect impacts on habitat, species present and their use of the habitat during construction, operation and decommissioning of the energy facility. Impacts shall be quantified in terms of habitat acreage affected, and numbers of individuals affected, threatened or removed. The discussion of impacts shall also include:

(a) **Impacts to water quality, stream hydrology and in-stream flows;**

(b) **Impacts due to introduction, spread, and establishment of noxious or nonnative species;**

(c) **Impacts and changes to species communities adjacent to the project site;**

(d) **Impacts to fish and wildlife migration routes;**

(e) **Impacts to any species of local importance, priority species, or endangered, threatened, or candidate species;**

(f) **Impacts due to any activities that may otherwise confuse, deter, disrupt or threaten fish or wildlife;**

(g) **An assessment of risk of collision of avian species with any project structures, during day and night, migration periods, and inclement weather;**

(h) **An assessment for the potential of impacts of hazardous or toxic materials spills on habitats and wildlife.**

(3) **Mitigation plan.** The application shall include a detailed discussion of mitigation measures, including avoidance, minimization of impacts, and mitigation through compensation or preservation and restoration of existing habitats and species, proposed to compensate for the impacts that have been identified. The mitigation plan shall also:

(a) **Be based on sound science;**

(b) **Address all best management practices to be employed and setbacks to be established;**

(c) **Address how cumulative impacts associated with the energy facility will be avoided or minimized;**

(d) **Demonstrate how the mitigation measures will achieve equivalent or greater habitat quality, value and function for those habitats being impacted, as well as for habitats being enhanced, created or protected through mitigation actions;**

(e) **Identify and quantify level of compensation for impacts to, or losses of, existing species due to project impacts and mitigation measures, including benefits that would occur to existing and new species due to implementation of the mitigation measures;**

(f) **Address how mitigation measures considered have taken into consideration the probability of success of full and adequate implementation of the mitigation plan;**

(g) **Identify future use of any manmade ponds or structures created through construction and operation of the facility or associated mitigation measures, and associated beneficial or detrimental impacts to habitats, fish and wildlife;**

(h) **Discuss the schedule for implementation of the mitigation plan, prior to, during, and post construction and operation;**

(i) **Discuss ongoing management practices that will protect habitat and species, including proposed monitoring and maintenance programs;**

(j) **Mitigation plans should give priority to proven mitigation methods. Experimental mitigation techniques and mitigation banking may be considered by the council on a case-by-case basis. Proposals for experimental mitigation techniques and mitigation banking must be supported with analyses demonstrating that compensation will meet or exceed requirements giving consideration to the uncertainty of experimental techniques, and that banking credits meet all applicable state requirements.**

(4) **Guidelines review.** The application shall give due consideration to any project-type specific guidelines established by state and federal agencies for assessment of existing habitat, assessment of impacts, and development of mitigation plans. The application shall describe how such guide-

lines are satisfied. For example, wind generation proposals shall consider *Washington state department of fish and wildlife Wind Power Guidelines*, August 2003, or as hereafter amended. Other types of energy facilities shall consider department of fish and wildlife Policy M-5002, dated January 18, 1999, or as hereafter amended.

(5) Federal approvals. The application shall list any federal approvals required for habitat, vegetation, fish and wildlife impacts and mitigation, status of such approvals, and federal agency contacts responsible for review.

## NEW SECTION

### WAC 463-42-333 Natural environment—Wetlands.

The application shall include a report for wetlands prepared by a qualified professional wetland scientist. For purposes of this section, the term "project site" refers to the site for which site certification is being requested, and the location of any associated facilities or their right of way corridors if applicable. The report shall include, but not be limited to, the following information:

(1) Assessment of existing wetlands present and their quality. The assessment of the presence and quality of existing wetlands shall include:

(a) A wetland delineation performed by a qualified professional according to the *Washington State Wetlands Delineation and Identification Manual*, 1997, and associated data sheets, site maps with data plots and delineated wetlands areas, photographs, and topographic and aerial site maps.

(b) A description of wetland categories found on the site according to the Washington state wetland rating system found in *Western Washington, Ecology Publication #93-74* and *Eastern Washington, Ecology Publication 391-58*, or as revised by the department of ecology.

(c) A discussion of water sources supplying wetlands and documentation of hydrologic regime encountered.

(d) A function assessment report prepared according to the *Washington State Wetland Function Assessment Method* to assess wetlands functions for those wetland types covered by the method, and including a description of type and degree of wetland functions that are provided.

(2) Identification of energy facility impacts. The application shall include a detailed discussion of temporary, permanent, direct and indirect impacts on wetlands, their functions and values, and associated water quality and hydrologic regime during construction, operation and decommissioning of the energy facility. The discussion of impacts shall also include impacts to wetlands due to proposed mitigation measures.

(3) Wetlands mitigation plan. The application shall include a detailed discussion of mitigation measures, including avoidance, minimization of impacts, and mitigation through compensation or preservation and restoration of existing wetlands, proposed to compensate for the direct and indirect impacts that have been identified. The mitigation plan shall be prepared consistent with the *Department of Ecology Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals*, 1994, as revised. The application shall also include, but not be limited to:

(a) A discussion of how standard buffer widths have been incorporated into the mitigation proposal. Variances from standard buffer widths must be supported with professional analyses demonstrating that smaller or averaged buffer widths protect the wetland functions and values based on site-specific characteristics;

(b) A demonstration of how enhancement, restoration or compensatory mitigation actions will achieve equivalent or greater hydrologic and biological functions at the impact site, and whether any existing wetland functions would be reduced by the mitigation measures;

(c) A discussion of how standard mitigation ratios have been incorporated into the mitigation proposal. Variances from standard mitigation ratios must be supported with professional analyses demonstrating that equivalent or greater hydrologic and biological functions will be achieved;

(d) A demonstration that the mitigation actions are being conducted in an appropriate location, and that consideration was given in order of preference to: On-site opportunities; opportunities within the same subbasin or watershed assessment unit; opportunities within the same Water Resources Inventory Area (WRIA); opportunities in another WRIA;

(e) A discussion of the timing and schedule for implementation of the mitigation plan;

(f) A discussion of ongoing management practices that will protect wetlands, including proposed monitoring and maintenance programs;

(g) Mitigation plans should give priority to proven mitigation methods. Experimental mitigation techniques and mitigation banking may be considered by the council on a case-by-case basis. Proposals for experimental mitigation techniques and mitigation banking must be supported with analyses demonstrating that compensation will meet or exceed requirements giving consideration to the uncertainty of experimental techniques, and that banking credits meet all applicable state requirements.

(4) Federal approvals. The application shall list any federal approvals required for wetlands impacts and mitigation, status of such approvals, and federal agency contacts responsible for review.

### AMENDATORY SECTION (Amending WSR 92-23-012, filed 11/6/92, effective 12/7/92)

**WAC 463-42-342 Natural environment—Energy and natural resources.** (1) Amount required/rate of use/efficiency((-)). The ((applicant)) application shall describe the rate of use and efficiency of consumption of energy and natural resources ((consumption)) during both construction and operation of the proposed ((facilities as rate of use and efficiency that can be achieved during construction and operation)) facility.

(2) Source/availability((-)). The ((applicant)) application shall describe the sources of supply, locations of use, types, amounts, and availability of energy or resources to be used or consumed during construction and operation of the facility.

(3) Nonrenewable resources((-)). The ((applicant)) application shall describe all nonrenewable resources that

will be used, made inaccessible or unusable by construction and operation of the facility.

(4) Conservation and renewable resources((-)). The ((applicant)) application shall describe conservation measures and/or renewable resources which will or could be used during construction and operation of the facility.

(5) Scenic resources((-)). The ((applicant)) application shall describe any scenic resources which may be affected by the facility or discharges from the facility.

### Subpart D - Built Environment

AMENDATORY SECTION (Amending WSR 92-23-012, filed 11/6/92, effective 12/7/92)

**WAC 463-42-352 Built environment—Environmental health.** (1) Noise((-)). The ((applicant)) application shall:

(a) Describe and quantify the background noise environment that would be affected by the energy facility. The number of locations used for assessment of the existing noise environment shall be commensurate with the type of energy facility being proposed, the impacts expected, and the presence of high density receptor locations in the vicinity of the proposed site.

(b) Identify and quantify the impact of noise emissions resulting from construction and operation ((and shall describe the measures to be taken in order to eliminate or lessen this impact)) of the energy facility, using appropriate state-of-the-art modeling techniques, and including impacts resulting from low frequency noise;

(c) Identify local, state, and federal environmental noise impact guidelines;

(d) Describe the mitigation measures to be implemented to satisfy WAC 463-62-030;

(e) Describe the means the applicant proposes to employ to assure continued compliance with WAC 463-62-030.

(2) Risk of fire or explosion((-)). The ((applicant)) application shall describe any potential for fire or explosion during construction, operation, standby or nonuse, dismantling, or restoration of the facility and what measures will be made to mitigate any risk of fire or explosion.

(3) Releases or potential releases to the environment affecting public health, such as toxic or hazardous materials((-)). The ((applicant)) application shall describe any potential for release of toxic or hazardous materials to the environment and shall identify plans for complying with the federal Resource Conservation and Recovery Act and the state Dangerous waste regulations (chapter 173-303 WAC). The ((applicant)) application shall describe the treatment or disposition of all solid or semisolid construction and operation wastes including spent fuel, ash, sludge, and bottoms, and show compliance with applicable state and local solid waste regulations.

(4) Safety standards compliance((-)). The ((applicant)) application shall identify all federal, state, and local health and safety standards which would normally be applicable to the construction and operation of a project of this nature and shall describe methods of compliance therewith.

(5) Radiation levels((-)). For facilities which propose to release any radioactive materials, the ((applicant)) applica-

tion shall set forth information relating to radioactivity. Such information shall include background radiation levels of appropriate receptor media pertinent to the site. The ((applicant)) application shall also describe the proposed radioactive waste treatment process, the anticipated release of radionuclides, their expected distribution and retention in the environment, the pathways which may become sources of radiation exposure, and projected resulting radiation doses to human populations. Other sources of radiation which may be associated with the project shall be described in all applications.

(6) Emergency plans. The application shall describe emergency plans which will be required to assure the public safety and environmental protection on and off the site in the event of a natural disaster or other major incident relating to or affecting the project as well as identifying the specific responsibilities that will be assumed by the applicant.

AMENDATORY SECTION (Amending WSR 92-23-012, filed 11/6/92, effective 12/7/92)

**WAC 463-42-362 Built environment—Land and shoreline use.** (1) ~~((The relationship to existing land use plans and to estimated population—As part of))~~ The application ~~((, the applicant))~~ shall ~~((furnish copies of adopted))~~ identify land use plans and zoning ordinances((, including the latest land use regulation and a survey of present land uses within the following distances of the immediate site area:

(a) In the case of thermal power plants, twenty-five miles radius;

(b) In the case of petroleum refineries ten miles radius;

(c) In the case of petroleum or LNG storage areas or underground natural gas storage, ten miles radius from center of storage area or well heads;

(d) In the case of pipe lines and electrical transmission routes, one mile either side of center line.

(2) Housing—The applicant shall describe potential impact on housing needs, costs, or availability due to influx of workers for construction and/or operation of the facility)) applicable to the project site.

~~((3))~~ (2) Light and glare((-)). The ((applicant)) application shall describe the impact of light((s)) and glare from construction and operation and shall describe the measures to be taken in order to eliminate or lessen this impact.

~~((4))~~ (3) Aesthetics((-)). The ((applicant)) application shall describe the aesthetic impact of the proposed energy facility and associated facilities and any alteration of surrounding terrain. The presentation will show the location and design of the facilities relative to the physical features of the site in a way that will show how the installation will appear relative to its surroundings. The applicant shall describe the procedures to be utilized to restore or enhance the landscape disturbed during construction (to include temporary roads).

~~((5))~~ (4) Recreation((-)). The ((applicant)) application shall list all recreational sites within the area affected by construction and operation of the facility and shall then describe how each will be impacted by construction and operation.

~~((6))~~ (5) Historic and cultural preservation((-)). The ((applicant)) application shall coordinate with and provide a list of all historical and archaeological sites within the area

affected by construction and operation of the facility ~~(and)~~ to the Washington state office of archaeology and historic preservation and interested tribe(s). The application shall ~~(then)~~;

(a) Provide evidence of this coordination;

(b) Describe how each site will be impacted by construction and operation; and

(c) Identify what mitigation will be required.

~~((7))~~ (6) Agricultural crops/animals(-). The ~~((applicant))~~ application shall identify all agricultural crops and animals which could be affected by construction and/or operation of the facility and any operations, discharges, or wastes which could impact the adjoining agricultural community.

**AMENDATORY SECTION** (Amending WSR 92-23-012, filed 11/6/92, effective 12/7/92)

**WAC 463-42-372 Built environment—Transportation.** (1) Transportation systems(-). The ~~((applicant))~~ application shall identify all permanent transportation facilities impacted by the construction and operation of the energy facilities, the nature of the impacts and the methods to mitigate impacts. Such impact identification, description, and mitigation shall, at least, take into account:

(a) Expected traffic volumes during construction, based on where the work force is expected to reside;

(b) Access routes for moving heavy loads, construction materials, or equipment;

(c) Expected traffic volumes during normal operation of the facility;

(d) For transmission facilities, anticipated maintenance access; and

(e) Consistency with local comprehensive transportation plans.

(2) Vehicular traffic(-). The ~~((applicant))~~ application shall describe existing roads, estimate volume, types, and routes of vehicular traffic which will arise from construction and operation of the facility. The applicant shall indicate the applicable standards to be utilized in improving existing roads and in constructing new permanent or temporary roads or access, and shall indicate the final disposition of new roads or access and identify who will maintain them.

(3) Waterborne, rail, and air traffic(-). The ~~((applicant))~~ application shall describe existing railroads and other transportation facilities and indicate what additional access, if any, will be needed during planned construction and operation. The applicant shall indicate the applicable standards to be utilized in improving existing transportation facilities and in constructing new permanent or temporary access facilities, and shall indicate the final disposition of new access facilities and identify who will maintain them.

(4) Parking(-). The ~~((applicant))~~ application shall identify existing and any additional parking areas or facilities which will be needed during construction and operation of the energy facility, and plans for maintenance and runoff control from the parking areas or facilities.

(5) Movement/circulation of people or goods(-). The ~~((applicant))~~ application shall describe any change to the current movement or circulation of people or goods caused by construction or operation of the facility. The ~~((applicant))~~

application shall indicate consideration of multipurpose utilization of rights of way and describe the measures to be employed to utilize, restore, or rehabilitate disturbed areas. The ~~((applicant))~~ application shall describe the means proposed to ensure safe utilization of those areas under applicant's control ~~((on or in which))~~ where public access will be granted during project construction, operation, abandonment, termination, or when operations cease.

(6) Traffic hazards(-). The ~~((applicant))~~ application shall identify all hazards to traffic caused by construction or operation of the facility. Except where security restrictions are imposed by the federal government the applicant shall indicate the manner in which fuels and waste products are to be transported to and from the facility, including a designation of the specific routes to be utilized.

**AMENDATORY SECTION** (Amending WSR 92-23-012, filed 11/6/92, effective 12/7/92)

**WAC 463-42-535 Socioeconomic impact.** The ~~((applicant))~~ application shall ~~((submit))~~ include a detailed socioeconomic impact ~~((study))~~ analysis which identifies primary ~~((and))~~, secondary ~~((and))~~, positive as well as negative impacts on the socioeconomic environment in the area potentially affected by the project, with particular attention ~~((and analysis of))~~ to the impact of the proposed facility on population, work force((s)), property values, housing, ((traffic;)) health ((and safety)) facilities and services, education facilities ((and)), governmental services, and local economy. The study area shall include the area that may be affected by employment within a one-hour commute distance of the project site. The analysis shall use the most recent data as published by the U.S. Census or state of Washington sources.

(1) The analysis shall include:

(a) Population and growth rate data for the most current ten-year period for the county or counties and incorporated cities in the study area;

(b) Published forecast population figures for the study area for both the construction and operations periods;

(c) Numbers and percentages describing the race/ethnic composition of the cities and counties in the study area;

(d) Average per capita and household incomes, including the number and percentage of the population below the poverty level for the cities and counties within the study area;

(e) A description of whether or not any minority or low-income populations would be displaced by this project or disproportionately impacted;

(f) The average annual work force size, total number of employed workers, and the number and percentage of unemployed workers including the year that data are most recently available. Employment numbers and percentage of the total work force should be provided for the primary employment sectors;

(g) An estimate by month of the average size of the project construction, operational work force by trade, and work force peak periods;

(h) An analysis of whether or not the locally available work force would be sufficient to meet the anticipated demand for direct workers and an estimate of the number of construction and operation workers that would be hired from

outside of the study area if the locally available work force would not meet the demand;

(i) A list of the required trades for the proposed project construction;

(j) An estimate of how many direct or indirect operation and maintenance workers (including family members and/or dependents) would temporarily relocate;

(k) An estimate of how many workers would potentially commute on a daily basis and where they would originate.

(2) The application shall describe the potential impact on housing needs, costs, or availability due to the influx of workers for construction and operation of the facility and include the following:

(a) Housing data from the most recent ten-year period that data are available, including the total number of housing units in the study area, number of units occupied, number and percentage of units vacant, median home value, and median gross rent. A description of the available hotels, motels, bed and breakfasts, campgrounds or other recreational facilities;

(b) How and where the direct construction and indirect work force would likely be housed. A description of the potential impacts on area hotels, motels, bed and breakfasts, campgrounds and recreational facilities;

(c) Whether or not meeting the direct construction and indirect work force's housing needs might constrain the housing market for existing residents and whether or not increased demand could lead to increased median housing values or median gross rents and/or new housing construction. Describe mitigation plans, if needed, to meet shortfalls in housing needs for these direct and indirect work forces.

(3) The application shall have an analysis of the economic factors including the following:

(a) The approximate average hourly wage that would likely be paid to construction and operational workers, how these wage levels vary from existing wage levels in the study area, and estimate the expendable income that direct workers would likely spend within the study area;

(b) How much, and what types of direct and indirect taxes would be paid during construction and operation of the project and which jurisdictions would receive those tax revenues;

(c) The other overall economic benefits (including mitigation measures) and costs of the project on the economies of the county, the study area and the state, as appropriate, during both the construction and operational periods.

(4) The application shall describe the impacts, relationships, and plans for utilizing or mitigating impacts caused by construction or operation of the facility to the following public facilities and services:

(a) Fire;

(b) Police;

(c) Schools;

(d) Parks or other recreational facilities;

(e) Utilities;

(f) Maintenance;

(g) Communications;

(h) Water/storm water;

(i) Sewer/solid waste;

(j) Other governmental services.

(5) The application shall compare local government revenues generated by the project (e.g., property tax, sales tax, business and occupation tax, payroll taxes) with their additional service expenditures resulting from the project; and identify any potential gaps in expenditures and revenues during both construction and operation of the project. This discussion should also address potential temporal gaps in revenues and expenditures.

(6) To the degree that a project will have a primary or secondary negative impact on any element of the socio-economic environment, the applicant is encouraged to work with local governments to avoid, minimize, or compensate for the negative impact. The term "local government" is defined to include cities, counties, school districts, fire districts, sewer districts, water districts, irrigation districts, or other special purpose districts.

**Subpart E - Applications for Permits and Authorizations**

NEW SECTION

**WAC 463-42-536 Air emissions permits and authorizations.** (1) The application for site certification shall include a completed prevention of significant deterioration permit (PSD) application and a notice of construction application pursuant to the requirements of chapter 463-78 WAC.

(2) The application shall include requests for authorization for any emissions otherwise regulated by local air agencies as identified in WAC 463-60-297 Pertinent federal, state and local requirements.

NEW SECTION

**WAC 463-42-537 Wastewater/storm water discharge permit applications.** The application for site certification shall include:

(1) A completed National Pollutant Discharge Elimination System (NPDES) permit application, for any proposed discharge to surface waters of the state of Washington, pursuant to the requirements of WAC 463-76-031; or

(2) For any proposed discharge to publicly owned treatment works (POTW) and/or ground water of the state of Washington, a state waste discharge application;

(3) A notice of intent to be covered under any applicable statewide general permit for storm water discharge.

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
463-42-010	463-60-010
463-42-012	463-60-012
463-42-015	463-60-015
463-42-025	463-60-025
463-42-035	463-60-035
463-42-045	463-60-045
463-42-055	463-60-055

PERMANENT

Old WAC Number	New WAC Number	WAC 463-42-655	Initial site restoration plan.
463-42-065	463-60-065	WAC 463-42-665	Detailed site restoration plan—Terminated projects.
463-42-075	463-60-075	WAC 463-42-675	Site preservation plan—Suspended projects.
463-42-085	463-60-085	WAC 463-42-680	Site restoration—Terminated projects.
463-42-095	463-60-095	WAC 463-42-685	Pertinent federal, state and local requirements.
463-42-105	463-60-105	WAC 463-42-690	Amendments to applications, additional studies, procedure.
463-42-115	463-60-115		
463-42-125	463-60-125		
463-42-135	463-60-135		
463-42-145	463-60-145		
463-42-155	463-60-155		
463-42-165	463-60-165		
463-42-175	463-60-175		
463-42-185	463-60-185		
463-42-195	463-60-195		
463-42-205	463-60-205		
463-42-215	463-60-215		
463-42-225	463-60-225		
463-42-235	463-60-235		
463-42-245	463-60-245		
463-42-255	463-60-255		
463-42-265	463-60-265		
463-42-275	463-60-275		
463-42-285	463-60-285		
463-42-295	463-60-295		
463-42-302	463-60-302		
463-42-312	463-60-312		
463-42-322	463-60-322		
463-42-332	463-60-332		
463-42-342	463-60-342		
463-42-352	463-60-352		
463-42-362	463-60-362		
463-42-372	463-60-372		
463-42-535	463-60-535		

**Chapter 463-43 WAC**

**~~((PROCEDURE — APPLICATIONS FOR))~~ EXPEDITED PROCESSING**

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

**WAC 463-43-010 Purpose** ~~((and scope))~~. This chapter sets forth eligibility and processing requirements for ~~((preparation of applications for energy facility site certification which qualify for expedited processing and delineates certain))~~ abbreviated procedures for ~~((processing eligible))~~ applications pursuant to RCW 80.50.075.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

**WAC 463-43-020 Standard application required.** An applicant seeking expedited processing shall ~~((~~

~~((1) Make application pursuant to chapter 463-42 WAC. The application must address all sections of chapter 463-42 WAC in sufficient detail so the council can determine the impacts under WAC 463-43-030;~~

~~((2) Submit those fees for independent consultant review and application processing pursuant to RCW 80.50.071 (1)(a) and (b) and chapter 463-58 WAC with the understanding that any unexpended portions thereof shall be returned to the applicant at the completion of application processing, and~~

~~((3) Submit a request for expedited processing to the council at the time of application which shall be accompanied by a completed environmental checklist as delineated in WAC 463-46-365)) submit an application for site certification, fees, and a request for expedited processing as required by RCW 80.50.075.~~

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

**WAC 463-43-040 Prior to making a determination of eligibility for expedited processing.** The council prior to making a determination of eligibility for expedited processing shall:

(1) Conduct a public informational meeting in the county of the proposed site within ~~((60))~~ sixty days of receipt of an application to provide information to the public concerning

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 463-42-382	Built environment—Public services and utilities.
WAC 463-42-385	PSD application.
WAC 463-42-435	NPDES application.
WAC 463-42-525	Emergency plans.
WAC 463-42-625	Criteria, standards, and factors utilized to develop transmission route.
WAC 463-42-645	Analysis of alternatives.

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the nature and purpose of the energy facility and the review process to be undertaken by the council and to provide an opportunity for the public to present its views((:));

(2) Determine at a public hearing within ~~((60))~~ sixty days of receipt of an application if the proposed site is consistent and in compliance with city, county or regional land use plans ~~((&))~~ and zoning ordinances((:));

(3) Review the application pursuant to WAC 463-43-030; in making its review the council may engage pursuant to RCW 80.50.071 (1)(a) an independent consultant to provide an assessment of the application and environmental checklist and to conduct any special study deemed necessary by the council((:)); and

(4) Initiate processing of the applicant's NPDES application, if required, in accordance with chapter ~~((463-38))~~ 463-76 WAC.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

**WAC 463-43-050 Expedited processing determination.** Following the review of an application and land use hearing and within ~~((120))~~ one hundred twenty days of receipt of an application or such later time as is mutually agreed by the applicant and the council, ~~((at a regular or special meeting and))~~ by order will grant expedited processing for an application when it has found that:

(1) The proposed site is consistent and in compliance with city, county or regional land use plans ~~((&))~~ and zoning ordinances((:)); and

(2) The environmental impact, area potentially affected, cost and magnitude, and degree of change in use caused by the proposed energy facility are not significant enough to warrant a full review of an application for certification under the provisions of chapter 80.50 RCW.

AMENDATORY SECTION (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

**WAC 463-43-060 Effect of expedited processing.** For an application granted expedited processing under WAC 463-43-050 the council shall not:

(1) Conduct any further review of an application by an independent consultant~~((, and))~~;

(2) Hold an adjudicative proceeding ~~((hearing))~~ under chapter 34.05 RCW; and

(3) Continue an adjudicative proceeding that has commenced.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

**WAC 463-43-070 Expedited application processing.** The council will prescribe the form, content and necessary supporting documentation for site certification during ~~((regular or special))~~ council meetings ~~((of the council))~~. All interested persons and the counsel for the environment shall be afforded an opportunity to make presentations on the matters herein.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

**WAC 463-43-080 Recommendation—Transmittal to governor.** Within ~~((60))~~ sixty days following the granting of expedited processing or such later time as is mutually agreed by the applicant and the council, the council shall forward its recommendation, and if the recommendation is for approval ~~((with)), the council will also forward~~ a copy of ~~((the))~~ a draft site certification agreement to the governor.

AMENDATORY SECTION (Amending WSR 98-01-082, filed 12/12/97, effective 1/12/98)

**WAC 463-47-020 Adoption by reference.** The energy facility site evaluation council adopts the following sections or subsections of chapter 197-11 WAC by reference as of the effective date of this rule.

- ~~((197-11-040 Definitions:))~~
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.
- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.
- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping. (Optional)
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.

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- |            |                                                         |            |                                               |
|------------|---------------------------------------------------------|------------|-----------------------------------------------|
| 197-11-448 | Relationship of EIS to other considerations.            | 197-11-738 | EIS.                                          |
| 197-11-450 | Cost-benefit analysis.                                  | 197-11-740 | Environment.                                  |
| 197-11-455 | Issuance of DEIS.                                       | 197-11-742 | Environmental checklist.                      |
| 197-11-460 | Issuance of FEIS.                                       | 197-11-744 | Environmental document.                       |
| 197-11-500 | Purpose of this part.                                   | 197-11-746 | Environmental review.                         |
| 197-11-502 | Inviting comment.                                       | 197-11-750 | Expanded scoping.                             |
| 197-11-504 | Availability and cost of environmental documents.       | 197-11-752 | Impacts.                                      |
| 197-11-508 | SEPA register.                                          | 197-11-754 | Incorporation by reference.                   |
| 197-11-510 | Public notice.                                          | 197-11-756 | Lands covered by water.                       |
| 197-11-535 | Public hearings and meetings.                           | 197-11-758 | Lead agency.                                  |
| 197-11-545 | Effect of no comment.                                   | 197-11-760 | License.                                      |
| 197-11-550 | Specificity of comments.                                | 197-11-762 | Local agency.                                 |
| 197-11-560 | FEIS response to comments.                              | 197-11-764 | Major action.                                 |
| 197-11-570 | Consulted agency costs to assist lead agency.           | 197-11-766 | Mitigated DNS.                                |
| 197-11-600 | When to use existing environmental documents.           | 197-11-768 | Mitigation.                                   |
| 197-11-610 | Use of NEPA documents.                                  | 197-11-770 | Natural environment.                          |
| 197-11-620 | Supplemental environmental impact statement—Procedures. | 197-11-772 | NEPA.                                         |
| 197-11-625 | Addenda—Procedures.                                     | 197-11-774 | Nonproject.                                   |
| 197-11-630 | Adoption—Procedures.                                    | 197-11-776 | Phased review.                                |
| 197-11-635 | Incorporation by reference—Procedures.                  | 197-11-778 | Preparation.                                  |
| 197-11-640 | Combining documents.                                    | 197-11-780 | Private project.                              |
| 197-11-650 | Purpose of this part.                                   | 197-11-782 | Probable.                                     |
| 197-11-655 | Implementation.                                         | 197-11-784 | Proposal.                                     |
| 197-11-660 | Substantive authority and mitigation.                   | 197-11-786 | Reasonable alternative.                       |
| 197-11-680 | Appeals.                                                | 197-11-788 | Responsible official.                         |
| 197-11-700 | Definitions.                                            | 197-11-790 | SEPA.                                         |
| 197-11-702 | Act.                                                    | 197-11-792 | Scope.                                        |
| 197-11-704 | Action.                                                 | 197-11-793 | Scoping.                                      |
| 197-11-706 | Addendum.                                               | 197-11-794 | Significant.                                  |
| 197-11-708 | Adoption.                                               | 197-11-796 | State agency.                                 |
| 197-11-710 | Affected tribe.                                         | 197-11-797 | Threshold determination.                      |
| 197-11-712 | Affecting.                                              | 197-11-799 | Underlying governmental action.               |
| 197-11-714 | Agency.                                                 | 197-11-800 | Categorical exemptions.                       |
| 197-11-716 | Applicant.                                              | 197-11-880 | Emergencies.                                  |
| 197-11-718 | Built environment.                                      | 197-11-890 | Petitioning DOE to change exemptions.         |
| 197-11-720 | Categorical exemption.                                  | 197-11-900 | Purpose of this part.                         |
| 197-11-722 | Consolidated appeal.                                    | 197-11-902 | Agency SEPA policies.                         |
| 197-11-724 | Consulted agency.                                       | 197-11-904 | Agency SEPA procedures.                       |
| 197-11-726 | Cost-benefit analysis.                                  | 197-11-906 | Content and consistency of agency procedures. |
| 197-11-728 | County/city.                                            | 197-11-910 | Designation of responsible official.          |
| 197-11-730 | Decisionmaker.                                          | 197-11-912 | Procedures on consulted agencies.             |
| 197-11-732 | Department.                                             | 197-11-914 | SEPA fees and costs.                          |
| 197-11-734 | Determination of nonsignificance (DNS).                 | 197-11-916 | Application to ongoing actions.               |
| 197-11-736 | Determination of significance (DS).                     | 197-11-917 | Relationship to chapter 197-10 WAC.           |
|            |                                                         | 197-11-918 | Lack of agency procedures.                    |
|            |                                                         | 197-11-920 | Agencies with environmental expertise.        |
|            |                                                         | 197-11-922 | Lead agency rules.                            |

- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.
- 197-11-950 Severability.
- 197-11-955 Effective date.
- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.
- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

**AMENDATORY SECTION** (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

**WAC 463-47-060 Additional timing considerations.**

(1) The council will determine when it receives an application whether the proposal is an "action" and, if so, whether it is "categorically exempt" from SEPA. If the proposal is an action and is not exempt, the council will request the applicant to complete an environmental checklist. A checklist is not needed if the council and applicant agree an EIS is required, SEPA compliance has been completed, SEPA compliance has been initiated by another agency, or a checklist is included with the application. The applicant should also complete an environmental checklist if the council is unsure whether the proposal is exempt.

(2) ~~((The council when it receives an application and environmental checklist will determine whether the council or another agency is SEPA lead agency (see WAC 197-11-050 and 197-11-922 through 197-11-940) within five working days. If the council is not the lead agency, the council shall send the completed environmental checklist, a copy of~~

~~the permit application, to the lead agency, and an explanation of the determination to the identified lead agency.~~

~~(3))~~ The council may initiate an adjudicative proceeding hearing required by RCW ~~((80-50-100))~~ 80.50.090 prior to completion of the draft EIS. The council shall initiate and conclude an adjudicative proceeding ~~((hearing required by RCW 80-50-100))~~ prior to issuance of the final EIS.

**AMENDATORY SECTION** (Amending WSR 92-09-013, filed 4/2/92, effective 5/3/92)

**WAC 463-47-090 EIS preparation.** (1) Preparation of draft and final EISs and SEISs is the responsibility of the council ~~((or a council subcommittee)).~~ Before the council issues an EIS, the responsible official shall be satisfied that it complies with these rules and chapter 197-11 WAC.

(2) The council normally will prepare its own draft and final EISs. It may require an applicant to provide information that the council does not possess, including specific investigations. ~~((However, the applicant is not required to supply information that is not required under these rules.))~~

(3) If the council would be unable to prepare a draft and/or final EIS due to its commitments or other constraints ~~((or when a local agency transfers lead agency status to the council under WAC 197-11-940,))~~ the council may allow an applicant the following option for preparation of the draft and/or final EIS for the applicant's proposal:

(a) ~~((The council retains a mutually agreed upon and independent outside party to prepare the document.~~

~~(b))~~ The applicant and the council agree upon a method of funding in which the applicant will bear the expense of the EIS preparation, but the consultant will work directly for the council.

~~((c))~~ (b) The outside party will prepare the document under the supervision of the council or council subcommittee, and the responsible official.

~~((d))~~ (c) Normally, the council will have the documents printed and distributed.

(4) Whenever someone other than the council prepares a draft or final EIS, the council shall:

(a) Direct the areas of research and examination to be undertaken and the content and organization of the document.

(b) Initiate and coordinate scoping, ensuring that the individual preparing the EIS receives all substantive information submitted by any agency or person.

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the EIS.

(d) Allow the person preparing the EIS access to council records relating to the EIS (under chapter 42.17 RCW—Public disclosure and public records law).

**AMENDATORY SECTION** (Amending WSR 98-01-082, filed 12/12/97, effective 1/12/98)

**WAC 463-47-120 Critical areas.** In determining whether a proposal is exempt from SEPA, the council shall ~~((respect))~~ consider "critical area" designations made by local governments under WAC 197-11-908.

AMENDATORY SECTION (Amending Order 84-2, filed 9/14/84)

**WAC 463-47-130 Threshold levels adopted by cities/counties.** In determining whether a proposal is exempt from SEPA, the council shall ~~((inquire of))~~ consider the threshold levels adopted by cities/counties under WAC 197-11-800(1).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 463-47-040 Additional definitions.

**Chapter 463-50 WAC**

**INDEPENDENT CONSULTANTS~~((--GUIDELINES))~~**

AMENDATORY SECTION (Amending Order 110, filed 11/16/76)

**WAC 463-50-010 Purpose ~~((and scope of this chapter))~~.** ~~((It is the purpose of))~~ This chapter ~~((to publish))~~ establishes guidelines regarding council use of independent consultants.

AMENDATORY SECTION (Amending Order 110, filed 11/16/76)

**WAC 463-50-040 Duties to be performed by consultant.** The independent consultant shall be primarily responsible for the review and evaluation of information provided by the applicant to determine areas of possible omissions ~~((or))~~, and may undertake assignments or studies as may be specified or provided for by the contract with the council. The independent consultant may be contracted to:

(1) ~~((Review and analyze the site certification application))~~ Prepare a potential site study and supporting documents for compliance with the topical guidelines and for technical veracity, and prepare a criteria document which details the contents of an application for site certification;

(2) Review and analyze an energy project site certification application for compliance with the requirements contained in chapter 463-62 WAC (Construction and operation standards for energy facilities) and chapter 463-60 WAC;

(3) Identify areas of critical environmental sensitivity~~((:));~~

~~((3))~~ (4) Develop and provide such information as the council may deem essential to an adequate site appraisal; and ~~((4))~~ (5) Provide technical advice to the council during the site certification process.

AMENDATORY SECTION (Amending Order 110, filed 11/16/76)

**WAC 463-50-050 Basis for compensation.** The basis for compensation to be specified in contracts with independent consultants shall generally be as follows:

(1) For applications for site certification, where the total scope and/or volume of work is variable and acts to prevent advance determination of total project cost, the consultant

shall be compensated on the basis of actual cost plus a net fee for profit~~((:));~~

(2) For potential site studies, where the total scope and/or volume of work to be performed can be specified in advance, the consultant shall be compensated on the basis of a lump sum payment.

All payments to independent consultants shall be subject to audit.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 463-50-020 Solicitation of proposals to perform work.

**Chapter 463-54 WAC**

**CERTIFICATION COMPLIANCE ~~((DETERMINATION))~~ MONITORING AND ENFORCEMENT**

AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

**WAC 463-54-010 ~~((Intent and))~~ Purpose ~~((of this chapter))~~.** This chapter sets forth rules relating to ~~((effects and compliance determination of energy facility))~~ monitoring the construction and operation of energy facilities to determine compliance with the terms of certification agreements and/or permits pursuant to RCW 80.50.040~~((++))~~ (9).

AMENDATORY SECTION (Amending WSR 94-16-031, filed 7/26/94, effective 8/26/94)

**WAC 463-54-020 Compliance to be determined.** Compliance ~~((determination))~~ monitoring procedures shall be implemented by the council as necessary to determine compliance and keep it and the public properly informed as to the status of compliance with the terms of certification agreements~~((:))~~ and PSD, NPDES, or other permits issued by the council.

AMENDATORY SECTION (Amending WSR 94-16-031, filed 7/26/94, effective 8/26/94)

**WAC 463-54-040 Compliance reports and determinations.** Written reports by state agencies, or their authorized representatives reporting to the council under interagency agreements, shall be submitted regularly and contain certifications as to the certificate holder's satisfactory compliance or noncompliance with the appropriate terms of the site certification agreement. Certifications of satisfactory compliance in the absence of compelling evidence to the contrary shall be deemed by the council as bona fide compliance by the certificate holder.

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**AMENDATORY SECTION** (Amending WSR 94-16-031, filed 7/26/94, effective 8/26/94)

**WAC 463-54-050 Noncompliance determinations and enforcement.** The council shall make ~~((the))~~ a determination of noncompliance with the terms of a certification agreement, PSD, NPDES, or other permits where circumstances so warrant and on such finding of noncompliance will institute appropriate enforcement action.

**AMENDATORY SECTION** (Amending WSR 94-16-031, filed 7/26/94, effective 8/26/94)

**WAC 463-54-060 ~~((Ecology))~~ Monitoring and enforcement—Departments of ecology and health.** (1) The council may contract with the department of ecology, or its authorized representative, ~~((is delegated the))~~ to perform monitoring activities pertaining to air and water discharges, except as provided in subsection (2) of this section, and when it reports to the council that appropriate enforcement activities are required relative thereto, the council shall take or initiate action to enforce the terms of the appropriate certification agreement and the incorporated PSD, NPDES, or other permits. Immediate enforcement action as needed may be undertaken by ecology, or its authorized representative, subject to subsequent confirmation or modification by the council.

(2) The council may contract with the department of health ~~((is responsible))~~ for monitoring activities pertaining to radionuclide emissions to the air in accordance with such ~~((approved memorandum of))~~ agreement. When it reports to the council that appropriate enforcement activities are required relative thereto, the council shall take or initiate action to enforce the terms of the appropriate certification agreement or attached permit. Immediate enforcement action as needed may be undertaken by health subject to subsequent confirmation or modification by the council.

**AMENDATORY SECTION** (Amending WSR 94-16-031, filed 7/26/94, effective 8/26/94)

**WAC 463-54-070 Enforcement actions.** ~~((Consistent with RCW 70.94.422, all enforcement actions and penalties for all air emission violations shall be consistent with RCW 70.94.332, 70.94.430, 70.94.431 (1) through (7), and 70.94.435.))~~

(1) General. The council establishes four types of enforcement action in order to provide the council with a range of responses to apparent violations of a site certification agreement or the laws and rules enforced by the council. The range allows the chair or the council to choose an approach which it determines, in its discretion, to be best suited in light of the ~~((apparent))~~ seriousness of an apparent violation, the potential danger to humans or the environment, the willingness and ability of the violator to make required corrections, and the speed with which corrective action should be taken.

(2) Emergency action by chair.

(a) Emergency action is appropriate when the chair or chair's designee believes that the nature of an apparent violation requires action too swiftly to allow for deliberation and

decision by the full council or that action is required pending the completion of other enforcement action.

(b) The chair of the council or the chair's designee is authorized to take immediate action to halt or eliminate any imminent or actual substantial danger to health or welfare of persons or the environment resulting from violation of law or of terms of the site certification agreement, including the release of pollutants from facilities sited under chapter 80.50 RCW. The chair may:

(i) Order the immediate termination of an endangerment or an endangering release and the immediate suspension of a PSD, NPDES, or other permits issued by the council, or order the immediate commencement of corrective action;

(ii) Notify appropriate agencies that protective measures are required immediately to safeguard public health and safety;

(iii) Request the prosecuting attorney of an affected county or the attorney general to take immediate enforcement action for violations of certification agreements or permits pursuant to RCW 80.50.150(6).

(c) The council shall consider any emergency action at a regular or special meeting as soon as practical after the action is taken. It may adopt, rescind, or modify emergency action and may take other enforcement action as specified in this rule. The council retains jurisdiction to maintain or modify emergency action until the circumstances requiring the action are cured to the council's satisfaction or until other enforcement actions supersede the emergency action, whichever first occurs.

(d) If feasible, the council shall allow the subject of emergency action to present its views prior to adopting, affirming, or modifying the action.

(3) Notice of incident and request for assurance of compliance.

(a) A notice of incident is appropriate when the council believes that a violation has occurred; that it is being corrected quickly and effectively by the violator; that the violation caused no substantial danger to humans or the environment; and that a penalty assessment does not appear to be appropriate in light of the seriousness of the violation or as an incentive to secure future compliance.

(b) Whenever the council has probable cause to believe that any term or condition of a certificate agreement or permit has been violated, the council may serve a notice of incident and request for assurance of compliance upon the certificate holder. Within thirty days after service of the notice, the certificate holder shall provide the council with a report of the incident and assurance of compliance, including appropriate measures to preclude a recurrence of the incident. The council shall review the assurance of compliance. It may close out the matter by resolution or take such further action as it believes to be necessary.

(4) Notice of violation.

(a) A notice of violation is appropriate when the council believes: That a violation has occurred; that a violation is not being timely or effectively corrected; that a violation may cause a substantial risk of harm to humans or the environment; or that a penalty may be appropriate as an incentive to future compliance.

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(b) Whenever the council has probable cause to believe that a violation of any term or condition of a certificate agreement or permit has occurred, the council may serve upon the certificate holder a notice of violation and may include the assessment of a penalty pursuant to RCW 80.50.150(5) or RCW 74.90.431 if the violation is of the Washington Clean Air Act. The notice shall specify the provisions of law or rule or the certificate agreement or permit which are alleged to have been violated and shall include a requirement that corrective action be taken.

(c) Review procedure. The certificate holder named in a notice of violation may appeal the notice to the council and it may seek remission or mitigation of any penalty.

(i) A request for mitigation or remission of a penalty must be filed within fifteen days after service of the notice of violation. A decision upon a request for remission or mitigation of a penalty is an administrative decision which the council may make in its discretion.

(ii) An appeal of a notice of violation must be filed within thirty days after service of the notice of violation. The appeal is an application for an adjudicative proceeding under RCW 34.05.410. It must be in writing, timely filed in the offices of the council, and state the basis of the contention and exactly what change or remedy is sought from the council. Unless the application is denied or settled, the council shall conduct an adjudicative proceeding upon the challenge pursuant to chapter 34.05 RCW.

(iii) Any penalty imposed in a notice of violation shall be due and payable thirty days after the following: Service of the notice of violation, if no review is sought; service of the council's decision upon remission or mitigation, if no appeal is made; or service of the council's final order on review of an appeal of a notice of violation. If the penalty is not paid when due, the council shall request the attorney general to commence an action in the name of the state to recover the penalty pursuant to RCW 80.50.150.

(5) Air ((~~pollution episodes~~) emission violations. Consistent with RCW 70.94.422, all council enforcement actions and penalties for all air emission violations shall be consistent with RCW 70.94.332, 70.94.430, 70.94.431 (1) through (7), and 70.94.435. The council may enter such orders as authorized by chapter 80.50 RCW regarding air pollution episodes or violations, as set forth in WAC ((~~463-39-230~~) 463-78-230.

(6) NPDES permit violations. In addition to the provisions of this chapter, council enforcement actions related to noncompliance with or violations of NPDES permits administered by the council shall be consistent with RCW 80.50.-150, chapter 90.48 RCW, and chapter 463-76 WAC.

(7) Judicial enforcement.

(a) Judicial enforcement is available through chapter 80.50 RCW. It is appropriate when the council believes that judicial action may be of substantial assistance in securing present or future compliance or resolution of the underlying problem.

(i) The council may request the attorney general or the prosecuting attorney of any county affected by a violation to commence civil proceedings to enforce the provisions of chapter 80.50 RCW, pursuant to RCW 80.50.150(6).

(ii) The council may request the prosecuting attorney of any county affected by a violation to commence criminal proceedings to enforce the provisions of chapter 80.50 RCW, pursuant to RCW 80.50.150(6).

(b) The council may also secure judicial enforcement of its rules or orders pursuant to RCW 34.05.578.

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
463-54-010	463-70-010
463-54-020	463-70-020
463-54-030	463-70-030
463-54-040	463-70-040
463-54-050	463-70-050
463-54-060	463-70-060
463-54-070	463-70-070

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 463-54-080	Site preservation or restoration plan.
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AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

**WAC 463-58-010 ((~~Intent and~~) Purpose ((~~of this chapter~~)).** This chapter sets forth rules relating to fees or charges for independent consultant ((~~study~~)) studies, regular and expedited application processing, determining compliance and potential site ((~~study~~)) studies.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

**WAC 463-58-020 Fees for the independent consultant ((~~study~~)) studies.** Pursuant to RCW 80.50.071, a fee of twenty-five thousand dollars for each proposed site shall accompany the application for an energy facility site certification. This fee shall be applied toward the total cost of the independent consultant study authorized by RCW ((~~80.50-070~~) 80.50.071). The determination of the total fees required for the ((~~independent consultant~~)) study shall generally be as follows:

(1) ((~~The consultant selected to perform independent consulting services shall be required to provide the council with an estimate of costs required to complete the study. Upon approval of the estimate by the council, the applicant shall be advised of the costs, totally or by phase, required to complete the study.~~)) The council may determine that the initial fee of twenty-five thousand dollars is insufficient to adequately fund the study. If so, the council shall so advise the applicant and shall furnish an estimate of the supplemental

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fees needed to complete the study and shall direct the applicant to increase the funds on deposit to cover the anticipated costs. In no event shall the study be allowed to continue if the applicant has not agreed to pay the cost thereof and has not deposited the agreed upon funds;

(2) Should the applicant file amendments or supplements to the application or should the council find that additional study of the application is required, additional cost estimates will be prepared by the consultant and provided to the council. Upon approval of the estimate by the council, the applicant shall be advised of the additional study costs((;));

(3) ~~((If the estimate of the costs, as stated in (1) or (2) above, totally or by phase, exceeds twenty five thousand dollars, the applicant shall provide prior approval for the expenditure of such excess amounts, and~~

(4)) The council shall authorize the independent consultant to initiate evaluation of the application materials or subsequently filed amendatory or supplementary materials when the applicant has ~~((provided agreement to pay))~~ paid the required costs ~~((, and the council has provided the applicant with a statement of amount due)).~~

AMENDATORY SECTION (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

**WAC 463-58-030 Fees for regular application processing.** Pursuant to RCW 80.50.071 each applicant for energy facility site certification shall at the time of application submission deposit twenty thousand dollars for costs related to processing of the application. Such processing costs shall consist of those determined by the council to be reasonable and necessary including:

(1) A hearing examiner(s) who may be retained by the council for the duration of the application processing period or for such portion of the processing period as the council may consider necessary((;));

(2) A court reporter(s) for the recording and preparation of transcripts of an adjudicative proceeding ~~((hearing))~~, council meetings or public sessions which the council shall consider necessary((;));

(3) Additional staff salaries for those persons employed on the council staff for the duration of the application processing period((;)); and

(4) Such overhead and support costs including wages and employee benefits, goods and services, travel expenses within the state and miscellaneous expenses as arise directly from application processing;

(5) The council may determine that the initial fee of twenty thousand dollars is insufficient to fund the council costs. If so, the council shall so advise the applicant and shall request the applicant to increase the funds on deposit to cover the anticipated costs. In no event shall the processing of the application continue if the applicant has not agreed to pay the cost thereof and has not deposited the agreed upon funds.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

**WAC 463-58-040 Fees for expedited application processing.** Applicants filing applications for expedited processing under RCW 80.50.075 shall provide fees in accordance

with WAC 463-58-020 and 463-58-030 ~~((above with the understanding that any unexpended portions thereof shall be returned to the applicant at the completion of application processing))~~.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

**WAC 463-58-050 Fees for determining compliance.** Pursuant to RCW 80.50.071 ~~(1)(c)~~ each certificate holder shall pay such reasonable costs as are actually and necessarily incurred by the council for inspection and determination of compliance by the certificate holder with the terms and conditions of the certificate. The amount of funds required to be placed on deposit by the certificate holder shall be determined ~~((as follows:~~

~~(1) For the period subsequent to the date of execution of the site certification agreement until the beginning of construction or until the beginning of any work covered by an NPDES permit, five hundred dollars, and~~

~~(2) For the period subsequent to beginning of construction or beginning of any work covered by an NPDES permit, twenty thousand dollars)) by the council and deposited by the applicant within thirty days of the governor's signing the site certification agreement.~~

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

**WAC 463-58-060 Fees for potential site ~~((study))~~ studies.** A fee of ten thousand dollars shall accompany the study request and be a condition precedent to any action by the council. In the event that the council determines that the initial fee of ten thousand dollars is insufficient to adequately fund the potential site study, the council shall so advise the potential applicant and shall furnish an estimate of the supplemental fees needed to complete the study. In no event shall the study be allowed to continue if the potential applicant has not agreed to pay the cost thereof.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

**WAC 463-58-070 Failure to provide necessary fees.** Failure to ~~((provide the initial deposit or subsequently required payments within thirty days following receipt of a statement from the council may))~~ comply with WAC 463-58-020 through 463-58-060 shall result, in the case of an applicant, in suspension of all application processing activities or, in the case of a certificate holder, in ((suspension of the certification agreement. At the conclusion of the thirty day period allowed for making necessary payments,)) the council's initiation of enforcement action pursuant to WAC 463-54-070. The council will ~~((notify))~~ require any delinquent applicant or certificate holder ~~((to appear at the next regularly scheduled meeting or a subsequent meeting))~~ to show cause why the council should not suspend application processing ~~((of the certificate. In the event of suspension, action to reinstate)).~~ Following deposit of all required fees the council shall in the case of application processing, consider reinstatement of application processing, or in the ((certificate will be

taken by the council at the next regularly scheduled meeting following deposit of all required fees)) case of a certificate holder, reconsider enforcement action.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

**WAC 463-58-080 Payment, reporting and auditing procedures.** (1) ~~((Following payment of initial deposits for application processing and determination of compliance,))~~ The council will provide each applicant or certificate holder a statement of expenditures actually made during the preceding calendar quarter; the statement will be in sufficient detail to explain ~~((reasonable and necessary))~~ expenditures made against the deposited funds. Within thirty days of the receipt of the council's statement the applicant or certificate holder will pay an amount necessary to restore the total amount on deposit to the ~~((originally))~~ level established ~~((level provided that:~~

(a) ~~An applicant may be requested by the council to increase the amount of funds on deposit to cover anticipated expenses during peak periods of application processing. The council will provide to the applicant written justification for an increased deposit,~~

~~(b))~~ pursuant to WAC 463-58-020 through 463-58-060.

(2) Any funds remaining unexpended ~~((at the conclusion of application processing))~~ shall be refunded to the certificate holder, or in the case of an applicant to the applicant or, at the applicant's option, credited against required deposits of a certificate holder ~~((s, and))~~.

~~((c) If actual reasonable and necessary expenditures for inspection and determination of compliance in a calendar quarter have exceeded the amount of funds on deposit, such excess costs, pursuant to RCW 80.50.071, will be paid by the certificate holder. A statement will be provided to the certificate holder by the council in sufficient detail to provide an adequate explanation of these expenditures.~~

~~(2))~~ (3) All payments shall be made by a cashier's check payable to the state treasurer and delivered to the council office. The council will establish and maintain separate accounts for each application and certificate. All funds will be subject to state auditing procedures. The council will provide copies of such audits to the affected applicants and certificate holders as they are completed by the state auditor.

## Chapter 463-62 WAC

### CONSTRUCTION AND OPERATION STANDARDS FOR ENERGY FACILITIES

#### NEW SECTION

**WAC 463-62-010 Purpose.** (1) The purpose of this chapter is to implement the policy and intent of RCW 80.50.010. This chapter sets forth performance standards and mitigation requirements specific to seismicity, noise limits, fish and wildlife, wetlands, water quality, and air quality, associated with site certification for construction and operation of energy facilities under the jurisdiction of the council. The council shall apply these rules to site certification agree-

ments issued in connection with applications filed after the effective date of this chapter. Except for the provisions in chapter 463-36 WAC, these regulations shall not apply to energy facilities for which site certification agreements have been issued before the effective date of this chapter.

(2) The provisions of this chapter shall apply to the construction and operation of energy facilities, pursuant to chapter 80.50 RCW.

(3) Compliance with the standards within this chapter shall satisfy, in their respective subject areas, the requirements for issuance of a site certificate for construction and operation of energy facilities specified in subsection (2) of this section provided, however, that the council may require additional mitigation in the event that documents prepared pursuant to 43.21 RCW (State Environmental Policy Act), demonstrate that the project poses a probable significant adverse impact that is not mitigated by the provisions of this chapter.

#### NEW SECTION

**WAC 463-62-020 Seismicity.** The seismicity standard for construction of energy facilities shall be the standards contained in the state building code.

#### NEW SECTION

**WAC 463-62-030 Noise standards.** Energy facilities shall meet the noise standards established in chapter 70.107 RCW, the Noise Control Act of 1974; and state rules adopted to implement those requirements in chapter 173-60 WAC, Maximum environmental noise levels.

(1) Adoption by reference. The energy facility site evaluation council adopts the following provisions of chapter 173-60 WAC by reference.

(a) WAC 173-60-010 Authority and purpose.

(b) WAC 173-60-020 Definitions.

(c) WAC 173-60-030 Identification of environments.

(d) WAC 173-60-040 Maximum permissible environmental noise levels.

(e) WAC 173-60-050 Exemptions.

(f) WAC 173-60-080 Variances and implementation schedules.

(g) WAC 173-60-090 Enforcement policy.

(2) Additional definitions.

(a) "Council" means the energy facility site evaluation council.

(b) In addition to the definitions contained in WAC 173-60-020, "department" and "director" shall be synonymous with the council unless a different meaning is plainly required by context.

#### NEW SECTION

**WAC 463-62-040 Fish and wildlife.** The council's intent is to achieve no net loss of habitat functions and values by maintaining the functions and values of fish and wildlife habitat in the areas impacted by energy development.

(1) The council encourages applicants to select sites that avoid impacts to any species on federal or state lists of endangered or threatened species or to priority species and habitats.

## Chapter 463-64 WAC

ISSUANCE OF A SITE  
CERTIFICATION AGREEMENT

## (2) Standards.

(a) An applicant must demonstrate no net loss of fish and wildlife habitat function and value.

(b) Restoration and enhancement are preferred over creation of habitats due to the difficulty in successfully creating habitat.

(c) Mitigation credits and debits shall be based on a scientifically valid measure of habitat function, value, and area.

(d) The ratios of replacement habitat to impacted habitat shall be greater than 1:1 to compensate for temporal losses, uncertainty of performance, and differences in functions and values.

(e) Wetlands shall be replaced at ratios following the wetland standard established by the council in WAC 463-62-050.

(f) Fish and wildlife surveys shall be conducted during all seasons of the year to determine breeding, summer, winter, migratory usage, and habitat condition of the site.

NEW SECTION

**WAC 463-62-050 Impact and mitigation standards for wetlands.** (1) The council's intent is to achieve no net loss of wetland areas. Wetland impacts shall be avoided wherever possible. Where impacts cannot be avoided, the applicant shall be required to take one or more of the following actions (in the following order of preference): Restore wetlands on upland sites that were formerly wetlands; create wetlands on disturbed upland sites; enhance significantly degraded wetlands; and preserve high-quality wetlands that are under imminent threat.

(2) Wetland mitigation actions proposed to compensate for project impacts shall not result in a net loss of wetland area except when the lost wetland area provides minimal functions and the mitigation action(s) will clearly result in a significant net gain in wetland functions as determined by a site-specific function assessment.

NEW SECTION

**WAC 463-62-060 Water quality.** Waste water discharges from projects under the council's jurisdiction shall meet the requirements of applicable state water quality standards, chapter 173-201A WAC, state ground water quality standards, chapter 173-200 WAC, state sediment management standards, chapter 173-204A WAC, requirements of the Federal Water Pollution Control Act as amended (86 Stat 816,33 U.S.C. 1251, et seq.) and regulations promulgated thereunder.

NEW SECTION

**WAC 463-62-070 Air quality.** Air emissions from energy facilities shall meet the requirements of applicable state air quality laws and regulations promulgated pursuant to the Washington State Clean Air Act, chapter 70.94 RCW, and the Federal Clean Air Act (42 U.S.C. 7401 et seq.), and chapter 463-78 WAC.

NEW SECTION

**WAC 463-64-010 Purpose.** This chapter sets forth rules relating to reporting recommendations to the governor as to approval or rejection of an application for site certification and the governor's actions regarding approval or rejection of certification or directing reconsideration of certain aspects of certification.

NEW SECTION

**WAC 463-64-020 Recommendations to governor—Approval or rejection of certification.** The council shall report to the governor its recommendations as to the approval or rejection of an application for certification within twelve months of receipt by the council of such an application, or such later time as is mutually agreed by the council and the applicant. If the council recommends approval of an application for certification, it shall also submit a draft certification agreement with the report. The draft site certification agreement shall include, but shall not be limited to, conditions to protect state or local governmental or community interests affected by the construction or operation of the energy facility, and conditions designed to recognize the purpose of the laws or ordinances, or rules or regulations promulgated thereunder, that are preempted or superseded pursuant to RCW 80.50.110 as now or hereafter amended.

NEW SECTION

**WAC 463-64-030 Governor's action—Approval or rejection of certification, or reconsideration.** Pursuant to RCW 80.50.100, within sixty days of receipt of the council's report, the governor will take one of the following actions:

- (1) Approve the application and execute the draft certification agreement; the certification agreement shall be binding upon execution by the governor and the applicant;
- (2) Reject the application; or
- (3) Direct the council to reconsider certain aspects of the draft certification agreement.

NEW SECTION

**WAC 463-64-040 Reconsideration of draft certification agreement.** If directed by the governor under RCW 80.50.100 (2)(c) to reconsider certain aspects of the draft certification agreement, the council shall:

- (1) Reconsider such aspects of the draft application or, as necessary, reopen the adjudicative proceeding to receive additional evidence. Such reconsideration shall be conducted expeditiously.
- (2) Resubmit the draft certification to the governor incorporating any amendments deemed necessary upon reconsideration.
- (3) Within sixty days of receipt of such draft certification agreement, the governor will either approve the application

and execute the certification agreement or reject the application. The certification agreement shall be binding upon execution by the governor and the applicant.

NEW SECTION

**WAC 463-64-050 Rejection of an application for certification.** The rejection of an application for certification by the governor shall be final as to that application but shall not preclude submission of a subsequent application for the same site on the basis of changed conditions or new information.

**Chapter 463-68 WAC**

**SITE CERTIFICATION AGREEMENT—START OF CONSTRUCTION, EXPIRATION, AND REPORTING**

NEW SECTION

**WAC 463-68-010 Purpose.** This chapter sets forth the length of time before a site certification agreement expires if construction is not started, or commercial operation has not commenced, defines what activities constitute start of construction, and specifies the time frame within which a certificateholder must notify the council of the certificateholder's intentions, any project design changes, and the status of the site. The council shall apply these rules to site certification agreements issued in connection with applications filed after the effective date of this chapter. Except for the provisions in chapter 463-36 WAC, these regulations shall not apply to energy facilities for which site certification agreements have been issued before the effective date of this chapter.

NEW SECTION

**WAC 463-68-020 Construction and operation subject to certification conditions.** The state of Washington authorizes a certificateholder to construct and operate an energy facility as defined in RCW 80.50.060 and 80.50.020 at the approved site subject to the terms and conditions of the site certification agreement approved by the governor and applicable laws and rules.

NEW SECTION

**WAC 463-68-030 Term for start of construction.** Subject to conditions in the site certification agreement and this chapter, construction may start any time within ten years of the effective date of the site certification agreement.

NEW SECTION

**WAC 463-68-040 Start of construction.** Construction shall be deemed to have started with the initiation of any of the following construction activities:

- (1) Site preparation by grading of the site, foundation excavation, or other significant earthwork on the site;
- (2) Construction of footings or foundations, form work, installation of rebar, or pouring concrete for a project's major components or auxiliary structures;

(3) Excavation for natural gas supply, water supply, water or waste water discharge pipelines or structures;

(4) Earthwork or construction of access or service roads, electrical transmission lines, switchyard structures, or lay-down areas.

NEW SECTION

**WAC 463-68-050 Submittal of plans and specifications prior to start of construction.** At least ninety days prior to start of construction as defined in WAC 463-68-040, a certificateholder shall provide the plans and specifications required by the site certification agreement to the council for approval.

NEW SECTION

**WAC 463-68-060 Review and reporting changes in the project status or site conditions.** If construction does not both start within five years of the effective date of the site certification agreement and thereupon continue in a reasonably uninterrupted fashion toward project completion, then at least ninety days prior to the end of the five-year period, the certificateholder shall report to the council its intention to proceed or not to proceed with the project. If the certificateholder intends to proceed with the project, the certificateholder shall submit a report to the council describing:

- (1) The nature and degree of any changes to the following since the effective date of the site certification agreement:
  - (a) Project design;
  - (b) Statements and information in the application;
  - (c) Statements and information in project-related environmental documents; and
  - (d) Project-related environmental conditions.
- (2) Whether any new information or changed conditions indicate the existence of probable significant adverse environmental impacts that were not covered in any project-related environmental documents, including, but not limited to, those prepared under chapter 43.21C RCW.
- (3) Suggested changes, modification, or amendments to the site certification agreement and/or any regulatory permits.

NEW SECTION

**WAC 463-68-070 Review of changes.** Under WAC 463-68-060, construction may start, or restart if construction has been suspended, only upon the council finding that no changes or amendments to the site certification agreement, regulatory permits, or project-related environmental documents are necessary or appropriate, or upon the council's approval of any necessary or appropriate changes or amendments. The council may retain an independent consultant, at the certificateholder's expense, to evaluate and make recommendations about whether changes to the site certification agreement, regulatory permits, or project-related environmental documents are necessary or appropriate. This work may include, but is not limited to, verification of project-related environmental conditions, regulatory requirements, or appropriate technology.

PERMANENT

NEW SECTION

**WAC 463-68-080 Site certification agreement expiration.** (1) If the certificateholder does not start or restart construction within ten years of the effective date of the site certification agreement, or has canceled the project, the site certification agreement shall expire.

(2) If commercial operations have not commenced within ten years of the effective date of the site certification agreement, the site certification agreement expires unless the certificateholder requests, and the council approves, an extension of the term of the site certification agreement.

(3) Upon a request to extend the term of the site certification agreement, the council may conduct a review consistent with the requirements of WAC 463-68-060 and 463-68-070, and other applicable legal requirements.

**Chapter 463-72 WAC****SITE RESTORATION AND PRESERVATION**NEW SECTION

**WAC 463-72-010 Purpose.** This chapter sets forth rules for the content and timing of preparing site restoration or preservation plans for implementation at the conclusion of a plant's operating life; if a project is terminated; or if construction is suspended. The council shall apply these rules to site certification agreements issued in connection with applications filed after the effective date of this chapter. Except for the provisions in chapter 463-36 WAC, these regulations shall not apply to energy facilities for which site certification agreements have been issued before the effective date of this chapter.

NEW SECTION

**WAC 463-72-020 Plan elements.** Site restoration or preservation plans shall be prepared in sufficient detail to identify, evaluate, and resolve all major environmental and public health and safety issues, to include provisions for funding or bonding and monitoring. Specific plans shall:

(1) Describe the process and/or assumptions used to evaluate the options considered and the measures selected to restore or preserve the site to protect the environment and all segments of the public against risks and dangers resulting from the site operations and activities.

(2) Address provisions for funding or bonding to meet restoration or preservation costs. Financial assurance shall be provided to ensure that funding is available and sufficient for site restoration or preservation. Such financial assurances shall include evidence of pollution liability insurance coverage in an amount justified for the project, and a site closure bond, sinking fund, or other financial instrument or security in an amount justified in the initial site restoration plan.

(3) Address the scope of monitoring to be conducted during site restoration or preservation and possible continued monitoring to ensure site restoration is achieved.

NEW SECTION

**WAC 463-72-030 Council approval and schedules required.** The council shall approve all site restoration or preservation plans. Each plan shall include schedules for implementation of the proposed site restoration or preservation activities.

NEW SECTION

**WAC 463-72-040 Initial site restoration plan.** (1) At least ninety days prior to the beginning of site preparation, the certificate holder shall provide the council with an initial site restoration plan which addresses site restoration occurring at the conclusion of the plant's operating life, or in the event the project is suspended or terminated during construction or before it has completed its useful operating life.

(2) The plan shall parallel a decommissioning plan, if such a plan is prepared for the project.

(3) The initial site restoration plan shall be prepared in sufficient detail to identify, evaluate, and resolve all major environmental and public health and safety issues presently anticipated. It shall describe the process used to evaluate the options and select measures that will be taken to restore or preserve the site or otherwise protect all segments of the public against risks or danger resulting from the site. The plan shall include a discussion of economic factors regarding the costs and benefits of various restoration options versus the relative public risk and shall address provisions for funding or bonding arrangements to meet the site restoration or management costs. The provision of financial assurances shall include evidence of pollution liability insurance coverage in an amount justified for the project, and a site closure bond, sinking fund, or other financial instrument or security in an amount justified in the plan.

NEW SECTION

**WAC 463-72-050 Detailed site restoration plan—Terminated projects.** When a project is terminated, a detailed site restoration plan shall be submitted within ninety days from the time the council is notified of the termination. An extension of time may be granted for good cause shown. The site restoration plan shall address the elements required to be addressed in WAC 463-72-040, in detail commensurate with the time until site restoration is to begin. The council will act on the plan at the earliest feasible time and may take or require action as necessary to deal with extraordinary circumstances.

NEW SECTION

**WAC 463-72-060 Site preservation plan—Suspended projects.** In the event that construction is suspended, a plan for site preservation shall be prepared at the earliest feasible time, as agreed to by the council, and the council shall be advised of interim concerns and the measures being taken to remedy those concerns. The site preservation plan shall address environmental, and public health and safety concerns, the scope of proposed monitoring and the provisions for funding or bonding to meet site preservation costs.

It shall describe measures that will be taken to preserve the site or otherwise protect all segments of the public and environment against risks or danger resulting from the site. The preservation plan shall also address options for preservation and the costs and benefits associated with those options. The council will act on the plan at the earliest feasible time and may take or require action as necessary to deal with the extraordinary circumstances.

#### NEW SECTION

**WAC 463-72-070 Site restoration—Terminated projects.** In the absence of a council determination as to the level of site restoration, restoration of the site to a reasonable approximation of its original condition prior to construction shall be required.

#### NEW SECTION

**WAC 463-72-080 Site preservation or restoration plan.** When a site is subject to preservation or restoration pursuant to a plan as defined in WAC 463-72-040 through 463-72-060, the certificate holder shall conduct operations within terms of the plan; shall advise the council of unforeseen problems and other emergent circumstances at the site; and shall provide site monitoring pursuant to an authorized schedule. After approval of an initial site restoration plan pursuant to WAC 463-72-040, a certificate holder shall review its site restoration plan in light of relevant new conditions, technologies, and knowledge, and report to the council the results of its review, at least every five years or upon any change in project status. The council may direct the submission of a site preservation or restoration plan at any time during the development, construction, or operating life of a project based upon council's review of the project's status. The council may require such information and take or require such action as is appropriate to protect the environment and all segments of the public against risks or dangers resulting from conditions or activities at the site.

### WSR 04-21-025

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 13, 2004, 4:16 p.m., effective November 13, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To amend WAC 388-400-0040 Am I eligible for benefits through the Washington Basic Food program?, which is a rule related to eligibility for the Washington Basic Food program and certification periods for categorically needy medical programs. These amendments are necessary as a part of the department's simplified reporting initiative. When effective, this permanent rule will replace only WAC 388-400-0040 filed as emergency rule WSR 04-20-043; other sections in WSR 04-20-043 will remain in effect.

Citation of Existing Rules Affected by this Order: Amending WAC 388-400-0040.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Other Authority: ESB 6411 (chapter 54, Laws of 2004).

Adopted under notice filed as WSR 04-17-117 on August 17, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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.

Date Adopted: October 12, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-15-057, filed 7/13/04, effective 8/13/04)

**WAC 388-400-0040 Am I eligible for benefits through the Washington Basic Food program?** The Washington Basic Food program (Basic Food) is a nutrition program to help low-income individuals and families buy food. This rule is a summary of the rules for Basic Food.

(1) When you apply for Basic Food, we decide who is in your assistance unit (AU) based on the requirements under WAC 388-408-0035.

(2) To be eligible for Basic Food benefits, your AU must meet the eligibility requirements of the most current version of the Food Stamp Act of 1977.

(3) To be eligible for **federal** Basic Food benefits, each AU member must meet the citizenship or alien status requirements for federal benefits as described under WAC 388-424-0020.

(4) An AU member who is not eligible for federal benefits may be eligible for **state-funded** Basic Food benefits if they meet the requirements described under WAC 388-400-0045.

(5) To be eligible for **federal** or **state** Basic Food benefits, each AU member must:

(a) Be a resident of the state of Washington as required under WAC 388-468-0005;

(b) Meet the citizenship or alien status requirements of either WAC 388-424-0020 or 388-424-0025;

(c) Provide their Social Security number as required under WAC 388-476-0005;

(d) Provide proof of identity as required under WAC 388-490-0005;

(e) Participate in the food stamp employment and training program (FSE&T) as required under chapter 388-444 WAC; and

(f) Meet the eligibility criteria for strikers as described under WAC 388-480-0001.

(6) To be eligible for Basic Food, your AU must:

(a) Have countable income at or below gross and net income standards as described under WAC 388-478-0060; ~~((and))~~

(b) Have countable resources at or below your AU's resource limit under WAC 388-470-0005 unless your AU is categorically eligible under WAC 388-414-0001;

(c) Report changes of circumstances as required under WAC 388-418-0005; and

(d) Complete a six-month report and provide proof of any changes if required under WAC 388-418-0011.

(7) If your AU has income under the gross income standard, we deduct certain expenses from your income under WAC 388-450-0200 before we calculate your Basic Food benefits.

(8) If an eligible person in your AU is elderly or disabled, some rules may help your AU to be eligible for Basic Food or to get more Basic Food benefits. These include:

(a) Resources limits and excluding certain resources under chapter 388-470 WAC;

(b) An excess shelter deduction over the limit set for AUs without an elderly or disabled individual under WAC 388-450-0190;

(c) A deduction for out-of-pocket medical expenses for the elderly or disabled individual if they are over thirty-five dollars a month under WAC 388-450-0200; and

(d) Being exempt from the **gross** income standard under WAC 388-478-0060.

(9) For Basic Food, **elderly** means a person who is age sixty or older;

(10) For Basic Food, **disabled** means a person who:

(a) Gets SSI;

(b) Gets disability payments or blindness payments under Title I, II, XIV, or XVI of the Social Security Act;

(c) Gets disability retirement benefits from a state, local or federal government agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(d) Gets disability benefits from the Railroad Retirement Act under sections 2 (a)(1)(iv) and (v) and:

(i) Meets Title XIX disability requirements; or

(ii) Is eligible for Medicare.

(e) Receives disability-related medical assistance under Title XIX of the Social Security Act;

(f) Is a veteran and receives disability payments based on one hundred percent disability;

(g) Is a spouse of a veteran and:

(i) Either needs an attendant or is permanently housebound; or

(ii) Has a disability under section 221(i) of the Social Security Act and is eligible for death or pension payments under Title 38 of the USC.

(11) If a person in your AU attends an institution of higher education and does not meet the requirements to be an eligible student under WAC 388-482-0005, we do not consider this person as a member of your AU.

(12) If your AU lives on or near an Indian reservation and participates in a tribal food distribution program

approved by Food and Nutrition Service (FNS), your AU is not eligible for Basic Food benefits.

(13) If an AU member is ineligible for any of the following reasons, we count the ineligible person's income as described under WAC 388-450-0140:

(a) Able-bodied adults without dependents who are no longer eligible under WAC 388-444-0030;

(b) Persons ~~((convicted of a drug-related felony or))~~ fleeing a felony prosecution, conviction, or confinement under WAC 388-442-0010;

(c) Persons who do not attest to citizenship or alien status as defined in WAC 388-424-0001;

(d) Persons who are ineligible aliens under WAC 388-424-0020;

(e) Persons disqualified for an intentional program violation under WAC 388-446-0015;

(f) Persons who do not provide a Social Security number when required under WAC 388-476-0005; or

(g) Persons who failed to meet work requirements under chapter 388-444 WAC.

#### WSR 04-21-026

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 13, 2004, 4:19 p.m., effective November 13, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To amend WAC 388-418-0005 What types of changes must I report for cash, Basic Food, and medical assistance?, clarifying what changes people must report for cash assistance, medical assistance, and the Washington Basic Food program. These changes are necessary to implement the department's simplified reporting initiative for cash, medical, and the Washington Basic Food program.

ESB 6411 requires the department to implement simplified reporting for the Washington Basic Food program. **When effective, the permanent rule will replace the emergency rule filed as WSR 04-20-044.**

Citation of Existing Rules Affected by this Order: Amending WAC 388-418-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Other Authority: ESB 6411 (chapter 54, Laws of 2004).

Adopted under notice filed as WSR 04-15-053 on July 13, 2004, and supplemental WSR 04-17-108 on August 17, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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.

Date Adopted: October 12, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 04-06-026, filed 2/23/04, effective 3/25/04)

**WAC 388-418-0005 How will I know what ((type of)) changes I must ((I)) report ((for cash, Basic Food, and medical assistance))?** ((For purposes of this section, an "assistance unit" or "AU" is a group of people who live together and whose income or resources we count to decide what benefits the AU gets. Even if someone in your AU is not eligible to get a benefit, we still count that person's income or resources if they are financially responsible for you or someone in your AU, such as a common child. If you are a parent of a child who gets long term care benefits, you need only report changes in income or resources that are actually contributed to the child. Tables one, two and three below show the types of changes you must report based on the type of assistance you get. Use table one to see if you must report a change for cash or Basic Food. Use table two to see if you must report a change for children's, pregnant women's, or family medical assistance. Use table three to see if you must report a change for SSI related medical or long term care medical assistance.

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Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for cash assistance?	Do I have to report this change for Basic Food?
(3) Moves into or out of your home, including new-borns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
(4) Moves to a new residence;	Yes	Yes
(5) Has a change in shelter costs;	Yes, but only if you went from having no shelter costs to having a shelter cost, or from having shelter costs to not having to pay anything. You don't have to report a change in the amount you pay.	Yes, report the change at your recertification. If your shelter costs go up, you could get more benefits. Report the change sooner to see if you will get more benefits.
(6) Gets married, divorced, or separated;	Yes	Yes
(7) Gets a vehicle;	Yes	Yes
(8) Has a disability that ends;	Yes	Yes
(9) Has countable resources that are more than the resource limits under WAC 388-470-0005;	Yes	Yes
(10) Gets a job or changes employers;	Yes	Yes, but only if it causes a change in the person's income.

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for cash assistance?	Do I have to report this change for Basic Food?
(1) Starts to get money from a new source;	Yes	Yes, but only if the change causes a change in the person's income.
(2) Has unearned income that changed by more than fifty dollars from amount we budgeted;	Yes	Yes

**Table 1—Cash Assistance and Basic Food**

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for cash assistance?	Do I have to report this change for Basic Food?
(11) Changes from part-time to full-time or full-time to part-time work. We use your employer's definition of part-time and full-time work;	Yes	Yes
(12) Has a change in hourly wage rate or salary;	Yes	Yes
(13) Stops working;	Yes	Yes
(14) Has a pregnancy that begins or ends;	Yes	No
(15) Has a change in uncovered medical expenses;	No	Yes, report this change only at your next eligibility review. If you are elderly or disabled and you have an increase in uncovered medical expenses, report this change sooner as you may be eligible to get more benefits.
(16) A change in work hours to below 20 hours per week averaged monthly.	No	Yes, but only if there are no children in your AU and the person is a nonexempt ABAWD under WAC 388-444-0030 and 388-444-0035.
(17) A change in legal obligation to pay child support.	No	Yes

**Table 2—Medical Assistance**

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for family medical assistance (i.e., TANF-related) or Children's Medical?	Do I have to report this change for Pregnancy Medical?
(18) Starts to get money from a new source;	Yes	No
(19) Has unearned income that changed;	Yes	No
(20) Moves into or out of your home, including newborns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
(21) Moves to a new residence;	Yes	Yes
(22) Has a change in shelter costs;	No	No
(23) Gets married, divorced, or separated;	Yes	No
(24) Gets a vehicle;	No	No
(25) Has a disability that ends;	No	No
(26) Has countable resources that are more than the resource limits under WAC 388-470-0005;	No	No
(27) Gets a job or changes employers;	Yes	No
(28) Changes from part-time to full-time or full-time to part-time work. We use your employer's definition of part-time and full-time work;	Yes	No

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Table 2—Medical Assistance

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for family medical assistance (i.e., TANF-related) or Children's Medical?	Do I have to report this change for Pregnancy-Medical?
(29) Has a change in hourly wage rate or salary;	Yes	No
(30) Stops working;	Yes	No
(31) Has a pregnancy that begins or ends;	Yes	Yes
(32) Has a change in uncovered medical expenses.	Yes, but only if an AU member has a spenddown.	Yes, but only if an AU member has a spenddown.

Table 3—SSI Related Medical Assistance and Long Term Care

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for SSI-related medical assistance?	Do I have to report this change for long term care (i.e., COPES, CAP, or nursing-home)
(33) Starts to get money from a new source;	Yes	Yes
(34) Has unearned income that changed;	Yes	Yes
(35) Has a change in earnings or stops working	Yes	Yes
(36) Moves into or out of your home, including newborns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
(37) Moves to a new residence;	Yes	Yes

Table 3—SSI Related Medical Assistance and Long Term Care

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for SSI-related medical assistance?	Do I have to report this change for long term care (i.e., COPES, CAP, or nursing-home)
(38) Has a change in shelter costs;	No, unless you went from paying rent to not paying any rent. You do not need to report if your rent amount changes.	Yes, if client or community spouse live in their own home
(39) Gets married, divorced, or separated;	Yes	Yes
(40) Gets a vehicle;	Yes, but only if that person or their spouse gets SSI-related medical	Yes, but only if that person gets long term care
(41) Has a disability that ends;	Yes	Yes
(42) Has countable resources that are more than the resource limits, under WAC 388-470-0005 or 388-513-1350;	Yes, but only if that person or their spouse get SSI-related medical	Yes, but only if that person gets long term care
(43) Has a change in uncovered medical expenses.	Yes, but only if an AU member has a spenddown.	Yes.)

You must report changes to the department based on the kinds of assistance you receive. The set of changes you must report for people in your assistance unit under chapter 388-408 WAC is based on the benefits you receive that require you to report the most changes. It is the first program that you receive benefits from in the list below.

For example:

If you receive Long Term Care and Basic Food benefits, you tell us about changes based on the Long Term Care requirements because it is the first program in the list below you receive benefits from.

(1) If you receive Long Term Care benefits such as Basic, Basic Plus, Chore, Community Protection, COPES, nursing home, Hospice, or Medically Needy Waiver, you must tell us if you have a change of:

- (a) Address;
- (b) Marital status;
- (c) Living arrangement;
- (d) Income;
- (e) Resources;

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- (f) Medical expenses; and
- (g) If we allow you expenses for your spouse or dependents, you must report changes in their income or shelter cost.
- (2) If you receive medical benefits based on age, blindness, or disability (SSI-related medical), you need to tell us if:
  - (a) You move;
  - (b) Someone moves into or out of your home;
  - (c) Your resources change; or
  - (d) Your income changes. This includes the income of you, your spouse or your child living with you.
- (3) If you receive Basic Food and all adults in your assistance unit are elderly or disabled and have no earned income, you need to tell us if:
  - (a) You move;
  - (b) You start getting money from a new source;
  - (c) Your income changes by more than fifty dollars;
  - (d) Your liquid resources, such as your cash on hand or bank accounts, are more than two thousand dollars; or
  - (e) Someone moves into or out of your home.
- (4) If you receive cash benefits, you need to tell us if:
  - (a) You move;
  - (b) Someone moves out of your home;
  - (c) Your total gross monthly income goes over the:
    - (i) Payment standard under WAC 388-478-0030 if you receive general assistance or ADATSA benefits; or
    - (ii) Earned income limit under WAC 388-450-0165 for all other programs;
  - (d) You have liquid resources more than four thousand dollars; or
  - (e) You have a change in employment. Tell us if you:
    - (i) Get a job or change employers;
    - (ii) Change from part-time to full-time or full-time to part-time;
    - (iii) Have a change in your hourly wage rate or salary; or
    - (iv) Stop working.

- (5) If you receive Children's Medical or Family Medical benefits, you need to tell us if:
  - (a) You move;
  - (b) Someone moves out of your home; or
  - (c) If your income goes up or down by one hundred dollars or more a month and you expect this income change will continue for at least two months.
- (6) If you receive Basic Food benefits, you need to tell us if:
  - (a) You move; or
  - (b) Your total gross monthly income is more than the gross monthly income limit under WAC 388-478-0060.
- (7) If you receive Pregnancy Medical benefits, you need to tell us if:
  - (a) You move;
  - (b) Someone moves out of the home; or
  - (c) You have a change in your pregnancy.
- (8) If you receive other medical benefits, you need to tell us if:
  - (a) You move; or
  - (b) Someone moves out of the home.

**WSR 04-21-027**

**PERMANENT RULES  
DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed October 13, 2004, 4:21 p.m., effective November 13, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose is to amend, repeal, and implement new rules for chapter 388-96 WAC, Medicaid nursing facility payment system. See below for the rules affected.

Citation of Existing Rules Affected by this Order:

WAC SECTION	ACTION	NEW, AMENDED, OR REPEALED	REASON
WAC 388-96-117	Requiring a perjury statement signed by the contractor and no other signatures.	Amended	To clarify, streamline, or reform agency procedures.
WAC 388-96-217	Adding a new fine to address nonreporting of Medicaid resident income and resource changes.	Amended	To clarify, streamline, or reform agency procedures.
WAC 388-96-218	Editing and to comply with RCW 74.46.165 on shifting and overpayment retention.	Amended	To clarify, streamline, or reform agency procedures.
WAC 388-96-369	Permitting accumulation toward the Title XVI limit only from the clothing and personal incidentals allowance and other exempt income.	Amended	To clarify, streamline, or reform agency procedures.
WAC 388-96-372	Increasing petty cash to \$1000.	Amended	To clarify, streamline, or reform agency procedures.
WAC 388-96-708 and 388-96-709	Unbanking and banking beds to comply with changes in chapter 74.46 RCW.	Amended	To implement recent legislation.
WAC 388-96-713	Identifying adjusted cost report data from calendar year 1999 will be used for July 1, 2004, rates.	New	To implement recent legislation

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WAC SECTION	ACTION	NEW, AMENDED, OR REPEALED	REASON
WAC 388-96-714	REPEALING - Nursing facility Medicaid rate allocations - Economic trends and conditions adjustment factors.	Repeal	To implement recent legislation.
WAC 388-96-723, 388-96-724, 388-96-725, 388-96-726, 388-96-730, and 388-96-731	Removing rate designation as capital/non-capital.	Amended	To implement recent legislation.
WAC 388-96-728	REPEALING - How will the nursing facility's "hold harmless" direct care rate be determined?	Repeal	To implement recent legislation.
WAC 388-96-729	REPEALING - When will the department use the "hold harmless rate" to pay for direct care services?	Repeal	To implement recent legislation.
WAC 388-96-732	REPEALING - How will the department determine whether its notice pursuant to WAC 388-96-724 was timely?	Repeal	To clarify, streamline, or reform agency procedures.
WAC 388-96-740	Adding that newly Medicaid not meeting 90% will use industry average Medicaid case mix index.	Amended	To clarify, streamline, or reform agency procedures.
WAC 388-96-742	Adding that a significant discrepancy exists when census is 50% or less of licensed beds.	Amended	To clarify, streamline, or reform agency procedures.
WAC 388-96-749	Adding that the VR rate, quartiles and percentages will not be adjusted following a July 1 rebasing.	New	To clarify, streamline, or reform agency procedures.
WAC 388-96-776	Amending to account for certificates of capital authorizations (CCA).	Amended	To clarify, streamline, or reform agency procedures.
WAC 388-96-779	REPEALING - Exceptional therapy care— Designated nursing facilities.	Repeal	To implement recent legislation.
WAC 388-96-780	REPEALING - Exceptional therapy care— Covered Medicaid residents.	Repeal	To implement recent legislation.
WAC 388-96-783	Implementing CCA.	New	To implement recent legislation.
WAC 388-96-766	Adding that a contractor is deemed to receive notification five days from date of department notice.	Amended	To clarify, streamline, or reform agency procedures.
WAC 388-96-901	Revising actions not subject to administrative review.	Amended	To clarify, streamline, or reform agency procedures.

Statutory Authority for Adoption: RCW 74.46.431 (11) and (12) and 74.46.800 are statutory authority for all WAC sections in this proposal, except the following: RCW 74.46.431 is the authority for WAC 388-96-713; RCW 74.46.807 and 74.46.431 are the authority for WAC 388-96-783; RCW 74.46.155, 74.46.165, and 74.46.431 are the authority for WAC 388-96-218; and RCW 74.46.050, 74.46.431, and 74.46.800 are the authority for WAC 388-96-217.

Other Authority: Chapter 74.46 RCW; section 913, chapter 276, Laws of 2004; chapter 8, Laws of 2001 1st sp.s.

Adopted under notice filed as WSR 04-17-144 on August 18, 2004.

Changes Other than Editing from Proposed to Adopted Version: The department is deleting its proposed amendment to WAC 388-96-369 (1)(d).

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 2, Amended 8, Repealed 5.

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 1, Amended 10, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 18, Repealed 6.

Date Adopted: October 2, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-22 issue of the Register.

**WSR 04-21-028**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed October 13, 2004, 4:24 p.m., effective December 1, 2004]

Effective Date of Rule: December 1, 2004.

Purpose: Amending WAC 388-61-001 What does the family violence amendment mean for TANF recipients?, in order to simplify and clarify that this rule applies only to adults and emancipated minors.

Citation of Existing Rules Affected by this Order: Amending WAC 388-61-001.

Statutory Authority for Adoption: RCW 74.04.050 and 74.08.090.

Other Authority: RCW 74.08A.010.

Adopted under notice filed as WSR 04-16-105 on August 3, 2004.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: October 12, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 98-07-040, filed 3/12/98, effective 4/12/98)

**WAC 388-61-001 ((What) How does the Family Violence Amendment ((mean for TANF recipients)) affect me if I am getting TANF/SFA?** The Personal Responsibility

and Work Opportunity Reconciliation Act of 1996 (PRWORA), also known as the Welfare Reform Act, ~~((gave))~~ allowed every state ~~((the option to have))~~ to create a program ~~((to address issues of))~~ addressing family violence for temporary assistance for needy families (TANF) recipients.

(1) For TANF ~~((, it is))~~ State Funded Assistance (SFA), family violence is when a recipient, or family member or household member has been subjected by another family member or household member as defined in RCW 26.50.010(2) to ~~((one))~~ any of the following:

- (a) Physical acts that resulted in, or threatened to result in, physical injury;
- (b) Sexual abuse;
- (c) Sexual activity involving a dependent child;
- (d) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
- (e) Threats of or attempts at, physical sexual abuse;
- (f) Mental abuse;
- (g) Neglect or deprivation of medical care; or
- (h) Stalking.

(2) DSHS ~~((shall))~~ must:

(a) Screen and identify adults, minor teen parents, or emancipated teens getting TANF ((recipients))/SFA for a history of family violence;

(b) Notify ~~((TANF recipients))~~ in writing and verbally adults, minor teen parents, or emancipated teens getting TANF/SFA about the Family Violence Amendment ~~((both verbally and in writing))~~;

(c) Maintain confidentiality as stated in RCW 74.04.060;

(d) Refer individuals needing counseling to supportive services;

(e) Waive WorkFirst requirements in cases where the requirements would make it more difficult to escape family violence, unfairly penalize victims of family violence or place victims at further risk of family violence. ~~((Requirements to be waived))~~ This may include:

(i) Time limits for TANF/SFA recipients, for as long as necessary (after fifty-two months of receiving TANF/SFA);

(ii) Cooperation with the division of child support.

(f) Develop specialized work activities for family violence clients ~~((meeting the definition of family violence in instances where))~~, as defined in subsection (1) of this section if participation in work activities would place the recipients at further risk of family violence.

**WSR 04-21-029**

**PERMANENT RULES**  
**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed October 13, 2004, 4:26 p.m., effective November 13, 2004]

Effective Date of Rule: Thirty days after filing.

Purpose: Adding new sections WAC 388-72A-0042 and 388-72A-0043 to incorporate CARE assessment criteria for children receiving state plan Medicaid personal care (MPC)

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services. When effective, these rules will replace emergency rules filed as WSR 04-18-083.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.520.

Other Authority: RCW 74.39A.090 and 74.39A.095.

Adopted under notice filed as WSR 04-14-099 (original) on July 6, 2004, and WSR 04-18-071 (supplemental) on August 30, 2004.

Changes Other than Editing from Proposed to Adopted Version: Editorial changes only.

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 2, 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 2, Amended 0, Repealed 0.

Date Adopted: October 12, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**NEW SECTION**

**WAC 388-72A-0042 How are ADLs and IADLs scored for children?** For children, the following age appropriate guidelines apply. The table indicates which tasks are considered met per age of the child.

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		Activities of Daily Living (ADLs)																
Ages		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
■ = Code status as Met																		
<b>Medication Management</b>																		
Independent, supervision, limited, extensive, or Total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>Locomotion in Room<sup>Note</sup></b>																		
Independent, supervision, limited or extensive		■	■	■														
Total		■																
<b>Locomotion Outside Room<sup>Note</sup></b>																		
Independent or supervision		■	■	■	■	■												
Limited or extensive		■	■	■														
Total		■																
<b>Walk in Room<sup>Note</sup></b>																		
Independent, supervision, limited or extensive		■	■	■														
Total		■																
<b>Bed Mobility</b>																		
Independent, supervision, limited or extensive		■	■															
Total		■																
<b>Transfers</b>																		
Independent, supervision, limited, extensive or total & under 30 pounds (Total & over 30 pounds = no age limit)		■	■															
<b>Toilet Use</b>																		
Support provided for nighttime wetting only (Independent, supervision, limited, extensive, or total)		■	■	■	■	■	■	■										

**Activities of Daily Living (ADLs)**

Ages	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
■ = Code status as Met																	
<b>Independent, supervision, limited, extensive</b>	■	■	■	■	■												
<b>Total</b>	■	■	■														
<b>Eating</b>																	
<b>Independent, supervision, limited, extensive, or total</b>	■	■															
<b>Bathing</b>																	
<b>Independent or supervision</b>	■	■	■	■	■	■	■	■	■	■	■						
<b>Physical assistance all/part</b>	■	■	■	■	■	■	■										
<b>Total</b>	■	■	■	■													
<b>Dressing</b>																	
<b>Independent or supervision</b>	■	■	■	■	■	■	■	■	■	■	■						
<b>Limited or extensive</b>	■	■	■	■	■	■	■										
<b>Total</b>	■	■	■	■													
<b>Personal Hygiene</b>																	
<b>Independent or supervision</b>	■	■	■	■	■	■	■	■	■	■	■						
<b>Limited or extensive</b>	■	■	■	■	■	■	■										
<b>Total</b>	■	■	■	■													

**Instrumental Activities of Daily Living**

Ages	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
■ = Code status as Met																	
<b>Telephone</b>																	
<b>Independent, supervision, limited, extensive, or Total</b>	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>Transportation</b>																	
<b>Independent, supervision, limited, extensive, or total</b>	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>Shopping</b>																	
<b>Independent, supervision, limited, extensive, or total</b>	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>Wood Supply</b>																	
<b>Independent, supervision, limited, extensive, or total</b>	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>Housework</b>																	
<b>Independent, supervision, limited, extensive, or total</b>	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>Finances</b>																	
<b>Independent, supervision, limited, extensive, or total</b>	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>Meal Preparation</b>																	
<b>Independent, supervision, limited, extensive, or total</b>	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

NOTE: If the activity did not occur, the assessor codes self performance as total and status as met.

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**NEW SECTION**

**WAC 388-72A-0043** How are other elements in CARE scored for children age seventeen and younger and foster care clients? (1) For children age seventeen and younger, the assessor scores their needs, using the following age appropriate guidelines.

	Ages																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
<b>Additional guidelines based on age</b>																	
<b>Any foot care needs</b>																	
Status Need met	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>Any skin care (other than feet)</b>																	
Status Need met	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>Speech/Hearing</b>																	
Score comprehension as understood	■	■															
<b>Memory</b>																	
Short term memory ok	■	■	■	■	■	■	■	■	■	■	■						
Long term memory ok	■	■	■	■	■	■	■	■	■	■	■						
<b>Depression</b>																	
Select interview = unable to obtain	■	■	■	■	■	■	■	■	■	■	■						
<b>Decision making</b>																	
Rate how client makes decisions = independent	■	■	■	■	■	■	■	■	■	■	■						
<b>Bladder/Bowel</b>																	
<i>Support provided for nighttime wetting only -</i>																	
Individual management = Does not need/use																	
Individual management = Does not need/use	■	■	■	■	■												

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(2) For children in foster care, the assessor does not score mental health therapy, behaviors, or depression.

Adopted under notice filed as WSR 04-18-081 on August 31, 2004, 1:21 p.m.

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.

Date Adopted: October 7, 2004.

Ronald J. Edgar  
Chief of Technical Services

**WSR 04-21-034**

**PERMANENT RULES**

**SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY**

[Filed October 14, 2004, 1:01 p.m., effective November 14, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To clarify the inclusion of any newly incorporated governmental entities in the existing requirements of the regulation. It also clarifies some of the reporting requirements of the regulation.

Citation of Existing Rules Affected by this Order: Amending SCAPCA Regulation 1, Article 6, Section 6.14 Standards for Control of Particulate Matter on Paved Surfaces.

Statutory Authority for Adoption: RCW 70.94.141.

**AMENDATORY SECTION (Amending Order Res. 99-01, filed 9/01/04)****SECTION 6.14 STANDARDS FOR CONTROL OF PARTICULATE MATTER ON PAVED SURFACES**

A. Applicability. The provisions of Section 6.14 shall apply to any government agency of a state, county, city or (local government or private company) municipal corporation that applies or contracts for application of sanding materials to or mechanically sweeps or vacuums or contracts for sweeping or vacuuming of paved surfaces within the PM10 Nonattainment area, or within the PM10 maintenance area after the nonattainment area is redesignated to attainment. This Section shall also apply to all suppliers of sanding materials to be used by these affected entities.

**B. Definitions.**

1. Affected Entity(ies) ~~((are))~~ is any governmental agency of a state, county, city or (local government or private company) municipal corporation as described in Subsection A. ((that applies sanding material to, or mechanically sweeps or vacuums paved surfaces within the PM10 Nonattainment area.))

2. Approved Laboratory means a certified or approved facility capable of performing the specified tests in a competent, professional, and unbiased manner in accordance with ASTM testing procedures.

3. The Authority is the Spokane County Air Pollution Control Authority.

4. Base Sanding Amount is the average amount of sanding materials applied per lane mile by each affected entity within the PM10 Nonattainment Area during the 1992 - 1993 season or another base season, as requested by an affected entity and approved by the Authority.

5. Durability Index means the percent loss of weight as determined using ASTM "Standard Test Method for Resistance to Degradation of Small-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine", designated C131-89, or other approved ASTM procedure.

6. Full Deployment means that sanding materials have been applied to all priority roadways targeted for treatment during a snow/ice event ((are sanded)).

7. Percent Fines means the percent material passing a #100 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", Designation C136-84a (1988) (American Highway and Transportation Officials designation T27-88), or other approved ASTM procedure.

8. PM10 Maintenance Area means the same as the PM10 Nonattainment area unless otherwise defined in an approved PM10 Maintenance Plan.

~~((8))~~ 2. PM10 Nonattainment Area means the Spokane County PM10 Nonattainment Area, defined in CFR Title 40, Part 81, as designated on November 15, 1990. ~~((This definition will remain in effect, even after the United States Environmental Protection Agency makes the determination that the PM10 standard that existed before September 16, 1997, no longer applies to Spokane County. Retaining the definition ensures compliance with the Environmental Protection Agency's Guidance for implementing the 1 Hour Ozone and~~

~~Pre-Existing PM10 NAAQS, dated December 29, 1997, by continuing implementation of control measures in the State Implementation Plan and preserving air quality gains.))~~

~~((9))~~ 10. Priority Roadway means any street, arterial, or highway, within the PM10 Nonattainment Area, with more than 15,000 average daily traffic count, and any connecting entrance or exit ramp.

~~((10))~~ 11. Recycled Sanding Materials means previously used sanding materials which have been collected from roadways or paved areas and are then re-used as is, after washing, or after blending with new sanding materials.

~~((11))~~ 12. Sanding Materials means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.

~~((12))~~ 13. Season means the period beginning, November 1, in one calendar year and concluding on April 30, the next calendar year.

C. Emission reduction and control plans. Each affected ~~((governmental))~~ entity shall submit to the Authority an initial plan, including an implementation schedule describing the programs and methods to be used to reduce PM10 emissions from paved surfaces ~~((, within 30 days after the effective date of this regulation)).~~ If the affected entity incorporated after the effective date of this regulation, that entity shall submit an initial plan within 180 days of incorporation. In reviewing each plan, the Authority shall allow consideration of mobility and transportation safety factors. ~~((Approval of))~~ In approving any initial plan, ((shall require that)) or plan revision the Authority ((determine)) must make a finding, in consultation with the Washington State Department of Ecology, that the cumulative effect of the plans submitted by all affected entities will ((achieve and)) maintain at least a 70% reduction, from the 1992 - 1993 base season, in the 24 hour PM10 emissions from paved surfaces.

1. Each plan is subject to approval by the Authority and shall address, at a minimum, ~~((but not necessarily be limited to))~~ all of the following:

- a. Base sanding amount;
- b. Percent sanding reduction goal;
- c. Sanding materials specifications to be employed;
- d. Criteria for application of sanding materials. Where and when sanding materials are applied;

- ~~((d))~~ e. Identification of priority roadways((-));
- ~~((e))~~ f. Locations, application rates, and circumstances for the use of chemical deicers and other sanding alternatives;
- ~~((f))~~ g. Street sweeping frequency and technology to be employed;

~~((g))~~ h. Factors for determining when and where to initiate street sweeping following a sanding event, with the goal of expeditious removal of sanding materials from priority roadways when safety and mobility requirements have been satisfied((-));

~~((h))~~ i. An implementation schedule giving the estimated dates of start and completion, if applicable, of each part of the plan((-); and

i. A schedule for removal of sanding materials from all surfaces to which they are applied.

2. ~~((Beginning 30 days after the effective date of this regulation, t))~~ The plans submitted shall be implemented by each

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affected entity ~~((the affected entity shall implement the approved plan))~~ upon approval of each plan ~~((the affected entity shall implement the approved plan))~~.

3. Within 45 days of submittal of the reports required in Subsection ~~((G))~~ E. of this Section, the Authority shall determine if the plan commitments have been met and shall notify ~~((any))~~ each affected entity that has failed to ~~((meet plan commitments))~~ fully implement its plan.

~~((4. If the Authority determines that any governmental entity has failed to meet the plan commitments, the Authority, shall require that any affected governmental entity submit a revised plan within 30 days of notification by the Authority. The revised plan shall establish methods for meeting the plan commitments. Any revised plan must be implemented upon approval by the Authority.))~~

~~((5))~~ 4. If the Authority, after consultation with the affected ~~((governmental))~~ entities, the Washington Department of Ecology, and the United States Environmental Protection Agency, determines that the emission reduction and control plans do not provide for sufficient reduction in PM10 emissions to ~~((meet))~~ achieve the emission reduction credit for paved road surfaces as contained in the State Implementation Plan, the Authority may require ~~((the))~~ any or all affected ~~((governmental))~~ entities to modify their plans in order to achieve additional reductions.

5. Each affected entity shall review their approved plan within 90 days of the effective date of the amendment to this regulation and every five (5) years thereafter and within 90 days of the Authority's determination made pursuant to subsection C.4. and revise the plan as appropriate to ensure that identified priority roadways reflect changes in traffic counts and driving patterns and that all aspects of the plan reflect current sanding and sweeping technologies, programs, and schedules of the affected entity and requirements of the Authority. All amended plans are subject to approval by the Authority.

~~((D. Sweeping requirements. Beginning the effective date of this regulation, the City of Spokane, Spokane County, and the Washington State Department of Transportation, or their contractors, shall clean all priority roadways in an expeditious manner following each sanding event when road conditions are appropriate and safety and mobility requirements have been satisfied. Cleaning shall be accomplished with broom sweepers or a more effective technique approved by the Authority.))~~

~~((E))~~ D. Sanding Materials Specifications

1. Material Standards. No affected entity shall use sanding materials, whether new or recycled, which equal or exceed 3% fines and 25% durability index.

2. Contractual Requirements. After the effective date of this regulation, no affected entity shall execute a contract for the purchase of sanding materials unless the contract includes standards at least as stringent as those set forth in Subsection E.1. of this Section.

~~((F))~~ E. Testing

1. Supplier Testing Requirements

a. Suppliers of sanding materials shall have tests performed by an approved laboratory to determine the percent fines and durability index on representative samples of their sanding materials which are supplied to affected entities.

b. The sampling and test frequency and methodology used shall ensure that the samples are representative and enable the supplier to certify to the affected entity that the actual sanding materials supplied for use will meet the requirements of Subsection ~~((E))~~ D. of this Section.

2. User Requirements. Affected entities or their contractors, shall have at least one test performed by an approved laboratory to determine the percent fines and durability index on all recycled materials at least once for the first 250 tons of recycled materials used each season and at least once for every 500 tons of recycled materials used thereafter during the same season.

3. Authority Audits. The Authority may enter the site of any affected entity or supplier of sanding materials subject to this Section for the purpose of obtaining a sample of sanding materials to determine if the materials meet the requirements of Subsection ~~((E))~~ D. of this Section.

~~((G))~~ E. Reporting

1. Supplier Reporting Requirements. Prior to, or upon, delivery of sanding materials, suppliers shall provide affected entities that use their sanding materials a report demonstrating that the supplier has met all testing requirements of this Section applicable to the time period in which deliveries are made. The supplier shall certify in writing to the affected entity that the sanding materials meet the requirements of Subsection ~~((E))~~ D. of this Section.

2. Affected Entity Reporting Requirements

a. Affected entities that use recycled sanding materials shall submit to the Authority copies of the results of testing conducted according to Subsection ~~((F))~~ E.2. of this Section no later than 30 days after the tests are conducted.

b. No later than June 30, of each year, affected ~~((governmental))~~ entities shall submit a report to the Authority containing information for the preceding season on:

- 1) the total amount of sanding materials (both new and recycled) and salt and other deicing chemicals used;
- 2) the number of lane miles sanded, salted and deiced; and
- 3) the number of full deployment episodes; and

~~((4) the same information specified in b.(1), b.(2) and b.(3), for all private companies performing sanding, salting, or deicing services under a contract with the affected governmental entity.))~~

~~((c. No later than June 30, of each year, private companies that use 250 tons of sanding materials or more per season for non-governmental applications within the PM10 nonattainment area shall submit a report to the Authority containing information for the preceding season on the total amount of sanding materials (both new and recycled) and salt and other deicing chemicals used.))~~

~~((d))~~ c. Within 7 calendar days of awarding a contract for the purchase of sanding materials to a supplier, an affected entity shall notify the Authority of the supplier's name and location of the aggregate sources from which the materials will be supplied.

~~((e))~~ d. Affected entities shall maintain on file reports received under the provisions of Subsection ~~((G))~~ E.1. of this Section for a period of three (3) years.

3. Sweeper Reporting Requirements

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a. Affected entities shall maintain monthly records to document the information described below. No later than June 30, of each year, each affected (~~(governmental)~~) entity shall submit a report to the Authority (~~(which)~~) that shall contain the information described below (~~(for each priority roadway)~~).

1) Date of each sweeping operation;

2) ~~Priority~~ lane miles swept;

3) ~~All other lane miles swept;~~

~~(3)~~ 4) Type of equipment used; and

~~(4)~~ 5) Number of passes on priority roadways.

~~((5) the same information specified in a.(1), a.(2), a.(3) and a.(4), for all private companies performing sweeping under a contract with the affected governmental entity.))~~

4. Authority Audits. All records generated under the provisions of this Section shall be made available for inspection upon request by the Authority.

~~(H)~~ G. Alternate Test Methods and Standards. Alternate percent fines and durability index test procedures may be approved by the Authority should they be determined to provide a measure that is equivalent to the test procedures of this Section.

~~(I)~~ H. Alternate Sanding Materials. Experimentation with new sanding materials may be approved by the Authority provided the Authority finds that the impact of such experiments will not cause ~~((or contribute to a violation of the National Ambient Air Quality Standard (NAAQS) for PM10))~~ a failure to maintain the 70% reduction in PM10 emissions from the 1992-93 base season, as described in Subsection C.

~~((J. Failure to comply with this Section will subject affected entities and/or suppliers to penalties as provided in Article II of this Regulation.))~~

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

## WSR 04-21-036

### PERMANENT RULES

### DEPARTMENT OF

### FISH AND WILDLIFE

[Order 04-284—Filed October 14, 2004, 2:51 p.m., effective November 14, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend WAC 232-28-272 2003-2004, 2004-2005, and 2005-2006 Black bear and cougar hunting seasons and regulations, 232-12-243 Public safety cougar removals and 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons; and adopt WAC 232-28-285 2004-2005 Pilot cougar hunting seasons with the aid of dogs.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-272, 232-12-243, and 232-28-341.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-13-169, 04-13-165, and 04-13-170 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: **WAC 232-28-285 2004-2005 Pilot cougar hunting seasons with the aid of dogs.**

For additional clarification the following changes were made:

#### Subsections (1)-(3):

- Define seasons as either pursuit-or-kill seasons or pursuit-only seasons.
- Replace quota "filled" with quota "killed."
- Spelled out "CMU" in the table and removed the word "Draft."
- Move subsection (5) to new subsection (3).

#### Subsection (4):

- Identify that cougars killed under this section apply towards the quota system.
- Replace the word removed with killed in the following sentence: "Cougar seasons will be based on a quota system, where permit hunters using dogs may hunt and kill cougar until the allotted numbers of cougar have been ~~removed~~ killed from each hunt zone or March 31, 2005, whichever occurs first."
- Population modeling has been completed which allowed total quotas to be updated and female quotas to be established. The following changes have been made to the quota table:
  - o Okanogan total quota to 28 cougar and female quota to 11.
  - o Chelan total quota to 10 cougar and female quota to 4.
  - o Ferry-Okanogan female quota to 10.
  - o Stevens-Pend Oreille total quota to 38 cougar and female quota to 15.
- Discontinue PSCRs in the five county area.

#### Subsection (6):

- Split items under "Permit issuance procedure" into "Permit eligibility" and "Permit issuance procedure" for clarification.
- Identified the director as setting the date and time that applications are due in subsection (a).
- For clarification removed the word "hound" and added the words "under this section" to the end of subsection (b).
- In subsection (c) identified that individuals convicted of unlawful use of dogs in the last five years may not participate.

#### Subsection (7):

- Add language that indicated if a quota is not reached by Feb. 1; additional residents from the five county area will be selected from the pool of unselected applicants and be issued a hound permit.
- Changed the word "selected" to "drawn at random" for clarification in subsections (7)(b) and (c).
- Change subsection (7)(c) to new subsection (9).

#### Subsection (8):

- Added a new subsection (a) "Successful applicants must complete a hound permit training program... A mandatory training program for permit hunters is

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needed to ensure an understanding and compliance with hunt regulations.

- In subsection (c) changed the number of cougar that an individual selected for a hound permit may kill and possess from "one" to "two." This change is consistent with a person's ability to purchase a second cougar tag.
- In subsection (c) added the sentence "However, a hound permit holder may not kill a second cougar in a hunt zone until February 1." Given that participation in this hunt is limited, the opportunity to take a second cougar should be delayed for reasons of equity.
- In subsection (d) the specific date was removed. Identifying hound handlers prior to the hunt so that they may be included on the permit is the important point.
- Added a new subsection (h) "Participants are required to maintain and return to the department, upon request, a pilot cougar hunting season logbook..." This information will allow us to gather data from hunt participants.

**WAC 232-28-272 2003-2004, 2004-2005, and 2005-2006 Black bear and cougar hunting seasons and regulations.**

Under "Hunting Method" for cougar:

- For clarification added specific WAC numbers that allow hounds to hunt cougar.

**WAC 232-12-243 Public safety cougar removals.**

Subsection (3)(b):

- Changed the date that the public safety cougar removals will be conducted from "March 31" to "March 15."
- Add language to discontinue PSCRs in Chelan, Okanogan, Ferry, Stevens, and Pend Oreille counties and replace with cougar removals authorized under WAC 232-28-285 (SSB 6118).

Subsection (5)(a):

- Replace quota "filled" and quota "removed" to quota "killed." This is for consistency and clarification.
- Removed the new text that was added stating, "except in game management units with pilot hound hunting seasons..."

**WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.**

Under "Hound Hunting During Deer and Elk Hunting Seasons":

- For clarification added specific WAC numbers that allow hounds to hunt cougar.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 3, 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.

Date Adopted: October 1, 2004.

October 14, 2004

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

**AMENDATORY SECTION** (Amending Order 04-98, filed 5/12/04, effective 6/12/04)

**WAC 232-28-272 2003-2004, 2004-2005, and 2005-2006 Black bear and cougar hunting seasons and regulations.**

**Fall Black Bear Seasons:**

**2003 Black bear seasons:**

Black Bear Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
Okanogan	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
Northeastern A	Sept. 2 - Nov. 15	GMUs 101-117
Northeastern B	Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains	Sept. 2 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side PLW-MAs	July 15 - Nov. 15	PLWMA 401, 600
Long Island	Sept. 2 - Nov. 15	GMU 699

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**2004 Black bear seasons:**

<b>Black Bear Management Unit</b>	<b>Season</b>	<b>Hunt Area</b>
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
Okanogan	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
Northeastern A	Sept. 7 - Nov. 15	GMUs 101-117
Northeastern B	Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains	Sept. 7 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side PLW-MAs	July 15 - Nov. 15	PLWMAAs 401, 600
Long Island	Sept. 7 - Nov. 15	GMU 699

**2005 Black bear seasons:**

<b>Black Bear Management Unit</b>	<b>Season</b>	<b>Hunt Area</b>
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
Okanogan	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588

**Black Bear Management Unit**

<b>Unit</b>	<b>Season</b>	<b>Hunt Area</b>
Northeastern A	Sept. 6 - Nov. 15	GMUs 101-117
Northeastern B	Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains	Sept. 6 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side PLW-MAs	July 15 - Nov. 15	PLWMAAs 401, 600
Long Island	Sept. 6 - Nov. 15	GMU 699

**Bag Limit:** Two (2) black bear per annual hunting season only one of which may be taken in Eastern Washington.

**Area Restriction:** Special deer permit required to hunt black bear in GMU 485.

**Spring Permit Black Bear Seasons:**

**Permit quotas for each license year:**

<b>Hunt Name</b>	<b>Permit Hunt Boundary</b>	<b>Permit Level</b>
Blue Creek	GMU 154	15
Dayton	GMU 162	15
Tucannon	GMU 166	10
Wenaha	GMU 169	30
Mt. View	GMU 172	15
Lick Creek	GMU 175	15
Grande Ronde	GMU 186	5

**Who May Apply:** Anyone with a valid Washington big game license, which includes black bear.

**Bag Limit:** One (1) black bear per black bear special permit season.

**Permit Season:** April 15 - May 31. Permits are valid for the license year they are issued.

**Requirements for Spring and Fall Black Bear Seasons:**

**License Required:** A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

**Hunting Method:** Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

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**Submitting Bear Teeth:** Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

**Cougar Seasons:**

Seasons for each license year, 2003-2005:

<b>((Cougar Management Unit</b>	<b>Season</b>	<b>Hunt Area</b>	<b>East Cascades-South</b>	<b>Aug. 1 - Mar. 15</b>	<b>GMUs 505, 510-520, 524, 550-574, 653, 654, 667</b>
<b>Coastal</b>	<b>Aug. 1 - Mar. 15</b>	<b>GMUs 501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699</b>	<b>East Cascades-Northeastern</b>	<b>Aug. 1 - Mar. 15</b>	<b>GMUs 203, 209-247, 249-251, 328, 329, 334-340</b>
<b>Puget Sound</b>	<b>Aug. 1 - Mar. 15</b>	<b>GMUs 407, 410, 454, 624-633, 652, 666</b>	<b>Blue Mountains</b>	<b>Aug. 1 - Mar. 15</b>	<b>GMUs 145-154, 162-186</b>
<b>North Cascades</b>	<b>Aug. 1 - Mar. 15</b>	<b>GMUs 418, 426, 437, 448, 450, 460, 466, 485</b>	<b>Columbia Basin</b>	<b>Aug. 1 - Mar. 15</b>	<b>GMUs 136-142, 248, 254-290, 330, 371, 372, 381))</b>

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<b>Unit</b>	<b>Season</b>	<b>Hunt Area</b>	<b>Special Restrictions</b>
<u>Coastal</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699</u>	<u>Any legal weapon</u>
<u>Puget Sound</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 407, 410, 454, 624-633, 652, 666</u>	<u>Any legal weapon</u>
<u>North Cascades</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 418, 426, 437, 448, 450, 460, 466, 485</u>	<u>Any legal weapon</u>
<u>South Cascades</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 505, 510-520, 524, 550-574, 653, 654, 667</u>	<u>Any legal weapon</u>
<u>East Cascades North A</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 328, 329, 334-340</u>	<u>Any legal weapon</u>
<u>East Cascades North B</u>	<u>Oct. 16 - Nov. 19</u>	<u>GMUs 203, 209-247, 249-251 within Chelan or Okanogan counties</u>	<u>Any legal weapon</u>
<u>East Cascades North C</u>	<u>Sept. 1 - Nov. 30</u>	<u>GMUs 203, 209-247, 249-251 within Chelan or Okanogan counties</u>	<u>Archery deer or elk hunters and muzzleloader deer or elk hunters who possess a valid big game license that includes cougar as a species option may hunt for cougar without the aid of dogs during their respective deer or elk seasons and must use equipment consistent with their deer or elk tag.</u>
<u>East Cascades South</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 342-368, 382, 578, 588</u>	<u>Any legal weapon</u>
<u>Northeastern A</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 124-133</u>	<u>Any legal weapon</u>
<u>Northeastern B</u>	<u>Oct. 16 - Nov. 19</u>	<u>GMUs 101-121 within Ferry, Stevens, or Pend Oreille counties, 204</u>	<u>Any legal weapon</u>

<u>Northeastern C</u>	<u>Sept. 1 - Nov. 30</u>	<u>GMUs 101-121 within Ferry, Stevens, or Pend Oreille counties, 204</u>	<u>Archery deer or elk hunters and muzzleloader deer or elk hunters who possess a valid big game license that includes cougar as a species option may hunt for cougar without the aid of dogs during their respective deer or elk seasons and must use equipment consistent with their deer or elk tag.</u>
<u>Blue Mountains</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 145-154, 162-186</u>	<u>Any legal weapon</u>
<u>Columbia Basin</u>	<u>Aug. 1 - Mar. 15</u>	<u>GMUs 136-142, 248, 254-290, 330, 371, 372, 381</u>	<u>Any legal weapon</u>

PERMANENT

**Requirements for Cougar Seasons:**

**License Required:** A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

**Bag Limit:** Two (2) cougar per license year excluding public safety cougar removals. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

**Area Restriction:** Special deer permit required to hunt cougar in GMU 485.

**Tag Information:** One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar.

**Hunting Method:** Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of hounds to hunt cougar is prohibited except ((during)) by a public safety cougar removal permit (WAC 232-12-243) or commission authorized hound permit (WAC 232-28-285).

**Cougar Pelt Sealing:** Any person who takes a cougar must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

**AMENDATORY SECTION** (Amending Order 03-186, filed 8/14/03, effective 9/14/03)

**WAC 232-12-243 Public safety cougar removals. (1)**

**Definitions:**

As used in this section and in the context of public safety cougar removals, the following definitions apply:

(a) "Confirmed" means qualified department staff is led to believe a cougar(s) was at the scene of the incident by interview of the complainant or observation of evidence at the scene.

(b) "Human-cougar safety incident" means aggressive or unusual behavior by a cougar which presents an actual or perceived threat to an individual.

(c) "Livestock or pet depredation" means incidents where livestock and/or pets are killed and/or injured by cougar.

(d) "Marginal cougar habitat" means those areas usually dominated by urban/suburban, developed lands with relatively high human densities.

(e) "Nuisance activity" means incidents associated with property disturbance, property damage, or livestock/pet harassment.

(f) "Preferred cougar habitat" means those areas usually dominated by rural, undeveloped lands with relatively low human densities.

(g) "Public safety need" means there exists a reasonable threat to human safety or property by one or more cougar, as indicated by the level of confirmed human-cougar safety incidents or livestock/pet depredations, and confirmed cougar sightings or nuisance activities.

(h) "Removal" means the act of killing one or more cougar with the aid of dogs.

(i) "Sighting" means a direct observation of one or more cougar, in urban or rural settings, near individuals or residences; typically more than chance observations.

(j) "Human-cougar interaction" means a human-cougar safety incident, livestock or pet depredation, cougar nuisance activity, or cougar sighting event.

(k) "Dog hunter" means a person that owns and hunts with dogs that are capable of detecting, tracking and treeing a cougar.

(2) Public safety cougar removal authorization: The commission authorizes the director to issue public safety cougar removal permits consistent with this rule. Prior to issuing public safety cougar removal permits, the department shall use other practical alternatives to address a public safety need, including livestock or pet depredations. Other practical alternatives may include, but are not limited to, general cougar hunting seasons, general public information, educational programs, information to recreational hunters, cougar depredation/kill permits, and department capture and relocation/euthanasia of specific cougars.

(3) Public safety cougar removal criteria:

(a) The commission determines that when the above practical alternatives have been utilized within a game management unit, eleven confirmed human-cougar interactions per year, of which at least four must be confirmed human-cougar safety incidents or livestock/pet depredations, therein demonstrating that the practical alternatives have been inadequate to address the public safety need. The director then is

authorized by the commission to remove one or more cougar, with the aid of dogs, in a selected area of that game management unit or nearby geographic area suitable for the use of dogs. The commission authorizes the director to remove one cougar per one hundred twenty square kilometers of complaint area in preferred cougar habitat, and one cougar per four hundred thirty square kilometers of complaint area in marginal cougar habitat.

(b) If warranted by conditions of this rule, public safety cougar removal(s) will be conducted annually between December 1st and March 15th in selected areas of game management units designated by the director to address a public safety need presented by one or more cougar, except in game management units ~~((101 and 204, public safety cougar removal(s) will be conducted annually between January 1 and March 15 for a cougar capture-recapture study))~~ in Chelan, Okanogan, Ferry, Stevens, and Pend Oreille counties where cougars will be removed to address public safety and protection of property with pilot cougar hunting seasons with the aid of dogs authorized under WAC 232-28-285.

(c) The department shall not target more than one hundred nine cougar during a public safety cougar removal period unless otherwise authorized by the commission.

(4) Public safety cougar removal permit issuance procedure.

(a) To participate in a public safety cougar removal, individuals must request that his/her name be placed on a list of available participants (participant list) by mailing their request to Washington Department of Fish and Wildlife, Enforcement Program - Public Safety Cougar Removal, 600 Capitol Way North, Olympia, WA 98501-1091. The request must include the individual's name, address, phone number, and game management units being applied for. Individuals may apply for no more than four game management units. An individual's request to be placed on a participant list for a removal period must be postmarked no later than October 1, or be received at the department's Olympia office no later than 5:00 p.m. on October 1, during the year the removal period begins.

(b) To be eligible for a public safety cougar removal permit (permit), the participant must be a Washington resident dog hunter who, at the time of application for a permit, possesses a valid big game license with cougar as a species option. The permit holder must use dogs while participating in a public safety cougar removal.

(c) Individuals eligible for participation in a public safety cougar removal will be randomly selected from the participant list. The department will issue a permit to the person whose name is selected from the participant list. Individuals selected will be notified by telephone or mail. Individuals selected must contact the department's enforcement program in Olympia and accept the public safety cougar removal permit within fifteen days of being notified. Failure to contact the department will result in forfeit of the permit and the individual will be placed on the participant list for later selections. Permits may not be sold or reassigned.

(d) Permit holders and all individuals who will accompany the permit holder must complete the department's public safety cougar removal education course prior to participating in a public safety cougar removal.

(5) Public safety cougar removals: Quota system and participation in cougar removal.

(a) ~~((The))~~ Public safety cougar ~~((removal period))~~ removals will be based on a quota system, where permit holders may hunt cougar until the allotted numbers of cougar have been ~~((removed))~~ killed from each game management unit or March 15, whichever is first.

(b) Permit holders who harvest a cougar before January 15 may continue hunting for a second cougar with dogs. The permit holder must purchase an additional cougar transport tag to hunt and harvest one additional cougar and the permit holder will be issued a second permit. Permit holders who harvest a cougar after January 15 are not eligible to harvest a second cougar with dogs.

(c) To verify if the cougar removal season is open or closed in each game management unit, the permit holders shall notify the department's enforcement program in Olympia ~~((at least))~~ within twenty-four hours prior to exercising a public safety cougar removal permit.

(d) No more than four total individuals may participate per public safety cougar removal, including the permit holder(s). Only the permit holder, whose name appears on the permit, may take a cougar.

(e) Hunters killing a cougar during a public safety cougar removal must notify the department's enforcement program in Olympia within twenty-four hours after harvesting the cougar.

(f) The department reserves the right to accompany permit holders while participating in a public safety cougar removal.

(6) Public safety cougar removal general requirements.

(a) A valid big game hunting license which includes cougar as a species option is required to hunt cougar. One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar. Individuals may participate in multiple public safety cougar removals, but must purchase a cougar transport tag for each cougar removed. Purchases in excess of two cougar transport tags must be made at department offices.

(b) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens. Individuals selected for a public safety cougar removal permit may take one cougar per permit ~~((and must take the first legal cougar available))~~.

(c) Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of dogs to hunt cougar is prohibited except during a public safety cougar removal.

(d) Any person who takes a cougar must notify the department within twenty-four hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within seventy-two hours of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

(e) The public safety cougar removal permit (permit) belongs to the state of Washington. The permit holder may be

required to return to or turn over to the department the permit when, in the judgment of the department, the permit holder violates any conditions of the permit, violates trespass laws while acting under this permit, or violates any other criminal law or hunting regulation of the state while acting under this permit. If the permit holder is required to return to or turn over to the department the permit, the permit holder may request an appeal of that action in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days of the date of action and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

**AMENDATORY SECTION** (Amending Order 04-98, filed 5/12/04, effective 6/12/04)

**WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.**

**HOUND HUNTING DURING DEER AND ELK HUNTING SEASONS**

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety cougar removal permit (WAC 232-12-243) or a commission authorized hound permit (WAC 232-28-285)), and bobcat is prohibited year around.

**BOBCAT**

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

**RACCOON**

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

**FOX**

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006.

**COYOTE**

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 245,

and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

**FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)**

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1 - Dec. 31, 2003; Sept. 1 - Dec. 31, 2004; Sept. 1 - Dec. 31, 2005.

**PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE**

Season closed statewide.

**EASTERN WASHINGTON**

**RING-NECKED PHEASANT**

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 18 - Dec. 31, 2003; Oct. 23 - Dec. 31, 2004; Oct. 22 - Dec. 31, 2005.

**CHUKAR**

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006

**GRAY (HUNGARIAN) PARTRIDGE**

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006.

**MOUNTAIN QUAIL**

Season closed throughout Eastern Washington.

**CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE**

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006.

Yakama Indian Reservation: The 2003-04, 2004-05, 2005-06 Upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

Colville Indian Reservation: The 2003-04, 2004-05, 2005-06 upland bird seasons within the Colville Indian Reservation shall be the same as the season established by the Colville Indian Tribe.

## WESTERN WASHINGTON

### RING-NECKED PHEASANT

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Hunters 65 years of age or older: Sept. 22-26, 2003; Sept. 20-24, 2004; Sept. 19-23, 2005

Regular Season: Sept. 27 - Nov. 30, 2003; Sept. 25 - Nov. 30, 2004; Sept. 24 - Nov. 30, 2005. 8 a.m. to 4 p.m.; except Dungeness Recreation Area Site (Clallam County) starting Oct. 4, 2003; Oct. 2, 2004; Oct. 1, 2005.

Extended Season: Dec. 1 - Dec. 15, 2003; Dec. 1 - Dec. 15, 2004; Dec. 1 - 15, 2005. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, and Skookumchuck. Pheasants will not be released during the extended season.

A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available:

- (1) Full Season Option: Allows the harvest of eight (8) pheasants.
- (2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.
- (3) 3-Day Option: Allows the harvest of four (4) pheasants harvested over three consecutive days.

Every person possessing a Western Washington Pheasant Permit must by December 31, return the permit to the department of fish and wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlaw-

ful to purchase an additional permit until the pheasants allowed on the current permit are taken.

Special Restriction: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, all hunting sites on Whidbey Island, and at the Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

### MOUNTAIN QUAIL

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005.

### CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005.

### WILD TURKEY

Youth Season:

Gobblers and turkeys with visible beards only.

Statewide: April 10-11, 2004; April 9-10, 2005; April 8-9, 2006 in the following GMUs ONLY: 101, 113, 117, 130, 133, 139, 145-154, 166, 175, 186, 204, 215, 218, 242, 245, 249-251, 269, 328, 329, 346, 352, 360-368, 382, 506, 554, 556, 568, 574, 588, 633, 651, 660-666.

Spring Season:

Gobblers and turkeys with visible beards only.

Statewide: April 15 - May 15, 2004; April 15 - May 15, 2005; April 15 - May 15, 2006.

Fall Season:

Either sex.

Open to all hunters with a valid turkey tag: GMUs 105-124. Sept. 25 - Oct. 1, 2004; Sept. 24 - Sept. 30, 2005.

Permit Only: GMUs 101, 133, 145-186, 382, 568-588. Sept. 27 - Oct. 3, 2003; Sept. 25 - Oct. 1, 2004; Sept. 24 - Sept. 30, 2005.

Permit Area	Number of Permits
GMU 101	250
GMU 124	100
GMU 133	150
GMUs 145-186	50
GMUs 382, 568-588	75

**OFFICIAL HUNTING HOURS/BAG LIMITS FOR WILD TURKEY:**

Bag and Possession Limit: Only two (2) turkeys may be killed in Eastern Washington per year, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties; and one (1) per year in Western Washington, except two (2) may be killed in Klickitat County. The season limit is three (3) birds per year.

Fall Season Bag and Possession Limit: One (1) turkey during the fall hunting season.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

**SPECIAL REGULATIONS FOR WILD TURKEY:**

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.
4. It is unlawful to bait game birds.

**BIRD DOG TRAINING SEASON**

Wild upland game birds may be pursued during the dog-training season, but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A small game license and a Western Washington Pheasant Permit is required to train dogs on pheasants in Western Washington. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271) (WAC 232-12-044).

Aug. 1, 2003 - Mar. 31, 2004; Aug. 1, 2004 - Mar. 31, 2005; Aug. 1, 2005 - Mar. 31, 2006. Only youth and seniors may train dogs during their respective seasons on designated Western Washington pheasant release sites.

Bird dog training may be conducted year around on areas posted for bird dog training on portions of: Region One - Espanola (T24N, R40E, E 1/2 of section 16); Region Three - South L.T. Murray Wildlife Area; Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

**HIP REQUIREMENTS:**

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to com-

plete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

**CANADA GOOSE SEPTEMBER SEASON**

Bag and Possession Limits: Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time. Remainder of the state: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Western Washington: Sept. 6-11, 2003; Sept. 11-15, 2004; Sept. 10-15, 2005. EXCEPT Pacific and Grays Harbor counties: Sept. 1-15, 2003, 2004, and 2005.

Eastern Washington: Sept. 6-7, 2003; Sept. 11-12, 2004; Sept. 10-11, 2005.

**BAND-TAILED PIGEON**

Sept. 15-23, 2003, 2004, 2005.

Daily Bag Limit: 2 band-tailed pigeons.

Possession Limit: 4 band-tailed pigeons.

**WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS.**

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department office no later than August 25 or postmarked on or before August 25 in order for applicants to be mailed an authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By September 30, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the following band-tailed pigeon season.

**MOURNING DOVE**

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 2003, 2004, and 2005.

**COTTONTAIL AND SNOWSHOE HARE (OR WASHINGTON HARE)**

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

Statewide: Sept. 1, 2003 - Mar. 15, 2004; Sept. 1, 2004 - Mar. 15, 2005; Sept. 1, 2005 - Mar. 15, 2006.

**JACKRABBIT**

Closed season statewide.

**CROWS**

Bag and Possession Limits: No Limit

Statewide: Oct. 1, 2003 - Jan. 31, 2004; Oct. 1, 2004 - Jan. 31, 2005; Oct. 1, 2005 - Jan. 31, 2006.

**FALCONRY SEASONS**

**UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY**

Daily Bag Limit: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in Western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006.

**MOURNING DOVE - FALCONRY**

Daily Bag Limit: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Possession limit is twice the daily limit.

Statewide: Sept. 1-15 and Oct. 1 - Dec. 31, 2003; Sept. 1-15 and Oct. 1 - Dec. 31, 2004; Sept. 1-15 and Oct. 1 - Dec. 31, 2005.

**COTTONTAIL AND SNOWSHOE HARE - FALCONRY**

Daily Bag Limit: Five (5) cottontails or snowshoe hares per day, straight or mixed bag.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006.

**NEW SECTION**

**WAC 232-28-285 2004-2005 Pilot cougar hunting seasons with the aid of dogs.** (1) The pilot cougar-hunting

season will allow use of dogs to hunt cougar. The hunts will consist of pursuit-or-kill seasons and pursuit-only seasons, and are allowed only in Chelan, Okanogan, Ferry, Stevens, and Pend Oreille counties.

(2) Pursuit-or-kill seasons:

Cougar may be pursued or killed with the aid of dogs from December 1, 2004, until the female zone quota has been killed, the total zone quota has been killed, or March 31, 2005, whichever occurs first; EXCEPT GMUs 101 and 204 where cougar may be pursued or killed from January 1, 2005, until the female zone quota has been killed, the total zone quota has been killed, or March 31, 2005, whichever occurs first.

(3) Pursuit-only seasons:

If a zone quota is killed prior to March 31, 2005, cougar may be pursued with dogs in all or portions of that zone until March 31, 2005. Hunters may only pursue cougars in designated pursuit only areas identified on their hound permit. Only hunters selected for the pursuit-or-kill season (accompanied by up to three of their identified handlers) may participate in a pursuit-only season. Hunters may not kill cougar during pursuit-only seasons.

(4) Hunt areas and kill quotas:

Cougar seasons will be based on a quota system, where permit hunters using dogs may hunt and kill cougar until the allotted numbers of cougar have been killed from each hunt zone or March 31, 2005, whichever occurs first.

(a) Kill quotas start September 1 and will include all cougar killed during seasons with and without the aid of dogs, including cougar seasons under this section, cougar seasons without the aid of dogs authorized under WAC 232-28-272, depredation permits, landowner kill permits, and WDFW depredation authority.

(b) Individual problem cougar will continue to be killed on an as-needed basis utilizing depredation permits, landowner kill permits, and WDFW depredation authority even if these kills result in exceeding a zone quota.

CMU	Hunt Choice	Hunt Zone	Area Description	DRAFT QUOTA	
				Total	Female
East Cascades North	9001	Okanogan	Those portions of GMUs 203, 209, 215, 218, 233, 224, 231, 239, and 242 within Okanogan County	28	11
	9002	Chelan	Those portions of GMUs 243, 244, 245, 246, 247, 249, 250, and 251 within Chelan County	10	4
Northeastern	9003	Ferry-Okanogan	GMUs 101, 204	26	10
	9004	Stevens-Pend Oreille	Those portions of GMUs 105, 108, 111, 113, 117, 121 within Stevens and Pend Oreille counties	38	15

PERMANENT

**(5) Quota hotline:**

Permit hunters participating in a pursuit-or-kill season must call the toll free cougar quota hotline within twenty-four hours prior to each day hunting cougar to determine if the zone quota has been killed and the zone is closed. Hunters who hunt more than one consecutive day must call the quota hotline once daily to determine if the zone quota is killed. Hunters who harvest a cougar with the aid of dogs must notify the department within twenty-four hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull in such a manner that teeth and biological samples can be extracted to an authorized department employee at the time of sealing.

**(6) Permit eligibility:**

(a) To apply for a permit under this section, individuals must purchase a cougar permit application and submit the application in compliance with WAC 232-28-291 by a date and time identified by the director.

(b) To be eligible for a permit, the participant must be a Washington resident dog hunter as defined in WAC 232-12-243, who at the time of application for a permit possesses a valid big game license with cougar as a species option. The permit holder must use dogs while participating in a cougar hunt under this section.

(c) A permit will not be issued to any person who has been convicted of unlawful use of dogs under RCW 77.15.245 within the five-year period prior to December 1, 2004. Any person issued a permit and who is subsequently convicted of any wildlife offense while participating in a pursuit-or-kill or pursuit-only season, or who violates any condition of the permit, will have the permit revoked and will be ineligible to participate in the remainder of the three-year pilot program.

**(7) Permit issuance procedure:**

(a) The number of permits for a pursuit-or-kill season with the aid of dogs may be established by the director, but will not exceed two times the total cougar quota for each hunt zone.

(b) The department will issue hound permits to the persons whose applications are drawn at random. Individuals selected will be notified by telephone or mail. Individuals selected must contact the department's wildlife program in Olympia and accept the hound permit within fifteen days of being notified. Failure to contact the department will result in forfeit of the permit. Permits may not be sold or reassigned.

(c) If a female zone quota or total zone quota is not killed in a hunt zone by February 1, then the department will issue hound permits to additional hunters. Hunters will be drawn at random from the unselected pool of applicants and must be a resident of one of the five counties.

**(8) Qualifications for participation and requirements:**

In addition to the provisions applicable to all cougar hunters:

(a) Successful applicants must complete a hound permit training program prior to participating in a pursuit-or-kill season with the aid of dogs.

(b) Participants must have their hound permit issued by the department in the person's possession while hunting cougar.

(c) Individuals selected for a hound permit may kill and possess two cougar per permit and only the permittee may kill the cougar(s). However, a hound permit holder may not kill a second cougar in a hunt zone until February 1.

(d) Individuals selected for a cougar pursuit or kill season with the aid of dogs may identify up to five hound handlers. However, no more than three of the five handlers may accompany the permittee while hunting or pursuing cougar. The names of the five hound handlers must be provided to the department prior to their participation in the hunt. These names will be listed on the hound permit. Hound handlers not identified on the permit are not allowed to participate.

(e) Hound handlers must be a Washington resident and possess a valid hunting license.

(f) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

(g) Participants must have a vehicle placard issued by the department. The vehicle placard must be placed in the permittee's and hound handler's vehicles and be visible from outside the vehicles at all times while hunting or pursuing cougar.

(h) Participants are required to maintain and return to the department, upon request, a pilot cougar hunting season logbook. A violation of this requirement under this subsection is punishable as an infraction under RCW 77.15.160.

(9) The permit belongs to the state of Washington. The permit holder may be required to return to or turn over to the department the permit when, in the judgment of the department, the permit holder violates any conditions of the permit, violates trespass laws while acting under this permit, or violates any other criminal law or hunting regulation of the state while acting under this permit. If the permit holder is required to return to or turn over to the department the permit, the permit holder may request an appeal of that action in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days of the date of action and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

**WSR 04-21-038****PERMANENT RULES****STATE BOARD OF EDUCATION**

[Filed October 15, 2004, 2:47 p.m., effective November 15, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To revise the program standards for school counselors, school psychologists, and school social workers.

Citation of Existing Rules Affected by this Order: Amending chapter 180-78A WAC.

Statutory Authority for Adoption: RCW 28A.401.010.

Adopted under notice filed as WSR 04-15-113 on July 20, 2004.

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 8, 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 2, Amended 8, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 27, 2004.

October 11, 2004

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 02-18-037, filed 8/26/02, effective 9/26/02)

**WAC 180-78A-010 Definition of terms.** The following definitions shall be used in this chapter:

(1) "College or university" means any regionally accredited baccalaureate degree granting Washington institution of higher learning or cooperative group of such institutions which has or develops programs of preparation in education which are submitted to the state board of education for approval.

(2) "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach.

(3) "Interstate compact" means the contractual agreement among several states authorized by RCW 28A.690.010 and 28A.690.020 which facilitates interstate reciprocity.

(4) "Program approval" means the approval by the state board of education of an educator preparation program within Washington state.

(5) "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical or laboratory settings. Such learning experiences are related to specific program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

(6) "Regionally accredited institution of higher education" means a community college, college, or university which is a candidate for accreditation or is accredited by one of the following regional accrediting bodies:

- (a) Middle States, Association of Colleges and Schools;
- (b) New England Association of Schools and Colleges;
- (c) North Central Association of Colleges and Schools;
- (d) Northwest Association of Schools and of Colleges and Universities;
- (e) Southern Association of Colleges and Schools;
- (f) Western Association of Schools and Colleges; Accrediting Commission for Junior and Senior Colleges.

(7) "An approved performance-based educator preparation program" means a program that requires the candidate to demonstrate in multiple ways, over time, specific state board of education required standards, criteria, knowledge and skills, including, where appropriate, evidence related to positive impact on student learning.

(8) "A positive impact on student learning" means that a teacher through instruction and assessment has been able to document students' increased knowledge and/or demonstration of a skill or skills related to the state goals and/or essential academic learning requirements: Provided, That teachers employed by private schools who are candidates for the professional teaching certificate shall document students' increased knowledge and/or demonstration of a skill or skills related to either:

- (a) The state goals or essential academic learning requirements; or
- (b) Such alternative learning goals as the private school has established.

(9) "Collaboration" (as used in WAC 180-78A-500 through 180-78A-540) means ongoing communication among the professional growth team members using a variety of formats (e.g., conferences, electronic mail, conference calls, etc.) to reach consensus regarding the content - course work, experiences, competencies, knowledges and skills - of the candidate's professional growth plan.

(10) "Professional growth team."

(a) Teacher "professional growth team" means a team comprised of the candidate for professional certification, a colleague specified by the candidate, a college or university advisor appointed by the college or university, and a representative from the school district in which the candidate teaches.

(b) Principal/program administrator "professional growth team," for the purpose of professional certification, means a team comprised of the candidate for the professional certificate, a district representative or designee, a professional association representative, and a college or university advisor. "Professional growth team," for the purpose of renewal of the professional certificate, means a team comprised of the individual renewing the certificate and the superintendent, or superintendent designee or appointed representative.

(c) School counselor, school psychologist, and school social worker "professional growth team" for the purpose of professional certification, means a team comprised of the candidate for the professional certificate, a college/university representative, and a colleague/peer specified by the candidate.

(11) "Individual professional growth plan" means the document which identifies the specific competencies, knowledges, skills and experiences needed to meet the standards set forth in WAC 180-78A-540. The individual professional growth plan shall meet requirements set forth in WAC 180-78A-535 (4)(a).

(12) "Preassessment seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate, in collaboration with members of his/her professional growth team, identifies specific competencies, knowledges, skills and/or experiences

needed to meet standards for the certificate as required by WAC 180-78A-540. The preassessment seminar shall meet requirements set forth in WAC 180-78A-535 (4)(a).

(13) "Culminating seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance, and positive impact on student learning. The culminating seminar shall meet requirements set forth in WAC 180-78A-535 (4)(e).

**AMENDATORY SECTION** (Amending WSR 04-04-090, filed 2/3/04, effective 3/5/04)

**WAC 180-78A-100 Existing approved programs.** Chapter 180-78A WAC rules shall govern all policies related to programs upon adoption by the state board of education, which shall provide assistance to colleges and universities in the revision of their existing programs.

(1) All professional education programs shall be reviewed for approval under the 1997 program approval standards of chapter 180-78A WAC by August 31, 2000. Colleges and universities may permit individuals accepted into preparation programs on or before August 31, 2000, to obtain certification by meeting requirements of programs approved under approval standards described in chapter 180-78 WAC if the individuals complete the program on or before August 31, 2003, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2003: Provided, That the state board of education or its designee may waive this deadline on a case-by-case basis.

(2) All principal/program administrator programs shall be reviewed for approval under the 2002 program approval standards of chapter 180-78A WAC by August 31, 2004. Colleges and universities may permit individuals accepted into principal/program administrator programs on or before August 31, 2004, to obtain certification by meeting requirements of programs approved under 1997 approval standards described in chapter 180-78A WAC if the individuals complete the program on or before August 31, 2006, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2006. Provided, That the state board of education or its designee may waive this deadline on a case-by-case basis.

(3) All school counselor, school psychologist, or school social worker programs shall be approved under the 2004 program approval standards of chapter 180-78A WAC by August 31, 2005. Colleges and universities may permit individuals accepted into the school counselor, school psychologist, or school social worker programs on or before August 31, 2005, to obtain certification by meeting requirements of programs approved under the 1997 approval standards described in chapter 180-78A WAC if the individuals complete the program on or before August 31, 2007, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2007. Provided that the state board of education or its designee may waive this deadline on a case-by-case basis.

(4) Institutions shall be given at least one year notification prior to a state board of education review for compliance with these standards: Provided, That if an institution requests a visit with less than a year's notice, the state board of education shall consider that request.

~~((4))~~ (5) The state board of education shall determine the schedule for such approval reviews and whether an on-site visit or other forms of documentation and validation shall be used for the purposes of granting approval under the 1997 program approval standards. In determining the schedule for site visits, the board shall take into consideration the partnership agreement between the state and the National Council for the Accreditation of Teacher Education (NCATE) as such agreement relates to the NCATE accreditation cycle.

~~((5))~~ (6) Each institution shall submit its program for review when requested by the state board of education to ensure that the program meets the state's program approval standards and to provide assessment data relative to the performance standards to the state board of education for the year prior to the site visit.

~~((6))~~ (7) Institutions seeking National Council for the Accreditation of Teacher Education, Council for Accreditation of Counseling and Related Education Programs, and National Association of School Psychologist accreditation may request from the state board of education approval for concurrent site visits which would utilize the same documentation with the exception of material submitted by the institution to the state for the professional education advisory boards and the accountability standards.

~~((7))~~ (8) In submitting a request for approval under these standards, the approved program shall provide a description of the criteria that the program will use to assess, in multiple ways, over time, its certification candidates' knowledge and skills, including, where appropriate, evidence related to positive impact on student learning. Based on the documentation submitted and/or an on-site visit, the state board of education shall grant approval or request specific revisions that need to be made in order to obtain state board of education approval.

**AMENDATORY SECTION** (Amending WSR 03-19-021, filed 9/5/03, effective 10/6/03)

**WAC 180-78A-264 Approval standard—Program design.** Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program design standard of WAC 180-78A-220(4):

(1) The conceptual framework establishes the shared vision for the unit's efforts in preparing educators to work effectively in P-12 schools. It provides the basis for coherence among curriculum, instruction, field experiences, clinical practice, assessment, and evaluation. The conceptual framework is based on current research and best practice, is cohesive and integrated, supports the state's student learning goals and for teacher preparation programs, and reflects the essential academic learning requirements. The conceptual framework reflects the unit's commitment to preparing candidates to support learning for all students and the unit's com-

mitment to preparing candidates who are able to use educational technology to help all students learn.

(2) Candidates who demonstrate potential for acquiring the content and pedagogical knowledge and skills for success as educators in schools are recruited, admitted, and retained (see WAC 180-78A-200 Candidate admission policies). These candidates include members from under represented groups.

(3) Programs shall assure that candidates are provided with opportunities to learn the pedagogical and professional knowledge and skills required for the particular certificate, and for teacher preparation programs, the competencies for endorsement areas.

(4) A set of learner expectations for program completion are identified and published.

(5)(a) The unit and its school partners design, implement, and evaluate field experiences and clinical practices so that candidates develop and demonstrate the knowledge and skills necessary to help all students learn. Provided, That candidates for an administrator certificate shall complete an internship pursuant to WAC 180-78A-325, candidates for a school psychologist certificate shall complete an internship pursuant to WAC 180-78A-317, and candidates for a school counselor certificate shall complete an internship pursuant to WAC 180-78A-315, and candidates for a school social worker certificate shall complete an internship pursuant to WAC 180-78A-319.

(b) Field experiences are integrated throughout the preparation program and occur in settings with students representing diverse populations.

(c) Clinical practice is sufficiently extensive and intensive for candidates to demonstrate competence in the professional roles for which they are preparing.

(6) The preparing institution shall assure that candidates are provided with appropriate course work and experiences in teaching methods for each endorsement area. The methods should include:

(a) Instructional strategies.

(b) Curriculum frameworks (essential academic learning requirements).

(c) Assessment strategies, including performance-based measurements of student work.

(d) Unit/lesson planning.

(7) Entry and exit criteria exist for candidates in clinical practice.

(8) Programs reflect ongoing collaboration with P-12 schools.

(9) Candidates for a teacher certificate shall hold/obtain a baccalaureate degree from a regionally accredited college or university pursuant to WAC 180-79A-030(5).

(10)(a) Beginning fall 2003, approved programs shall administer the pedagogy assessment adopted by the state board of education and published by the superintendent of public instruction to all candidates in a residency certificate program.

(b) At such time that the state board of education determines the pedagogy assessment has sufficient credibility evidence (i.e., interrater reliability and validity), successful performance on the pedagogy assessment by the candidate shall be required in order for the institution to verify completion of

the state board approved residency teacher preparation program.

**AMENDATORY SECTION** (Amending WSR 04-04-089, filed 2/3/04, effective 3/5/04)

**WAC 180-78A-270 Approval standard—Knowledge and skills.** Building on the mission to prepare educators who demonstrate a positive impact on student learning based on the Improvement of Student Achievement Act of 1993 (1209), the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-220(5):

(1) **TEACHER.** Teacher candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

**Foundational knowledge**

(a) The state learning goals and essential academic learning requirements.

(b) The subject matter content for the area(s) they teach, including relevant methods course work and the knowledge and skills for each endorsement area for which the candidate is applying (chapter 180-82 WAC).

(c) The social, historical, and philosophical foundations of education, including an understanding of the moral, social, and political dimensions of classrooms, teaching, and schools.

(d) The impact of technological and societal changes on schools.

(e) Theories of human development and learning.

(f) Inquiry and research.

(g) School law and educational policy, including laws pertaining to school health and safety.

(h) Professional ethics.

(i) The responsibilities, structure, and activities of the profession.

(j) Issues related to abuse including the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(k) The standards, criteria and other requirements for obtaining the professional certificate, including a draft professional growth plan.

**Effective teaching**

(l) Research and experience-based principles of effective practice for encouraging the intellectual, social, and personal development of students.

(m) Different student approaches to learning for creating instructional opportunities adapted to learners of both sexes and from diverse cultural or linguistic backgrounds.

(n) Areas of exceptionality and learning — including, but not limited to, learning disabilities, visual and perceptual difficulties, and special physical or mental challenges.

(o) Effective instructional strategies for students at all levels of academic abilities and talents with an awareness of the influence of culture and gender on student learning.

(p) Instructional strategies for developing reading, writing, critical thinking, and problem solving skills.

(q) The prevention and diagnosis of reading difficulties and research-based intervention strategies.

(r) Classroom management and discipline, including:

(i) Individual and group motivation for encouraging positive social interaction, active engagement in learning, and self-motivation.

(ii) Effective verbal, nonverbal, and media communication for fostering active inquiry, collaboration, and supportive interactions in the classroom.

(s) Planning and management of instruction based on knowledge of the content area, the community, and curriculum goals.

(t) Formal and informal assessment strategies for evaluating and ensuring the continuous intellectual, social, and physical development of the learner.

(u) Collaboration with school colleagues, parents, and agencies in the larger community for supporting students' learning and well-being.

(v) Effective interactions with parents to support students' learning and well-being.

#### **Professional development**

(w) The opportunity for candidates to reflect on their teaching and its effects on student growth and learning.

(x) Educational technology including the use of computer and other technologies in instruction, assessment and professional productivity.

(y) Strategies for effective participation in group decision making.

#### **(2) PRINCIPAL AND PROGRAM ADMINISTRATOR.**

(a) Effective August 31, 1997, through August 31, 2004, principal and program administrator candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in an approved preparation program which shall include:

(i) Specific performance domains. An approved preparation program shall require the candidate to demonstrate in course work and the internship the following:

(A) **Leadership:** Formulating goals with individuals or groups; initiating and maintaining direction with groups and guiding them to the accomplishment of tasks; setting priorities for one's school in the context of community and district priorities and student and staff needs; integrating own and others' ideas for task accomplishment; initiating and planning organizational change.

(B) **Information collection:** Gathering data, facts, and impressions from a variety of sources about students, parents, staff members, administrators, and community members; seeking knowledge about policies, rules, laws, precedents, or practices; managing the data flow; classifying and organizing information for use in decision making and monitoring.

(C) **Problem analysis:** Identifying the important elements of a problem situation by analyzing relevant information; framing problems; identifying possible causes; identifying additional needed information; framing and reframing possible solutions; exhibiting conceptual flexibility; assisting others to form reasoned opinions about problems and issues.

(D) **Judgment:** Reaching logical conclusions and making high quality, timely decisions given the best available information.

(E) **Organizational oversight:** Planning and scheduling one's own and others' work so that resources are used appropriately, and short-term and long-term priorities and goals are met; monitoring projects to meet deadlines.

(F) **Implementation:** Making things happen; putting programs and plans into action; applying management technologies; applying methods of organizational change including collaborative processes; facilitating tasks; establishing progress checkpoints; considering alternative approaches; providing "mid-course" corrections when actual outcomes start to diverge from intended outcomes; adapting to new conditions.

(G) **Delegation:** Assigning projects or tasks together with clear authority to accomplish them and responsibility for their timely and acceptable completion.

(H) **Instructional program:** Envisioning and enabling instructional and auxiliary programs for the improvement of teaching and learning; recognizing the developmental needs of students; insuring appropriate instructional methods that address students' gender and cultural differences; designing positive learning experiences; accommodating differences in cognition and achievement; mobilizing the participation of appropriate people or groups to develop these programs and to establish a positive learning environment.

(I) **Curriculum design:** Interpreting school district curricula; planning and implementing with staff a framework for instruction that shall include the implementation of the state learning goals and essential academic learning requirements; initiating needs analyses and monitoring social and technological developments as they affect curriculum; responding to international content levels; adjusting content as needs and conditions change.

(J) **Student guidance and development:** Providing for student guidance, counseling, and auxiliary services; utilizing community organizations; responding to family needs; enlisting the participation of appropriate people and groups to design and conduct these programs and to connect schooling with plans for adult life; planning for a comprehensive program of student activities.

(K) **Staff development:** Identifying with participants the professional needs of individuals and groups; planning and organizing programs to improve staff effectiveness; supervising individuals and groups; engaging staff and others to plan and participate in recruitment and development; initiating self-development.

(L) **Measurement and evaluation:** Determining what diagnostic information is needed about students, staff, and the school environment; examining the extent to which outcomes meet or exceed previously defined standards, goals, or priorities for individuals or groups; drawing inferences for program revisions; interpreting measurements or evaluations for others; relating programs to desired outcomes; developing equivalent measures of competence.

(M) **Resource allocation:** Planning and developing the budget with appropriate staff; seeking, allocating, and adjusting fiscal, human, and material resources; utilizing the physical plant; monitoring resource use and reporting results.

(N) **Motivating others:** Building commitment to a course of action; creating and channeling the energy of self and others; planning and encouraging participation; supporting innovation; recognizing and rewarding effective performance; providing coaching, guidance, or correction for performance that needs improvement; serving as a role model.

(O) **Sensitivity:** Perceiving the needs and concerns of others; dealing with others tactfully; working with others in emotionally stressful situations or in conflict; managing conflict; obtaining feedback; recognizing multicultural sensitivities.

(P) **Oral expression:** Making oral presentations that are clear and easy to understand; clarifying and restating questions; responding, reviewing, and summarizing for groups; utilizing appropriate communicative aids; adapting for audiences.

(Q) **Written expression:** Expressing ideas clearly in writing; writing appropriately for different audiences such as students, teachers, and parents; preparing brief memoranda.

(R) **Philosophical and cultural values:** Acting with a reasoned understanding of the role of education in a democratic society and in accord with accepted ethical standards; recognizing philosophical and historical influences in education; reflecting an understanding of American culture, including current social and economic issues related to education; recognizing global influences on students and society.

(S) **Legal and regulatory applications:** Acting in accordance with relevant federal and Washington state laws, rules, and policies; recognizing governmental influences on education; working within local rules, procedures, and directives; administering contracts.

(T) **Policy and political influences:** Identifying relationships between public policy and education; recognizing policy issues; examining and affecting policies individually and through professional and public groups; relating policy initiatives to the welfare of students; addressing ethical issues.

(U) **Public and media relationships:** Developing common perceptions about school issues; interacting with parental and community opinion leaders; understanding and responding skillfully to the electronic and printed news media; initiating and reporting news through appropriate channels; enlisting public participation; recognizing and providing for market segments.

(ii) Performance assessment. An approved preparation program for principals shall require that prior to the internship each candidate shall engage in a performance assessment through a process determined by each preparation program. The results of this assessment shall be utilized by the college/university supervisor, the cooperating principal, and the principal candidate to cooperatively design the internship plan.

(b) Effective September 1, 2004, principal and program administrator candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

(i) Successful demonstration of standards. A school administrator is an educational leader who promotes the success of all students by:

(A) Facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community;

(B) Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth;

(C) Ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment;

(D) Collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources;

(E) Acting with integrity, fairness, and in an ethical manner; and

(F) Understanding, responding to, and influencing the larger political, social, economic, legal and cultural context.

(ii) Performance assessment. An approved preparation program for principals shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the state board of education and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior state board approval. All candidates shall exit the residency certificate program with a draft professional growth plan.

(3) **SUPERINTENDENT.** Superintendent candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in an approved preparation program for superintendents which shall include specific performance domains for superintendents. An approved preparation program for superintendents shall require the candidate to demonstrate in course work and the internship the following:

(a) **Strategic leadership:** The knowledge, skills and attributes to identify contexts, develop with others vision and purpose, utilize information, frame problems, exercise leadership processes to achieve common goals, and act ethically for educational communities. This includes:

(i) Professional and ethical leadership.

(ii) Information management and evaluation.

(b) **Instructional leadership:** The knowledge, skills and attributes to design with others appropriate curricula and instructional programs which implement the state learning goals and essential academic learning requirements, to develop learner centered school cultures, to assess outcomes, to provide student personnel services, and to plan with faculty professional development activities aimed at improving instruction. This includes:

(i) Curriculum, instruction, supervision, and learning environment.

(ii) Professional development and human resources.

(iii) Student personnel services.

(c) **Organizational leadership:** The knowledge, skills and attributes to understand and improve the organization, implement operational plans, manage financial resources,

and apply decentralized management processes and procedures. This includes:

- (i) Organizational management.
- (ii) Interpersonal relationships.
- (iii) Financial management and resource allocation.
- (iv) Technology and information system.

(d) **Political and community leadership:** The knowledge, skills and attributes to act in accordance with legal provisions and statutory requirements, to apply regulatory standards, to develop and apply appropriate policies, to be conscious of ethical implications of policy initiatives and political actions, to relate public policy initiatives to student welfare, to understand schools as political systems, to involve citizens and service agencies, and to develop effective staff communications and public relations programs. This includes:

- (i) Community and media relations.
- (ii) Federal and Washington state educational law, public policy and political systems.

(4) **SCHOOL COUNSELOR.** Effective August 31, 1997 through August 31, 2005, school counselor candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Human growth and development (studies that provide an understanding of the nature and needs of individuals at all developmental levels).

(b) Social and cultural foundations (studies that provide an understanding of issues and trends in a multicultural and diverse society).

(c) Helping relationships (studies that provide an understanding of counseling and consultation processes).

(d) Group work (studies that provide an understanding of group development, dynamics, counseling theories, group counseling methods and skills, and other group work approaches).

(e) Career and lifestyle development (studies that provide an understanding of career development and related life factors).

(f) Appraisal (studies that provide an understanding of individual and group approaches to assessment and evaluation), including assessment of the state learning goals and essential academic learning requirements.

(g) Research and program evaluation (studies that provide an understanding of types of research methods, basic statistics, and ethical and legal considerations in research).

(h) Professional orientation (studies that provide an understanding of all aspects of professional functioning including history, roles, organizational structures, ethics, standards, and credentialing).

(i) Foundations of school counseling including:

(i) History, philosophy, and trends in school counseling;

(ii) Role and function of the school counselor in conjunction with the roles of the professional and support personnel in the school;

(iii) Knowledge of the school setting and curriculum including the state learning goals and essential academic learning requirements;

(iv) Ethical standards and guidelines of the American School Counselor Association (ASCA);

(v) State and federal policies, laws, and legislation relevant to school counseling; and

(vi) Implications of sociocultural, demographic, and lifestyle diversity relevant to school counseling.

(j) Studies that provide an understanding of the coordination of counseling program components as they relate to the total school community including:

(i) Referral of children and adolescents for specialized help;

(ii) Coordination efforts with resource persons, specialists, businesses, and agencies outside the school to promote program objectives;

(iii) Methods of integration of guidance curriculum in the total school curriculum;

(iv) Promotion of the use of counseling and guidance activities and programs by the total school community to enhance a positive school climate; and

(v) Methods of planning and presenting guidance-related educational programs for school personnel and parents.

(k) Theory, knowledge and skills for the practice of school counseling including:

(i) Program development, implementation and evaluation. Studies in this area include:

(A) Use of surveys, interviews, and needs assessments;

(B) Design, implementation and evaluation of a comprehensive, developmental school program;

(C) Implementation and evaluation of specific strategies designed to meet program goals and objectives;

(D) Preparation of a counseling schedule reflecting appropriate time commitments and priorities in a developmental school counseling program; and

(E) Use of appropriate technology and information systems.

(ii) Counseling and guidance. Studies in this area include:

(A) Individual and group counseling and guidance approaches appropriate for the developmental stage and needs of children and adolescents;

(B) Group guidance approaches that are systematically designed to assist children and adolescents with developmental tasks;

(C) Approaches to peer helper programs;

(D) Issues which may affect the development and function of children and adolescents (e.g., abuse, eating disorders, attention deficit hyperactivity disorder, exceptionality, substance abuse, violence, suicide, dropout);

(E) Developmental approaches to assist students and parents at points of educational transition (e.g., postsecondary education, career and technical education, and career options);

(F) Crisis intervention and referral; and

(G) System dynamics, including family, school, community, etc.

(iii) Consultation. Studies in this area shall include:

(A) Methods of enhancing teamwork within the school community; and

(B) Methods of involving parents, teachers, administrators, support staff and community agency personnel.

(5) **SCHOOL COUNSELOR.** Effective September 1, 2005, school counselor candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

**(a) Successful demonstration of standards:**

**(i) Foundations of the school counseling profession:** Certified school counselors design, deliver, and evaluate student-centered, data-driven school counseling programs that advance the mission of the school in light of recognized theory, research, exemplary models, community context, and professional standards.

**(ii) School counseling and student competencies:** Certified school counselors integrate academic, career, and personal/social student competencies, including Washington state learning goals and essential academic learning requirements, into the school counseling program; teach counseling and guidance related material by using effective curriculum, instructional strategies, and instructional management; support teachers and parents in helping students develop knowledge and skill for learning, living, and working; and provide information about best practices to a school community.

**(iii) Human growth and development:** Certified school counselors apply comprehensive, in-depth knowledge of human growth and development to improve student learning, well-being, and to enhance resiliency; provide guidance to parents and teachers about developmentally appropriate practices that support students throughout their schooling experience.

**(iv) Counseling theories and technique:** Certified school counselors demonstrate an understanding of established and emerging counseling theories through effective use of individual and group techniques for working with a diverse population.

**(v) Equity, fairness, and diversity:** Certified school counselors value and show respect for all members of the community; demonstrate fairness, equity, and sensitivity to every student, and advocate for equitable access to instructional programs and activities; use data for designing and implementing plans that remove barriers to learning; and help to close achievement gaps among sub-groups of students.

**(vi) School climate:** Certified school counselors establish and foster a safe, inclusive, and nurturing learning environment for students, staff, and families and use strategies designed to prevent or resolve problems that could limit or diminish the capacity of students to learn and achieve at their highest levels.

**(vii) Collaboration with school staff, family, and community:** Certified school counselors work collaboratively with school staff, families and community members to achieve common goals for the education of students, improvement of schools, and advancement of the larger community; know appropriate behavior management strategies and can team with staff and families to improve student achievement; and use their knowledge of community resources to make appropriate referrals based on the needs of students.

**(viii) Information resources and technology:** Certified school counselors select and use informational resources

and technology to facilitate delivery of a comprehensive school counseling program that meets student needs; and skillfully use technology to enhance communication.

**(ix) Student assessment and program evaluation:** Certified school counselors understand the basic principles and purposes of assessment; collection and use of data; regularly monitor student progress and are able to communicate the purposes, design, and results of assessments to various audiences; know basic principles of research design, action research, and program evaluation for purposes of program improvement and accountability.

**(x) Leadership and advocacy:** Certified school counselors support practices and policies that promote academic rigor-skills for learning, living, and working; provide leadership that enhances student academic, career, and personal/social development and advocate for guidance as an integral part of a school's educational system; model practices that help students, parents, teachers, and policy makers understand how curriculum, instruction and assessment can help students see the relationship between effort, performance, and success beyond high school. Certified school counselors help promote understanding of graduation requirements, WASL scores, and development of the high school and beyond plan.

**(xi) Professionalism, ethics, and legal mandates:** Certified school counselors develop a professional identity congruent with knowledge of all aspects of professional functions, professional development, and state and national school counselor organizations. They adhere strictly to the profession's codes of ethics, especially those that have been established by the American Counseling Association (ACA), the American School Counselor Association (ASCA), the National Board for Certified Counselors (NBCC), and other relevant codes of ethics. They are familiar with state and federal policies, laws, and legislation relevant to school counseling.

**(xii) Reflective practice:** Certified school counselors integrate knowledge, skills, and life experiences to respond effectively to new or unexpected critical events and situations; serve as change agents by using their understanding of schools as social, cultural and political systems within a larger organizational context; monitor practice with continuous, in-depth reflection; and make adjustments as needed.

**(b) Performance assessment.** An approved preparation program for school counselors shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the state board of education and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior state board approval. All candidates shall exit the residency certificate program with a draft professional growth plan.

(6) **SCHOOL PSYCHOLOGIST.** Effective August 31, 1997, through August 31, 2005, school psychologist candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Knowledge of the field. The candidate has knowledge and skill in relevant fields of study, including:

- (i) Learning theory.
- (ii) Personality theory and development.
- (iii) Individual and group testing and assessment.
- (iv) Individual and group counseling and interviewing theory and techniques.
- (v) Basic statistics.
- (vi) Child development.
- (vii) Exceptional children.
- (viii) Social and cultural factors.
- (ix) Deviant personality.
- (x) Curriculum, including the state learning goals and essential academic learning requirements.
- (xi) Research design.
- (xii) Physiological and biological factors.

(b) Assessment and diagnosis. The candidate has knowledge and skill necessary to select, administer, score, and interpret instruments and techniques in the following areas:

- (i) Intellectual and cognitive assessment.
- (ii) Individual and group academic skills: Standardized norm-referenced and criteria-referenced measurements and curriculum-based measurements.
- (iii) Personality assessment.
- (iv) Assessment of perceptual skills.
- (v) Assessment of adaptive behavior; assessment of language skills.

(c) Behavioral observation and analysis. The candidate has knowledge and skill in behavior observation, including:

- (i) Data taking.
- (ii) Frequency measures.
- (iii) Qualitative and quantitative analysis of classroom behavior.
- (iv) Developmental and personality analysis, including perceptual, cognitive, social, and affective and language development in children.

(d) Counseling and interviewing. The candidate has the knowledge and skill necessary to:

- (i) Provide individual and group counseling to students and parents.
- (ii) Conduct interviews essential to information collecting from parents, teachers, and other professionals.

(e) Program development. The candidate has the knowledge and skill to make educational prescriptions, including specification of remedial environmental changes, both curricular and behavioral, for a particular student.

(f) Consultation. The candidate has the knowledge and skill to:

- (i) Function on multidisciplinary teams in evaluating and placing students.
- (ii) Confer with and make recommendations to parents, specialists, teachers, referral personnel, and others relative to student's characteristics and needs in the educational and home environments.

(g) Program evaluation and recordkeeping. The candidate has the knowledge and skill necessary to develop and implement program evaluation and maintain required records.

(h) Professionalism. The candidate has knowledge of professional standards regarding ethical and legal practices

relevant to the practice of school psychology. The candidate demonstrates knowledge and skill in written and oral reporting of assessment and remedial recommendations which will meet ethical and legal standards.

(i) Research. The candidate has knowledge and skill to:

- (i) Evaluate and perform research.
- (ii) Apply school-oriented research.
- (iii) Construct criterion-referenced instruments with reference to such educational decisions as:
  - (A) Retention in grade.
  - (B) Acceleration and early entrance.
  - (C) Early entrance.

~~((6))~~ (7) **School psychologist.** Effective September 1, 2005, school psychologist candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

(a) **Successful demonstration of standards:**

**(i) Data-based decision-making and accountability:** Certified school psychologists have knowledge of varied models and methods of assessment that yield information useful in identifying strengths and needs, in understanding problems, and in measuring progress and accomplishments; use such models and methods as part of a systematic process to collect data and other information, translate assessment results into empirically based decisions about service delivery, evaluate the outcomes of services; and data-based decision making permeates every aspect of professional practice.

**(ii) Consultation and collaboration:** Certified school psychologists have knowledge of behavioral, mental health, collaborative, and/or other consultation models and methods and of their application to particular situations; collaborate effectively with others in planning and decision-making processes at the individual, group, and system levels.

**(iii) Effective instruction and development of cognitive/academic skills:** Certified school psychologists have knowledge of human learning processes, techniques to assess these processes, and direct and indirect services applicable to the development of cognitive and academic skills; collaborate with others, develop appropriate cognitive and academic goals for students with different abilities, disabilities, strengths, and needs; implement interventions to achieve those goals; and evaluate the effectiveness of interventions, including, but not limited to, instructional interventions and consultation.

**(iv) Socialization and development of life skills:** Certified school psychologists have knowledge of human developmental processes, techniques to assess these processes, and direct and indirect services applicable to the development of behavioral, affective, adaptive, and social skills; collaborate with others, develop appropriate behavioral, affective, adaptive, and social goals for students of varying abilities, disabilities, strengths, and needs; implement interventions to achieve those goals; and evaluate the effectiveness of interventions, including, but not limited to, consultation, behavioral assessment/intervention, and counseling.

**(v) Student diversity in development and learning:** Certified school psychologists have knowledge of individual differences, abilities, and disabilities and of the potential

influence of biological, social, cultural, ethnic, experiential, socioeconomic, gender-related, and linguistic factors in development and learning; demonstrate the sensitivity and skills needed to work with individuals of diverse characteristics and to implement strategies selected and/or adapted based on individual characteristics, strengths, and needs.

**(vi) School and systems organization, policy development, and climate:** Certified school psychologists have knowledge of general education, special education, and other educational and related services; understanding of schools and other settings as systems; work with individuals and groups to facilitate policies and practices that create and maintain safe, supportive, and effective learning environments for children and others.

**(vii) Prevention, crisis intervention, and mental health:** Certified school psychologists have knowledge of human development and psychopathology and of associated biological, cultural, and social influences on human behavior; provide or contribute to prevention and intervention programs that promote the mental health and physical well-being of students.

**(viii) Home/school/community collaboration:** Certified school psychologists have knowledge of family systems, including family strengths and influences on student development, learning, and behavior, and of methods to involve families in education and service delivery; work effectively with families, educators, and others in the community to promote and provide comprehensive services to children and families.

**(ix) Research and program evaluation:** Certified school psychologists have knowledge of research, statistics, and evaluation methods; evaluate research, translate research into practice, and understand research design and statistics in sufficient depth to plan and conduct investigations and program evaluations for improvement of services.

**(x) School psychology practice and development:** Certified school psychologists have knowledge of the history and foundations of their profession; of various service models and methods; of public policy development applicable to services to children and families; and of ethical, professional, and legal standards, including the Washington Administrative Code; practice in ways that are consistent with applicable standards, are involved in their profession, and have the knowledge and skills needed to acquire career-long professional development.

**(xi) Information technology:** Certified school psychologists have knowledge of information sources and technology relevant to their work; access, evaluate, and utilize information sources and technology in ways that safeguard or enhance the quality of services.

**(b) Performance assessment.** An approved preparation program for school psychologists shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the state board of education and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior state board approval. All candidates shall exit the residency certificate program with a draft professional growth plan.

**(8) SCHOOL SOCIAL WORKER.** Effective August 31, 1997, through August 31, 2005, school social worker candi-

dates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Knowledge for social work practice. The candidate has knowledge and skills in relevant fields of study including:

(i) Values.

(A) Knowledge of profession including values, skills, and ethics; and

(B) National Association of Social Workers (NASW) Code of Ethics and school social work guidelines for practice.

(ii) Human behavior and the social environment.

(A) Community theory and community change (e.g., community organization and development, social planning, networking, and case management);

(B) Systems and organizational theory (e.g., school as a bureaucracy);

(C) Social disorganization (e.g., poverty, family and community violence, unemployment, addictions, multiple losses), and context of family in a changing society;

(D) Family dynamics and theories of family therapy;

(E) Human/child growth and development;

(F) Diverse populations of: Race, culture, social class, life style, age, gender and the disabled;

(G) Theories of personality; and

(H) Use of computer technology for social work practice.

(b) Service delivery and program development. The candidate will have knowledge and skills in the following activities:

(i) Direct practice.

(A) Referring, developing, and coordinating resources and services in the local education agency and community;

(B) Knowledge and skills related to families;

(C) Case management;

(D) Working with vulnerable and "hard to reach" individuals and families, including those from diverse populations;

(E) Crisis intervention, conflict resolution, stress management and decision-making skills;

(F) Individual and group counseling to improve students' self-knowledge and interactional skills for personal empowerment;

(G) Interviewing and counseling students in relation to social-personal problems adjudged to be impairing student's ability to learn;

(H) Family interventions including parent education; referral to resources; family counseling;

(I) Teaching children communication and interpersonal relationship skills through individual/group/classroom interventions;

(J) Collaborating and consulting with parents and community to assure readiness to learn for all students;

(K) Multidimensional assessment of student's social-emotional adjustment, adaptive behaviors, individual strengths, and environmental assets;

(L) Intervention case planning processes; and

(M) Career and academic guidance to students in their school to work transitions.

(ii) Indirect practice.

(A) Liaison and facilitator between and among home, school and community;

(B) Collaborate and consult with other educational staff to assure student progress;

(C) Use computer technology for practice and efficiency;

(D) Develop strategies for increased parental and community involvement with the school;

(E) Develop programs of remediation for students and their families;

(F) Design, coordinate and facilitate programs such as suicide prevention, truancy and drop-out prevention, and prevention of teenage pregnancy;

(G) Provide staff development programs;

(H) Work collaboratively with educational staff to develop programs to address school-community identified needs; and

(I) Function as change agents.

(c) Research and evaluation. The candidate will have necessary skills and knowledge to:

(i) Collect and interpret data in order to evaluate student, school, and community needs;

(ii) Evaluate own practice;

(iii) Become consumer of research findings;

(iv) Understand use of program evaluation methods; and

(v) Utilize computer technology for research and evaluation.

(d) Context for educational system. The candidate will have necessary knowledge and skills to apply the following:

(i) State learning goals and essential academic learning requirements;

(ii) Theories of learning;

(iii) School law and professional ethics;

(iv) Computer technology in the workplace; and

(v) Understanding of policies, laws, and procedures.

**(9) School social workers.** Effective September 1, 2005, school social worker candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

**(a) Successful demonstration of standards:**

**(i) Core concepts and professional practice foundations:** The certified school social worker understands and applies the core concepts, tools of inquiry, theories, and skills and values of the general field of social work to the educational system; relates these core concepts to the Washington state learning goals, essential academic learning requirement (EALRS), Revised Code of Washington (RCW), Washington Administrative Code (WAC) and the Individuals With Disabilities Education Act (IDEA); and utilizes these constructs to facilitate the educational, social and emotional development of students by working towards reducing the impact of nonacademic barriers to academic success.

**(ii) Planning, ecological assessment and evaluation:** The certified school social worker understands and knows how to apply various formal and informal assessment tools to

identify student, family, school and community needs using a strengths and systems perspective; engage students (individually or in groups), families, school staff and/or the larger community in designing interventions and developing programs, which bolsters the strengths and meets the needs identified; uses best practices in evaluation criteria to monitor the success of the intervention; revisions to the intervention plan are based on systematic data collection; and to utilize the principles of research design and program evaluation to improve student learning outcomes.

**(iii) Prevention/intervention services:** The certified school social worker has knowledge of and ability to provide prevention education and skill building in such areas as violence, mediation, bullying, substance misuse and abuse, conflict resolution/management, and stress management; provide direct intervention services to students through crisis management, case management, counseling, skill building, behavior management, teaching of psycho-educational curriculums, personal development skills and classroom presentations; and provide both prevention and intervention services to students individually, in small group or classroom settings as well as with students' families.

**(iv) Home, school and community consultation and collaboration:** The certified school social worker understands and has the ability to develop consultative and collaborative relationships both individually and on a systemic level with students, colleagues, families and the community to support students' learning and social/emotional development; assist students and their families in networking with various social support systems in order to benefit student learning; and use their extensive knowledge of community resources to appropriately refer students and families to various community services.

**(v) Advocacy and facilitation:** The certified school social worker understands and has the ability to advocate and facilitate changes that empower students, families, educators and others to gain access to and effectively use school and community resources.

**(vi) Diversity and school climate:** The certified school social worker understands how a student's learning is influenced and impacted by culture, family dynamics, community values, individual learning styles, talents, gender, sexual orientation, language, prior learning, economics and disabilities; utilize this knowledge to design, implement and evaluate programs that enhance student learning and social interaction in school, family and community settings; and how to create and support a safe, nurturing and secure learning environment by designing and using strategies to prevent or resolve ecological barriers that could limit or diminish the capacity of students to learn and achieve at their highest levels.

**(vii) Professional development:** The certified school social worker understands and values the need for professional development and is able to use supervision, consultation, collaboration, continuing education and professional research to evaluate and enhance their practice.

**(viii) Information resources and technology:** The certified school social worker uses informational resources and technology to communicate, monitor student progress and evaluate programs; and access, appraise and utilize informa-

tion sources and technology in ways that safeguard and enhance their quality of services.

(ix) Professional code of conduct and ethics: The certified school social worker understands, maintains and applies the professional codes of conduct and ethical practice guidelines embodied in the National Association of Social Work (NASW) code of ethics and School Social Work standards developed for the field of education; and are familiar with district, state and federal laws and policies relevant to the educational setting.

(b) Performance assessment. An approved preparation program for school social workers shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the state board of education and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior state board approval. All candidates shall exit the residency certificate program with a draft professional growth plan.

#### NEW SECTION

**WAC 180-78A-319 Program approval requirement—Field experience for school social workers.** Approved school social worker preparation programs shall require all students to complete a supervised internship that includes 600 hours, 300 of which must be in the schools, of on-the-job professional service and one hour per week of individual supervision provided by a site supervisor. Site supervisors must be fully certificated school social workers and have a minimum of three years of professional experience in the role of school social worker. Faculty supervision including on-site visits will be provided on an on-going basis. Prior to the internship, the student will complete a faculty-supervised practicum (a distinctly defined clinical experience intended to enable the student to develop basic school social work skills and integrate professional knowledge).

AMENDATORY SECTION (Amending WSR 02-18-037, filed 8/26/02, effective 9/26/02)

**WAC 180-78A-500 Professional certificate program approval.** All professional certificate programs for teachers ~~((and))~~, principals/program administrators, and school counselors, school psychologists, and school social workers shall be approved pursuant to the requirements in WAC 180-78A-520 through 180-78A-540. Only colleges/universities with state board of education approved residency certificate teacher ~~((and))~~, principals/program administrator, and school counselor, school psychologist, and school social worker preparation programs are eligible to apply for approval to offer professional certificate programs.

#### NEW SECTION

**WAC 180-78A-509 Overview—Educational staff associate—School counselor/school psychologist/school social worker professional certificate programs.** By September 1, 2007, all colleges and universities offering ESA professional certificate programs must be in compliance with the new program standards. To obtain a professional ESA

certificate, individuals will need to hold a valid ESA residency certificate, be employed in his/her ESA role in a public school district, state board-approved private school or state agency providing educational services for students, and complete a state board of education approved professional ESA certificate program in his/her ESA role.

(1) The professional certificate requires successful demonstration of the ESA role standards at the professional certificate benchmark levels, or above, and the candidate will need to provide evidence that he/she has had a positive impact on student learning.

(2) The candidate shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation with his/her professional growth team. The individual growth plan shall be based on an assessment of the candidate's ability to demonstrate standards at the professional benchmark level and evidence of a positive impact on student learning.

AMENDATORY SECTION (Amending WSR 03-23-037, filed 11/12/03, effective 12/13/03)

**WAC 180-78A-535 Approval standard—Program design.** The following requirements shall govern the design of the professional certificate program:

(1) **Teacher.**

(a) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract as a teacher in a public or a state board of education approved private school or state agency providing educational services for students and shall have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with a state board of education-approved private school or state agency providing educational services for students or the candidate provides to the program a letter from the candidate's employing district, state board of education-approved private school, or state agency providing educational services for students, documenting the employer's support for the candidate's full admission to the professional certificate program: Provided, That a candidate for the professional teacher's certificate may enroll in and complete the preassessment seminar described in subsection (4)(a) of this section prior to admission to a professional certificate program.

(b) The professional certificate program must be available to all qualified candidates.

(c) Using the set of common performance indicators as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without prior state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar which considers input from the candidate's "professional growth team" (WAC 180-78A-505), the candidate's past experience, the context in which he/she teaches, information from past annual evaluations if the individual chooses, the candidate's personal and profes-

sional goals, his/her self-evaluation, and evidences of the candidate's impact on student learning.

The seminar will culminate in preparation and approval of the candidate's individual professional growth plan designed to provide the candidate with the knowledge and skills needed to demonstrate successfully the standards and criteria required by WAC 180-78A-540.

A representative of the college/university and the candidate shall develop the professional growth plan to be reviewed and agreed upon after input from and consultation and "collaboration" (WAC 180-78A-010(9)) with his/her "professional growth team" (WAC 180-78A-010(10)).

The individual professional growth plan shall be based on:

(A) An analysis of the instructional context and teaching assignment(s) to determine strategies which the teacher should use to achieve a positive impact on student learning.

(B) An assessment of the candidate's ability to demonstrate successfully the professional certificate standards and criteria.

(C) Specifications of assistance and instructional components needed and any required course work.

(ii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "effective teaching" as defined in WAC 180-78A-540(1).

(iii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "professional development" as defined in WAC 180-78A-540(2).

(iv) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "leadership" as defined in WAC 180-78A-540(3).

(v) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; identification of future goals and professional/career interests; and specification of areas for continuing education and development. The candidate must provide multiple forms of evidence which shall include, but are not limited to, the set of common performance indicators as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without prior state board approval.

(vi) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for appropriate assistance and instruction.

(vii) No limits shall be placed on the number of times a candidate with a valid residency certificate may participate in the culminating seminar.

**(2) Principal/program administrator.**

(a) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract as an administrator for which the credential is required in a public school or state board of education approved private school.

(b) The professional certificate program must be available to all qualified candidates.

(c) Using the six knowledge and skills standards, and the standards-based benchmarks as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar during which the professional growth plan shall be developed. The plan will be agreed upon after input from and consultation with his/her professional growth team (WAC 180-78A-010 (10)(b)). The individual professional growth plan shall be based on an assessment of the candidate's ability to demonstrate six standards at the professional certificate benchmark level (WAC 180-78A-270 (2)(b)), performance evaluation data, and an analysis of the administrative context and assignment.

(ii) Formalized learning opportunities, past and current experience, professional development opportunities, and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill, and performance at the professional certificate benchmark level, or above, on all standards as defined in WAC 180-78A-270 (2)(b).

(iii) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; development of a professional growth plan that includes the identification of future goals and professional/career interests as well as a five-year plan for professional development designed to meet the requirements for certificate renewal.

(e) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for assistance.

(f) No limit shall be placed on the number of times a candidate with a valid residency certificate may enroll in the culminating seminar.

**(3) Educational staff associate (ESA) - school counselor, school psychologist, school social worker.**

(a) To be eligible for admission to a professional certificate program, a candidate shall be employed in his/her ESA role in a public school, a state board approved private school, or state agency providing educational services for students.

(b) The professional certificate must be available to all qualified candidates.

(c) Using the knowledge and skills standards in WAC 180-78A-270 (5), (7), and (9), and the standards-based benchmarks as approved by the state board of education and published by the office of the superintendent of public

instruction, which may not be changed without state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar during which the professional growth plan shall be developed. The plan will be agreed upon after input from and consultation with the ESA candidate's professional growth team (WAC 180-78A-010 (10)(c)). The individual's professional growth plan shall be based on an assessment of the candidate's ability to demonstrate the standards at the professional certificate benchmark level in the specific ESA role pursuant to WAC 180-78A-270 (5), (7), or (9).

(ii) Formalized learning opportunities, and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill, and performance at the professional certificate benchmark level, or above, on all standards in the specific ESA role as defined in WAC 180-78A-270 (5), (7), or (9).

(iii) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill, and performance; positive impact on student learning; and specification of areas for continuing education and development.

(e) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for assistance.

(f) No limit shall be placed on the number of times a candidate with a valid residency certificate may enroll in the culminating seminar.

AMENDATORY SECTION (Amending WSR 02-18-037, filed 8/26/02, effective 9/26/02)

**WAC 180-78A-540 Approval standard—Knowledge and skills.** (1) **Teacher.** A successful candidate for the teacher professional certificate shall demonstrate:

(a) The knowledge and skills for effective teaching which ensure student learning by:

(i) Using effective teaching practices, including classroom management;

(ii) Using assessment to monitor and improve instruction;

(iii) Establishing and maintaining a positive, student-focused, learning environment;

(iv) Designing and/or adapting challenging curriculum that is developmentally appropriate;

(v) Demonstrating cultural sensitivity in teaching and in relationships with students, parents, and community members;

(vi) Using information about student achievement and performance to advise and involve students and families;

(vii) Integrating technology into instruction and assessment;

(viii) Informing, involving, and collaborating with parents and families as partners in the educational process instrumental to student success; and

(ix) Employing democratic principles in instruction.

(b) A successful candidate for the professional certificate shall demonstrate the knowledge and skills for professional development by:

(i) Evaluating the effects of his/her teaching through feedback and reflection;

(ii) Designing and implementing professional growth programs, including new directions in career development and goals; and

(iii) Remaining current in subject area(s), theories, practice, research and ethical practice.

(c) A successful candidate for the professional certificate shall demonstrate leadership that contributes to the improvement of the school, community, and the profession by:

(i) Participating in activities within the school community to improve curriculum and instructional practices;

(ii) Participating in professional and/or community organizations;

(iii) Advocating for curriculum, instruction, and learning environments which meet the diverse needs of students;

(iv) Demonstrating communication skills and/or strategies that facilitate group decision making; and

(v) Participating collaboratively in school improvement activities.

(2) **Principal/program administrator.** A successful candidate for the principal/program administrator professional certificate shall demonstrate the knowledge and skills at the professional certificate benchmark levels for the six standards pursuant to WAC 180-78A-270 (2)(b).

(3) **Educational staff associate - school counselor, school psychologist, or school social worker.** A successful candidate for the ESA professional certificate shall demonstrate the knowledge and skills at the professional certificate benchmark levels for the standards in the specific ESA role pursuant to WAC 180-78A-270 (5), (7), or (9).

## WSR 04-21-039

### PERMANENT RULES

### STATE BOARD OF EDUCATION

[Filed October 15, 2004, 2:48 p.m., effective November 15, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To establish the dates by which the professional certificate administrator preparation programs must be in compliance with the new guidelines.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-507.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 04-15-115 on July 20, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 27, 2004.

Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 04-04-010, filed 1/23/04, effective 2/23/04)

**WAC 180-78A-507 Overview—Principal/program administrator, school psychologist, school counselor, and school social worker professional certificate programs.** By September 1, ((2004)) 2006, all colleges and universities offering a professional certificate program for principals/program administrators must be in compliance with the new program standards. By September 1, 2007, all colleges and universities offering a professional certificate program for school psychologists, school counselors, and school social workers must be in compliance with the new standards for the professional certificate. To obtain a professional certificate, the residency principal will need to complete a state board of education approved professional certificate program, have satisfactory district evaluations for an administrator role, and document three contracted school years of employment as a principal or assistant principal; the residency program administrator will need to complete a state board of education approved professional certificate program and have satisfactory district evaluations for an administrator role.

The professional certificate requires successful demonstration of six standards at the professional certification benchmark levels, or above, and the candidate will need to provide evidence that he/she has had a positive impact on student learning.

The candidate and college or university shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation and collaboration with his/her professional growth team. The individual growth plan shall address the six knowledge and skills standards, focus on activities that enhance student learning, and be informed by the performance evaluation process, and an analysis of the administrative context and assignment.

#### WSR 04-21-040

#### PERMANENT RULES

#### STATE BOARD OF EDUCATION

[Filed October 15, 2004, 2:50 p.m., effective November 15, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To revise the certification requirements for school counselors, school psychologists, and school social workers.

Citation of Existing Rules Affected by this Order: Amending chapter 180-79A WAC.

Statutory Authority for Adoption: RCW 28A.401.010.

Adopted under notice filed as WSR 04-15-114 on July 20, 2004.

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 6, 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 6, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 27, 2004.

October 11, 2004

Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 02-18-037, filed 8/26/02, effective 9/26/02)

**WAC 180-79A-145 Levels of certificates, initial/residency and continuing/professional.** Two levels of certification may be issued.

(1) Through August 31, 2000, for teachers, ((and)) through August 31, 2004, for administrators, and through August 31, 2005, for educational staff associates, the following levels of certificates will be issued: Provided, That after August 31, 2000, initial and continuing teachers' certificates ((and)), after August 31, 2004, initial and continuing principal and program administrator certificates, and after August 31, 2005, initial and continuing educational staff associate certificates will be issued only to previous Washington certificate holders, pursuant to WAC 180-79A-123:

(a) Initial certificate. The initial teacher certificate is valid for four years and the initial administrator and educational staff associate certificates are valid for seven years. Initial teacher certificates shall be subject to renewal pursuant to WAC 180-79A-250 and 180-79A-123. Initial administrator and educational staff associate certificates shall not be subject to renewal.

(b) Continuing certificate. The continuing certificate is valid on a continuing basis as specified in WAC 180-79A-250(3).

(2) The following levels of certificates will be issued to teachers, administrators, and educational staff associates commencing with the dates indicated below:

(a) Residency certificate. The residency certificate will be issued beginning September 1, 2000, to teachers ((and)), beginning ((no later than)) September 1, 2004, to ((administrators)) principal/program administrators, and no later than September 1, 2005, to educational staff associate((s)) school counselors, school psychologists, and school social workers. The residency certificate is valid for five years and shall be subject to renewal pursuant to WAC 180-79A-250.

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(b) Professional certificate. The professional certificate will be issued beginning September 1, 2001, to teachers ~~((and)), beginning ((no later than)) September 1, ((2004)) 2006, to ((administrators)) principal/program administrators, and beginning September 1, 2007, to educational staff associate((s)) school counselors, school psychologists, and school social workers. The professional certificate is valid for five years and shall be subject to renewal pursuant to WAC 180-79A-250. Provided, That a professional teacher's certificate based on the possession of a valid teacher's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC 180-79A-257 (3)(b) or 180-79A-206 (3)(a) shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.~~

~~(((3) Notwithstanding anything in subsections (1) and (2) of this section to the contrary, a professional teachers' certificate may be issued prior to August 31, 2000, pursuant to WAC 180-78A-555.))~~

**AMENDATORY SECTION** (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-79A-221 Academic and experience requirements for certification—School counselors, school psychologists, and school social workers.** Candidates for school counselor, school psychologist and school social worker certification shall complete the following requirements in addition to those set forth in WAC 180-79A-150 and 180-79A-226: Provided, That it shall not be necessary for any candidate who holds a master's or doctorate degree to obtain the specified master's degree if the candidate provides satisfactory evidence to the superintendent of public instruction that he or she has completed all course work requirements relevant to the required master's degree and has satisfactorily completed a comprehensive written examination required in such master's degree program: Provided, That if any candidate has been awarded a master's degree without a comprehensive written examination, the candidate, as a condition for certification, shall arrange to take such an examination with any accredited college or university and provide the superintendent of public instruction with an affidavit from the chair of the department of such academic field that he or she has successfully completed the above noted comprehensive examination.

(1) School counselor.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major in counseling.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination of a regionally accredited institution of higher education or the National Counselor Examination (NCE) of the National Board of Certified Counselors (NBCC).

(b) Residency.

(i) The candidate shall hold a master's degree with a major in counseling.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be a proctored, written examination of a regionally accredited institution of higher education or the candidate may meet this requirement by receiving a passing score on the Praxis II guidance and counseling examination administered by Educational Testing Service (ETS).

(c) Continuing.

(i) The candidate shall hold a master's degree with a major in counseling.

(ii) The candidate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(iii) The candidates must demonstrate their respective knowledges and skills while employed in that role by passing a one-quarter or one-semester college or university course that includes peer review. The college or university shall establish the procedures for the peer review with advice from the respective professional education advisory board.

(d) Professional. The candidate shall have completed an approved professional certificate program.

(2) School psychologist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major or specialization in school psychology.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination from a regionally accredited institution of higher education or the National Certification of School Psychologist (NCSP) examination.

(b) Residency.

(i) The candidate shall hold a master's degree with a major or specialization in school psychology.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be a proctored, written examination of a regionally accredited institution of higher education or the candidate may meet this requirement by receiving a passing score on the Praxis II school psychology examination administered by Educational Testing Service (ETS).

(c) Continuing.

(i) The candidate shall hold a master's degree with a major or specialization in school psychology.

(ii) The candidate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(iii) The candidates must demonstrate their respective knowledges and skills while employed in that role by passing

a one-quarter or one-semester college or university course that includes peer review. The college or university shall establish the procedures for the peer review with advice from the respective professional education advisory board.

(d) Professional. The candidate shall have completed an approved professional certificate program.

(3) School social worker.

(a) Initial.

(i) The candidate shall have completed all requirements for a master's degree in social work except special projects or thesis.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination from a regionally accredited institution of higher education, the social worker examination of the Academy of Certified Social Workers or the National Teacher Examination—School Social Worker Specialty Area examination required for certification as a school social worker by the National Association of Social Workers.

(b) Residency.

(i) The candidate shall hold a master's degree in social work.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be a proctored, written examination of a regionally accredited institution of higher education or the candidate may meet the requirement by receiving a passing score on the Praxis II school social work examination administered by Educational Testing Service (ETS).

(c) Continuing.

(i) The candidate shall hold a master's degree in social work.

(ii) The candidate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(iii) The candidates must demonstrate their respective knowledges and skills while employed in that role by passing a one-quarter or one-semester college or university course that includes peer review. The college or university shall establish the procedures for the peer review with advice from the respective professional education advisory board.

(d) Professional. The candidate shall have completed an approved professional certificate program.

AMENDATORY SECTION (Amending WSR 04-04-011, filed 1/23/04, effective 2/23/04)

**WAC 180-79A-226 Issues of abuse course work requirement for continuing or professional certification—Educational staff associate.** Candidates who apply for a continuing or professional educational staff associate certificate after August 31, 1994, must have successfully

completed the abuse course work requirement as defined in WAC 180-79A-030(6).

AMENDATORY SECTION (Amending WSR 02-18-037, filed 8/26/02, effective 9/26/02)

**WAC 180-79A-250 Initial/residency and continuing/professional certificates—Renewal, reinstatement, and continuing education requirements.** The following shall apply to initial/residency and continuing/professional certificates issued pursuant to this chapter:

(1) Initial certificate.

An initial teacher certificate may be renewed for an additional three-year period on application and verification that the individual has completed all course work requirements from a regionally accredited institution of higher education as defined in WAC 180-78A-010(6) for continuing certification or has completed at least fifteen quarter credit hours (ten semester credit hours) since the certificate was issued or renewed. After August 31, 2000, provisions of WAC 180-79A-123 will apply.

(2) Residency certificate. Residency certificates shall be renewed under one of the following options:

(a) Teachers.

(i) Individuals who hold, or have held, a residency certificate and who qualify for admission to a professional certificate program pursuant to WAC 180-78A-535 (1)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate administrator that the candidate is enrolled in and is making satisfactory progress in a state approved professional certificate program.

(ii) Individuals who hold, or have held, residency certificates who do not qualify for admission to a professional certificate program pursuant to WAC 180-78A-535 (1)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work (normally one hundred level or higher) from a regionally accredited institution of higher education taken since the issuance of the residency certificate.

(iii) An individual who completes a national board certification assessment may use that completed assessment to renew the residency certificate for two years.

(iv) Individuals who complete the requirements in their school district professional growth plan may use that completed plan to maintain the continuing certificate or renew the professional certificate.

(b) Principals/program administrators.

(i) Individuals who hold, or have held, a residency certificate and who qualify for admission to a professional certificate program pursuant to WAC 180-78A-535 (2)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator in which the candidate is enrolled, that the candidate is making satisfactory progress.

(ii) Individuals who hold, or have held, residency certificates who do not qualify for admission to a professional certificate program under WAC 180-78A-535 (2)(a) may have their residency certificates renewed for one additional five-

year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) plus an internship approved by a college or university with a state board approved residency certificate program and taken since the issuance of the last residency certificate.

(c) School counselors, school psychologists, or school social workers.

(i) Individuals who hold a residency certificate and who qualify for admission to a professional certificate program pursuant to WAC 180-78A-535(3) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator in which the candidate is enrolled, that the candidate is making satisfactory progress.

(ii) Individuals who hold, or have held, a residency certificate who do not qualify for admission to a professional certificate program under WAC 180-78A-535 (3)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based standards as defined in WAC 180-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal for an additional five-year period requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based standards as defined in WAC 180-78A-270 (5), (7), or (9) completed since the issuance of the most recent residency certificate plus an internship approved by a college or university with a state board approved residency certificate program and taken since the issuance of the last residency certificate.

(d) Renewals based on conditions other than those described in WAC 180-79A-250 (2)(a) and (b) may be appealed to the state board of education, or its designated appeals committee. The following conditions apply to such appeals:

(i) Individuals who appeal shall present a rationale and evidence to support their request to have their residency certificates renewed.

(ii) The state board of education, or its designated appeals committee, in making its decision shall determine the length of the renewal and may establish specific conditions (such as course work requirements) as prerequisites for the reissuance of the residency certificate.

(3) Continuing certificate.

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987, and who applied for such certificates prior to July 1, 1988, or who would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life.

Holders of valid continuing certificates affected by this subsection shall be entitled to have such certificate reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 180-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall lapse if the holder does not complete the continuing education requirement, to include the filing requirement specified in chapter 180-85 WAC. To reinstate such a lapsed continuing certificate the individual must complete the requirements for reinstatement stated within chapter 180-85 WAC and must meet the conditions stated in WAC 180-79A-253.

(4) Professional certificate.

(a) Teachers.

(i) A valid professional certificate may be renewed for additional five year periods by the completion of one hundred fifty continuing education credit hours as defined in chapter 180-85 WAC since the certificate was issued. An expired professional certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the five years prior to the date of the renewal application. All continuing education credit hours shall relate to either (a)(i)(A) or (B) of this subsection: Provided, That both categories (a)(i)(A) and (B) of this subsection must be represented in the one hundred fifty continuing education credit hours required for renewal:

(A) One or more of the following three standards outlined in WAC 180-78A-540:

(I) Effective instruction.

(II) Leadership.

(III) Professional development.

(B) One of the salary criteria specified in RCW 28A.415.023.

(I) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.320.205, the annual school performance report, for the school in which the individual is assigned;

(II) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(III) Is necessary to obtain an endorsement as prescribed by the state board of education;

(IV) Is specifically required to obtain advanced levels of certification; or

(V) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.

(ii) Provided, That a professional certificate may be renewed based on the possession of a valid teaching certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(b) Principals/program administrators.

(i) A professional certificate may be renewed for additional five year periods for individuals employed as a principal, assistant principal or program administrator in a public school or state board approved private school by:

(A) Completion of a professional growth plan that is developed and approved with the superintendent, superintendent designee, or appointed representative (e.g., educational service district personnel, professional association or organization staff, or peer from another district), and that documents formalized learning opportunities and professional development activities that:

- (I) Emphasize continuous learning;
- (II) Positively impact student learning;
- (III) Relate to the six standards and "career level" benchmarks defined in WAC 180-78A-270 (2)(b);
- (IV) Explicitly connect to the evaluation process;
- (V) Reflect contributions to the school, district, and greater professional community; and
- (VI) Identify areas in which knowledge and skills need to be enhanced.

(B) Verification of satisfactory performance evaluations for the five year periods; and

(C) Documented evidence of results of the professional growth plan on student learning.

(ii) Individuals not employed as a principal, assistant principal, or program administrator in a public school or state board approved private school may have their professional certificate renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the professional certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) plus an internship approved by a college or university with a state board approved professional certificate program, and taken since the issuance of the last professional certificate.

(c) School counselors, school psychologists, or school social workers.

(i) A professional certificate may be renewed for additional five-year periods for individuals employed as a school counselor, school psychologist, or school social worker in a public school, state board approved private school, or in a state agency which provides educational services to students by:

(A) Completion of a professional growth plan that is developed and approved with the principal or principal designee, and that documents formalized learning opportunities and professional development activities that:

- (I) Emphasize continuous learning;
- (II) Positively impact student learning; and
- (III) Reflect contributions to the school, district, and greater professional community; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 180-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 180-78A-270 (5), (7), or (9).

(ii) Individuals not employed as a school counselor, school psychologist, or a school social worker in a public school or state board approved private school may have their

professional certificate renewed for an additional five-year period by:

(A) Completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based standards as defined in WAC 180-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the professional certificate; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 180-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 180-78A-270 (5), (7), or (9).

## WSR 04-21-046

### PERMANENT RULES

### GROWTH MANAGEMENT HEARINGS BOARDS

[Filed October 15, 2004, 4:39 p.m., effective November 15, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To address procedural problems with existing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 242-02-210 (1)(d), 242-02-230, 242-02-240, 242-02-250, 242-02-270, 242-02-280, 242-02-310, 242-02-320, 242-02-340, 242-02-52001, and 242-02-893.

Statutory Authority for Adoption: RCW 36.70A.270(7).

Adopted under notice filed as WSR 04-18-111 on September 1, 2004.

Changes Other than Editing from Proposed to Adopted Version: Upon motion to amend, the joint boards added the following sentence: "Exhibits shall not be served electronically but shall be deemed timely filed if included in the mailed copies" to proposed WAC 242-02-320.

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 8, 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 11, 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 8, Repealed 0.

Date Adopted: October 7, 2004.

Margery Hite  
Rules Coordinator

PERMANENT

AMENDATORY SECTION (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-210 Petition for review—Forms—Contents.** A petition for review shall substantially contain:

(1) A caption in the following form:

BEFORE THE. . . GROWTH MANAGEMENT  
HEARINGS BOARD  
STATE OF WASHINGTON

Petitioner, Case No.  
v.  
Respondent. PETITION FOR REVIEW

(2) Numbered paragraphs stating:

(a) Petitioner's name, mailing address and telephone number and those of the attorney or other authorized representative, if any;

(b) Date of the challenged order, determination, publication, or other action or, in the case of an alleged failure to act, the date by which the action was required to be taken;

(c) A detailed statement of the issues presented for resolution by the board that specifies the provision of the act or other statute allegedly being violated and, if applicable, the provision of the document that is being appealed;

(d) A statement specifying the type and the basis of the petitioner's standing before the board pursuant to RCW 36.70A.280(2) (~~Petitioners shall distinguish between participant standing under the act, governor certified standing, standing pursuant to the Administrative Procedure Act, and standing pursuant to the State Environmental Policy Act, as the case may be~~);

(e) The estimated length of the hearing;

(f) The relief sought, including the specific nature and extent;

(g) A statement that the petitioner has read the petition for review and believes the contents to be true, followed by the petitioner's signature or signature of the attorney(s) or other authorized representative(s), if any.

(3) One copy of the applicable provisions of the document being appealed, if any, shall be attached to the petition for review.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-230 Petition for review—Service and filing.** (1) The original and three copies of the petition for review shall be filed with a board personally, or by first class, certified, or registered mail. Filings may also be made with a board (~~by telegraph or~~) by electronic telefacsimile transmission as provided in WAC 242-02-240. A copy of the petition for review shall be personally served (~~promptly~~) upon all other named parties or deposited in the mail and postmarked on or before the date filed with the board. When a county is a party, the county auditor shall be served in noncharter counties and the agent designated by the legislative authority in charter counties. The mayor, city manager, or city clerk shall be served when a city is a party. When the state of Washington is a party, the office of the attorney general shall be

served at its main office in Olympia unless service upon the state is otherwise provided by law. Proof of service may be filed with the board pursuant to WAC 242-02-340.

(2) A board may dismiss a case for failure to substantially comply with subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

**WAC 242-02-240 Date of filing—Facsimile and ~~(telegraph)~~ electronic mail.** (1) The date of filing shall be the date of actual receipt by a board at its office. The date stamp placed on the petition shall be presumptive evidence of the date of receipt.

(2) Filing of any documents with a board by electronic mail or telefacsimile transmission is at the risk of the sender and shall not be deemed complete unless the following procedures are strictly observed:

(a) ~~(A)~~ An electronic mail or facsimile document will only be stamped "received" by the board between the hours of 8:00 a.m. and 5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be stamped received on the following business day. The date and time indicated by the board's facsimile machine or receiving computer shall be presumptive evidence of the date and time of receipt of transmission.

(b) The original document and three copies must be mailed and postmarked or otherwise transmitted to the board (~~within twenty-four hours~~) on or before the date of sending the facsimile transmission or electronic mail.

(c) Documents over fifteen pages in length may not be filed by fax without prior approval of the presiding officer.

(3) A fax or electronic mail copy shall constitute an original solely for the purpose of establishing the date a document was filed.

AMENDATORY SECTION (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-250 Notice of appearance and answer.**

(1) The respondent shall file a notice of appearance with the board and serve a copy on the petitioner and all other parties promptly after having been served with a petition for review. The notice of appearance shall be dated, signed and contain the respondent's address (~~and~~), telephone and fax numbers, and e-mail address.

(2) The respondent, at its option, may file an answer to the petition for review. The respondent shall file the original and three copies with the board and serve a copy on the petitioner. Answers shall be filed no later than twenty days from the date of service of the petition for review. Answers shall be verified in the same manner as the petition for review.

AMENDATORY SECTION (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-270 Intervention.** (1) (~~Any person at any time~~) Upon timely motion, any person may (~~by motion~~) request status as an intervenor in a case. The motion shall state the applicant's interests relating to the subject of the action, how disposition of the action may impair that

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interest, and whether that interest is adequately represented by existing parties.

(2) In determining whether a person qualifies as an intervenor, the presiding officer shall apply any applicable provisions of law and may consider the applicable superior court civil rules (CR) of this state. The granting of intervention must be in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.

(3) If the person qualifies for intervention, the presiding officer may impose conditions upon the intervenor's participation in proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

(a) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest as demonstrated by the motion;

(b) Limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and

(c) Requiring two or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

(4) The presiding officer shall timely grant or deny each motion and specify conditions, if any.

(5) Pleadings and briefs of an intervenor shall be filed concurrently with pleadings and briefs of the party whose position the intervenor supports.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

**WAC 242-02-280 Amicus.** (1) Any person whose interest may be substantially affected by a proceeding before a board may by motion request status as an amicus in the case.

~~(2) ((In determining whether a person qualifies as an amicus, the presiding officer shall apply the applicable rules of appellate procedure (RAP) of the appellate courts of this state.))~~ A motion to file an amicus curiae brief must include a statement of:

(a) Applicant's interest and the person or group applicant represents;

(b) Applicant's familiarity with the issues involved in the matter and with the scope of the argument presented or to be presented by the parties;

(c) Specific issues to which the amicus curiae brief will be directed; and

(d) Applicant's reason for believing that additional argument is necessary on these specific issues. The brief of amicus curiae may be filed with the motion but must be filed no later than the time set for the filing of the brief for the party whose position the amicus supports.

(3) If the person qualifies for amicus, the presiding officer may impose conditions upon the amicus's participation in the proceedings, either at the time that amicus status is granted or at any subsequent time.

AMENDATORY SECTION (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-310 Service of papers.** (1) Parties filing pleadings, briefs, exhibits and other documents or papers with a board shall also ~~((promptly))~~ serve copies upon all

other parties no later than the date upon which they were filed with the board. Parties served shall be those included on the declaration of service list attached to the board's prehearing order, or amended prehearing order.

(2) Service upon a party's attorney or other authorized representative shall be considered valid service for all purposes upon the party represented.

(3) Final decisions of the board shall be served upon the parties and their attorney or representative of record, if any.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

**WAC 242-02-320 Method of service.** Service of papers, specified in WAC 242-02-310(1), shall be made personally or by first class, registered or certified mail, ~~((or by telegraph))~~ or by facsimile transmission. The board may be served by e-mail filings, provided that an original and three copies are deposited in the mail and postmarked no later than the same day. Exhibits shall not be served electronically but shall be deemed timely filed if included in the mailed copies.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

**WAC 242-02-340 Proof of service—Certificate.** Where proof of service is required by this chapter, by statute, or upon a board's request, filing the original document with the board and serving copies upon all attorneys or other authorized representatives of record and upon parties not represented together with one of the following documents shall constitute proof of service:

(1) An acknowledgement of service;

(2) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon each party or the party's attorney or other authorized representative of record in the proceeding by delivering a copy thereof in person to the named individuals;

(3) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties of record in the case by:

(a) Mailing a copy, properly addressed with postage prepaid, to each party or that party's attorney or other authorized representative; or

~~(b) ((Telegraphing a copy, properly addressed with charges prepaid, to each party in the case or that party's attorney, or other authorized representative; or~~

~~(e)))~~ Transmitting a copy by electronic telefacsimile device, and on the same day mailing a copy to each party in the case or that party's attorney, or other authorized representative; or

~~((d)))~~ (c) Depositing a copy, properly addressed with charges prepaid, with a commercial parcel delivery company or courier service.

AMENDATORY SECTION (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

**WAC 242-02-52001 Exhibits ~~((lots))~~.** (1) ~~((Unless otherwise directed by the board or presiding officer, within fifty days of the filing of the petition for review, each of the parties~~

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shall identify those documents listed in the index which the party intends to use as an exhibit. The documents identified in this stage shall be labeled "preliminary list of exhibits." The preliminary list of exhibits shall be filed with the board and a copy served on all parties. In complying with the requirements of this subsection, parties shall not simply designate every document but shall carefully review the index, and designate only those documents that are reasonably necessary for a full and fair determination of the issues presented.

(2) The board or the presiding officer may establish a deadline for identifying and filing a final list of exhibits with the board and serving a copy on all other parties. The board or presiding officer may elect not to require the filing of final exhibit lists and instead, require that a) Except as otherwise provided in these rules, the evidence in a case shall consist of the exhibits cited in the briefs and attached thereto. A copy of any document cited in a brief shall be served on the opposing party or parties by the time specified by the board or presiding officer and an original and three copies of the exhibits shall be filed with the board.

((3) A presiding officer may order the use of a stipulated exhibit list in lieu of or in addition to preliminary and/or final exhibit lists.

(4) Copies of designated documents from the index that have been certified or stipulated to be true and accurate may be admitted into evidence before a board in lieu of the original document.) (2) Respondents may charge for the cost of copies of documents requested by other parties in accordance with RCW 42.17.300, as amended.

**AMENDATORY SECTION** (Amending WSR 98-01-144, filed 12/19/97, effective 1/20/98)

**WAC 242-02-893 Compliance—Hearing.** (1) Upon a motion of a party or participant, the board shall reconsider its final decision and order and decide, if no determination of invalidity had previously been made, whether one should now be made. The procedures at the compliance hearing shall be as set forth by the presiding officer, pursuant to WAC 242-02-891. After a compliance hearing, the board shall determine whether a state agency, county or city is in compliance with the requirements of the act as remanded in the final decision or order and any compliance schedule established by the board.

(2) The evidence in a compliance hearing shall consist of the exhibits cited in the briefs submitted in the compliance proceeding and either attached to the briefs or specifically identified as exhibits submitted and attached to prior briefs filed in the same case number.

## WSR 04-21-053

### PERMANENT RULES

#### HORSE RACING COMMISSION

[Filed October 18, 2004, 1:56 p.m., effective November 18, 2004]

Effective Date of Rule: Thirty-one days after filing.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 67.16.160, 67.16.200, and 67.16.270.

**Purpose:** To adopt rules to allow the commission to comply with RCW 67.16.160 Rules implementing conflict of interest laws, 67.16.200 Parimutuel wagering at satellite locations—Simulcasts, and 67.16.270 Advance deposit wagering, which became effective on April 1, 2004. This includes amending WAC 260-14-040 Wagering, 260-48-700 Interjurisdictional common pool wagering, 260-48-710 Participation in common pools as a guest, 260-48-720 Participation in common pool wagering as a host, amendments to chapter 260-72 WAC, Communications from grounds, and the adoption of new chapter 260-49 WAC, Advance deposit wagering.

**Citation of Existing Rules Affected by this Order:** Repealing WAC 260-72-030; and amending WAC 260-14-040, 260-48-700, 260-48-710, 260-48-720, and 260-72-020.

**Statutory Authority for Adoption:** RCW 67.16.020.

Adopted under notice filed as WSR 04-18-098 on September 1, 2004.

**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 10, Amended 5, Repealed 1.

**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 10, Amended 5, Repealed 1.

**Date Adopted:** October 14, 2004.

R. J. Lopez  
for Robert M. Leichner  
Executive Secretary

**AMENDATORY SECTION** (Amending Order 73.3, filed 6/28/73)

**WAC 260-14-040 Wagering.** (1) No commission employee shall make any wager at a facility under the jurisdiction of the commission.

(2) No ((regulatory)) commission employee shall make any wager on the outcome of any horse race at a meeting ((at which he is employed)) under the jurisdiction of the commission. Commission employee means both regulatory employee and employee as defined in WAC 260-14-010.

(3) No commissioner ((or employee)) shall make any wager ((except through authorized pari-mutuel betting)) on the outcome of any horse race at a meeting under the jurisdiction of the commission.

**AMENDATORY SECTION** (Amending WSR 99-06-026, filed 2/23/99, effective 3/26/99)

**WAC 260-48-700 ((Interjurisdictional)) Multijurisdictional common pool wagering. (1) ((definitions)) Definitions.**

(a) The host association is the association conducting a licensed parimutuel meeting from which authorized contests or entire performances are simulcast.

(b) The guest association is the association that offers licensed parimutuel wagering on contests conducted by the host association.

(2)(a) Except as otherwise authorized by the commission, a request for simulcasting must be filed on a form provided by the commission not later than ((7)) seven business days before the first simulcast race covered by the request. The executive secretary may approve a request for simulcasting, subject to rescission of the approval by the commission at its next regular meeting.

(b) The application must include at a minimum:

(i) The simulcast agreement between the host and guest association;

(ii) The approval by the horsemen's association represented at the host and guest site;

(iii) The alternate jurisdiction approval;

(iv) When acting as the host site, approval also requires a list of all locations that will be receiving and/or wagering on the races under the guest site; and

(v) The executive secretary may require the association to submit additional information if the executive secretary determines the additional information is necessary to effectively evaluate the request.

(3) A class 1 racing association shall not be allowed to simulcast until the following are filed with the commission.

(a) A written agreement with the local horsemen's group.

(b) A description of how simulcast purse ((monies)) moneys are to be maintained.

(c) A description of how breeder awards are to be maintained.

(d) A monthly statement showing amounts contributed to and balance in the purse fund and the breeders awards fund. This statement shall be filed with the commission no later than ten days after the end of each month.

(4) The approval of any particular simulcasting or wagering on particular simulcast races or programs is not binding on the commission for other requests for approval of simulcasting or wagering on simulcast races or programs.

(5) In determining whether to approve ((an interjurisdiction)) a multijurisdiction common pool which does not include the host track or which includes contests from more than one association, the commission shall consider and may approve use of a bet type which is not utilized at the host track, application of a takeout rate not in effect at the host track, or other factors which are presented to the commission.

(6) No class 1 racing association shall enter a contractual agreement that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC and any federal, state or local law.

(7) The mutuel manager or the mutuel manager's designee shall be present on association grounds at all times that the class 1 racing association is accepting wagers on simul-

cast races. He/she shall be responsible for communicating all errors or omissions regarding simulcast wagering to the ((board of stewards or the commissions on duty mutuel inspector)) executive secretary.

(8) There shall be a facsimile machine located in each mutuel area or tote room and a direct, private telephone line to be located in the tote room. Phone access to the tote room shall not require routing through the switchboard.

(9) Every class 1 racing association shall file with the commission an annual report of its simulcast operations including financial data as specified by the commission.

(10) Not less than ((30)) thirty minutes prior to the commencement of transmission of the performance of parimutuel contests for each day or night, the guest association shall initiate a test program of its transmitter, encryption and decoding, and data communication to assure proper operation of the system.

(11) ((The audio or the video signals must be present at the start of a wagering event in order for wagering to begin and shall continue to be displayed to the public during the entire wagering card.)

(12) ~~In the event of the loss of both the audio and video signals the class 1 association mutuel manager shall ensure that wagering and racing information is provided through the public address system or totalisator information screens.~~

(13) ~~If a guest association is unable to establish or to maintain the audio or video signal from the host association, the guest association may continue to accept wagers while attempting to establish the signal provided:~~

(a) ~~An announcement is made to the public informing them of the technical difficulties;~~

(b) ~~The totalisator system licensee transmits the odds on the affected race to the video department to be displayed to the patrons; and~~

(c) ~~The totalisator system licensee locks all wagering on the affected race at zero minutes to post to ensure the integrity and transfer of the wagering pools.~~

(14) ~~Wagering may not take place without the presence of both the audio and the video signals on a performance day following a performance day in which either the audio or the video was missing.~~

(15) ~~If the host association loses the ability to transmit the audio or video signal, the host association:~~

(a) ~~Shall notify all receiving locations of the technical difficulties being experienced;~~

(b) ~~May continue to accept wagers from the receiving location on that days races; and~~

(c) ~~May not accept wagers from the receiving locations for subsequent race days until the technical difficulties have been corrected.~~

(16) ~~The content and format of the visual display of racing and wagering information at facilities in other jurisdictions where wagering is permitted in the interjurisdiction common pool need not be identical to the similar information permitted or required to be displayed under these rules.~~

((17)) Washington intratrack breakage and minus pools shall be prorated based on amounts wagered.

((18)) (12) The commission may permit adjustment of the takeout from the parimutuel pool so that the takeout rate in this jurisdiction is identical to that at the host jurisdiction,

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or identical to that of other jurisdictions participating in a merged pool.

~~((19))~~ (13) Any surcharges or withholdings in addition to the takeout shall only be applied in the jurisdiction otherwise imposing such surcharges or withholdings.

~~((20))~~ (14) Where takeout rates in the merged pool are not identical, the net price calculation may be the method by which the differing takeout rates are applied.

~~((21))~~ (15) Parimutuel pools may be combined for computing odds and calculating payouts but will be held separate for auditing and all other purposes.

**AMENDATORY SECTION** (Amending WSR 99-06-026, filed 2/23/99, effective 3/26/99)

**WAC 260-48-710 Participation in common pools as guest.** (1) With the prior approval of the commission, parimutuel-wagering pools may be combined with corresponding wagering pools in the host jurisdiction, or with corresponding pools established by one or more other jurisdictions.

(2) Rules established in the jurisdiction of the host association designated for a parimutuel pool shall apply.

(3) The guest association and all authorized receivers shall conduct parimutuel wagering pursuant to the applicable jurisdiction rules.

(4) Class 1 racing associations which import races and propose to offer types of wagers other than those currently defined in chapter 260-48 WAC, shall submit to the commission a copy of the host jurisdiction's rule governing the wager.

(5) If, after the close of wagering, ~~((it becomes impossible to successfully merge the bets placed into the interjurisdiction common pool, the association shall make payouts in accordance with payout prices that would have been in effect if prices for the pool of bets were calculated without regard to wagers placed elsewhere:))~~ a guest racetrack's wagers cannot be successfully merged in the multijurisdictional common pool via data circuit or manual merge, the mutuel manager shall:

(a) Refund the pools not successfully merged after announcing to the public that the pools were not merged successfully and the pools will be refunded; or

(b) Pay the winning wagers based on the prices established at the host racetrack.

The mutuel manager shall report the failure to merge any common pool to the commission. The report must be made on a form prescribed by the executive secretary and be filed no later than the day after the date the common pool failed to merge.

In the event the host association has offered a wager not covered by chapter 260-48 WAC, the ~~((ARCI))~~ Association of Racing Commissioners International model rules regarding such wager shall govern. Information regarding this emergency procedure shall be posted throughout the class 1 racing association facility and published in its racing program.

(6) An authorized class 1 racing association when acting as a guest association shall provide:

(a) A voice communication system between each guest association and the host association, providing timely voice contact among the commission designees and parimutuel departments.

(b) Parimutuel terminals and odds displays, modems and equipment enabling parimutuel data transmissions, and data communications between the host and guest associations.

(c) Adequate transmitting and receiving equipment of acceptable broadcast quality, which shall not interfere with the closed circuit TV system of the host association for providing any host facility patron information.

**AMENDATORY SECTION** (Amending WSR 99-06-026, filed 2/23/99, effective 3/26/99)

**WAC 260-48-720 Participation in common pools as host.** (1) A host association is responsible for content of the simulcast and shall use all reasonable effort to present a simulcast that offers the viewers an exemplary depiction of each performance.

(2) Unless otherwise permitted by the commission, every simulcast will contain in its video content the date, a digital display of actual time of day, the host facility's name from where it emanates and the number of the contest being displayed.

(3) The host association shall maintain such security controls including encryption over its uplink and communications systems as directed or approved by the commission.

(4) Any contract of ~~((interjurisdiction))~~ multijurisdiction common pools entered into by the association shall contain a provision to the effect that if, for any reason, it becomes impossible to successfully merge the bets placed in another jurisdiction into the ~~((interjurisdiction))~~ multijurisdiction common pool formed by the class 1 racing association, or if, for any reason, the commission's or the association's representative determines that attempting to effect transfer of pool data from the guest jurisdiction may endanger the association's wagering pool, the association shall have no liability for any measures taken which may result in the guest's wagers not being accepted into the pool.

(5) If for any reason it becomes impossible to successfully merge pool data into the ~~((interjurisdiction))~~ multijurisdiction common pool of the class 1 racing association, or it is determined that attempting to effect transfer of pool data from the guest jurisdiction may endanger the class 1 racing associations wagering pool, or cause an unreasonable delay of the racing program, the class 1 racing association representative shall determine under the circumstances whether to manually merge guests pools, exclude guests pools or delay the Washington pools.

(6) Scratched horses must be communicated via facsimile machine, telephone or other approved method by the host mutuel manager to all guest mutuel managers except when the operating totalisator protocol performs these functions automatically or when the information is disseminated to the wagering network via satellite or video display. The host mutuel manager must communicate program changes to all guest sites via facsimile machine, telephone or other approved method.

## Chapter 260-49 WAC

## ADVANCE DEPOSIT WAGERING

NEW SECTION

**WAC 260-49-010 Definitions.** For the purposes of this chapter, unless otherwise indicated by the context in which the term is used, the following terms shall have the meaning set forth herein:

(1) "Account" shall mean an account for advance deposit wagering with a complete record of credits, wagers and debits established by an account holder and managed by an authorized advance deposit wagering service provider.

(2) "Account holder" shall mean a natural person, at least twenty-one years of age for whom an authorized advance deposit wagering service provider has opened an account.

(3) "Advance deposit wagering" means a form of parimutuel wagering in which an individual deposits money in an account with an entity authorized by the commission to conduct advance deposit wagering and then the account funds are used to pay for parimutuel wagers made in person, by telephone, or through communication by other electronic means.

(4) "Authorized advance deposit wagering service provider" means an entity licensed by the commission, pursuant to this chapter, to conduct advance deposit wagering including such entity's facility location, equipment and staff involved in the management, servicing and operation of advance deposit wagering.

(5) "Applicant" is a natural person, at least twenty-one years of age, who has submitted an application to establish an account with an authorized advance deposit wagering service provider.

(6) "Application" shall mean the form or forms and other required submissions received from an applicant for the purpose of opening an account.

(7) "Class 1 racing association" shall mean any person or entity holding a current and valid license issued by the commission pursuant to chapter 67.16 RCW to hold race meets.

(8) "Commission" means the Washington horse racing commission.

(9) "Communications by other electronic means" includes communications by any electronic communication device or combination of devices including, but not limited to, the following: Personal computers, the internet, private networks, interactive televisions and wireless communication technologies or other technologies approved by the commission.

(10) "Confidential information" shall include the following:

(a) The amount of money credited to, debited from, withdrawn from, or present in any particular account holder's account;

(b) The amount of money wagered by a particular account holder on any race or series of races;

(c) The account number and secure personal identification code of a particular account holder;

(d) The identities of particular entries on which the account holder is wagering or has wagered; and

(e) Unless otherwise authorized by the account holder, the name, address, and other information in the possession of an authorized advance deposit wagering service provider that would identify the account holder to anyone other than the commission, the authorized advance deposit wagering service provider, the regulatory authority in the state that regulates the authorized advance deposit wagering service provider or as otherwise required by state or federal law.

(11) "Credits" shall mean all deposits of money into an account.

(12) "Debits" shall mean all withdrawals of money from an account.

(13) "Deposit" shall mean a payment of money by cash, check, money order, credit card, debit card, or electronic funds transfer made by an account holder to the account holder's account.

(14) "Foreign jurisdiction" shall mean a jurisdiction of a foreign country or political subdivision thereof.

(15) "Natural person" shall mean any person, at least twenty-one years of age, but does not include any corporation, partnership, limited liability company, trust, or estate.

(16) "Principal residence address" shall mean that place where the natural person submitting an application for an account resides at least fifty percent of the time during the calendar year.

(17) "Proper identification" shall mean a form of identification sufficient to ensure that the person making a transaction is an account holder.

(18) "Secure personal identification code" shall mean an alpha and/or numeric character code chosen by an account holder as a means by which the authorized advance deposit wagering service provider may verify a wager or account transaction as authorized by the account holder.

(19) "Source market fee" shall mean the part of a wager made on any race by a person whose principal residence address is in Washington that is returned to the class 1 racing association and the commission.

(20) "Source market fee area" means the state of Washington.

(21) "Withdrawal" shall mean a payment of money from an account by an authorized advance deposit wagering service provider to the account holder.

NEW SECTION

**WAC 260-49-020 Requirements to conduct authorized advance deposit wagering.** (1) The advance deposit wagering rules set forth in this chapter shall apply to the establishment and operation of accounts by an authorized advance deposit wagering service provider for applicants whose principal residence address is in the state of Washington.

(2) Advance deposit wagering by any person whose principal residence address is in the state of Washington may be conducted only by an authorized advance deposit wagering service provider licensed by the commission pursuant to this chapter.

(3) A class 1 racing association must obtain commission approval of its contract with an authorized advance deposit wagering service provider.

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(4) No advance deposit wagering service provider shall solicit, accept, open or operate an account for any person with a principal residence address in the state of Washington unless the service provider has received a license in good standing from the commission.

(5) The commission may suspend or revoke a license to operate as an authorized advance deposit wagering service provider, withdraw approval of a contract between a class 1 racing association and an authorized advance deposit wagering service provider and/or impose fines, if the authorized advance deposit wagering service provider, its officers, directors, or employees violate chapter 67.16 RCW or Title 260 WAC.

(6) An authorized advance deposit wagering service provider located within Washington shall not solicit, accept, open or operate advance deposit wagering accounts for persons whose principal residence is outside of the state of Washington, including residents of foreign jurisdictions unless:

(a) The service provider has received a license from the commission in good standing;

(b) Wagering on that same type of live racing is lawful in the jurisdiction which is the person's principal residence; and

(c) The authorized advance deposit wagering service provider complies with the provisions of the Interstate Horseracing Act, 15 U.S.C. §§ 3001 to 3007, and the laws of the jurisdiction, which is the principal place of residence of the applicant.

(7) The authorized advance deposit wagering service provider shall provide a bond or irrevocable letter of credit in an amount set by the commission for the purpose of ensuring that payments to the commission and to Washington account holders are made. In the alternative, a service provider may provide other means of assurance of such payment including, but not limited to, evidence of bond(s), irrevocable letter(s) of credit or other forms of financial guarantees posted and in good standing with regulatory authorities in other jurisdictions, which shall be subject to the approval of the commission. Any bond, letter of credit or other assurance of payment acceptable to the commission provided by the service provider shall run to the Washington horse racing commission as obligee, and shall be for the benefit of the commission and any account holder who suffers a loss by reason of the service provider's violation of chapter 67.16 RCW or these rules. The bond, letter of credit or other assurance of payment shall be conditioned on the obligor as licensee faithfully complying with chapter 67.16 RCW and these rules. The bond shall be continuous and may be canceled by the surety only upon the surety giving written notice to the executive secretary of its intent to cancel the bond. The notice of cancellation shall be effective no sooner than thirty days after the notice is received by the executive secretary. In the event of cancellation of the bond, letter of credit or other assurance of payment the service provider shall file a new bond, letter of credit or other assurance of payment prior to the effective date of the cancellation notice.

(8) Persons whose primary residence is within Washington shall not participate in advance deposit wagering unless such activity is conducted through an authorized advance deposit wagering service provider.

(9) The content and frequency of reports from an authorized advance deposit wagering service provider shall be at the discretion of the commission.

(10) No class 1 racing association shall enter into a written agreement under this section that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC or any applicable federal, state or local law.

(11) Every class 1 racing association approved under this chapter shall file with the commission a monthly statement showing amounts contributed to and balances in the purse fund and the breeders awards fund. This statement shall be filed with the commission no later than twenty-five days after the end of each month.

(12) In determining whether to approve an application under this chapter, the commission shall consider the following factors:

(a) The impacts on all entities conducting business as part of the Washington horse racing industry;

(b) Whether the commission deems the state compliance and monitoring efforts of the state where the authorized advance deposit wagering service provider is located are sufficient for compliance with applicable laws and for the protection of the public and to ensure the integrity of all operations and financial transactions under the agreement between the class 1 racing association and the authorized advance deposit wagering service provider; and

(c) Any other factor the commission identifies on the record as relevant to its determination.

#### NEW SECTION

**WAC 260-49-030 Advance deposit wagering service provider license for a class 1 racing association.** (1) A class 1 racing association licensed under chapter 67.16 RCW and chapter 260-13 WAC may apply for a license from the commission to operate as an advance deposit wagering service provider in accordance with chapter 67.16 RCW and this chapter.

(2) An application to operate as an advance deposit wagering service provider must address the requirements of this chapter, and the class 1 racing association shall file with the commission an original and five copies of the application and plan of operation.

(3) As part of the application, the class 1 racing association shall submit a detailed plan of how its proposed advance deposit wagering service provider would operate. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and advance deposit wagering service provider will operate and the regular hours of operation;

(b) Programs for responsible wagering;

(c) A plan for verification of an applicant's identity, age and residence when establishing an account;

(d) Establish a dispute resolution process for account holders who file a claim against the advance deposit wagering service provider;

(e) The requirements for accounts established and operated for persons whose principal residence is outside of the state of Washington;

(f) The process for an account holder to make withdrawals from the account holder's account;

(g) The process for handling wagers when wagering pools cannot be merged with the wagering pools of the race track where the race is being run live; and

(h) Any additional information required by the commission.

(4) The commission may require changes in a proposed plan of operations as a condition of granting a license.

(5) The commission may conduct investigations or inspections or request additional information from the class 1 racing association, as it deems appropriate in determining whether to license the class 1 racing association to operate as an advance deposit wagering service provider.

(6) A license authorizes only the class 1 racing association to establish, manage and operate an advance deposit wagering service provider. The class 1 racing association shall not subcontract operation of the advance deposit wagering service provider to another person or entity.

(7) Approval of a license under this section shall be for twelve months from the date of approval, unless rescinded by the commission.

(8) No subsequent changes in the advance deposit wagering service provider's plan of operations may occur unless ordered by the commission or until written approval is obtained from the commission.

(9) The commission, or its staff, shall be given access to review and audit all records and financial information of a class 1 racing association related to the conduct of advance deposit wagering, including resident and nonresident accounts. This information shall be made available to the commission or its staff by the class 1 racing association at its location at reasonable hours. The commission may require the class 1 racing association to annually submit to the commission audited financial statements of the advance deposit wagering service provider.

#### NEW SECTION

**WAC 260-49-040 Advance deposit wagering service provider license for nonclass 1 racing associations.** (1) Prior to accepting applications from Washington residents for advance deposit wagering accounts, the advance deposit wagering service provider must have:

(a) An agreement with a class 1 racing association, that has been approved by the commission; and

(b) A license from the commission to conduct advance deposit wagering.

(2) An application to operate as an advance deposit wagering service provider must address the requirements of this chapter, and the entity shall file with the commission an original and five copies of the application and plan of operation.

(3) The operator of an advance deposit wagering service provider applying for a license to conduct advance deposit wagering must provide the following information as part of the application:

(a) If the service provider is an individual, his/her legal name and the legal name of his/her spouse and dates of birth and address;

(b) If the service provider is a corporation:

(i) The date and place of incorporation;

(ii) The names and addresses of its shareholders, and the names, addresses and dates of birth of directors and officers who are natural persons; and

(iii) If a shareholder is a corporation then the date and place of its incorporation, and the names and addresses and dates of birth of those corporations' directors and officers. If the service provider is a corporation ultimately owned by a not-for-profit entity without any shareholders, or is a publicly traded corporation, the information required in this subsection shall be required from the directors of the not-for-profit entity, or the directors and officers of the publicly traded corporation, in lieu of the shareholders;

(c) If the service provider is a general or limited partnership, the names, addresses, and dates of birth of the partners; if a partner is a corporation, the date of incorporation, the place of incorporation and the names and addresses and dates of birth of its directors and officers must be provided;

(d) The commission reserves the right to require fingerprints as part of the license application process;

(e) Information from the service provider that demonstrates whether the service provider has the financial resources to operate as an advance deposit wagering service provider;

(f) A copy of the written agreement between the class 1 association and the advance deposit wagering service provider and an assurance that the commission will be notified of any other agreements between the association and the facility pertaining to this section, whether written or oral;

(g) Written approval to conduct advance deposit wagering from the appropriate regulatory authority in the state where the advance deposit wagering service provider is located;

(h) A description of how the state where the service provider is located regulates and monitors the advance deposit wagering facility for compliance with applicable law and protection of the public; and

(i) Any other information required by the commission.

(4) The written agreement between the class 1 racing association and the advance deposit wagering service provider must contain substantially the following terms:

(a) A description of the fee structure and fees to be paid to the class 1 racing association under the agreement;

(b) A provision requiring the facility to agree it shall not accept any wager that violates Washington law or rule.

(5) The commission's approval of a specific agreement under this section is not binding on the commission as to any other agreement.

(6) As part of the application for licensure as an advance deposit wagering service provider, the applicant shall submit a detailed plan of operations in a format and containing such information as required by the commission. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and wagering system will operate and the regular hours of operation;

(b) The process for handling wagers when wagering pools cannot be merged with the wagering pools of the race track where the race is being run live;

- (c) Programs for responsible wagering;
- (d) A plan for verification of an applicant's identity, age and residence when establishing an account;
- (e) Establish a dispute resolution process for account holders who file a claim against the authorized advance deposit wagering service provider;
- (f) The process for an account holder to make withdrawals from the account holder's account;
- (g) An advance deposit wagering service provider located in Washington must include how the provider will implement the requirements for accounts established and operated for persons whose principal residence is outside of the state of Washington; and
- (h) Any other issues as required by the commission.

(7) The commission may require changes to an advance deposit wagering service provider's proposed plan of operations as a condition of granting a license. No subsequent material changes in the plan of operations may occur unless ordered by the commission or until written approval is obtained from the commission.

(8) The advance deposit wagering service provider applying for a license shall provide to the commission the number of Washington accounts on file with its business as of 1:00 p.m. PST April 1, 2004, and the total wagering activity since that time until the date of the application for license in Washington. Any operator of an advance deposit wagering service provider authorized by the commission to conduct advance deposit wagering shall pay the source market fee on all advance deposit wagers for all accounts since 1:00 p.m. PST April 1, 2004, that have Washington as the principal resident address.

(9) The commission may conduct investigations or inspections or request additional information from the applicant for a license under this section as it deems appropriate in determining whether to approve the license application.

(10) Approval of a license under this section shall be for twelve months from the date of approval, unless rescinded by the commission.

(11) The advance deposit wagering service provider accepting a license from the commission recognizes and accepts the jurisdiction of the state of Washington as provided in RCW 4.28.185. The advance deposit wagering service provider shall provide to the commission or its staff access to review and audit all records and financial information of the advance deposit wagering service provider, including all Washington account information. An advance deposit wagering service provider located in Washington, shall also provide access to the commission, or its staff to review and audit all records and financial information maintained by the advance deposit wagering service provider that relate to applications and accounts for persons whose primary residences are not located in Washington. This information shall be made available to the commission or its staff by the advance deposit wagering service provider at the service provider's location upon notice from the commission or commission staff at all reasonable times. The commission may require the service provider annually submit to the commission audited financial statements of the advance deposit wagering service provider.

#### NEW SECTION

**WAC 260-49-050 Establishing an account.** (1) An established account is necessary to place advance deposit wagers. An account may only be established with an authorized advance deposit wagering service provider.

(a) To establish an account, an application form must be signed or otherwise authorized in a manner acceptable to the commission and include:

- (i) The applicant's full legal name;
- (ii) Principal residence address;
- (iii) Telephone number;
- (iv) Proper identification or certification demonstrating that the applicant is at least twenty-one years of age; and
- (v) Any additional information required by the commission.

(b) Each application submitted shall be verified with respect to name, principal residence address, and date of birth by either an independent service provider or another means which meets or exceeds the reliability, security, accuracy, privacy and timeliness provided by an independent service provider. If there is a discrepancy between the application submitted and the information provided by the verification described above or if no information on the applicant is available from such verification process, another individual reference service may be accessed or another technology meeting the requirements described above may be used to verify the information provided. If the applicant's information cannot be verified, the authorized advance deposit wagering service provider shall not establish an account.

(2) Each account shall have a unique identifying account number. The identifying account number may be changed at any time by the advance deposit wagering service provider provided the account holder is given notice in writing prior to the change.

(3) The applicant shall supply a secure personal identification code when the account holder is placing an advance deposit wager. The account holder has the right to change this code at any time.

(4) The holder of the account shall receive at the time the account is approved:

- (a) Unique account identification number;
- (b) Copy of the advance deposit wagering rules and such other information and material that is pertinent to the operation of the account;
- (c) Notice that the account holder must be at least twenty-one years of age, and that individuals under the age of twenty-one shall not have access to the account;

(d) Such other information as the authorized advance deposit wagering service provider or the commission may deem appropriate.

(5) Accounts shall only be accepted in the name of a natural person.

(6) The account is nontransferable between natural persons.

(7) The authorized advance deposit wagering service provider may close or refuse to open an account for what it deems good and sufficient reason, and shall order an account closed if it is determined that information that was used to open an account was false, or that the account has been used in violation of these rules.

(8) Any disputes between an account holder and an authorized advance deposit wagering service provider shall follow the dispute resolution procedures contained in the authorized advance deposit wagering service provider's plan of operations as approved by the commission. If the authorized advance deposit wagering service provider fails to resolve the dispute, the commission may take appropriate action including claims against the bond or other form of financial security.

(9) The authorized advance deposit wagering service provider shall state in all advertising in the state of Washington that residents under the age of twenty-one are not permitted to open, own or have access to an advance deposit wagering account.

(10) If the authorized advance deposit wagering service provider is located in Washington, no account shall be established for any natural person under the age of twenty-one.

### NEW SECTION

**WAC 260-49-060 Operation of an account.** (1) The authorized advance deposit wagering service provider may refuse deposits to an account for what it deems good and sufficient reason.

(2) The authorized advance deposit wagering service provider may suspend any account or close any account at any time provided that when an account is closed, they shall, within seven calendar days, return to the account holder all moneys then on deposit by sending a check to the last known principal residence address.

(3) Credits to an account after the initial establishment of the account may be made as follows:

(a) Deposits to an account by an account holder may be made in the following forms:

(i) Cash, which may be deposited at financial or retail outlets designated by the authorized advance deposit wagering service provider;

(ii) Check, money order or negotiable order of withdrawal given or sent to an authorized advance deposit wagering service provider;

(iii) Charges made to an account holder's credit card or debit card upon the direct and personal instruction of the account holder, if the use of the card has been approved by the authorized advance deposit wagering service provider;

(iv) Transfer by means of an electronic funds transfer from a monetary account controlled by an account holder to his/her account, said account holder to be liable for any charges imposed by the transmitting or receiving entity with such charges to be deducted from the account; or

(v) Funds so deposited will be made available for wagering use in accordance with financial institution funds availability schedules.

(b) Credit for winnings from wagers placed with funds in an account and credit for account wagers on entries that are scratched shall be posted to the account by the authorized advance deposit wagering service provider.

(4) Debits to an account shall be made as follows:

(a) Upon receipt by the authorized advance deposit wagering service provider of an advance deposit wager, the

authorized advance deposit wagering service provider shall debit the account in the amount of the wager;

(b) For fees for service or other transaction-related charges by the authorized advance deposit wagering service provider;

(c) The authorized advance deposit wagering service provider may close accounts in which there has been no activity for at least six months, returning funds remaining therein to the account holder at his/her last known principal residence address; or

(d) In the event an account holder is deceased, funds accrued in the account shall be released to the decedent's legal representative upon receipt of a copy of a valid death certificate, tax releases or waivers, probate court authorizations or other documents required by applicable laws.

(5) Account holders may communicate instructions concerning advance deposit wagers to the advance deposit wagering service provider in person, by mail, telephone, or other electronic means.

(6) The authorized advance deposit wagering service provider shall not accept wagers from an account holder in an amount in excess of the account balance.

(7) Notwithstanding any other rules, the authorized advance deposit wagering service provider may at any time declare the advance deposit wagering closed for receiving wagers on any parimutuel pool, race, group of races, or closed for all wagering. Any time advance deposit wagering is closed other than coincident with the start of a race, a written report must be filed with the commission within forty-eight hours. Any time the authorized advance deposit wagering service provider is closed during its normal hours of operation a written report must be filed with the commission within forty-eight hours.

(8) The authorized advance deposit wagering service provider has the right at any time and for what it deems good and sufficient reason to refuse to accept all or part of any wager.

(9) Accounts are for the personal use of the account holder. The account holder is responsible for maintaining the secrecy of the account number and his/her personal identification code.

(10) Payment on winning parimutuel wagers and credits for advance deposit wagers on entries which are scratched shall be posted to the credit of the account holder as soon as practicable after the race is declared official.

(11) The authorized advance deposit wagering service provider shall provide written or electronic statements of an individual's account activity at any time upon the request of the account holder.

(12) No employee or agent of the authorized advance deposit wagering service provider shall divulge any confidential information related to the placing of any wager or any confidential information related to the operation of the authorized advance deposit wagering service provider, except to the account holder or as required by these rules, the commission, and as otherwise required by state or federal law, or Title 260 WAC.

NEW SECTION**WAC 260-49-070 Distribution of source market fee.**

(1) A source market fee shall be paid monthly for the source market fee area on all accounts that have Washington as the principal residence address.

(2) The authorized advance deposit wagering service provider shall, at least monthly, distribute the total source market fee as follows:

(a) Ninety percent of the total source market fee directly to the class 1 racing association and the remaining ten percent directly to the commission.

(b) The class 1 racing association shall distribute two and one-half percent of the total source market fee to the breeders' award fund.

(c) The class 1 racing association and the recognized horsemen's organization shall negotiate a separate agreement for contributions to the purse account from the source market fee and submit the agreement for review and approval by the commission. The class 1 racing association shall distribute the horsemen's share of the source market fee in accordance with the horseman's agreement.

(d) The commission shall distribute two and one-half percent of the total source market fee to the Washington bred owners' bonus account and one-half of one percent of the total source market fee to the class C purse fund account and seven percent of the total source market fee to the commission's operating account.

(3) The commission shall annually review the distribution of the source market fee. Any changes to the distribution shall be adopted by rule.

NEW SECTION

**WAC 260-49-080 Distribution of source market fee—More than one class 1 racing association.** (1) The source market fee generated from wagers on a class 1 racing association's live races will be distributed to the class 1 racing association conducting that meet after deducting contributions to the commission, one percent owners bonus, breeders awards, and class C purse fund per WAC 260-49-070. The remaining source market fee from the class 1 racing association's live meet shall be distributed in accordance with the agreement between the class 1 racing association and the recognized horsemen's association.

(2) The source market fee generated from races conducted outside Washington shall be allocated proportionate to the gross amount of all sources of parimutuel wagering during each twelve-month period derived from the associations' live race meets after deducting contributions to the commission, one percent owners' bonus, breeders awards, and class C purse fund per WAC 260-49-070. The remaining proportional share of the source market fee from races conducted outside Washington shall be distributed in accordance with the agreement between the class 1 racing association and the recognized horsemen's association. "All sources of parimutuel wagering" shall mean the total of in-state and out-of-state wagering on the associations' live race meet. This percentage must be calculated annually. The commission shall calculate the proportion of the source market fee for each class 1 racing association based upon the preceding cal-

endar year. The commission shall inform the authorized advance deposit wagering service provider(s) of the percentage of source market fee to be distributed to each class 1 racing association. The authorized advance deposit wagering service provider(s) shall distribute the source market fee to the class 1 racing associations according to the percentages established by the commission.

(3) A class 1 racing association is not entitled to source market fees until it has completed one race meet in accordance with the requirements of RCW 67.16.200.

(4) A class 1 racing association must complete a live race meet in accordance with RCW 67.16.200 within each succeeding twelve-month period to maintain eligibility to continue participating in advance deposit wagering and to receive a proportionate share of the source market fee.

NEW SECTION

**WAC 260-49-090 Licensing fees to operate advance deposit wagering.** (1) Application fees.

(a) A nonrefundable application fee of five thousand dollars must be submitted with all license applications to conduct authorized advance deposit wagering.

(b) The applicant will be billed and shall be responsible for any costs involved in the background checks, investigation, and review of the application in excess of five thousand dollars.

(2) An annual license fee of one thousand dollars shall be payable to the commission on issuance of the original license. Thereafter, the annual renewal license fee shall be one thousand dollars due thirty days prior to the license expiration. The licensee will be billed and shall be responsible for any costs in excess of one thousand dollars associated with the review and investigation of the annual renewal application.

NEW SECTION

**WAC 260-49-100 Enforcement and penalties.** (1) Any violations of this chapter shall be referred to the commission. The commission shall have sole authority to ensure compliance with these rules, conduct hearings on violations, and determine penalties for violations.

(2) The commission may suspend or revoke a license issued to an advance deposit wagering service provider, withdraw approval of a contract between a class 1 racing association and an advance deposit wagering service provider and/or impose fines, if the licensee:

(a) Violates any of the requirements of chapter 67.16 RCW or these rules;

(b) Fails to provide a bond or letter of credit or evidence thereof in another jurisdiction to the satisfaction of the commission;

(c) Fails to make payments in a timely manner as required by these rules;

(d) Fails to comply with any conditions on the license imposed by the commission;

(e) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level. This includes, but is not limited to, failure to make required payments to other state regulatory agencies;

(f) Poses a threat to the effective regulation of wagering or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of wagering activities, as demonstrated through the prior activities, criminal record, reputation, habits, or associations;

(g) Fails to provide at the office of the commission any information required under the commission's rules within the time required therefore by applicable rule, or if no maximum time has been established respecting the particular kind of information by other rule, then within thirty days after receiving a written request therefore from the commission or its staff;

(h) Commits, or has committed, any other act that the commission determines constitutes a sufficient reason in the public interest for denying, suspending, or revoking licenses or approval of agreements.

(3) The commission shall afford a licensee the opportunity for an adjudicative proceeding prior to denial, suspending or revoking a license or imposing fines, and shall provide a class 1 racing association and/or an authorized advance deposit wagering service provider a hearing on refusal of approval or withdrawal of approval of the agreement between the association and the service provider.

(4) The commission shall have authority to ensure compliance with these regulations, including, but not limited to, injunctive relief and the imposition of fines, suspensions and revocation of license and repayment of outstanding source market fees.

**AMENDATORY SECTION** (Amending WSR 00-20-029, filed 9/27/00, effective 10/28/00)

**WAC 260-72-020 Transmission of race results.** ~~((1) No association licensed by this commission shall knowingly transmit or allow to be transmitted by telephone, telegraph, teletype, semaphore, signal device, radio, television or other method of electrical, manual or visual communication from the enclosure of its track the result of any race until said race is declared official. Provided, however, associations licensed by this commission may allow radio or television broadcasts of racing programs upon approval of the commission, as stipulated in WAC 260-72-030.~~

~~((2))~~ A class 1 racing association may seek approval to broadcast its races for the purpose of satellite wagering as authorized in RCW 67.16.200 Satellite locations—Parimutuel wagering. The class 1 association shall ensure that the audio-visual signal of such broadcast shall be encrypted or manipulated to mask the original video content of the signal and so cause such signal to be indecipherable and unrecognizable to any unauthorized receiver.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 260-72-030

Transmission or broadcast of information relating to feature races.

**WSR 04-21-063**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed October 18, 2004, 3:40 p.m., effective November 18, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The amendment to WAC 388-148-0050 (2)(b) is made to correct typographical error. The intent of the WAC section is to identify the individuals that are exempt from needing a background check in a licensed home or facility. Foster children and individuals who are eighteen or nineteen remaining in foster care are not required to complete a background check. The amended language will clarify this.

Citation of Existing Rules Affected by this Order: Amending WAC 388-148-0050.

Statutory Authority for Adoption: RCW 74.15.030.

Other Authority: Chapter 74.15 RCW.

Adopted under notice filed as WSR 04-16-001 on July 21, 2004.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: October 15, 2004.

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 04-08-073, filed 4/5/04, effective 5/6/04)

**WAC 388-148-0050 How do I apply for a license?** License applications are available from the division of licensed resources and licensed child placing agencies.

(1) To apply for a license, the person or legal entity responsible for your home or facility must include with the application the following:

(a) Written verification for each applicant(s), staff, interns, volunteers and individuals who may have unsupervised access to children in care of the following information:

(i) A negative tuberculosis test or an X ray, unless you can demonstrate a religious or a medical reason prohibiting the test;

Note: Written documentation from your physician that indicates you are free of the signs and symptoms of tuberculosis may be accepted for individuals with a religious or a medical prohibition to the TB test.

(ii) First aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

(iii) HIV/AIDS and bloodborne pathogens training including infection control standards.

(2) You must send a completed background check form to your licenser on anyone on the premises having unsupervised access to ~~((children))~~ a child who:

(a) Is at least sixteen years old or older;

(b) Is not a foster child; ~~((or~~

~~((e)))~~ nor an individual eighteen through twenty years old authorized to remain in foster care (see chapter 388-06 WAC).

(3) You must send a completed FBI fingerprint form on any individual in your home or facility who has lived outside Washington state within the last three years and meets WAC 388-148-0050 (2)(a)(b).

(4) A group care facility or staffed residential home licensed for six is required to meet the health and fire safety requirements to receive a certificate of compliance from the department of health and the Washington state patrol fire protection bureau.

#### WSR 04-21-064

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 18, 2004, 3:43 p.m., effective November 18, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To amend WAC 388-416-0015 Certification periods for categorically needy (CN) medical and children's health insurance program (CHIP), which are rules related to eligibility for the Washington Basic Food program and certification periods for categorically needy medical programs. These amendments are necessary as a part of the department's simplified reporting initiative.

**When effective, the permanent rule will replace only WAC 388-416-0015 filed as emergency rule WSR 04-20-043; other sections in WSR 04-20-043 will remain in effect until replaced by permanent rules.**

Citation of Existing Rules Affected by this Order: Amending WAC 388-416-0015.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Other Authority: ESB 6411 (chapter 54, Laws of 2004).

Adopted under notice filed as WSR 04-17-117 on August 17, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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.

Date Adopted: October 18, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-03-019, filed 1/12/04, effective 2/12/04)

**WAC 388-416-0015 Certification periods for categorically needy (CN) medical and children's health insurance program (CHIP).** (1) A certification period is the period of time a person is determined eligible for a categorically needy (CN) medical program. Unless otherwise stated in this section, the certification period begins on the first day of the month of application and continues to the last day of the last month of the certification period.

(2) For a child eligible for the newborn medical program, the certification period begins on the child's date of birth and continues through the end of the month of the child's first birthday.

(3) For a woman eligible for a medical program based on pregnancy, the certification period ends the last day of the month that includes the sixtieth day from the day the pregnancy ends.

(4) For families and children the certification period is ~~((six\*))~~ twelve months with a six-month report required as a condition of eligibility as described in WAC 388-418-0011. When the medical assistance unit is also receiving benefits under a cash or food assistance program, the medical certification period is updated to begin anew at each:

(a) Approved application for cash or food assistance; or

(b) Completed eligibility review.

(5) For an SSI-related person the certification period is twelve months.

(6) When the child turns nineteen the certification period ends even if the ~~((six\*))~~ twelve-month period is not over. The certification period may be extended past the end of the month the child turns nineteen when:

(a) The child is receiving inpatient services on the last day of the month the child turns nineteen;

(b) The inpatient stay continues into the following month or months; and

(c) The child remains eligible except for exceeding age nineteen.

(7) A retroactive certification period can begin up to three months immediately before the month of application when:

(a) The client would have been eligible for medical assistance if the client had applied; and

(b) The client received covered medical services as described in WAC 388-529-0100.

(8) If the client is eligible only during the three-month retroactive period, that period is the only period of certification.

(9) Any months of a retroactive certification period are added to the designated certification periods described in this section.

(10) For a child determined eligible for CHIP medical benefits as described in chapter 388-542 WAC:

(a) The certification periods are described in subsections (1), (4), and (6) of this section;

(b) There is not a retroactive eligibility period as described in subsections (7), (8), and (9); and

(c) For a child who has creditable coverage at the time of application, the certification period begins on the first of the month after the child's creditable coverage is no longer in effect, if:

(i) All other CHIP eligibility factors are met; and

(ii) An eligibility decision is made per WAC 388-406-0035.

### WSR 04-21-069

#### PERMANENT RULES

#### BOARD OF BOILER RULES

[Filed October 19, 2004, 11:14 a.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Purpose: The purpose of this rule making is to make clarification and technical changes to the Board of Boiler Rules—Substantive (chapter 296-104 WAC) based on actions and requests of the Board of Boiler Rules.

Citation of Existing Rules Affected by this Order: Amending WAC 296-104-010, 296-104-050, 296-104-100, 296-104-102, 296-104-140, 296-104-200, 296-104-300, 296-104-405, 296-104-502, 296-104-520, 296-104-700, and 296-104-701.

Statutory Authority for Adoption: Chapter 70.79 RCW.

Adopted under notice filed as WSR 04-17-100 on August 17, 2004.

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 3, Amended 12, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 12, 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 3, Amended 12, Repealed 0.

Date Adopted: October 19, 2004.

Craig Hopkins  
Chair

**AMENDATORY SECTION** (Amending WSR 04-01-194, filed 12/24/03, effective 1/24/04)

**WAC 296-104-010 Administration—What are the definitions of terms used in this chapter?** "Agriculture purposes" shall mean any act performed on a farm in production of crops or livestock, and shall include the storage of such crops and livestock in their natural state, but shall not be construed to include the processing or sale of crops or livestock.

"Attendant" shall mean the person in charge of the operation of a boiler or unfired pressure vessel.

"Automatic operation of a boiler" shall mean automatic unattended control of feed water and fuel in order to maintain the pressure and temperature within the limits set. Controls must be such that the operation follows the demand without interruption. Manual restart may be required when the burner is off because of low water, flame failure, power failure, high temperatures or pressures.

"Board of boiler rules" or "board" shall mean the board created by law and empowered under RCW 70.79.010.

"Boiler and unfired pressure vessel installation/reinstallation permit," shall mean a permit approved by the chief inspector before starting installation or reinstallation of any boiler and unfired pressure vessel (~~(in this state)~~) within the jurisdiction of Washington.

Owner/user inspection agency's, and Washington specials (~~(and rental boilers)~~) are exempt from "boiler and unfired pressure vessel installation/reinstallation permit."

"Boilers and/or unfired pressure vessels" - below are definitions for types of boilers and unfired pressure vessels used in these regulations:

- "Condemned boiler or unfired pressure vessel" shall mean a boiler or unfired pressure vessel that has been inspected and declared unsafe or disqualified for further use by legal requirements and appropriately marked by an inspector (~~(who has applied a stamping or marking designating its condemnation)~~).
- "Hot water heater" shall mean a closed vessel designed to supply hot water for external use to the system. All vessels must be listed by a nationally recognized testing agency and shall be protected with an approved temperature and pressure safety relief valve and shall not exceed any of the following limits:
  - \* Pressure of 160 psi (1100 kpa);
  - \* Temperature of 210 degrees F (99°C);
  - \* Capacity of 120 U.S. gallons (454 liters);
  - \* Input of 200,000 BTU/hr (58.58 kw). Note that if input exceeds 200,000 BTU/hr (58.58 kw), other terms defined in this section may apply.
  - \* Hot water heaters exceeding 200,000 BTU/hr (58.58 kw) must be ASME code stamped.
- (~~\* Each vessel shall be protected with an approved temperature and pressure safety relief valve.~~)
- "Low pressure heating boiler" shall mean a steam or vapor boiler operating at a pressure not exceeding 15 psig or a boiler in which water or other fluid is heated and intended for operation at pressures not exceeding 160 psig or temperatures not exceeding

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250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy including lined potable water heaters.

- **"Nonstandard boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel that does not bear marking of the codes adopted in WAC 296-104-200.
- **"Power boiler"** shall mean a boiler in which steam or other vapor is generated at a pressure of more than 15 psig for use external to itself or a boiler in which water or other fluid is heated and intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy.
- **"Reinstalled boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel removed from its original setting and reset at the same location or at a new location without change of ownership.
- **"Rental boiler"** shall mean any power or low pressure heating boiler that is under a rental contract between owner and user.
- **"Second hand boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel of which both the location and ownership have changed after primary use.
- **"Standard boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel which bears the marking of the codes adopted in WAC 296-104-200.
- **"Unfired pressure vessel"** shall mean a closed vessel under pressure excluding:
  - \* Fired process tubular heaters;
  - \* Pressure containers which are integral parts of components of rotating or reciprocating mechanical devices where the primary design considerations and/or stresses are derived from the functional requirements of the device;
  - \* Piping whose primary function is to transport fluids from one location to another;
  - \* Those vessels defined as low pressure heating boilers or power boilers.
- **"Unfired steam boiler"** shall mean a pressure vessel in which steam is generated by an indirect application of heat. It shall not include pressure vessels known as evaporators, heat exchangers, or vessels in which steam is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels, such as used in the manufacture of chemical and petroleum products, which will be classed as unfired pressure vessels.

**"Certificate of competency"** shall mean a certificate issued by the Washington state board of boiler rules to a person who has passed the ~~((National Board Examination for Commissioned Inspectors))~~ tests as set forth in WAC 296-104-050.

**"Code, API-510"** shall mean the Pressure Vessel Inspection Code of the American Petroleum Institute with

addenda and revisions, thereto made and approved by the institute which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

**"Code, ASME"** shall mean the boiler and pressure vessel code of the American Society of Mechanical Engineers with ~~((amendments))~~ addenda thereto made and approved by the council of the society which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

**"Code, NBIC"** shall mean the National Board Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors with addenda and revisions, thereto made and approved by the National Board of Boiler and Pressure Vessel Inspectors and adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

**"Commission"** shall mean an annual commission card issued to a person in the employ of Washington state, an insurance company or a company owner/user inspection agency holding a Washington state certificate of competency which authorizes them to perform inspections of boilers and/or unfired pressure vessels.

**"Department"** as used herein shall mean the department of labor and industries of the state of Washington.

**"Director"** shall mean the director of the department of labor and industries.

**"Domestic and/or residential purposes"** shall mean serving a private residence or an apartment house of less than six families.

**"Existing installations"** shall mean any boiler or unfired pressure vessel constructed, installed, placed in operation, or contracted for before January 1, 1952.

**"Inspection, external"** shall mean an inspection made while a boiler or unfired pressure vessel is in operation and includes the inspection and demonstration of controls and safety devices required by these rules.

**"Inspection, internal"** shall mean an inspection made when a boiler or unfired pressure vessel is shut down and handholes, manholes, or other inspection openings are open or removed for examination of the interior. An external ultrasonic examination of unfired pressure vessels less than 36" inside diameter shall constitute an internal inspection.

**"Inspector"** shall mean the chief boiler inspector, a deputy inspector, or a special inspector.

- **"Chief inspector"** shall mean the inspector appointed under RCW 70.79.100 who serves as the secretary to the board without a vote.
- **"Deputy inspector"** shall mean an inspector appointed under RCW 70.79.120.
- **"Special inspector"** shall mean an inspector holding a Washington commission identified under RCW 70.79.130.

**"Nationwide engineering standard"** shall mean a nationally accepted design method, formulae and practice acceptable to the board.

**"Owner"** or **"user"** shall mean a person, firm, or corporation owning or operating any boiler or unfired pressure vessel within the state.

**"Owner/user inspection agency"** shall mean an owner or user of boilers and/or pressure vessels that maintains an established inspection department, whose organization and

inspection procedures meet the requirements of a nationally recognized standard acceptable to the department.

"**Place of public assembly**" or "**assembly hall**" shall mean a building or portion of a building used for the gathering together of 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, or dining or waiting transportation. This shall also include child care centers (those agencies which operate for the care of thirteen or more children), public and private hospitals, nursing and boarding homes.

"**Special design**" shall mean a design using nationwide engineering standards other than the codes adopted in WAC 296-104-200 or other than allowed in WAC 296-104-230.

**AMENDATORY SECTION** (Amending WSR 04-01-194, filed 12/24/03, effective 1/24/04)

**WAC 296-104-050 Administration—What ((examinations must)) are the requirements for a boiler inspector ((take))?** In order to qualify as a prospective National Board Commissioned Inspector an applicant shall meet the minimum requirements as set forth in the national board's "Rules for Commissioned Inspectors," NB263, Revision 8 (4/02).

Application for examination for certificate of competency shall be in writing upon a form to be furnished by the chief inspector stating the school and education of the applicant, a list of employers, period of employment and position held with each employer. Applications containing willful falsification or untruthful statements shall be rejected.

If the applicant's history and experience meet with the approval of the board of boiler rules, the candidate shall be given the national board examination and the Washington state examination(s). If the applicant is accepted on the merits of these examinations or as provided for in WAC 296-104-065, a certificate of competency will be issued by the chief inspector.

Examinations shall be held at locations and times when considered necessary by the board of boiler rules. The examinations may be offered four times each year, namely, the first Wednesday and following Thursday of the months of March, June, September and December. Special examinations may be held when considered necessary by the board of boiler rules.

**AMENDATORY SECTION** (Amending WSR 04-01-194, filed 12/24/03, effective 1/24/04)

**WAC 296-104-100 Inspection—How often must boilers and unfired pressure vessels be inspected?** In accordance with RCW 70.79.080, 70.79.090, and 70.79.240 the following inspection requirements shall apply:

(1) **Power boilers** shall be inspected:

(a) Internally and externally while not under pressure - Annually.

(b) Externally while under pressure - Annually.

(2) **Organic vapor boilers** shall be inspected:

(a) Internally and externally while not under pressure - Biennially.

(b) Externally while under pressure - Annually.

(3) **Low pressure heating boilers** shall be inspected:

(a) Externally while in operation and under pressure - Biennially.

(b) Where construction permits, internally while not under pressure. Also, as a minimum, an internal of their low water fuel cutoff(s) must be completed, where construction permits - Biennially.

(4) **Hot water heaters** shall be inspected:

(a) Externally - Biennially.

(b) Internally - None required.

(5) **Unfired pressure vessels** shall be inspected:

(a) Externally - Biennially.

(b) Internally:

(i) When subject to corrosion and construction permits - Biennially. Vessels in an owner/user inspection program may follow intervals established by the NBIC or API-510 eighth edition with ((supplements)) addenda, provided nondestructive examination (NDE) is performed at the biennial external inspection.

(ii) Pulp or paper dryer rolls may be inspected on a five-year basis in accordance with TAPPI TIP 0402-16 ((1999)) 2001 edition, provided the owner has established a written inspection program accepted by the inspector that ((requires the minimums in section 8)) meets the minimum requirements of TAPPI TIP 0402-16 ((1999)) 2001 edition.

(iii) Vessels not subject to corrosion do not require an internal.

**AMENDATORY SECTION** (Amending WSR 01-24-061, filed 11/30/01, effective 12/31/01)

**WAC 296-104-102 Inspection—What are the standards for in-service inspection? ((1))** Where a conflict exists between the requirements of the standards listed below and this chapter, this chapter shall prevail.

((2)) (1) The standard for inspection of nonnuclear boilers, unfired pressure vessels, and safety devices is the National Board Inspection Code (NBIC), 2001 edition, with addenda. This code may be used on or after the date of issue and becomes mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2).

(2) The standard for inspection of historical steam boilers of riveted construction preserved, restored, or maintained for hobby or demonstration use, shall be Appendix "C" of the National Board Inspection Code as referenced in subsection (1) of this section.

(3) The standard for inspection of nuclear items is ASME section XI. The applicable ASME Code edition and addenda shall be as specified in the owner in-service inspection program plan.

(4) Where a petroleum or chemical process industry owner/user inspection agency so chooses, the standard for inspection of unfired pressure vessels used by the owner shall be the API-510 Pressure Vessel Inspection Code, eighth edition, with ((supplements)) addenda. This code may be used on or after the date of issue.

(5) TAPPI TIP 0402-16, dated ((1999)) 2001 may be used for both pulp dryers and paper machine dryers when requested by the owner. When requested by the owner, this document becomes a requirement and not a guideline.

**AMENDATORY SECTION** (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

**WAC 296-104-140 Inspection—How should a state stamp be applied?** Upon completion of the installation, all boilers and unfired pressure vessels shall be inspected by an inspector as defined in WAC 296-104-010. At the time of this inspection, each boiler or unfired pressure vessel shall be marked with a serial number of the state of Washington followed by the letter "W." The marking should be conspicuously located and as close as possible to the boiler or unfired pressure vessel nameplate.

Washington special numbers when assigned by the chief inspector shall be ~~((preceded))~~ a serial number of the state of Washington followed by the letters "WS."

All rental boilers used in the state of Washington shall be marked with the serial number of the state of Washington followed by the letters "WR." This will indicate that the boiler is a rental unit.

The state of Washington markings, numbers and letters, referenced above, shall not be less than 5/16 inches in height and shall not be concealed by lagging or paint and shall be exposed at all times.

**AMENDATORY SECTION** (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

**WAC 296-104-200 Construction—What are the standards for new construction?** The standards for new construction are:

(1) ASME Boiler and Pressure Vessel Code, ~~((2001))~~ 2004 edition, with addenda Sections I, III, IV, VIII, X;

(2) ASME ~~((ANSI))~~ PVHO-1 ~~((Standard for Pressure Vessels for Human Occupancy), 1997 edition))~~ 2002-2003 Safety Standard for Pressure Vessels for Human Occupancy; and

(3) ASME CSD-1 ~~((1998))~~ 2002 edition with addenda (as referenced in WAC 296-104-300(3)); and

(4) NFPA 85 Boiler and Combustion Systems Hazards Code 2004 edition (for use with boilers with fuel input ratings of 12,500,000 BTU/hr) or greater; and

(5) Standards of construction approved by the chief inspector and meeting the National Board Criteria for Registration of Boilers, Pressure Vessels and Other Pressure Retaining Items.

These codes and standards may be used on or after the date of issue and become mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2). ASME Code Cases may be approved for use when accepted by the chief inspector. The board recognizes that the ASME Code states that new editions of the code become mandatory on issue and that subsequent addenda become mandatory six months after the date of issue. For nuclear systems, components and parts the time period for addenda becoming mandatory is defined in the Code of Federal Regulations.

**AMENDATORY SECTION** (Amending WSR 04-01-194, filed 12/24/03, effective 1/24/04)

**WAC 296-104-300 Installation—What control and limit devices are required on automatically fired boilers**

**prior to June 1989?** ~~((1))~~ Installations prior to June 1989;) All automatically fired steam, vapor, or hot water boilers except boilers having a constant attendant who has no other duties while the boiler is in operation, shall be equipped with:

~~((a))~~ (1) An automatic low-water fuel cutoff; and

~~((b))~~ (2) An automatic water feeding device.

~~((e))~~ (3) All devices shall be designed so that they may be readily tested at frequent intervals.

~~((2))~~ Installations after June 1989:

(a) All boilers that are automatically fired low-pressure steam heating boilers, small power boilers, and power steam boilers without a constant attendant who has no other duties shall be equipped with:

(i) Two high steam-pressure limit controls, the highest of which shall be provided with a manual reset.

(ii) Two low-water fuel cutoffs, one of which shall be provided with a manual reset device and independent of the feed-water controller.

(iii) Coil type flash steam boilers may use two high-temperature limit controls, one of which shall have a manual reset. This is instead of the low-water fuel cutoff.

(iv) All control and limit devices shall be independently connected and electrically wired in series.

(b) All automatically fired hot water supply, low-pressure hot water heating boilers, and power hot water boilers shall be equipped with:

(i) Two high-temperature limit controls, the highest of which shall be provided with a manual reset.

(ii) One low-water fuel cutoff with a manual reset and independent of the feed-water controller.

(iii) For coil type hot water boilers a low-water flow limit control installed in the circulating water line may be used instead of a low-water fuel cutoff.

(iv) All control and limit devices shall be independently connected and electrically wired in series.

(3) ~~Installations or refits of gas, oil, or combinations of gas or oil after December 1998 shall have the following additional requirements:~~

(a) All boilers excluding lined potable water heaters of all BTU input installed or refitted after December 1998, with fuel input ratings of less than 12,500,000 BTU/hr which are fired by gas, oil, or a combination of gas or oil shall comply with the fuel train requirements defined in ASME CSD-1 (CF), as adopted in WAC 296-104-200 where applicable.

(b) A manually operated remote shutdown switch or circuit breaker should be located just outside the boiler room door and marked for easy identification. Consideration shall be given to the type and location of the switch to safeguard against tampering.

(c) ~~Verification of fuel train compliance will be per CSD-1. A CSD-1 report will be filled out and signed by an authorized representative of the manufacturer and/or the installing contractor.~~

(d) The CSD-1 report must be made available to the authorized inspection agency or the inspector after which a certificate of operation may be issued. The report shall remain in the possession of the boiler owner.

(e) A means shall be provided for testing the operation of hot water heating boiler low-water fuel cutoff(s) without resorting to draining the entire system. Such means shall not

render the device(s) inoperable. If the means temporarily isolates the device from the boiler during testing, it shall automatically return to its normal position.))

#### NEW SECTION

**WAC 296-104-301 Installation—What control and limit devices are required on automatically fired boilers after June 1989?** In addition to those requirements listed in WAC 296-104-300, the following are also required:

(1) All boilers that are automatically fired low pressure steam heating boilers, small power boilers, and power steam boilers without a constant attendant who has no other duties shall be equipped with:

(a) Two high steam pressure limit controls, the highest of which shall be provided with a manual reset.

(b) Two low-water fuel cutoffs, one of which shall be provided with a manual reset device and independent of the feed water controller.

(c) Coil type flash steam boilers may use two high-temperature limit controls, one of which shall have a manual reset. This is instead of the low-water fuel cutoff.

(d) All control and limit devices shall be independently connected and electrically wired in series.

(2) All automatically fired hot water supply, low-pressure hot water heating boilers, and power hot water boilers shall be equipped with:

(a) Two high-temperature limit controls, the highest of which shall be provided with a manual reset.

(b) One low-water fuel cutoff with a manual reset and independent of the feed water controller.

(c) For coil type hot water boilers a low-water flow limit control installed in the circulating water line may be used instead of a low-water fuel cutoff.

(d) All control and limit devices shall be independently connected and electrically wired in series.

#### NEW SECTION

**WAC 296-104-302 Installation—What control and limit devices are required on automatically fired boilers after December 1998?** In addition to those requirements listed in WAC 296-104-301, the following are also required with regard to installations or refits of gas, oil, or combinations of gas or oil:

(1) All boilers excluding lined potable water heaters of all BTU input installed or refitted after December 1998, with fuel input ratings of less than 12,500,000 BTU/hr which are fired by gas, oil, or a combination of gas or oil shall comply with the fuel train requirements defined in ASME CSD-1 (CF), as adopted in WAC 296-104-200 where applicable.

(2) Verification of fuel train compliance will be per CSD-1. A CSD-1 report will be completed and signed by an authorized representative of the manufacturer and/or the installing contractor.

(3) The CSD-1 report must be made available to the authorized inspection agency or the inspector after which a certificate of operation may be issued. The report shall remain in the possession of the boiler owner.

#### NEW SECTION

**WAC 296-104-303 Installation—What control and limit devices are required on automatically fired boilers after December 2004?** In addition to those requirements listed in WAC 296-104-302, the following are also required with regard to installations or refits of gas, oil, or combinations of gas or oil:

(1) A manually operated remote shutdown switch or circuit breaker should be located just outside the boiler room door and marked for easy identification. Consideration should be given to the type and location of the switch to safeguard against tampering. If the boiler room door is on the building exterior, the switch should be located just inside the door. If there is more than one door to the boiler room, there should be a switch located at each door.

(2) A means shall be provided for testing the operation of hot water heating boiler low-water fuel cutoff(s) without resorting to draining the entire system. Such means shall not render the device(s) inoperable. If the means temporarily isolates the device from the boiler during testing, it shall automatically return to its normal position.

AMENDATORY SECTION (Amending WSR 04-01-194, filed 12/24/03, effective 1/24/04)

**WAC 296-104-405 Existing installation—How can the maximum allowable working pressure be established for nonstandard boilers or unfired pressure vessels? The maximum allowable working pressure MAWP of cylindrical components under internal pressure shall be established as follows:**

(1) For nonstandard steel low pressure steam heating boilers the MAWP shall be computed from the formula in subsection (5) of this section not exceeding 15 psi steam.

(2) For nonstandard steel low pressure water heating boilers the MAWP shall be computed from the formula in subsection (5) of this section not exceeding 30 psi.

(3) For nonstandard cast iron low pressure steam heating boilers the MAWP shall not exceed 15 psi steam.

(4) For nonstandard cast iron low pressure water heating boilers the MAWP shall not exceed 30 psi.

(5) For boilers and unfired pressure vessels not listed above, where the original code of construction is unknown, the following formula will be used.

$$\frac{TS \times t \times E}{R \times FS} = MAWP$$

TS = Tensile Strength in psi as given in ASME Code, when material cannot be identified use 55,000 for steel and 45,000 for wrought iron.

t = thickness in inches of the thinnest part determined by actual measurement.

E = efficiency of longitudinal joint or ligament, whichever is the least, determined by the rules and formula in the ASME Code. When construction methods are not known welded joint efficiency will be 70%.

- R = radius of largest course in inches.
- FS = Factor of Safety, for boilers shall be a minimum of 5. For boilers with a longitudinal lap seam it shall be a minimum 8. Boilers with a longitudinal lap seam, unless granted a special permit, may only be used at a maximum of 15 psi provided they have passed inspection. The minimum for unfired pressure vessels shall be 4 when less than 20 years old, 4 1/2 when over 20 years old.

~~((6) For miniature hobby boilers the MAWP shall be computed using the formulas referenced in the ASME Code Section I, but the MAWP may not exceed 150 psi. For these formulas the maximum allowable stress (MAS) value shall be 0.75 times the maximum stress at 400 degrees F. in ASME Code Section II Part D, for listed materials or as set by the department for nonlisted materials.))~~

**AMENDATORY SECTION** (Amending WSR 02-23-036, filed 11/13/02, effective 12/14/02)

**WAC 296-104-502 Repairs—**What are the requirements for nonnuclear boilers and unfired pressure vessel repairs and alterations? Repairs and alterations to nonnuclear boilers and pressure vessels shall be made in accordance with the rules of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-102. Additionally, repairs and alterations to nonstandard boilers and pressure vessels, as addressed in WAC 296-104-215, must be authorized by the chief inspector.

Repairs~~((f))~~ and alterations may be made by~~((:(-+))~~) an organization authorized by the jurisdiction and in possession of a valid Certificate of Authorization for use of the "R" symbol stamp, issued by the National Board provided such repairs/alterations are within the scope of the authorization.

~~((2) An organization authorized by the chief inspector and in possession of a valid ASME Certificate of Authorization provided such repairs/alterations are within the scope of the organization's Quality Control System. The chief inspector may limit or restrict repairs/alterations for cause.))~~

Owner/user special inspectors may only accept repairs~~((f))~~ and alterations to boilers and unfired pressure vessels operated by their respective companies per RCW 70.79.130.

Documentation of repairs and alterations, in accordance with the requirements of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-102, shall be submitted to the department.

**AMENDATORY SECTION** (Amending WSR 04-01-194, filed 12/24/03, effective 1/24/04)

**WAC 296-104-520 Repairs—**What are the requirements for repair of nonnuclear safety devices? The resetting, repairing, and restamping of safety valves and relief valves shall be done by a qualified manufacturer or valve repair organization holding a valid "V," "UV," or "VR" Certificate of Authorization issued by the National Board of

Boiler and Pressure Vessel Inspectors. Section IV safety valves shall be repaired only by the valve manufacturer.

Boiler and pressure vessel users, however, may authorize external adjustments to be made to bring their installed safety valves and relief valves, except Section IV safety valves, back to the stamped set pressure~~((:))~~ when performed by the user's trained, qualified, regular, and full-time employee or this adjustment shall be witnessed and approved by a National Board Commissioned Inspector. Refer to Appendix "J" of the National Board Inspection Code as referenced in WAC 296-104-102 for guidelines in training and qualifying user employees. All such external adjustments shall be resealed showing the identification of the organization making the adjustments and the date.

Repairing of noncode relief or safety valves shall not be allowed, except as specified below. Noncode liquid relief valves installed prior to 1-1-85 shall be repaired by an organization holding a valid "V," "UV," or "VR" Certificate of Authorization, but need not be stamped.

**AMENDATORY SECTION** (Amending WSR 04-13-044, filed 6/10/04, effective 6/30/04)

**WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses?** The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

Heating boilers:	Internal	External
Cast iron—All sizes	\$30.30	\$24.20
All other boilers less than 500 sq. ft.	\$36.50	\$24.20
500 sq. ft. to 2500 sq. ft.	\$60.80	\$30.30
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	\$24.20	\$12.00
Power boilers:	Internal	External
Less than 100 sq. ft.	\$30.30	\$24.20
100 sq. ft. to less than 500 sq. ft.	\$36.50	\$24.20
500 sq. ft. to 2500 sq. ft.	\$60.80	\$30.30
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	\$24.20	\$12.00
Pressure vessels:		
Automatic utility hot water supply heaters per RCW 70.79.090		\$5.80
All other pressure vessels:		
Square feet shall be determined by multiplying the length of the shell by its diameter.		
	Internal	External
Less than 15 sq. ft.	\$24.20	\$18.10

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15 sq. ft. to less than 50 sq. ft.	\$36.50	\$18.10
50 sq. ft. to 100 sq. ft.	\$42.50	\$24.20
For each additional 100 sq. ft. or any portion thereof	\$42.50	\$12.00

Certificate of inspection fees: For objects inspected, the certificate of inspection fee is \$18.10 per object.

Boiler and pressure vessel installation/reinstallation permit (excludes inspection and certificate of inspection fee) \$50.00

Nonnuclear shop inspections, field construction inspections, and special inspection services:

For each hour or part of an hour up to 8 hours \$36.50

For each hour or part of an hour in excess of 8 hours \$54.60

Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:

For each hour or part of an hour up to 8 hours \$54.60

For each hour or part of an hour in excess of 8 hours \$85.20

Nonnuclear triennial shop survey and audit:

When state is authorized inspection agency:

For each hour or part of an hour up to 8 hours \$36.50

For each hour or part of an hour in excess of 8 hours \$54.60

When insurance company is authorized inspection agency:

For each hour or part of an hour up to 8 hours \$54.60

For each hour or part of an hour in excess of 8 hours \$85.20

Examination fee: A fee of \$67.40 will be charged for each applicant sitting for an inspection examination(s).

Special inspector commission: An initial fee of \$25 and an annual renewal fee of \$10 (~~will be charged~~) along with an annual work card fee of \$15.

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not

to exceed the office of financial management approved rate.

Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of \$338.00 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

AMENDATORY SECTION (Amending WSR 00-21-024, filed 10/10/00, effective 11/13/00)

**WAC 296-104-701 What are the civil penalties? (1)**

An owner, user, or operator of a boiler or pressure vessel that violates a provision of chapter 70.79 RCW, or of the rules adopted under that chapter, is liable for a civil penalty based on the following schedule.

Operating under pressure a boiler or pressure vessel which the department has condemned, has issued a red tag or has suspended the inspection certificate:

First offense	\$150.00
Second offense	\$300.00
Each additional offense	\$500.00

Each day of such unlawful operation shall be deemed a separate offense.

Operating under pressure a boiler or pressure vessel without a valid inspection certificate:

First offense	\$ 50.00
Second offense	\$100.00
Each additional offense	\$200.00

Each day of such unlawful operation shall be deemed a separate offense.

Installation of a boiler or pressure vessel without meeting prior filing requirements of WAC 296-104-020:

First offense	\$100.00
Second offense	\$200.00
Each additional offense	\$500.00

Performing a repair to a boiler or pressure vessel, involving welding to a pressure retaining part, without meeting requirements of WAC 296-104-502:

First offense	\$150.00
Second offense	\$300.00
Each additional offense	\$500.00

Performing an alteration to a boiler or pressure vessel without meeting requirements of WAC 296-104-502:

First offense	\$150.00
Second offense	\$300.00
Each additional offense	\$500.00

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Performing resetting, repair or restamping of safety valves, safety relief valves, or rupture discs, without meeting requirements of WAC ((296-104-515)) 296-104-520:

First offense .....	\$150.00
Second offense .....	\$300.00
Each additional offense .....	\$500.00

Failure of owner to notify chief inspector in case of accident which serves to render a boiler or unfired pressure vessel inoperative, as required by WAC 296-104-025:

Each offense .....	\$100.00
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Failure to comply with a noncompliance report requirement:

Within 90 days .....	\$100.00
Within 91-180 days .....	\$250.00
Within 181-270 days .....	\$400.00
Within 271-360 days .....	\$500.00

(2) The inspection agency responsible for the inservice inspector of a boiler or unfired pressure vessel that violates a provision of chapter 296-104 WAC, or the rules adopted under that chapter, is liable for a civil penalty based on the following schedule.

Failure to file a report of inspection per WAC 296-104-040:

<u>Each offense .....</u>	<u>\$50.00</u>
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Failure to apply a state serial number per WAC 296-104-140:

<u>Each offense .....</u>	<u>\$50.00</u>
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Failure to attach a "Red TAG" per WAC 296-104-110:

<u>Each offense .....</u>	<u>\$50.00</u>
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Each object (boiler or unfired pressure vessel) is considered a separate offense.

(3) The department shall by certified mail notify a person of its determination that the person has violated this section.

((3)) (4) Any person aggrieved by an order or act under the boiler and unfired pressure vessels law or under the rules and regulations may, within fifteen days after such order or act, appeal to the board of boiler rules.

((4)) (5) Each day that a violation occurs will be a separate offense. A violation will be a second or additional offense only if it occurs within one year from the first violation.

**WSR 04-21-077**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
(Board of Optometry)

[Filed October 20, 2004, 8:45 a.m., effective November 20, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The proposed rule combines two current rules related to independent continuing education activities. Up to ten credit hours are allowed for reports on optometric literature and twenty-five credit hours for preprogrammed educational materials not to exceed twenty credit hours in any two-year reporting period. The proposed rule does not add course requirements or repeal course categories but does reduce the allowable total credits in these categories from forty-five to twenty-five.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-851-160; and amending WAC 246-851-170.

Statutory Authority for Adoption: RCW 18.54.070(2).

Adopted under notice filed as WSR 04-15-153 on July 21, 2004.

A final cost-benefit analysis is available by contacting Judy Haenke, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, phone (360) 236-4947, fax (360) 586-4359, e-mail judy.haenke@doh.wa.gov.

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 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, 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 1, Repealed 1.

Date Adopted: September 17, 1004 [2004].

Jeffrey Sutro, O.D.  
Vice-Chair  
Board of Optometry

AMENDATORY SECTION (Amending WSR 97-12-088, filed 6/4/97, effective 7/5/97)

WAC 246-851-170 ((Credit for preprogrammed educational materials.)) Self-study educational activities.

((Subject to approval by the board, continuing education credit may be granted for viewing and participation in the use of formal preprogrammed optometric educational materials. Preprogrammed educational materials include, but are not limited to:

(1) Correspondence courses taken through magazines or other publications, cassettes, videodiscs, videotapes, teaching machines, computer software, CD-ROM, diskettes or internet, other than those that qualify under subsection (2) of this section. No more than ten credit hours will be granted under this subsection to any licensee in any two year reporting period. Requests for credit must be submitted to the board at least sixty days prior to the end of the reporting period and should include the title, date issued or released, author or

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source and the length of time spent viewing, listening or responding to the material.

~~(2) Cassettes, videodiscs, videotapes, teaching machines, computer software, CD-ROM, diskettes or internet, which are offered by a board approved school or college of optometry or other entity or organization approved by the board for credit under this section and require successful completion of an examination for certification of completion. No more than twenty-five credit hours will be granted under this subsection to any licensee in any two-year reporting period.))~~ The board may grant continuing education credit for participation in self-study educational activities. The board may grant a licensee a total of twenty-five credit hours under this section for any two-year reporting period. Self-study educational activities may include:

(1) Credit for reports. The board may grant continuing education credit for reports on professional optometric literature. Licensees must submit requests for credit at least sixty days before the end of the reporting period. The request must include a copy of the article, including publication source, date and author. The report must be typewritten and include at least ten descriptive statements from the article.

(a) Professional literature approved for these reports are:

(i) *Optometry and Physiological Optics*;

(ii) *American Optometric Association News*;

(iii) *Contact Lens Spectrum*;

(iv) *Optometry*;

(v) *Journal of Optometric Education*;

(vi) *Journal of Optometric Vision Development*;

(vii) *Optometric Management*;

(viii) *Review of Optometry*;

(ix) *Primary Care Optometry News*;

(x) *20/20 Magazine*; and

(xi) Other literature as approved by the board.

(b) Each report qualifies for one credit hour. The board may grant a licensee up to ten credit hours under this subsection if the combined total of twenty-five hours for all types of self-study CE is not exceeded.

(2) Credit for preprogrammed educational materials. The board may grant a licensee continuing education credit for viewing and participating in board-approved formal preprogrammed optometric educational materials. The preprogrammed materials must be approved by the Council on Optometric Practitioner Education (COPE), or offered by a board-approved school or college of optometry or other entity or organization approved by the board for credit under this section; and must require successful completion of an examination for certification. The preprogrammed educational materials include, but are not limited to:

(a) Correspondence courses offered through magazines or other sources;

(b) Cassettes;

(c) Videotapes;

(d) CD-ROM;

(e) Internet.

The board may grant a licensee up to twenty-five credit hours under this subsection if the combined total for all types of self-study CE does not exceed twenty-five hours in any two-year reporting period.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-851-160 Credit for reports.

## WSR 04-21-080

### PERMANENT RULES

### DEPARTMENT OF

### RETIREMENT SYSTEMS

[Filed October 20, 2004, 9:08 a.m., effective November 20, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Teacher's retirement system rules are being amended to eliminate any confusion regarding the use of the term "school year"; and to clarify eligibility requirements and the method for computing earnable compensation for TRS Plan 1 part-time employees. Amendments to WAC 415-112-541, which were also proposed under the notice filed as WSR 04-18-062, will be adopted at a later date after the department carefully considers all comments.

Citation of Existing Rules Affected by this Order: Amending WAC 415-112-015, 415-112-125, 415-112-140, 415-112-155, 415-112-156, 415-112-330, 415-112-400, 415-112-440, 415-112-600, 415-112-810, 415-112-820, and 415-112-830.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: For WAC 415-112-330 is RCW 41.32.270; for WAC 415-112-810, 415-112-820, 415-112-830, and 415-112-835 is RCW 41.32.345.

Adopted under notice filed as WSR 04-18-062 on August 27, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 415-112-015(5), added technical colleges to the definition of "Public educational institution." WAC 415-112-330, included "technical colleges." WAC 415-112-810 (2)(a), included a reference to extended school year programs according to WAC 415-112-835. WAC 415-112-820, added technical colleges. Deleted references to "fiscal year" where applicable. Corrected a WAC citation. WAC 415-112-830, amended the footnote for clarity. WAC 415-112-835, amended subsection (1)(b) to read "You work past June 30 of the second year." Added a footnote to clarify that qualifying members could have their annual earnable compensation modified by either WAC 415-112-830 or 415-112-835.

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 13, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

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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.  
 Date Adopted: October 18, 2004.

John Charles  
 Director

AMENDATORY SECTION (Amending WSR 02-18-046, filed 8/28/02, effective 9/30/02)

**WAC 415-112-015 Definitions.** (1) All definitions in RCW 41.32.010 and WAC 415-02-030 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.32 RCW are defined in this chapter.

(2) "Annual leave" means leave provided by an employer for the purpose of taking regularly scheduled work time off with pay. Annual leave does not usually include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work. However, if an employer authorizes only one type of leave, covering paid leave for vacation, illness, and any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.

(3) ~~((Contract period for Plan 1 members as used in RCW 41.32.345 means the period from July 1 to June 30 of the following year.~~

(4)) **Ineligible position** means a position which does not qualify as an eligible position under RCW 41.32.010.

((5)) **(4) Pension benefit** means that portion of a retiree's monthly retirement allowance that is funded by the state of Washington and the retiree's former employer or employers.

((6)) **(5) Public educational institution** means a school district, the state school for the deaf, the state school for the blind, educational service districts, institutions of higher education, or community or technical colleges.

((7)) **(6)(a) Public school** as defined in RCW 41.32.010 includes school districts, educational service districts, the state school for the deaf, and the state school for the blind but does not include the office of the superintendent of public instruction.

(b) As applied to other TRS employers, "public school" means an institution, fifty percent or more of whose employees are "qualified to teach," whose primary function is to educate students. See subsection (8) of this section.

((8)) **(7) Qualified to teach** as used under RCW 41.32.010 means either:

(a) Having the authority to provide instruction at a common school as defined under RCW 28A.150.020 pursuant to:

(i) A valid teaching certificate issued by the office of the superintendent of public instruction under WAC 180-75-055; or

(ii) A permit to teach issued by lawful authority of this state under RCW 28A.405.010; or

(b) Being employed under a contract to teach with an institution of higher education as defined in RCW 28A.150.020.

~~((9))~~ **(8) Reportable compensation** means earnable compensation as that term is defined in RCW 41.32.010(10).

~~((10)(a) School year for Plan 1 members means the fiscal year running from July 1 to June 30.~~

~~(b) "School year" for Plan 2 and 3 members means the twelve-month period from September 1 of one year to August 31 of the following year.~~

~~((11))~~ **(9) Service in an administrative or supervisory capacity** as used under RCW 41.32.010 and in this chapter:

(a) Means:

(i) Service in a managerial role relating to the administration of a public school; or

(ii) Service involving the exercise of direction over employees of the public school.

(b) Includes, but is not limited to, service as: Principal, assistant principal, superintendent, assistant superintendent, personnel manager and business manager.

~~((12))~~ **(10) Service in an instructional capacity** means a qualified teacher performing services as a classroom teacher.

~~((13))~~ **(11) Spousal consent** requires written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, duly executed and filed with the department, ~~((shall))~~ constitutes ~~((spousal consent))~~ written evidence."

~~((14))~~ **(12) System acronyms** used in this chapter are defined as follows:

- "PERS" means the public employees' retirement system.
- "SERS" means the school employees' retirement system.
- "TRS" means the teachers' retirement system.

AMENDATORY SECTION (Amending WSR 02-18-046, filed 8/28/02, effective 9/30/02)

**WAC 415-112-125 If I am eligible, how can I establish membership?** (1) **If you met the conditions in the following table, you established TRS membership.** Your plan status depends upon the date you established membership, as indicated in the following table:

Period of Service	Type of Employment	Plan
Prior to 10/01/77 <sup>1/</sup>	If you were contracted to teach full-time you were mandated into membership. If you were employed under a less than full-time contract and you exercised your option to establish membership prior to 10/01/77, you had the option to apply for membership under RCW 41.32.240, if you worked 90 or more full-time days <sup>2/</sup> during a fiscal year.	Plan 1

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Period of Service	Type of Employment	Plan
10/01/77 through 06/06/90	If you were contracted to teach full-time you were required to be a member. If you were employed as a substitute teacher or under a less than full-time contract, you have the option to apply for membership under RCW 41.32.240 if you worked a minimum of 90 full-time days <sup>2</sup> during a <del>((school))</del> <u>fiscal</u> year, provided 1 month had at least 90 hours.	Plan 2
6/07/90 through 08/31/91	You must have been employed in an eligible position as defined in Section 2, Chapter 274, Laws of 1990, (requiring two or more consecutive months of at least 90 hours of compensated employment each month during <del>((a school year))</del> <u>an annual period September through August</u> ). For substitute teachers: If you met the above criteria, you may apply for membership and service credit under RCW 41.32.013 and WAC 415-112-140.	Plan 2
9/01/91 forward	You must be employed in an eligible position (requiring at least 5 months of 70 hours or more of compensated employment each month during <del>((a school year))</del> <u>an annual period September through August</u> ). For substitute teachers: If you meet the above criteria, you may apply for membership/service credit under RCW 41.32.013 and WAC 415-112-140.	Plan 2
7/01/96	You must be employed in an eligible position (requiring at least 5 months of 70 hours or more of compensated employment each month during <del>((the school year))</del> <u>an annual period September through August</u> ). For substitute teachers: If you meet the above criteria, you may apply for membership/service credit under RCW 41.32.013 and WAC 415-112-140.	Plan 3

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<sup>2</sup> If you previously established Plan 1 membership as detailed above, you may reestablish Plan 1 membership after October 1, 1977.

<sup>2</sup> "Ninety days of employment," under RCW 41.32.240 and this section means either:

- (a) Ninety full-time calendar days, or the equivalent, during a ~~((school))~~ fiscal year if you were employed as a teacher under a contract; or
- (b) Ninety full-time days of actual, compensated service, or the equivalent, during a ~~((school))~~ fiscal year if you were employed as a substitute teacher.
- (c) The "equivalent" of a full-time day of employment under (a) and (b) of this subsection is the sum of partial days which, when added together, equals one full-time day.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Member" - RCW 41.32.010.
- (b) "Eligible position" - RCW 41.32.010.
- (c) "Employer" - RCW 41.32.010.
- (d) "Full-time" - RCW 41.32.240
- (e) "Service" - RCW 41.32.010.
- (f) "Substitute teacher" - RCW 41.32.010.
- (g) "Teacher" - RCW 41.32.010.
- ~~((h) "School year" - WAC 415-112-015.))~~

(ii) If you are a Plan 1 member, you may apply to the department for service credit in Plan 1 as a substitute teacher if you work a minimum of twenty full-time days during a ~~((school))~~ fiscal year.

(b) **TRS Plan 2.**

(i) You may apply to the department for membership in Plan 2 if you:

(A) Work at least seventy hours for five or more months during ~~((a school year))~~ an annual period September through August; or

(B) Worked at least ninety hours for two consecutive months during the ~~((school year))~~ period of September 1, 1990, through August 31, 1991.

(ii) If you have previously established membership in Plan 2 and have not withdrawn your contributions, you may apply to the department for service credit based on any compensated employment you earn as a substitute teacher ~~((during a school year))~~.

(c) **TRS Plan 3.**

(i) You may apply to the department for membership in Plan 3 if you:

(A) Began employment after July 1, 1996; and

**AMENDATORY SECTION** (Amending WSR 00-10-015, filed 4/21/00, effective 5/22/00)

**WAC 415-112-140 Am I eligible for membership and service credit as a substitute teacher? (1) You may apply for membership and service credit in TRS as a substitute teacher if you meet eligibility criteria.**

(a) **TRS Plan 1.**

(i) If you are a former Plan 1 member, you may apply to reestablish Plan 1 membership if you work ninety or more full-time days during a ~~((school))~~ fiscal year as a teacher.

(B) Work at least seventy hours for five or more months during ~~((a school year))~~ an annual period September through August.

(ii) If you have established membership in Plan 3, either by transferring from Plan 2 or establishing membership after July 1, 1996, you may apply to the department for service credit based on any compensated employment you earn as a substitute teacher ~~((during a school year))~~.

**(2) To apply, you must submit your employer's quarterly reports to the department at the end of a year.**

(a) To apply for membership and service credit as a substitute teacher, you must submit your employer's quarterly reports to the department no earlier than:

(i) June 30 of the year for which you are applying for Plan 1 service credit; or

(ii) August 31 of the year for which you are applying for Plan 2 or Plan 3 service credit.

(b) Your employer cannot report your service and earnings history as a substitute teacher to the department through the retirement system monthly reporting system unless you

are also employed in a separate, eligible position with the same employer.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Member" - RCW 41.32.010.

(b) "Service" - RCW 41.32.010.

(c) "Substitute teacher" - RCW 41.32.010.

(d) "Teacher" - RCW 41.32.010.

AMENDATORY SECTION (Amending WSR 02-18-046, filed 8/28/02, effective 9/30/02)

**WAC 415-112-155 If I work concurrently in ~~((both))~~ a TRS position and PERS position ~~((during the same school year))~~, which system will I be in? (1) If you work concurrently in ~~((both))~~ a TRS and PERS position ~~((during the same school year))~~, your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either TRS or PERS according to the following tables:**

**Former TRS Plan 1 Members <sup>1</sup>**

Type of Employment <sup>2</sup>	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a PERS-eligible position	Same employer	PERS - for both positions.
	Separate TRS employers	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and <del>((elect))</del> <u>choose</u> to establish TRS membership under RCW 41.32.240. If you <del>((elect))</del> <u>choose</u> to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.
	A TRS employer and non-TRS employer	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and <del>((elect))</del> <u>choose</u> to establish TRS membership under RCW 41.32.240. If you <del>((elect))</del> <u>choose</u> to establish TRS membership, you must <del>((elect))</del> <u>choose</u> either to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.
A full-time teaching position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must <del>((elect))</del> <u>choose</u> to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

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**TRS Plan 1 Members**

Type of Employment <sup>2</sup>	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must <del>((elect))</del> choose either to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.
A full-time or less than full-time TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	TRS - for the TRS position only; your ineligible PERS position is not reportable.

**TRS Plan 2 Members**

Type of Employment <sup>2</sup>	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for TRS position only; your ineligible PERS position is not reported.
	A TRS employer and non-TRS employer	TRS - for TRS position only; your ineligible PERS position is not reported.
An eligible TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions. <sup>2</sup>
	A TRS employer and non-TRS employer	You must <del>((elect))</del> choose either to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

**PERS Members**

Type of Employment <sup>2</sup>	Type of Employer(s)	System You Will Be Reported In
An eligible PERS position and an ineligible TRS or substitute position	Same employer	PERS - for both positions.
	Separate TRS employers	PERS - for the PERS position only, <del>((unless you qualify for and elect to establish membership in TRS at the end of the school year under WAC 415-112-125(1)))</del> unless you qualify for and elect to establish membership in TRS under WAC 415-112-125(1).  ((If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.))

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**PERS Members**

Type of Employment <sup>2/</sup>	Type of Employer(s)	System You Will Be Reported In
	A TRS employer and non-TRS employer	PERS - for the PERS position only. You will not be reported for the TRS position unless you <del>((elect))</del> choose to either: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions:or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

**Neither TRS Nor PERS Member**

Type of Employment <sup>2/</sup>	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible PERS position	Same employer	TRS - for both positions if the positions combined, qualify as an eligible position.
	Separate employers, TRS or non-TRS	Neither position reported.
A substitute teaching position and an ineligible PERS position	Same employer	Neither position reported. However, if you qualify, you may <del>((elect))</del> choose to establish membership in TRS <del>((at the end of the school year))</del> for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate employers, TRS or non-TRS	Neither position reported. However, if you qualify, you may <del>((elect))</del> choose to establish membership in TRS <del>((at the end of the school year))</del> for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.

<sup>1/</sup> "Former TRS 1 member", as used here, means you terminate your membership by withdrawing your contributions.

<sup>2/</sup> Means during the same ~~((school-year))~~ time period.

<sup>3/</sup> EXAMPLE: A TRS Plan 2 member teaches in an eligible position and during the summer, she works for a state agency in an eligible position under PERS. Because the member has established membership in TRS Plan 2 through employment as a teacher, her state agency employer must report her service and compensation from the PERS position to the Department in TRS Plan 2.

EXAMPLE: A TRS Plan 2 member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible PERS position. Because he is a TRS Plan 2 member, School District B employer must report his service and compensation from the PERS position to the Department in TRS Plan 2. If the member terminates his employment in the TRS position with School District A, School District B will report him in PERS for the PERS position.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.32.010 (TRS); RCW 41.40.010 (PERS).

(b) "Employer" - RCW 41.40.010 (PERS); RCW 41.32.010 (TRS).

(c) "Full time" - RCW 41.32.240.

(d) "Ineligible position" - WAC 415-112-015 (TRS); RCW 41.40.010 (PERS).

(e) "Member" - RCW 41.40.010.

(f) "Membership" - RCW 41.40.023.

(g) "Report" - WAC 415-108-0104.

(h) "Service" - RCW 41.40.010.

~~the same year)),~~ your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either TRS and SERS according to the following table:

**AMENDATORY SECTION** (Amending WSR 02-18-046, filed 8/28/02, effective 9/30/02)

**WAC 415-112-156 If I work concurrently in ~~((both))~~ a TRS position and SERS position ~~((during the same school-year))~~, which system will I be in?** (1) If you work concurrently in ~~((both))~~ a TRS and SERS position ~~((during~~

PERMANENT

**Former TRS Plan 1 Members <sup>u</sup>**

Type of Employment <sup>u</sup>	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a SERS-eligible position	Same SERS employer	SERS - for both positions.
	Separate SERS employers	SERS - for SERS position only. Your substitute part-time position is not reported unless you qualify for and <del>((elect))</del> choose to establish TRS membership under RCW 41.32.240. If you <del>((elect))</del> choose to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in SERS will be transferred to TRS.
A full-time teaching position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.

**TRS Plan 1 Members**

Type of Employment <sup>u</sup>	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.
A full-time or less than full-time TRS position and an ineligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.

**TRS Plan 2 or 3 Members**

Type of Employment <sup>u</sup>	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for TRS position only; your ineligible SERS position is not reported.
An eligible TRS position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions. <sup>u</sup>

**SERS Members**

Type of Employment <sup>u</sup>	Type of Employer(s)	System You Will Be Reported In
An eligible SERS position and an ineligible TRS or substitute position	Same employer	SERS - for both positions.
	Separate SERS employers	SERS - for the SERS position only, unless you qualify for and <del>((elect))</del> choose to establish membership in TRS <del>((at the end of the school year))</del> under WAC 415-112-125(1). If you <del>((elect))</del> choose to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in SERS will be transferred to TRS.

**Neither TRS Nor SERS Member**

Type of Employment <sup>u</sup>	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible SERS position	Same employer	TRS - for both positions if the positions combined, qualify as an eligible position.
	Separate SERS employers	Neither position reported.

PERMANENT

Neither TRS Nor SERS Member

Type of Employment <sup>2/</sup>	Type of Employer(s)	System You Will Be Reported In
A substitute teaching position and an ineligible SERS position	Same employer	Neither position reported. However, if you qualify, you may <del>((elect))</del> <u>choose</u> to establish membership in TRS <del>((at the end of the school year))</del> for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate SERS employers	Neither position reported. However, if you qualify, you may <del>((elect))</del> <u>choose</u> to establish membership in TRS <del>((at the end of the school year))</del> for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.

<sup>1/</sup> "Former TRS 1 member," as used here, means you terminate your membership by withdrawing your contributions.

<sup>2/</sup> Means during the same ~~((school year))~~ time period.

<sup>3/</sup> EXAMPLE: A TRS 2 member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible SERS position. Because he is a TRS 2 member, School District B employer must report his service and compensation from the SERS position to the department in TRS 2. If the member terminates his employment in the TRS position with School District A, School District B will report him in SERS for the SERS position.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.35.010(SERS); RCW 41.32.010 (TRS).

(b) "Employer" - RCW 41.35.010 (SERS); RCW 41.32.-010 (TRS).

(c) "Ineligible position" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

(d) "Member" - RCW 41.35.010 (SERS); RCW 41.32.-010 (TRS).

(e) "Membership" - RCW 41.35.030 (SERS).

(f) "Report" - WAC 415-110-010 (SERS).

(g) "Service" - RCW 41.35.010 (SERS); RCW 41.32.-010 (TRS).

AMENDATORY SECTION (Amending WSR 00-10-015, filed 4/21/00, effective 5/22/00)

~~WAC 415-112-330 ((Calculating service credit for Plan 1 K-12 employees.)) How does the department calculate service credit for TRS Plan 1 employees? ((For Plan 1 members who are employed by a school district, a school year will consist of one hundred eighty days. One year of service credit will be granted to a Plan 1 member who is employed as a classroom teacher for one hundred forty four or more days during a school year. A fractional year of credit will be granted to a Plan 1 member who is employed for at least twenty days but less than one hundred forty four days during a school year. The fraction will use days employed as the numerator and one hundred eighty as the denominator.~~

~~(1) If there is no contract, bargaining agreement or employer policy indicating how many hours are in a work day, a Plan 1 classroom teacher will be granted one day of credit for every seven hours of compensated employment.~~

~~(2) If there is no contract, bargaining agreement or employer policy indicating how many hours are in a work day, Plan 1 K-12 employees other than school district classroom teachers will earn one day of credit for every eight~~

~~hours of compensated employment.)) For TRS Plan 1 calculations, one year of service credit consists of one hundred eighty days of instruction.~~

~~(1) As a TRS Plan 1 member employed by a school district, educational service district, school for the blind, or school for the deaf:~~

~~(a) Unless otherwise determined by a contract, bargaining agreement or employer policy:~~

~~(i) A classroom teacher will earn one day of service credit for each seven hours of compensated employment; and~~

~~(ii) A K-12 employee other than a classroom teacher will earn one day of service credit for every eight hours of compensated employment; and~~

~~(b) You will earn one full year of service credit for one hundred forty-four or more days of employment during a fiscal year; or a fractional year of service credit for at least twenty days but less than one hundred forty-four days of employment during a fiscal year. The fraction will use days employed as the numerator and one hundred eighty as the denominator.~~

~~(2) As a TRS Plan 1 member employed by a community or technical college:~~

~~(a) Unless otherwise determined by a contract, bargaining agreement or employer policy, you will earn one day of service credit for eight hours of compensated employment; and~~

~~(b) One full year of service credit when you have service for four-fifths of the adopted annual academic calendar; or a fractional year of service credit for at least twenty days but less than four-fifths of the annual academic calendar.~~

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

~~WAC 415-112-400 ((When does the employer deduct salary for retirement contributions?)) Purpose and scope of TRS earnable compensation rules. ((If the teacher or member is entitled to have salary deducted for retirement contributions, the employer must make the deductions when the teacher or member starts work.~~

~~(1) Plan 1.~~

~~(a) The employer must deduct salary for retirement contributions for a teacher who has not been a member if:~~

~~(i) The teacher is employed full time (at least four-fifths of a school day or full time assignment); and~~

~~(ii) The teacher's employment contract calls for at least ninety days of employment in a school year.~~

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(b) ~~The employer must also deduct the salary of each teacher who is a member employed full time if their employment contract calls for at least twenty days of employment in a school year.~~

(c) ~~If a teacher who is not a member is employed for less than ninety days in a school year, the teacher will fail to establish membership. The employer must refund the teacher's salary deductions for retirement when he or she terminates employment as a teacher. The member must file a refund application with the department before he or she can receive the refund.~~

(d) ~~If a member is employed by an employer for less than twenty days in a school year, the employer must refund all salary deductions for retirement based on service during that year at the time the member terminates for the year. The member must file a refund application with the department before he or she can receive the refund.~~

(2) ~~Plan 2 and Plan 3: The employer must deduct contributions for a teacher if the teacher is employed in an eligible position.)~~ WAC 415-112-402 through 415-112-491 provide the department's interpretation of statutes and its administrative practice regarding classification of payments as earnable compensation in all TRS plans. The department has applied and will apply these rules to determine the proper characterization of payments occurring prior to the effective dates of these sections.

AMENDATORY SECTION (Amending Order IV, filed 2/15/78)

WAC 415-112-440 ((Withdrawal of contributions.)) May I withdraw my employee contributions? ~~((1) A member who is employed in the public schools of this state for consecutive school years shall be considered as employed during the summer months and, therefore, may not qualify for withdrawal of his accumulated contributions. Termination of Washington public school employment at the close of a school year with one employer to accept employment with another Washington public school employer for the ensuing school year shall not qualify a member for withdrawal of his accumulated contributions.~~

(2) ~~A member who is on official leave of absence from a Washington public school employer shall not be considered to have terminated his employment and, therefore, shall not be eligible to qualify for withdrawal of his accumulated contributions.)~~ (1) You may withdraw TRS contributions only upon termination of employment.

(2) You may not withdraw TRS contributions during any period in which you remain employed. For example:

(a) A teacher is considered to remain employed during the summer break that is often included in a school's official calendar. This is true whether the teacher is employed by the same employer or by different employers before and after the summer break.

(b) A teacher is considered to remain employed during a period of official leave from a Washington public school employer.

AMENDATORY SECTION (Amending WSR 99-14-008, filed 6/24/99, effective 7/25/99)

WAC 415-112-600 ((Eligibility)) Am I eligible for temporary disability benefits((s))? ~~As a member or the beneficiary of a deceased member of ((the teachers' retirement system shall be)) TRS Plan 1, you are covered for benefits under the temporary disability program ((only while employed on a full-time basis. Full-time employment during one school year shall afford disability protection until the beginning of the regular school term of the following school year))~~ according to the provisions of RCW 41.32.540.

AMENDATORY SECTION (Amending WSR 93-20-021, filed 9/24/93, effective 10/25/93)

WAC 415-112-810 ((Bona fide employee.)) Who qualifies for the alternate computation of earnable compensation in RCW 41.32.345? ~~((The purpose of WAC 415-112-800 through 415-112-830 is to implement the intent of the legislature that section 2, chapter 265, Laws of 1987 not be used to unfairly inflate a member's retirement allowance. The department shall apply section 2, chapter 265, Laws of 1987 only to members who are bona fide part-time employees. A member will be deemed a bona fide part-time employee only if the member has received less than one year of service credit and only as necessary to ensure that a member who receives fractional years of service credit receives benefits proportional to those received by members who have received full-time service credit.))~~ RCW 41.32.345 provides an optional alternate method to compute earnable compensation for certain TRS Plan 1 part-time employees. The alternate calculation in RCW 41.32.345 is intended to ensure that a TRS Plan 1 part-time employee who earns a fractional year of service credit will receive benefits proportional to those benefits received by a member for a full year of service credit.

(1) To be eligible for the alternate calculation in RCW 41.32.345, you must be a "bona fide employee."

(2) You, as a TRS Plan 1 member, are a "bona fide employee" if:

(a) You work in a bona fide position, as defined in WAC 415-112-820, for each of two consecutive fiscal years, the second of which may be in an extended school year program according to WAC 415-112-835; and

(b) You earn less than one full year of service credit.

AMENDATORY SECTION (Amending WSR 93-20-021, filed 9/24/93, effective 10/25/93)

WAC 415-112-820 ((Bona fide part-time position—How determined.)) What is a bona fide position for purposes of WAC 415-112-810? ~~((1) In order for a Plan I member to be considered a bona fide part-time employee for two consecutive fiscal years and to elect to have his or her earnable compensation adjusted under RCW 41.32.345, the Plan I member must be employed for each of the two consecutive fiscal years:~~

~~(a) Under contract for an entire school year if the member is employed by a school district, or an educational service district;~~

~~(b) Under contract during three academic quarters of a fiscal year if the member is employed by an institution of higher education, the state school for the deaf or the state school for the blind;~~

~~(c) By one or more employers for at least twenty days but less than one hundred forty four days during the fiscal year;~~

~~(d) In an instructional position, which is a position in which more than seventy-five percent of the member's time, including office hours, is spent as a classroom instructor, a librarian, or a counselor.~~

~~(2) In addition to the factors listed in subsection (1) of this section, in the case of a member who elects to have earnable compensation defined as provided in section 2, chapter 265, Laws of 1987, the department will determine whether the member held a bona fide part-time position during the years used to compute benefits, and what earnable compensation the member would have received if employed on a regular full-time basis in the same position under section 2, chapter 265, Laws of 1987. The department may consider, but not be limited to considering, the following factors:~~

~~(a) The salary schedule and related workload provisions, if any, adopted pursuant to RCW 28A.405.200 by the school district by which the member was employed;~~

~~(b) The salary schedule, workload provisions, or related documents, used by the community college district by which the member was employed, including salary schedules or workload provisions contained in a collective bargaining agreement negotiated pursuant to chapter 28B.52 RCW;~~

~~(c) Whether the member's position is included on the employing district's salary schedule, in workload provisions, or in a collective bargaining agreement, and whether the member's position has duties, responsibilities, workload requirements, or methods of pay similar to those of positions found in the district's schedule, provisions, or collective bargaining agreement;~~

~~(d) When the member's position was created, and how long the position was held by the member;~~

~~(e) Whether the member has previously retired under the provisions of chapter 41.32 RCW.~~

~~(3) Upon the department's request, employers shall provide to the department information addressing the factors listed in subsection (1) of this section and such further information as the department may request.~~

~~(4) If a member is employed by more than one employer, all of the member's employment will be combined for purposes of determining whether the member has met the criteria of subsection (1) of this section.) If you are a TRS Plan 1 member and meet the requirements in this section, you are deemed to occupy a bona fide position for purposes of WAC 415-112-810 through 415-112-835.~~

(1) Service for single employer. You are employed in a bona fide position if you perform contracted service for one and only one employer and you satisfy the requirements of (a), (b), and (c) of this subsection.

(a) Written contract. You are employed under a part-time written contract with a school district, educational service district, community or technical college, school for the deaf, or school for the blind that meets the following conditions:

(i) Contract with school district or educational service district. You must be under a part-time contract from the first teaching day to the last teaching day of the school's official calendar.

(ii) Contracts with community or technical college, school for the blind, or school for the deaf. You must be under part-time contracts for three of the four academic quarters (summer, fall, winter, or spring) of the institution's official calendar.

(b) Instructional position. You are employed in an instructional position. An instructional position is a position in which more than seventy-five percent of your time, including office hours, is spent as a classroom instructor, a librarian, or a counselor.

(c) Number of days. Under the contract(s), you must be employed not less than twenty full-time days or the equivalent, and earn less than a full year of service credit.

(2) Combining service to meet requirements of subsection (1) of this section. When you provide services under part-time written contracts with more than one employer, service under all part-time written contracts must be combined to determine if you are employed in a bona fide position. You are employed in a bona fide position only if you satisfy the requirements of (a), (b), and (c) of this subsection.

(a) Written contract. You are employed under two or more written contracts with a school district, educational service district, community or technical college, school for the deaf, or school for the blind. You must be under contract for the equivalent of three of the four academic quarters (summer, fall, winter, or spring) of the institution's official calendar.

Example 1.

Susan is employed part time with School District B from September 1 through December 31. She is employed with School District C from January 1 through June 20. Susan meets the "written contract" requirement of this subsection because she is under contract for the equivalent of three academic quarters (fall, winter, and spring).

Example 2.

Bill is employed with School District B from September 1 through December 31. He is employed with Community College C for Winter and Spring quarters. Bill meets the "written contract" requirement of this subsection because he is under contract for the equivalent of three academic quarters (fall, winter, and spring).

(b) Instructional position. The hours you spend as a classroom instructor, a librarian, or a counselor in any of the positions must be at least seventy-five percent of the total hours of service in all the positions.

(c) Number of days. The total number of days in all contracted positions must not be less than twenty full-time days or the equivalent, and must not be more than the one hundred forty-four full-time days or the equivalent.

(3) To determine if you meet the foregoing requirements, the department may consider additional information. Upon the department's request, employers must provide, without limitation, the following information:

(a) For school district employees, the salary schedule and related workload provisions, if any, adopted pursuant to RCW 28A.405.200 by the school district by which the member was employed;

(b) Whether your position is included on the employing district's salary schedule, in workload provisions, or in a collective bargaining agreement;

(c) Whether your position has duties, responsibilities, workload requirements, or methods of pay similar to those of positions found in the district's schedule, workload provisions, or collective bargaining agreement;

(d) When your position was created, and how long you held the position;

(e) Whether you have previously retired under the provisions of chapter 41.32 RCW.

**AMENDATORY SECTION** (Amending WSR 93-20-021, filed 9/24/93, effective 10/25/93)

**WAC 415-112-830** (~~Adjusting earnable compensation earned in a bona fide part-time position.~~) **How is earnable compensation adjusted for bona fide employees?** (~~The department will use the following method to determine earnable compensation for members of Plan I employed in a bona fide part-time positions as determined under WAC 415-112-820, who elect to have their earnable compensation determined under RCW 41.32.345. The purpose of the calculation is to determine what a member would have earned in his or her position if employed on a regular full-time basis for the same contract period under their same classification.~~)

(1) The member's employer or employers will provide written verification of the following:

(a) The number of hours in a full school day for the member's employer. In the absence of an indication in employment contracts or elsewhere concerning what constitutes one day of employment, the department will designate seven hours as the length of a school day;

(b) The number of work days in a school year under a regular full-time contract. As provided in RCW 41.32.345 (3)(a), only work days identified in contracts adopted pursuant to RCW 28A.405.200 shall be counted under this subsection. Days worked pursuant to supplemental contracts authorized by RCW 28A.405.240 and 28A.400.200(4) are not considered days required under a regular full-time contract;

(c) The number of hours in a school year ((a) of this subsection multiplied by (b) of this subsection).

(d) If a bona fide part-time employee was employed by more than one employer during the school year in question, the department will average the number of hours in a full school day and the number of school days in a year in order to determine the average number of hours in a school year for purposes of applying this section.

(2) The member's employer will provide the following written information regarding the bona fide part-time employment of the Plan I member during each of the two consecutive years for which the member elects to have his or her compensation adjusted under RCW 41.32.345:

(a) Total hours worked by the employee under all employment contracts;

(b) Total earnable compensation earned under all employment contracts entered into by the employee;

(c) If applicable, the percent or portion of a full-time contract worked by the employee; and

(d) Net average hourly wage earned by the employee ((b) of this subsection divided by (a) of this subsection).

(3) To determine the member's adjusted earnable compensation under RCW 41.32.345 the department will multiply the member's average hourly wage as determined in subsection (2) of this section by the number of hours in a school year as determined by subsection (1) of this section. The product equals the compensation the member would have received in the same position if employed on a regular full-time basis for the same contract period.) Pursuant to RCW 41.32.345, if you are a bona fide employee, as defined in WAC 415-112-810, you may choose to have your annual earnable compensation computed as outlined in this section, rather than as set forth in WAC 415-112-430.<sup>1</sup>

(1) The department will determine the number of hours you would have worked if you were employed on a regular full-time basis by multiplying the average hours per day reported under (a) of this subsection, by the average number of workdays reported under (b) of this subsection. For each position you occupied during a fiscal year, your employer must provide written verification of:

(a) The number of hours in the employer's school day.

(i) Unless otherwise determined by a contract, bargaining agreement or employer policy, the department considers the length of a school day to be seven hours.

(ii) If you were employed in more than one position to meet the requirements of a bona fide position, the department will average the number of hours in the full school day of each of your employers to determine the number of hours in a school day; and

(b) The number of workdays in the official calendar of the institution under a regular full-time contract, subject to the following conditions:

(i) For K-12 teachers, only workdays identified in contracts adopted pursuant to RCW 28A.405.200 will be counted under this subsection. Days worked pursuant to supplemental contracts authorized by RCW 28A.405.240 and 28A.400.200(4) are not considered days required under a "regular full-time contract."

(ii) If you were employed in more than one position to meet the requirements of a bona fide position, the department will average the number of school days in the official calendar of each of your employers in order to determine the number of work days.

(2) The department will calculate your average hourly rate by dividing your total compensation, as reported under (b) of this subsection, by the total hours reported under (a) of this subsection. Your employer(s) must provide the following written information:

(a) Total hours you worked during the fiscal year under all employment contracts with the employer;

(b) Total earnable compensation earned during the fiscal year under all employment contracts between you and employer; and

(c) The percent or portion of a full-time contract you worked.

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(3) To determine your adjusted earnable compensation under RCW 41.32.345, the department will multiply your average hourly wage, as determined in subsection (2) of this section, by the number of hours in the official calendar, as determined by subsection (1) of this section. The product is the compensation you would have received in the same position if employed on a regular full-time basis.

<sup>1</sup>Certain bona fide employees in extended school year programs may elect to have their annual earnable compensation modified under either WAC 415-112-830 or 415-112-835.

## NEW SECTION

**WAC 415-112-835 How is the computation in WAC 415-112-830 modified for teachers in extended school year programs?** (1) If you are a bona fide employee as defined in WAC 415-112-810, and meet the following two criteria, you may choose to have annual earnable compensation calculated under this section<sup>1</sup>:

(a) You work under contract in an extended school year program during the second of the two consecutive fiscal years in WAC 415-112-810 (2)(a); and

(b) You work past June 30 of the second fiscal year.

(2) The "alternate period" in WAC 415-112-430 (2)(b) is subdivided into two consecutive twelve-month periods. For purposes of this section, each of these periods is referred to as an "alternate twelve-month period." Annual earnable compensation is determined for each alternate twelve-month period.

(3) The department will determine the number of hours you would have worked if you were employed on a regular full-time basis by multiplying the average hours per day reported under (a) of this subsection, by the average number of workdays reported under (b) of this subsection. For each position you occupied during the alternate twelve-month period, your employer must provide written verification of:

(a) The number of hours in the employer's school day.

(i) Unless otherwise determined by a contract, bargaining agreement or employer policy, the department considers the length of a school day to be seven hours.

(ii) If you were employed in more than one position to meet the requirements of a bona fide position, the department will average the number of hours in the full school day of each of your employers to determine the number of hours in a school day.

(b) The number of workdays in the official calendar of the institution under a regular full-time contract, subject to the following conditions:

(i) For K-12 teachers, only workdays identified in contracts adopted pursuant to RCW 28A.405.200 will be counted under this subsection. Days worked pursuant to supplemental contracts authorized by RCW 28A.405.240 and 28A.400.200(4) are not considered days required under a "regular full-time contract."

(ii) If you were employed in more than one position to meet the requirements of a bona fide position, the department will average the number of school days in the official calendar of each of your employers to determine the number of workdays.

(4) The department will calculate your average hourly rate by dividing your total compensation, as reported under (b) of this subsection, by the total hours reported under (a) of this subsection. Your employer(s) must provide the following written information regarding your bona fide employment:

(a) Total hours you worked during the alternate twelve-month period under all employment contracts with the employer;

(b) Total earnable compensation earned during the alternate twelve-month period under all employment contracts between you and employer; and

(c) The percent or portion of a full-time contract you worked.

(5) To determine your adjusted earnable compensation under RCW 41.32.345, the department will multiply your average hourly wage as determined in subsection (4) of this section by the number of hours in the official calendar as determined by subsection (3) of this section. The product is the compensation you would have received in the same position if employed on a regular full-time basis.

<sup>1</sup>Certain bona fide employees in extended school year programs may elect to have their annual earnable compensation modified under either WAC 415-112-830 or 415-112-835.

## WSR 04-21-086

### PERMANENT RULES

### DEPARTMENT OF

### LABOR AND INDUSTRIES

[Filed October 20, 2004, 9:56 a.m., effective November 22, 2004]

Effective Date of Rule: November 22, 2004.

Purpose: WAC 296-46B-900 Electrical work and permits and fees, 296-46B-905 Inspection, 296-46B-915 Civil penalty schedule, 296-46B-925 Electrical/telecommunications contractor's license, and 296-46B-970 Continuing education. General requirements—Continuing education classes requirements for administrator, master electrician, and electrician renewal.

This rule adoption relates to an emergency rule that went into effect on August 2, 2004, as WSR 04-16-076.

This rule making incorporates the two changes included in the emergency rule that was adopted on August 2, 2004, which are outlined below.

This rule making proposes to make the following amendments to the electrical work and permits and fees rules:

- A permit will no longer be required to perform only maintenance work on a sign. This requirement was an unintended consequence of a rule making in 2003. This amendment will restore previous business practices.
- Any electrician with a certificate to teach continuing education classes may be an electrical instructor, this includes, all administrators and all electricians including specialty electricians.

An emergency rule went into effect August 2, 2004 (WSR 04-16-076) to immediately put the above rules in

effect. This rule making will make these amendments permanent.

This rule making also includes the following two changes:

- When service call companies respond to a call they do not know exactly what type of work will need to be performed. Under the current rules, before they can perform most types of electrical work they can do two things: (1) Call back to the office and have them immediately purchase an electrical permit or (2) leave the job and go to L&I and purchase a permit. Both options are a work stoppage challenge for this industry and does not make business sense.

This rule making will create a provisional electrical permit to allow service call companies some flexibility with permitting. The department will allow this provisional permit as long as an electrical permit is purchased within two working days after posting the provisional permit.

- The definition of independent power producer which is limited to commercial electrical power producers is clearly defined per directive from the Electrical Board in a policy. We have received comments from the Electrical Board, electrical industry and electrical utility industry to place this language into rule. We are now proposing to place the policy language into rule and repeal the policy.

Citation of Existing Rules Affected by this Order: Amending WAC 296-46B-900 Electrical work and permits and fees, 296-46B-905 Inspection, 296-46B-915 Civil penalty schedule, 296-46B-925 Electrical/telecommunications contractor's license, and 296-46B-970 Continuing education. General requirements—Continuing education classes requirements for administrator, master electrician, and electrician renewal.

Statutory Authority for Adoption: Chapter 19.28 RCW, Electricians and electrical installations.

Adopted under notice filed as WSR 04-17-094 on August 17, 2004.

Changes Other than Editing from Proposed to Adopted Version: Based on a comment received, the department added clarifying language to WAC 296-46B-970 (5)(b)(i)(c) to clearly state that a JATC instructor is already a qualified instructor to offer continuing education courses. See Purpose above for detailed language.

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 5, 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 Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Date Adopted: October 20, 2004.

Paul Trause  
Director

AMENDATORY SECTION (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

**WAC 296-46B-900 Electrical work permits and fees. General.**

(1) When an electrical work permit is required by chapter 19.28 RCW or this chapter, inspections may not be made, equipment must not be energized, or services connected unless:

(a) A valid electrical work permit is completely and legibly filled out and readily available;

(b) The classification or type of facility to be inspected and the exact scope and location of the electrical work to be performed are clearly shown on the electrical work permit;

(c) The address where the inspection is to be made is clearly identifiable from the street, road or highway that serves the premises; and

(d) Driving directions and/or a legible map is provided for the inspectors' use.

(2) An electrical work permit is valid for only one specific site address.

(3) Except as provided in subsection (8) of this section, a valid electrical work permit must be posted on the job site at a readily accessible and conspicuous location prior to beginning electrical work and at all times until the electrical inspection process is completed.

**Permit - responsibility for.**

(4) Each person, firm, partnership, corporation, or other entity must furnish a valid electrical work permit for the installation, alteration, or other electrical work performed or to be performed by that entity. Each electrical work permit application must be signed by the electrical contractor's administrator (or designee) or the person, or authorized representative of the firm, partnership, corporation, or other entity that is performing the electrical installation or alteration. Permits purchased electronically do not require a handwritten signature. An entity designated to sign electrical permits must provide written authorization of the purchaser's designation when requested by the department.

(5) Permits to be obtained by customers. Whenever a serving electrical utility performs work for a customer under one of the exemptions in WAC 296-46B-925 and the work is subject to inspection, the customer is responsible for obtaining all required permits.

(6) Except for emergency repairs to existing electrical systems, electrical work permits must be obtained and posted at the job site prior to beginning the installation or alteration. An electrical work permit for emergency repairs to existing electrical systems must be obtained and posted at the job site no later than the next business day after the work is begun.

(7) Fees must be paid in accordance with the inspection fee schedule, WAC 296-46B-905. The amount of the fee due is calculated based on the fee effective at the date payment is made. If the project is required to have an electrical plan

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review, the plan review fees will be based on the fees effective at the date the plans are received by the department for review.

**Permit - requirements for.**

(8) As required by chapter 19.28 RCW or this chapter, an electrical work permit is required for the installation, alteration, or maintenance of all electrical systems or equipment except for:

(a) Travel trailers;

(b) Class A basic electrical work which includes the **like-in-kind replacement** of a: Contactor, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; component(s) of electric signs, outline lighting, skeleton neon tubing when replaced on-site by an appropriate electrical contractor and when the sign, outline lighting or skeleton neon tubing electrical system is not modified; ten horsepower or smaller motor; and induction detection loops described in WAC 296-46B-300(2) and used to control gate access devices.

A provisional electrical work permit label may be posted in lieu of an electrical work permit. If a provisional electrical work permit label is used, an electrical work permit must be obtained within two working days after posting the provisional electrical work permit label.

(9) An electrical work permit is required for all installations of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets. All backbone installations regardless of size and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations require permits and inspections. For the purposes of determining the inspection threshold for telecommunications projects greater than ten outlets, the following will apply:

(a) An outlet is the combination of jacks and mounting hardware for those jacks, along with the associated cable and telecommunications closet terminations, that serve one workstation. In counting outlets to determine the inspection threshold, one outlet must not be associated with more than six standard four-pair cables or more than one twenty-five-pair cable. Therefore, installations of greater than sixty standard four-pair cables or ten standard twenty-five-pair cables require permits and inspections. (It is not the intent of the statute to allow large masses of cables to be run to workstations or spaces serving telecommunications equipment without inspection. Proper cable support and proper loading of building structural elements are safety concerns. When considering total associated cables, the telecommunications availability at one workstation may count as more than one outlet.)

(b) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.

(c) All telecommunications installations within the residential dwelling units of single-family, duplex, and multi-family dwellings do not require permits or inspections. In

residential multifamily dwellings, permits and inspections are required for all backbone installations, all fire barrier penetrations, and installations of greater than ten outlets in common areas.

(d) No permits or inspections are required for installation or replacement of cord and plug connected telecommunications equipment or for patch cord and jumper cross-connected equipment.

(e) Definitions of telecommunications technical terms will come from chapter 19.28 RCW, this chapter, TIA/EIA standards, and NEC.

**Permit - inspection and approval.**

(10) Requests for inspections.

(a) Requests for inspections must be made no later than three business days after completion of the electrical/telecommunications installation or one business day after any part of the installation has been energized, whichever occurs first.

(b) Requests for after hours or weekend inspections must be made by contacting the local electrical inspection supervisor at least three working days prior to the requested date of inspection. The portal-to-portal inspection fees required for after hours or weekend inspections are in addition to the cost of the original electrical work permit.

(c) Emergency requests to inspect repairs necessary to preserve life and equipment safety may be requested at any time.

(d) Inspections for annual electrical maintenance permits and annual telecommunications permits may be done on a regular schedule arranged by the permit holder with the department.

(11) Final inspection approval will not be made until all inspection fees are paid in full.

**Permit - duration/refunds.**

(12) Electrical work permits will expire one year after the date of purchase unless electrical work is actively and consistently in progress and inspections requested. Refunds are not available for:

(a) Expired electrical work permits;

(b) Electrical work permits where the electrical installation has begun; or

(c) Any electrical work permit where an electrical inspection or electrical inspection request has been made.

**Permit - annual telecommunications.**

(13) The chief electrical inspector can allow annual permits for the inspection of telecommunications installations to be purchased by a building owner or licensed electrical/telecommunications contractor. The owner's full-time telecommunications maintenance staff, or a licensed electrical/telecommunications contractor(s) can perform the work done under this annual permit. The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all the telecommunications work performed and the valid electrical or telecommunications contractor's license numbers for all contractors working under the permit.

**Permit - annual electrical.**

(14) The chief electrical inspector can allow annual permits for the inspection of electrical installations to be purchased by a building owner or licensed electrical contractor.

This type of permit is available for commercial/industrial locations employing a full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor.

The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all electrical work performed.

This type of electrical permit may be used for retrofit, replacement, maintenance, repair, upgrade, and alterations to electrical systems at a single plant or building location. This type of permit does not include new or increased service or new square footage.

**Provisional electrical work permit - use/duration/refunds.**

(15) Only licensed electrical contractors can use provisional electrical work permits.

(16) If a provisional electrical work permit label is used, the following requirements must be met:

(a) The certified electrician performing the installation must affix the provisional electrical work permit label on the cover of the panelboard or overcurrent device supplying power to the circuit or equipment prior to beginning the work.

(b) The job site portion of the label must include the following:

- (i) Date the work is begun;
- (ii) Electrical contractor's name;
- (iii) Electrical contractor's license number; and
- (iv) Short description of the work.

(c) The contractor portion of the label must include the following:

- (i) Date the work is begun;
  - (ii) Electrical contractor's license number;
  - (iii) Job site address;
  - (iv) Owner's name; and
  - (v) Short description of the work.
- (d) The label must be filled in using sunlight and weather resistant ink.

(e) The electrical contractor must return the contractor's portion of the label to the department of labor and industries, electrical section office having jurisdiction for the inspection, within two working days after the job site portion of the label is affixed. Either receipt by department of labor and industries or postmark to a valid department of labor and industries electrical address is acceptable for meeting this requirement.

(17) Refunds are not available for provisional electrical work permit labels.

(18) Provisional electrical work permit labels will be sold in blocks of twenty.

(19) Any electrical contractor purchasing a provisional electrical work permit label may be audited for compliance with the provisions for purchasing, inspection, reporting of installations, and any other requirement of usage.

**Class B electrical work permit - use.**

(20) The electrical contractor must return the contractor's portion of the Class B label to the department of labor and industries, chief electrical inspector, within five working days after destroying or voiding any label.

(21) The electrical contractor is responsible for safe-keeping of all purchased Class B labels.

**AMENDATORY SECTION** (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

**WAC 296-46B-905 Inspection fees.** To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) of this section, PROGRESS INSPECTIONS.

The amount of the fee due is calculated based on the fee effective at the date of a department assessed fee (e.g., plan review or fee due) or when the electrical permit is purchased.

**(1) Residential.**

**(a) Single- and two-family residential (new construction).**

**Notes:**

- (1) Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)
- (2) "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit.
- (3) "Inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.
- (4) An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

(i) First 1300 sq. ft.	\$73.00
Each additional 500 sq. ft. or portion of	\$23.40
(ii) Each outbuilding or detached garage - inspected at the same time as a dwelling unit on the property	\$30.50
(iii) Each outbuilding or detached garage - inspected separately	\$48.10
(iv) Each swimming pool - inspected with the service	\$48.10
(v) Each swimming pool - inspected separately	\$73.00
(vi) Each hot tub, spa, or sauna - inspected with the service	\$30.50
(vii) Each hot tub, spa, or sauna - inspected separately	\$48.10
(viii) Each septic pumping system - inspected with the service	\$30.50
(ix) Each septic pumping system - inspected separately	\$48.10

**(b) Multifamily residential and miscellaneous residential structures, services and feeders (new construction).**

Each service and/or feeder

Ampacity	Service/Feeder	Additional Feeder
0 to 200	\$78.70	\$23.40
201 to 400	\$97.80	\$ 48.10
401 to 600	\$134.30	\$66.90
601 to 800	\$172.30	\$91.80
801 and over	\$245.70	\$184.30

**(c) Single or multifamily altered services or feeders including circuits.**

(i) Each altered service and/or altered feeder

Ampacity	Service or Feeder
0 to 200	\$66.90
201 to 600	\$97.80
601 and over	\$147.40

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(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$36.30

(d) **Single or multifamily residential circuits only (no service inspection).**

**Note:**

Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) of this section.

(i) 1 to 4 circuits (see note above) \$48.10  
 (ii) Each additional circuit (see note above) \$5.30

(e) **Mobile homes, modular homes, mobile home parks, and RV parks.**

(i) Mobile home or modular home service or feeder only \$48.10  
 (ii) Mobile home service and feeder \$78.70

(f) **Mobile home park sites and RV park sites.**

**Note:**

For master service installations, see subsection (2) COMMERCIAL/INDUSTRIAL of this section.

(i) First site service or site feeder \$48.10  
 (ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder \$30.50

(2) **Commercial/industrial.**

(a) **New service or feeder, and additional new feeders inspected at the same time (includes circuits).**

**Note:**

For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated from (2)(a)(table) of this section. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS of this section.

**Service/feeders**

Ampacity	Service/Feeder	Additional Feeder
0 to 100	\$78.70	\$48.10
101 to 200	\$95.80	\$61.30
201 to 400	\$184.30	\$73.00
401 to 600	\$214.80	\$85.80
601 to 800	\$277.70	\$116.90
801 to 1000	\$339.00	\$141.40
1001 and over	\$369.80	\$197.30

(b) **Altered services or feeders (no circuits).**

(i) **Service/feeders**

Ampacity	Service or Feeder
0 to 200	\$78.70
201 to 600	\$184.30
601 to 1000	\$277.70
1001 and over	\$308.40

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$66.90

(c) **Circuits only.**

**Note:**

Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (2)(a)(table) above.

(i) First 5 circuits per branch circuit panel \$61.30

(ii) Each additional circuit per branch circuit panel \$5.30

(d) **Over 600 volts surcharge per permit.** \$61.30

(3) **Temporary service(s).**

**Note:**

(1) See WAC 296-46B-527 for information about temporary installations.  
 (2) Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections shall be the greater of the fee from this subsection or the portal-to-portal fee.

**Temporary services, temporary stage or concert productions.**

Ampacity	Service or Feeder	Additional Feeder
0 to 60	\$42.20	\$21.60
61 to 100	\$48.10	\$23.40
101 to 200	\$61.30	\$30.50
201 to 400	\$73.00	\$36.40
401 to 600	\$97.80	\$48.10
601 and over	\$110.90	\$55.30

(4) **Irrigation machines, pumps, and equipment.**

**Irrigation machines.**

(a) Each tower - when inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL \$5.30  
 (b) Towers - when not inspected at the same time as a service and feeders - 1 to 6 towers \$73.00  
 (c) Each additional tower \$5.30

(5) **Miscellaneous - commercial/industrial and residential.**

(a) **Low-voltage thermostats** controlling a single piece of utilization equipment.

(i) First thermostat \$36.40  
 (ii) Each additional thermostat inspected at the same time as the first \$11.40

(b) **Low-voltage systems and telecommunications systems.** Includes all telecommunications installations, fire alarm and burglar alarm, nurse call, intercom, security systems, energy management control systems, HVAC/refrigeration control systems (other than thermostats above), industrial and automation control systems, lighting control systems, stand-alone sound systems, public address, and similar low-energy circuits and equipment.

(i) First 2500 sq. ft. or less \$42.20  
 (ii) Each additional 2500 sq. ft. or portion thereof \$11.40

(c) **Signs and outline lighting.**

(i) First sign (no service included) \$36.40  
 (ii) Each additional sign inspected at the same time on the same building or structure \$17.30

(d) **Berth at a marina or dock.**

**Note:**

Five berths or more shall be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL (a) (i) above.

(i) Berth at a marina or dock \$48.10  
 (ii) Each additional berth inspected at the same time \$30.50

(e) **Yard pole, pedestal, or other meter loops only.**

(i) Yard pole, pedestal, or other meter loops only \$48.10  
 (ii) Meters installed remote from the service equipment and inspected at the same time as a service, temporary service or other installations \$11.40

(f) **Emergency inspections requested outside of normal working hours.**

Regular fee plus surcharge of: \$91.80

(g) **Generators.**

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**Note:**

Permanently installed generators: Refer to the appropriate residential or commercial new/altered service or feeder section.

Portable generators: Permanently installed transfer equipment for portable generators \$66.90

**(h) Electrical - annual permit fee.**

**Note:**

See WAC 296-46B-900(14).

For commercial/industrial location employing full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. Note, all yearly maintenance contracts must detail the number of contractor electricians necessary to complete the work required under the contract. This number will be used as a basis for calculating the appropriate fee. Each inspection is based on a 2-hour maximum.

	Inspections	Fee
1 to 3 plant electricians	12	\$1,765.50
4 to 6 plant electricians	24	\$3,532.80
7 to 12 plant electricians	36	\$5,298.90
13 to 25 plant electricians	52	\$7,066.20
More than 25 plant electricians	52	\$8,833.50

**(i) Telecommunications - annual permit fee.**

**Note:**

(1) See WAC 296-46B-900(13).

(2) Annual inspection time required may be estimated by the purchaser at the rate for "OTHER INSPECTIONS" in this section, charged portal-to-portal per hour.

For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor.

2-hour minimum \$146.10  
 Each additional hour, or portion thereof, of portal-to-portal inspection time \$73.00

**(j) Permit requiring ditch cover inspection only.**

Each 1/2 hour, or portion thereof \$36.40

**(k) Cover inspection for elevator/conveyance installation. This item is only available to a licensed/registered elevator contractor.** \$61.30

**(6) Carnival inspections.**

**(a) First carnival field inspection each calendar year.**

(i) Each ride and generator truck \$17.30

(ii) Each remote distribution equipment, concession, or gaming show \$5.30

(iii) If the calculated fee for first carnival field inspection above is less than \$89.00, the minimum inspection fee shall be: \$91.80

(b) Subsequent carnival inspections.

(i) First ten rides, concessions, generators, remote distribution equipment, or gaming show \$91.80

(ii) Each additional ride, concession, generator, remote distribution equipment, or gaming show \$5.30

(c) Concession(s) or ride(s) not part of a carnival.

(i) First field inspection each year of a single concession or ride, not part of a carnival \$73.00

(ii) Subsequent inspection of a single concession or ride, not part of a carnival \$48.10

**(7) Trip fees.**

(a) Requests by property owners to inspect existing installations. (This fee includes a maximum of one hour of inspection time. All inspection time exceeding one hour will be charged at the rate for progressive inspections.) \$73.00

(b) Submitter notifies the department that work is ready for inspection when it is not ready. \$36.40

(c) Additional inspection required because submitter has provided the wrong address or incomplete, improper or illegible directions for the site of the inspection. \$36.40

(d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work. \$36.40

(e) Each trip necessary to remove a noncompliance notice. \$36.40

(f) Corrections that have not been made in the prescribed time, unless an exception has been requested and granted. \$36.40

(g) Installations that are covered or concealed before inspection. \$36.40

**(8) Progress inspections.**

**Note:**

The fees calculated in subsections (1) through (6) of this section will apply to all electrical work. This section will be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in subsections (1) through (6) of this section.

**On partial or progress inspections, each 1/2 hour.** \$36.40

**(9) Plan review.**

Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46B-905, plus a plan review submission and shipping/handling fee of: \$61.30

(a) Supplemental submissions of plans per hour or fraction of an hour of review time. \$73.00

(b) Plan review shipping and handling fee. \$17.30

**(10) Out-of-state inspections.**

(a) Permit fees will be charged according to the fees listed in this section.

(b) Travel expenses:

All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section.

**(11) Other inspections.**

**Inspections not covered by above inspection fees must be charged portal-to-portal per hour:** \$73.00

**(12) Refund processing fee.**

**All requests for permit fee refunds will be assessed a processing fee. (Refund processing fees will not be charged for electrical contractors, using the contractor deposit system, who request less than twenty-four refunds during a rolling calendar year.)** \$11.40

**(13) Variance request processing fee.**

**Variance request processing fee. This fee is non-refundable once the transaction has been validated.** \$73.00

**(14) Marking of industrial utilization equipment.**

(a) Standard(s) letter review (per hour of review time). \$73.00

(b) Equipment marking - charged portal-to-portal per hour: \$73.00

(c) All travel expenses and per diem for in/out-of-state review and/or equipment marking are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in (b) of this subsection.

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(15) Class B basic electrical work labels.	
(a) Block of twenty Class B basic electrical work labels (not refundable).	\$200.00
(b) Reinspection of Class B basic electrical work to assure that corrections have been made (per 1/2 hour).	\$36.40
<u>(16) Provisional electrical work permit labels.</u>	
<u>(a) Block of twenty provisional electrical work permit labels.</u>	<u>\$200.00</u>

**AMENDATORY SECTION** (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

**WAC 296-46B-915 Civil penalty schedule.**

• Each day that a violation occurs will be a separate offense.

• Once a violation of chapter 19.28 RCW or chapter 296-46B WAC becomes a final judgment, any additional violation within three years becomes a "second" or "additional" offense subject to an increased penalty as set forth in the following tables.

• In case of continued, repeated or gross violation of the provisions of chapter 19.28 RCW or this chapter, or if property damage or bodily injury occurs as a result of the failure of a person, firm, partnership, corporation, or other entity to comply with chapter 19.28 RCW or this chapter the department may double the penalty amounts shown in subsections (1) through (13) of this section.

• A person, firm, partnership, corporation or other entity who violates a provision of chapter 19.28 RCW or chapter 296-46B WAC is liable for a civil penalty based upon the following schedule.

**(1) Offering to perform, submitting a bid for, advertising, installing or maintaining cables, conductors or equipment:**

- (a) That convey or utilize electrical current without having a valid electrical contractor's license.
- (b) Used for information generation, processing, or transporting of signals optically or electronically in telecommunications systems without having a valid telecommunications contractor's license.

First offense:	\$500
Second offense:	\$1,500
Third offense:	\$3,000
Each offense thereafter:	\$6,000

**(2) Employing an individual for the purposes of chapter 19.28 RCW who does not possess a valid certificate of competency or training certificate to do electrical work.**

First offense:	\$100
Each offense thereafter:	\$500

**(3) Performing electrical work without having a valid certificate of competency or electrical training certificate.**

First offense:	\$250
Each offense thereafter:	\$500

**(4) Employing electricians and electrical trainees for the purposes of chapter 19.28 RCW in an improper ratio. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.**

First offense:	\$250
Each offense thereafter:	\$500

**(5) Failing to provide proper supervision to an electrical trainee as required by chapter 19.28 RCW. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.**

First offense:	\$250
Each offense thereafter:	\$500

**(6) Working as an electrical trainee without proper supervision as required by chapter 19.28 RCW.**

First offense:	\$50 (see note E)
Second offense:	\$250
Each offense thereafter:	\$500

**(7) Offering, bidding, advertising, or performing electrical or telecommunications installations, alterations or maintenance outside the scope of the firm's specialty electrical or telecommunications contractors license.**

First offense:	\$500
Second offense:	\$1,500
Third offense:	\$3,000
Each offense thereafter:	\$6,000

**(8) Selling or exchanging electrical equipment associated with spas, hot tubs, swimming pools or hydromassage bathtubs which are not listed by an approved laboratory.**

First offense:	\$500
Second offense:	\$1,000
Each offense thereafter:	\$2,000

**Definition:**

The sale or exchange of electrical equipment associated with hot tubs, spas, swimming pools or hydromassage bathtubs includes to: "Sell, offer for sale, advertise, display for sale, dispose of by way of gift, loan, rental, lease, premium, barter or exchange."

**(9) Covering or concealing installations prior to inspection.**

First offense:	\$250 (see note E)
Second offense:	\$1,000
Each offense thereafter:	\$2,000

**(10) Failing to make corrections within fifteen days of notification by the department.**

**Exception:**

Where an extension has been requested and granted, this penalty applies to corrections not completed within the extended time period.

First offense:	\$250 (see note E)
Second offense:	\$1,000
Each offense thereafter:	\$2,000

**(11) Failing to obtain or post an electrical/telecommunications work permit or provisional electrical work permit label prior to beginning the electrical/telecommunications installation or alteration.**

**Exception:**

In cases of emergency repairs to existing electrical/telecommunications systems, this penalty will not be charged if the permit is obtained and posted no later than the business day following beginning work on the emergency repair.

First offense:	\$250
<del>((Homeowner—First offense:</del>	<del>(\$50))</del>
Second offense:	\$1,000
Each offense thereafter:	\$2,000

**(12) Violating chapter 19.28 RCW duties of the electrical/telecommunications administrator.**

First offense:	\$100 (see note E except for RCW 19.28.061 (5)(a) or 19.28.430 (3)(a))
Second offense:	\$750
Third offense:	\$1,500

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Each offense thereafter:	\$3,000
(13) Violating any of the provisions of chapter 19.28 RCW or chapter 296-46B WAC which are not identified in subsections (1) through (12) of this section.	
RCW 19.28.161 through 19.28.271 and the rules developed pursuant to them.	
First offense:	\$250
Each offense thereafter:	\$500
All other chapter 19.28 RCW provisions and the rules developed pursuant to them.	
First offense:	\$250
Second offense:	\$750
Each offense thereafter:	\$2,000

- E: Upon written request to the chief electrical inspector, the penalty amount will be waived for the first citation issued within a three-year period. The written request must be received by the department no later than twenty days after notice of penalty. If a subsequent citation is issued within a three-year period and found to be a final judgment, the penalty amount for the first citation will be reinstated and immediately due and payable. Penalty waivers will not be granted for any citation being appealed under WAC 296-46B-995(11).

**AMENDATORY SECTION** (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

**WAC 296-46B-925 Electrical/telecommunications contractor's license. General.**

(1) The department will issue an electrical/telecommunications contractor's license that will expire twenty-four months following the date of issue to a person, firm, partnership, corporation or other entity that complies with requirements for such license in chapter 19.28 RCW. An electrical/telecommunications contractor's license will not be issued to or renewed for a person, firm, or partnership unless the Social Security number, date of birth, and legal address of the individual legal owner(s) are submitted with the application. The department may issue an electrical/telecommunications contractor's license for a period greater or less than twenty-four months for the purpose of equalizing the number of electrical contractor's licenses that expire each month. The department may prorate the electrical/telecommunications contractor's license fee according to the license period.

(2) Combination specialty contractor's license. The department may issue a combination specialty contractor's license to a firm that qualifies for more than one specialty electrical contractor's license. The assigned administrator must be certified in all specialties applicable to the combination specialty contractor's license. The license will plainly indicate the specialty licenses' codes included in the combination license. An administrator assigned to a telecommunications contractor must be certified as a telecommunications administrator. A combination license will not be issued for telecommunications (09).

(3) The department may deny renewal of an electrical/telecommunications contractor's license if a firm, an owner, partner, member, or corporate officer owes money as a result of an outstanding final judgment(s) to the department.

**Electrical/telecommunications contractor cash or securities deposit.**

(4) Cash or securities deposit. The electrical/telecommunications contractor may furnish the department with a cash or security deposit to meet the bond requirements in lieu of posting a bond. A cash or security deposit assigned to the department for bond requirements will be held in place for one year after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as an electrical/telecommunications contractor. Upon written request, the cash or security deposit will then be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

**Telecommunications contractor insurance.**

(5) To obtain a telecommunications contractor's license, the applicant must provide the department with an original certificate of insurance naming the department of labor and industries, electrical section as the certificate holder. Insurance coverage must be no less than twenty thousand dollars for injury or damages to property, fifty thousand dollars for injury or damage including death to any one person, and one hundred thousand dollars for injury or damage including death to more than one person. The insurance will be considered a continuing obligation unless canceled by the insurance company. The insurance company must notify the department in writing ten days prior to the effective date of said cancellation or failure to renew.

(6) The telecommunications contractor may furnish the department with an assigned account to meet the insurance requirements in lieu of a certificate of insurance. An account assigned to the department for insurance requirements will be held in place for three years after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as a telecommunications contractor. Upon written request, the account then will be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

**Electrical/telecommunications contractor exemptions.**

(7) The following types of systems and circuits are considered exempt from the requirements for licensing and permitting described in chapter 19.28 RCW. The electrical failure of these systems does not inherently or functionally compromise safety to life or property.

Low-voltage thermocouple derived circuits and low-voltage circuits for:

- (a) Built-in residential vacuum systems;
- (b) Underground landscape sprinkler systems;
- (c) Underground landscape lighting; and
- (d) Residential garage doors.

For these types of systems and circuits to be considered exempt, the following conditions must be met:

- (e) The power supplying the installation must be derived from a listed Class 2 power supply;

(f) The installation and termination of line voltage equipment and conductors supplying these systems is performed by appropriately licensed and certified electrical contractors and electricians;

(g) The conductors of these systems do not pass through fire-rated walls, fire-rated ceilings or fire-rated floors in other than residential units; and

(h) Conductors or luminaires are not installed in installations covered by the scope of Article 680 NEC (swimming pools, fountains, and similar installations).

(8) Firms who clean and/or replace lamps in luminaires are not included in the requirements for licensing in chapter 19.28 RCW. This exemption does not apply to electric signs as defined in the NEC.

(9) Firms who install listed plug and cord connected equipment are not included in the requirements for licensing in chapter 19.28 RCW. The plug and cord must be a single listed unit consisting of a molded plug and cord and not exceed 250 volt 60 ampere single phase. The plug and cord can be field installed per the manufacturer's instructions and the product listing requirements. The equipment must be a single manufactured unit that does not require any electrical field assembly except for the installation of the plug and cord.

(10) Firms regulated by the Federal Communications Commission or the utilities and transportation commission, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(11) Unregulated firms, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(12) Leaseholders. For electrical installations, maintenance, or alterations to existing buildings only, any person, firm, partnership, corporation, or other entity holding a valid, signed lease from the property owner authorizing the leaseholder to perform electrical work, on the property the leaseholder occupies, will be allowed to purchase an electrical permit(s) and do electrical work on or within the property described in the lease. The lessee and/or his or her regularly employed employees must perform the electrical installation, maintenance and alteration.

The lessee who performs the electrical maintenance or installation work must be the sole occupant of the property or space. Property owners or leaseholders cannot perform electrical work on new buildings for rent, sale, or lease, without the proper electrical licensing and certification. Refer to RCW 19.28.261 for exemptions from licensing and certification.

(13) Assisting a householder. A friend, neighbor, relative, or other person (including a certified electrician) may assist a householder, at his/her residence in the performance of electrical work on the condition that the householder is present when the work is performed and the person assisting the householder does not accept money or other forms of compensation for the volunteer work. For the purposes of this subsection, a residence is a single-family residence.

(14) Volunteering to do electrical work. There are no exceptions from the electrical contractor's license or electrician certification requirements to allow persons to perform volunteer electrical work for anyone other than a householder or a nonprofit organization as allowed by RCW 19.28.091(7). For the purpose of this section, volunteer means that there is no remuneration or receiving of goods or services in return for electrical installations performed.

(15) Farms or place of business. See RCW 19.28.261 for licensing/certification exemptions allowed for the owner(s) of a farm or other place of business and for the employees of the owner.

#### **Exemptions - electrical utility and electrical utility's contractor.**

(16) Electrical utility system exemption. Neither a serving electrical utility nor a contractor employed by the serving electrical utility is required to have an electrical contractor's license for work on the "utility system" or on service connections or on meters and other apparatus or appliances used to measure the consumption of electricity.

(a) Street lighting exemption. A serving electrical utility is not required to have an electrical contractor's license or electrical permit to work on electrical equipment used in the lighting of streets, alleys, ways, or public areas or squares.

Utilities are allowed to install outside area lighting on privately owned property where the lighting fixture(s) is installed on a utility owned pole(s) used to support utility owned electric distribution wiring or equipment designed to supply electrical power to a customer's property.

Utilities are allowed to install area lighting outside and not attached to a building or other customer owned structure when the areas are outside publicly owned buildings such as: Publicly owned/operated parking lots, parks, schools, play fields, beaches, and similar areas; or the areas are privately owned where the public has general, clear and unrestricted access such as: Church parking lots, and commercial property public parking areas and similar areas.

Utilities are not allowed to install area lighting when the area is privately owned and the public does not have general, clear, and unrestricted access such as industrial property, residential property and controlled commercial property where the public's access is otherwise restricted.

Utilities are not allowed to install area lighting where the lighting is supplied from a source of power derived from a customer owned electrical system.

(b) Customer-owned equipment exemption. A serving electrical utility is not required to have an electrical contractor's license to work on electrical equipment owned by a commercial, industrial, or public institution customer if:

(i) The utility has not solicited such work; and

(ii) Such equipment:

(A) Is located outside a building or structure; and

(B) The work performed is on the primary side of the customer's transformer(s) which supplies power at the customer's utilization voltage.

(c) Exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical

equipment and installations thereof that are exempted by RCW 19.28.091.

(d) Exemption from inspection.

(i) The work of a serving electrical utility and its contractors on the utility system is not subject to inspection. The utility is responsible for inspection and approval for the installation.

(ii) Work exempted by NEC 90.2 (B)(5), 1981 edition, is not subject to inspection.

**Exemptions - electrical utility telecommunications transition equipment installations, maintenance and repair.**

(17) Until July 1, 2005, no license, inspection or other permit will be required by the department of any electric utility or, of any person, firm, partnership or corporation or other entity employed or retained by an electric utility or its contractor, because of work in connection with the installation, maintenance, or repair of telecommunications transition equipment located ahead of the utility's telecommunications network demarcation point on the outside of a building or other structure when the work is performed by a qualified person consistent with the requirements of the National Electric Code (NEC) except as provided in (a) and (b) of this subsection:

(a) The following exceptions to the NEC shall be permitted:

(i) An additional service disconnect supplying power to the transition equipment can be connected on the supply side of the main service disconnect supplying general power to the building;

(ii) Service entrance disconnects may be separated when clearly labeled;

(iii) The service disconnect used for supplying power to the transition equipment must be connected to the grounding electrode system using:

(A) # 8 AWG copper or larger grounding electrode conductor if protected from physical damage; or

(B) # 6 AWG copper or larger grounding electrode conductor if not protected from physical damage;

(iv) Use of equipment or materials that have been listed/field evaluated by a recognized independent testing laboratory or the department;

(v) Low-voltage circuits do not require a separate disconnecting means and may be grounded to the transition equipment grounding system;

(vi) Any other variance to the NEC must be approved by the department.

(b) A variance recommended by a joint utility standards group composed of representatives of both public and private utilities or certified by a professional engineer will be approved by the department unless the recommendation is inconsistent with meeting equivalent objectives for public safety.

(c) For the purposes of this section, a qualified worker is employed by a utility or its contractor and is familiar with the construction or operation of such lines and/or equipment that concerns his/her position and who is proficient with respect to the safety hazards connected therewith, or, one who has passed a journey status examination for the particular branch of the electrical trades with which he/she may be connected

or is in a recognized training or apprenticeship course and is supervised by a journey level person.

(d) Although the utility is responsible for inspection and approval of the installation, including the selection of material and equipment, the department reserves the right to audit worker qualifications and inspect such installations semiannually for conformance with the requirements of (a), (b) and (c) of this subsection but shall not collect a permit fee for such inspection or audit.

(e) If a utility fails to meet the requirements of this section, the department may require the utility to develop and submit a remedial action plan and schedule to attain compliance with this section which may be enforced by the department.

(f) This exemption shall be in addition to any other exemption provided in chapter 19.28 RCW, this chapter or other applicable law.

**Exemptions - independent electrical power production equipment exemption.**

(18) An independent electrical power production entity is not required to have an electrical contractor's license to work on electrical equipment used to produce or transmit electrical power if:

(a) The entity is:

(i) The owner or operator of the generating facility is regulated by the Federal Energy Regulatory Commission (FERC);

(ii) A municipal utility, or other form of governmental electric utility, or by an electrical cooperative or mutual corporation; or

(iii) The owner or operator of the generating facility ~~(and)~~ is an independent electrical power producer and the facility generates electrical power only for sale to one or more:

~~((Is an independent electrical power producer and the facility generates electrical power only for sale to one or more:~~

\*) (A) Electrical utilities regulated by FERC, municipal utility, or other form of governmental utility, or to an electric cooperative or mutual corporation; and

((\*) (B) The electrical power generated by the facility is not used for self-generation or any other on- or off-site function other than sale to one or more utilities regulated by FERC or by one or more state public utilities commissions, or to a PUD, municipal utility, or other form of governmental electric utility, or to an electric cooperative or mutual corporation.

(b) The entity must supply the chief electrical inspector a valid master business license issued by the department of licensing, state of Washington so that the entity's status as a revenue generating business can be confirmed.

(c) The entity has entered into an agreement to sell electricity to a utility or to a third party; and

~~((e))~~ (d) The electrical equipment is used to transmit electricity from the terminals of an electrical generating unit located on premises to the point of interconnection with a utility system.

~~((e))~~ (e) The electrical power production facility's generation capacity exceeds 115 KVA.

(f) Notwithstanding that a generating facility may be granted an exemption pursuant to this section, the facility will be subject to all the requirements of chapter 19.28 RCW if the facility at any time in the future ceases to comply with the requirements for exemption. All site facilities not exclusively and directly required to generate and/or distribute the electrical power generated on the site are subject to all the licensing and inspection requirements of chapter 19.28 RCW. All facility services, feeders, and circuits not exclusively and directly required to generate and/or distribute the electrical power (e.g., lights, outlets, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection. Facility circuits supplied to equipment required for the function of generation equipment (e.g., block heaters, power supplies, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection up to and including the equipment termination point.

**Exemptions - telegraph and telephone utility and telegraph and telephone utility's contractor.**

(19) Telegraph and telephone utility exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.151. For the purposes of this exemption, "building or buildings used exclusively for that purpose" may mean any separate building or space of a building where the space is separated from the remainder of the building by a two-hour fire wall. The telecommunications or telegraph equipment within such a space must supply telephone or telegraph service to other customer's buildings (i.e., telecommunications or telegraph equipment cannot solely supply the building containing the telephone/telegraph space).

**Exemptions - manufacturers of electrical/telecommunications products.**

(20) Manufacturers of electrical/telecommunications systems products will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing:

(a) Provided the product:

(i) Has not been previously energized;

(ii) Has been recalled by the Consumer Product Safety Commission;

(iii) Is within the manufacturer's written warranty period;

or

(iv) The manufacturer is working under the written request and supervision of an appropriately licensed electrical contractor.

(b) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring.

(c) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory.

(d) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(21) Premanufactured electric power generation equipment assemblies and control gear.

(a) Manufacturers of premanufactured electric power generation equipment assemblies and control gear will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing, provided:

(i) For transfer equipment, the product has not been previously energized or is within the manufacturer's written warranty period;

(ii) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring;

(iii) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory; or

(iv) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(b) Premanufactured electric power generation equipment assemblies are made up of reciprocating internal combustion engines and the associated control gear equipment. Control gear equipment includes control logic, metering, and annunciation for the operation and the quality of power being generated by the reciprocating internal combustion engine and does not have the function of distribution of power.

(c) Modifications of a transfer switch must not include changes to the original intended configuration or changes or contact with externally field-connected components.

(d) For the purposes of this subsection, the following work on premanufactured electric power generation equipment assemblies is not exempt from the requirements of chapter 19.28 RCW:

(i) Installation or connection of conduit or wiring between the power generation unit, transfer switch, control gear;

(ii) Installation of the transfer switch;

(iii) Connections between the power generation unit, transfer switch, control gear, and utility's transmission or distribution systems;

(iv) Connections between the power generation unit, transfer switch, control gear, and any building or structure; or

(v) Test connections with any part of:

(A) The utility's transmission or distribution system; or

(B) The building or structure.

(22) The installation, maintenance, or repair of a medical device deemed in compliance with chapter 19.28 RCW is exempt from licensing requirements under RCW 19.28.091, certification requirements under RCW 19.28.161, and inspection and permitting requirements under RCW 19.28.-101. This exemption does not include work providing electrical feeds into the power distribution unit or installation of conduits and raceways. This exemption covers only those

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factory engineers or third-party service companies with equivalent training who are qualified to perform such service.

(23) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption.

(24) Nothing in this section will alter or amend any other exemptions from or requirement for licensure or inspection, chapter 19.28 RCW or this chapter.

**AMENDATORY SECTION** (Amending WSR 04-12-049, filed 5/28/04, effective 6/30/04)

**WAC 296-46B-970 Continuing education. General requirements - continuing education classes requirements for administrator, master electrician, and electrician renewal.**

(1) DEFINITIONS - for purposes of this section.

(a) "Applicant" means the entity submitting an application for review.

(b) "Application" means a submittal made by an applicant seeking instructor or class approval.

(c) "Calendar day" means each day of the week, including weekends and holidays.

(d) "Class" means continuing education class or course.

(e) "Contractor" means the entity who has contracted with the department to review and approve/deny continuing education classes and instructors.

(f) "Date of notification" means the date of a request for additional information from the contractor or the approval/denial letter sent to the applicant by the contractor.

(g) "Individual" means an administrator or electrician seeking credit for continuing education.

(h) "Instructor" means an individual who is authorized to instruct an approved continuing education class.

(i) "Working day" means Monday through Friday, excluding state of Washington holidays.

(2) GENERAL.

(a) The department and the electrical board have the right to monitor all approved classes without notice and at no charge.

If the department or electrical board determines that the class or instructor does not meet or exceed the minimum requirements for approval or course length or instructor qualifications, the department may revoke the class or instructor approval and reduce the number of credited hours for the class.

(b) Department-offered classes and the instructors used for those classes are automatically approved and do not need to be sent to the contractor for review.

(c) Instructors who meet the minimum requirements using subsection (5)(b)(i)(D) of this section may only instruct classes sponsored by the manufacturer(s) who verified the instructors' qualifications under subsection (5)(b)(i)(D) of this section.

(d) An individual will not be given credit for the same approved continuing education class taken more than once. No credit will be granted for any class not approved per this section.

(e) Telecommunications administrators do not require continuing educations.

(f) Other administrators, master electricians, and electricians:

(i) To be eligible for renewal of an administrator certificate, master electrician or electrician certificate of competency, the individual must have completed at least eight hours of approved continuing education for each year of the prior certification period. The individual is not required to take the classes in separate years. At least eight hours of the total required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(ii) An individual changing an electrical administrator and an electrician certificate of competency into a master electrician's certificate of competency as allowed in RCW 19.28.191 (1)(a) or (b) must have completed at least eight hours of approved continuing education for each year of the prior electrician certificate period. The individual is not required to take the classes in separate years. Eight hours of the required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(iii) Any portion of a year of a prior administrator or electrician certificate period is equal to one year for the purposes of the required continuing educations.

(iv) An individual who has both an electrician certificate and an administrator certification may use the same class to fulfill the requirements for continuing education.

(g) A continuing education class attended or completed by an individual before the class's effective date cannot be used to meet the administrator or electrician certificate renewal requirements.

(h) If neither the electrical board nor the department has a contract in effect as described in this section, the department may, at its option, elect to act as the contractor. If a contractor is not in place and the department elects not to act as the contractor, the electrical board will act as the contractor. If either the electrical board or the department acts as the contractor, the following will apply:

(i) The fee for class or instructor submittal is as set in WAC 296-46B-910(4).

(ii) The electrical board or the department will:

(A) Review the application for completeness within fifteen working days after receipt.

(B) If the application is incomplete, notify the applicant within seven working days of the status of the review and what additional information is required.

(C) Complete the review and approval/denial process within fifteen working days upon receipt of a complete application or additional requested information.

(iii) An appeal of a denial by the department will be heard by the full electrical board in accordance with WAC 296-46B-995.

(3) CLASS AND INSTRUCTOR - GENERAL APPROVAL PROCESS.

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(a) The contractor will review submitted class and instructor applications to determine whether the application meets the minimum requirements for approval.

(b) The contractor will deny approval of applications that do not meet the minimum requirements.

(c) All applications will be considered to be new applications (i.e., Classes and instructors may not be renewed. All applications must include all information necessary to show conformance with the minimum requirements).

(d) Minimum requirements:

(i) Application review fees:

(A) The contractor may charge a fee for review of an application. Such fees, paid by the applicant, are nonrefundable.

(B) The fee will be as set by contractor between the department and the contractor.

(C) The fee will be set for a minimum of one year.

(D) Upon mutual agreement between the department and the contractor, the fee may be raised or lowered.

(ii) Application:

(A) The applicant must submit a complete application to the contractor at least thirty calendar days prior to offering or instructing a class.

(B) The contractor will only consider material included with the application when reviewing an application.

(C) All applications will consist of:

- Two copies of all material;
- Applicant's name, address, contact name, and telephone number;
- All required fees;
- Any other information the applicant wants to consider during the review; and
- In addition, class applications will include:
  - Sponsor's name, address, contact name, and telephone number;
  - Class title;
  - Number of continuing education hours requested for the class;
  - Statement of whether the class is open to the public;
  - Class syllabus (e.g., general description of the training, specific NEC articles referenced, time allowed for various subject matter, etc.);
  - List of resources (e.g., texts, references, etc.);
  - Copies of all visual aids;
  - Sample of the completion certificate.
- In addition, instructor application will include:
  - Instructor's name, address, telephone number;
  - Copies of credentials or other information showing conformance with the instructor minimum qualifications.

(e) Contractor's review process:

(i) When the application is received, the contractor must:

(A) Date stamp the application;

(B) Review the application for completeness within seven working days after receipt.

(ii) If the application is incomplete, the contractor must within two working days notify the applicant of the status of the review and what additional information is required.

(A) The applicant must provide any additional information requested by the contractor within five working days after the date of notification.

(B) The contractor will deny the application if the additional required information is not received within the five working days after the date of notification.

(iii) When the contractor has received a complete application, the contractor must review and evaluate the application for compliance with the minimum requirements.

The contractor must complete the review and approval/denial process within seven working days upon receipt of a complete application or additional requested information and within two working days notify:

• The applicant in writing; and

• The chief electrical inspector in writing and electronically. The contractor's electronic notification to the chief electrical inspector must be made in a format approved by the chief electrical inspector.

(iv) A notification of denial must include:

(A) Applicant's name and telephone number;

(B) Date of denial;

(C) Sponsor's name and class title if applicable;

(D) Instructor's name if applicable; and

(E) The reason for denial.

(v) A notification of approval:

(A) For classes must include:

- Applicant's name and telephone number;
  - Sponsor's name and telephone number;
  - Class title;
  - Class number;
  - Number of hours approved for the class. Note that the contractor may reduce the hours requested in the application if the review shows that the requested number of hours is excessive;
  - Effective date for this class;
  - Expiration date of class;
  - Category for which the class is approved (i.e., code update, RCW/WAC update, or industry related);
  - Sample of written class roster and attendance sheet;
  - Type of class (i.e., classroom, correspondence, internet); and
  - Whether the class is open to the public.
- (B) For instructors must include:
- Applicant's name and telephone number;
  - Instructor's name and telephone number;
  - Effective date for the approval; and
  - Expiration date of the approval.

(vi) Applicant's request for review of the contractor's decision:

The applicant's may request a review of the contractor's decision to deny or modify an application:

• All requests for review must be:

• Made in writing;

• Received by the chief electrical inspector within twenty calendar days of the contractor's denial; and

• Accompanied by a review fee of \$109.50. The review fee is nonrefundable.

(4) CLASS APPROVAL PROCESS.

(a) Class approval will be valid for three years except:

(i) If the class is "code update" and a new NEC is adopted by the department within the class approval period, the class approval will be considered automatically revoked; or

(ii) If the class is modified after the application is approved, the class approval will be considered automatically revoked (i.e., change in syllabus, hours, examination, etc.).

(b) Minimum requirements:

(i) Class content:

(A) Industry-related classes must be based on:

• Codes or rules included in the NEC chapters 19.28 RCW or 296-46B WAC;

• Electrical theory based on currently published documents that are readily available for retail purchase; and/or

• Materials and methods that pertain to electrical construction, building management systems, electrical maintenance, or workplace health and safety.

(B) Code update classes must be based on the latest adopted version of the NEC and must specify the NEC articles to be addressed in the class presentation.

(C) RCW/WAC update classes must be based on the latest adopted versions of chapter 19.28 RCW and/or chapter 296-46B WAC.

(ii) Class length:

(A) The minimum allowed length of a class is two hours.

(B) The maximum allowed credit for a class is twenty-four hours.

(C) Class length must be based on two-hour increments (e.g., 2, 4, 6, 8, etc.).

(D) Class length must be based on the following:

• Classroom instruction will be based on the total hours the individual is in the classroom.

• Correspondence instruction will be based on:

– A written examination (i.e., twenty-five questions will equal two hours of classroom instruction). Individuals must be responsible to determine the correct answer without the assistance of the sponsor.

• Internet instruction will be based on:

– A written examination (i.e., twenty-five questions will equal two hours of classroom instruction).

• Examinations must not direct or point the individual to a correct answer or reference. Individuals must be responsible to determine the correct answer without the assistance of the sponsor.

• To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.

(iii) Class material must include:

(A) Supplementary written instruction material appropriate to the type and length of the class; and

(B) If the class is code update and is provided via correspondence or internet, the sponsor must provide the individual with a nationally recognized, copyrighted publication that covers all changes to the NEC;

(iv) Class material may include:

• Supplementary internet material;

• Supplementary texts;

• Other material as appropriate.

(v) Certificates of completion:

(A) The sponsor must award a completion certificate to each individual successfully completing the approved class. To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.

(B) The completion certificate must include the:

• Name of participant;

• Participant's Washington certificate number;

• Name of sponsor;

• Name of class;

• Date of class;

• Name of instructor;

• Location of the class:

– If a classroom-type class, the city and state in which the class was given;

– If a correspondence class, state the class is a correspondence class;

– If an internet class, state the class is an internet class;

• Class approval number;

• Number of continuing units; and

• Type of continuing education units.

(vi) Instructors:

(A) For classroom instruction, all instructors must be approved per this section; and

(B) For correspondence and internet instruction, the applicant must show that the sponsor regularly employs at least one staff member who meets the requirements for instructors in this section.

(5) INSTRUCTOR APPROVAL PROCESS:

(a) Instructor approval will be valid for three years except:

(i) If the instructor's credentials are invalidated (e.g., suspension or revocation by the issuing entity) for any reason, approval will be automatically revoked.

(ii) When the instructor approval expires or is revoked, a new application must be submitted to regain approved instructor status.

(b) Minimum requirements:

(i) The application must show that the instructor meets one of the following:

(A) Has a valid Washington:

• ~~((General administrator's))~~ Administrator, master electrician, or electrician's certificate; ~~((or))~~ and

~~((General master electrician's certificate; and))~~

• Has appropriate knowledge of and experience working as an electrical/electronic trainer; or

(B) Is accredited by the Washington work force training and education coordinating board. The instructor's normal duties must include providing electrical/electronic education; or

(C) Is a high school vocational teacher, community college, college, qualified instructor with a state of Washington approved electrical apprenticeship program, or university instructor. The instructor's normal duties must include providing electrical/electronic education; or

(D) Works for and is approved by a manufacturer of electrical products to teach electrical continuing education; ~~((or~~

~~((E) For first aid classes is certified by the Red Cross or other similar agency as a first aid instructor;))~~ and

(ii) Any other information the applicant wants to be considered during the review.

(6) FORMS:

(a) The contractor will:

Develop an appropriate form(s) for the applicant's use when submitting for instructor or class approval;

(b) Applicants must use the contractor's form when submitting an application for review.

(7) PUBLICATIONS:

The contractor will provide the department with appropriate material for use by the department on the electrical program website and may post the application process, review, and approval requirements on the contractor's website.

(8) CLASS ATTENDANCE:

(a) The contractor is not responsible for monitoring any individual's attendance or class completion.

(b) The department is not responsible for providing verification of an individual's continuing education history with the class sponsor;

(c) Classes offered in Washington:

(i) The sponsor must provide the department with an accurate and typed course attendance/completion roster for each class given.

(A) The attendance/completion roster must be provided within thirty days of class completion.

(B) In addition, the course sponsor must provide the attendance/completion roster in an electronic format provided by the department.

(C) The attendance/completion roster must show each individual's name, Washington certificate number, class number, location of class, date of completion, and instructor's name. The typed roster must contain the signature of the class sponsor's authorized representative.

(ii) The sponsor must provide the individual a certificate of completion within fifteen days after successful class completion. See subsection (4) of this section.

(iii) Individuals will not be granted credit for continuing education classes unless the sponsor's attendance/completion roster shows the individual successfully completed the class.

(iv) The department will keep submitted class rosters on file for four years.

(d) Classes offered in other states:

(i) For individuals to apply continuing education units earned from out-of-state classes, one of the following conditions must be met:

(A) The individual must request that the class sponsor submit a complete continuing education class application and gain approval for the class as described in this section for classes and instructors. Application for class or instructor approval will not be considered more than three years after the date the class was offered; or

(B) The department must have entered into a reciprocal agreement with the state providing class approval.

(ii) The individual must provide a copy of an accurate and completed award or certificate from the class sponsor identifying the class location, date of completion, individual's names, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the individual attended and completed the class.

(9) Contractor requirements:

(a) The contractor cannot be a sponsor or instructor.

(b) The contractor cannot be an employee of the department.

(c) The contractor must:

(i) Be an independent entity with no organizational, managerial, financial, design, or promotional affiliation with any sponsor or instructor covered under the contractor's review and approval/denial process;

(ii) Employ at least one staff member having a valid 01-General Administrator or 01-General Master Electrician Certificate. This staff member:

(A) Is responsible for reviewing and determining an application's approval or denial; and

(B) Must sign the written notification provided to applicants for all approvals and denials:

(iii) Receive, review, and process all applications as required in this section;

(iv) Allow the department access to the contractor's facilities during normal working hours to audit the contractor's ability to conform to the contract requirements;

(v) Treat all applications as proprietary information;

(vi) Respond to and attempt to resolve complaints contesting the review or approval/denial process performed by the applicant;

(vii) Notify the department within ten working days of any change in business status or ability to conform to this section;

(viii) Maintain one copy, original or electronic, of all applications and associated materials for a period of three years from the date of receipt.

**WSR 04-21-002**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-276—Filed October 6, 2004, 4:26 p.m., effective October 6, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000B; and amending WAC 220-44-050.

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 were adopted by the Pacific Fisheries Management Council and provide harvest of available stocks of bottom fish, while reserving brood stock for future fisheries. 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.

Date Adopted: October 6, 2004.

Evan Jacoby  
for Jeff Koenings  
Director

### NEW SECTION

**WAC 220-44-05000C Coastal bottom fish catch limits.** Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice:

(1) It is unlawful to possess, transport through the waters of the state, or land into any Washington port bottom fish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear, handling or landing requirement, established by the Pacific Fisheries Management Council and published in the Federal Register, Volume 69, No. 193, published October 6, 2004. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of Chapter 220-44 WAC. Where

rules refer to the fishery management area, that area is extended to include Washington State waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(a) Effective immediately until further notice, it is unlawful to possess, transport through the waters of the state, or land into any Washington port, walleye pollock taken with trawl gear from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63, except by trawl vessels participating in the directed Pacific whiting fishery and the directed coastal groundfish fishery.

(b) Effective immediately until further notice, it is unlawful for trawl vessels participating in the directed Pacific whiting and/or the directed coastal groundfish fishery to land incidental catches of walleye pollock greater than forty percent of their total landing by weight, not to exceed 10,000 pounds.

(2) At the time of landing of coastal bottom fish into a Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket, in the space reserved for dealer's use, all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000B      Coastal bottomfish catch limits. (04-120)

**WSR 04-21-016  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-277—Filed October 12, 2004, 4:33 p.m., effective October 15, 2004, 8:00 p.m.]

Effective Date of Rule: October 15, 2004, 8:00 p.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-56-32500V.

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 necessary to close the recreational shrimp season and revert back to 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 0, 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.

Date Adopted: October 12, 2004.

Jim Lux  
for Jeff Koenings  
Director

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 8:00 p.m. October 15, 2004:

WAC 220-56-32500V      Shrimp—Areas and seasons.  
(04-168)

**WSR 04-21-017  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-278—Filed October 12, 2004, 4:33 p.m., effective October 16, 2004]

Effective Date of Rule: October 16, 2004.

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: Recent rains and increasing flow has facilitated the upstream migration of chinook and brought an abundance of hatchery coho into this area. Additionally, through the placement of a weir earlier this fall, the Naselle Hatchery is on track to meet its chinook egg take goal. 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.

Date Adopted: October 12, 2004.

Jim Lux  
for Jeff Koenings  
Director

**NEW SECTION**

**WAC 232-28-61900V Exceptions to statewide rules—Naselle River.** Notwithstanding the provisions of WAC 232-28-619:

(1) Effective October 16, 2004 through January 31, 2005, it is lawful to fish for and possess salmon and gamefish in those waters of the Naselle River from the Highway 4 Bridge to the Crown Mainline (Salme) Bridge except closed from 400' upstream to 400' downstream of entrance to adult attraction channel at the Naselle Salmon Hatchery.

(2) Effective October 16, 2004 through November 30, 2004, all species - night closure and single barbless hooks required and line and weight and lure or bait must be moving (not stationary).

(3) Daily limit 6 salmon, no more than 3 may be adults. No more than 2 may be adult chinook and no more than 1 may be a wild adult coho. No more than 2 chum may be retained. Minimum size 12 inches in length.

(4) Game fish - Catch and release except up to 2 hatchery steelhead may be retained.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective February 1, 2005:

WAC 232-28-61900V Exceptions to statewide rules—Naselle River.

**WSR 04-21-018  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-279—Filed October 12, 2004, 4:34 p.m., effective October 12, 2004, 11:59 p.m.]

Effective Date of Rule: October 12, 2004, 11:59 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-41100V; and amending WAC 220-47-411.

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 implements the coho and chinook nonretention, recovery box use and best fishing practices certification requirements agreed upon as part of the North of Falcon fishery planning meetings, but not included in the permanent rule package by omission. This fishery is not expected to exceed chinook or summer chum by-catch levels modeled during the preseason process. 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.

Date Adopted: October 12, 2004.

Jim Lux  
for Jeff Koenigs  
Director

**NEW SECTION**

**WAC 220-47-41100V Gill net—Open periods.** (1) Notwithstanding the provisions of Chapter 220-47-311 WAC, effective 11:59 p.m. October 12 through November 5, 2004, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules for all other catch reporting areas remain in effect:

AREA	TIME -	DATE(S)	MINIMUM MESH
7, 7A:	7AM - 8PM	10/13, 10/14, 10/20, 10/21, 10/27, 10/28	6 1/4"
	7AM - 7PM	11/3, 11/4	

(2) Fishing vessel operators must be in possession of a "Fish Friendly" Best Fishing Practices certification card documenting attendance of a Best Fishing Practices workshop to participate in any area 7 or 7A salmon fishery.

(3) Prior to October 20 it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water until the gill net is fully retrieved from the water.

(4) Prior to October 20 all coho and chinook salmon must be released if vigorous or if lethargic or injured placed in an operating recovery box until they appear recovered of death occurs. Both recovered and deceased fish must be released.

(5) Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box;

(ii) Each recovery box chamber must have an inside length measurement of not less than 39 1/2 inches nor more than 48 inches, an inside width measurement of not less than 8 inches nor more than 10 inches, and an inside height measurement of not less than 14 inches nor more than 16 inches;

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber;

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber;

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute;

(6) Each box and chamber must be operating during any time that the net is being retrieved or picked;

(7) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber;

**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.

**EMERGENCY**

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. November 5, 2004:

WAC 220-47-41100V Gill net—Open periods.

**WSR 04-21-019  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-280—Filed October 12, 2004, 4:34 p.m., effective October 14, 2004, 12:01 p.m.]

Effective Date of Rule: October 14, 2004, 12:01 p.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000B; and amending WAC 220-56-360.

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: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 2 and those portions of Razor Clam Area 3 opened for harvest. Washington Department of Health has certified clams from these beaches to be safe for human consumption. 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.

Date Adopted: October 12, 2004.

Jim Lux  
for Jeff Koenings  
Director

**NEW SECTION**

**WAC 220-56-36000B Razor clams—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for per-

sonal use from any beach in Razor Clam Areas 1, 2, or 3, except as provided for in this section:

1. Effective 12:01 p.m. October 14 through 11:59 p.m. October 16, 2004, razor clam digging is allowed in Razor Clam Area 1, Razor Clam Area 2 and that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty (Grays Harbor County) and the southern boundary of the Quinault Indian Reservation (Grays Harbor County). Digging is allowed from 12:01 p.m. to 11:59 p.m. each day only.

2. It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 17, 2004:

WAC 220-56-36000B Razor clams—Areas and seasons.

**WSR 04-21-020  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-282—Filed October 12, 2004, 4:35 p.m., effective October 13, 2004, 6:00 a.m.]

Effective Date of Rule: October 13, 2004, 6:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100E; and amending WAC 220-32-051.

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: Sets week eight of the tribal commercial fishery. Allows commercial sale of platform and hook and line caught fish to be sold in the treaty Indian fishery and commercial sale of tributary caught fish by the Yakama Nation tribal members, including Drano Lake, when those tributary seasons are open and when the commercial gillnet season is open in the mainstem Columbia. Harvestable numbers of salmon and steelhead are available. Season is consistent with the management agreement and the biological opinion. Consistent with action of the Columbia River compact of October 12, 2004, and conforms state rules with tribal rules. 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.

EMERGENCY

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.

Date Adopted: October 12, 2004.

Jim Lux  
for Jeff Koenings  
Director

## NEW SECTION

**WAC 220-32-05100F Columbia River salmon seasons above Bonneville Dam.** Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H, and the Klickitat and White Salmon rivers, and Drano Lake, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, sturgeon, steelhead and walleye under the following provisions pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. October 13, 2004 to 6:00 p.m. October 16, 2004

a) Open Areas: SMCRA 1F, 1G, and 1H

b) Gear: Gill Nets. No mesh restriction

c) Allowable sale includes: chinook, coho, steelhead, walleye, carp, and shad. Sturgeon may not be sold. Sturgeon between 45 inches and 60 inches in length may be retained in the Bonneville Pool (SMCRA 1F) for subsistence purposes only. Sturgeon between 4 feet and 5 feet in length may be retained in The Dalles and John Day pools (SMCRA 1G, 1H) for subsistence purposes only. Commercial sales of platform and hook and line caught fish are allowed during commercial gillnet openings.

d) Sanctuaries: The small 150 foot sanctuary around Spring Creek Hatchery and all other standard sanctuaries will be in place.

2) Open Periods: Immediately until further notice.

a) Open Areas: SMCRA 1F, 1G, 1H, the Klickitat River, White Salmon River, and Drano Lake.

b) Gear: Hoop nets, dip bag nets, or hook and line.

c) Allowable sale includes: Chinook, coho, steelhead, walleye, carp and shad. Sturgeon between 45 inches and 60 inches in length may be retained in the Bonneville Pool (SMCRA 1F) for subsistence purposes only. Sturgeon between 4 feet and 5 feet in length may be retained in The Dalles and John Day pools (SMCRA 1G, 1H) for subsistence purposes only. Commercial sales of platform and hook and line caught fish are allowed during commercial gillnet openings. Sockeye may not be sold but may be retained for sub-

sistence purposes. Fish taken in the Klickitat and White Salmon rivers, and Drano Lake may be sold when those rivers are open pursuant to lawfully enacted tribal rules. Yakama tribal members must have a permit issued by the Yakama Nation to fish in Drano Lake. Fisheries in Drano Lake will likely occur from Tuesday nights at 9:00 p.m. until Wednesdays at noon.

3) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

4) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a. Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b. Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light

"1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c. Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. October 13, 2004:

WAC 220-32-05100E Columbia River salmon seasons above Bonneville Dam. (04-273)

**WSR 04-21-024  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)**

[Filed October 13, 2004, 4:14 p.m., effective October 13, 2004]

Effective Date of Rule: Immediately.

Purpose: This filing continues emergency rules filed as WSR 04-14-014 while the department completes the regular rule-making process. A notice of intent was filed as WSR 04-19-102, and the department is circulating draft rules for public review before filing the formal proposed rule. Emergency rules are needed to implement section 207(9), chapter 276, Laws of 2004, that directed the department to pay a subsidy increase for working connections child care providers in Region 1 during fiscal year 2005 (July 1, 2004, through June 30, 2005).

Citation of Existing Rules Affected by this Order: Amending WAC 388-290-0200 and 388-290-0205.

Statutory Authority for Adoption: RCW 74.04.050 and 74.12.340.

Other Authority: Chapter 276, Laws of 2004, RCW 74.13.085.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Emergency rules are needed to adopt the legislative directive in section 207(9), chapter 276, Laws of 2004 - the 2003-2005 Omnibus Operating Budget (2004). In the budget detail documents, the legislature stated its intent that, "funding is provided for a working connections child care subsidy rate increase for child care providers in urban areas of Region One."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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 2, Repealed 0.

Date Adopted: October 12, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 04-08-021, filed 3/29/04, effective 5/28/04)

**WAC 388-290-0200 What daily rates does DSHS pay for child care in a licensed or certified child care center or DSHS contracted seasonal day camps?** (1) We pay the lesser of the following to a licensed or certified child care center or DSHS contracted seasonal day camp:

- (a) The provider's usual daily rate for that child; or
- (b) The DSHS maximum child care subsidy daily rate for that child as listed in the following table:

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 yrs)	School- age (5 - 12 yrs)
Region 1	Full-Day	\$24.32	\$20.45	\$19.32	\$18.18
	Half-Day	\$12.16	\$10.23	\$9.66	\$9.09
<u>Spokane</u>	<u>Full-Day</u>	<u>\$24.98</u>	<u>\$21.00</u>	<u>\$19.84</u>	<u>\$18.67</u>
<u>County</u>	<u>Half-Day</u>	<u>\$12.49</u>	<u>\$10.51</u>	<u>\$9.92</u>	<u>\$9.34</u>
Region 2	Full-Day	\$24.55	\$20.50	\$19.00	\$16.82
	Half-Day	\$12.27	\$10.25	\$9.50	\$8.41
Region 3	Full-Day	\$32.50	\$27.09	\$23.41	\$22.73
	Half-Day	\$16.25	\$13.55	\$11.70	\$11.36
Region 4	Full-Day	\$37.82	\$31.59	\$26.50	\$23.86
	Half-Day	\$18.91	\$15.80	\$13.25	\$11.93
Region 5	Full-Day	\$27.73	\$23.86	\$21.00	\$18.64
	Half-Day	\$13.86	\$11.93	\$10.50	\$9.32
Region 6	Full-Day	\$27.27	\$23.41	\$20.45	\$20.00
	Half-Day	\$13.64	\$11.70	\$10.23	\$10.00

(2) The child care center WAC 388-295-0010 allows providers to care for children from one month up to and including the day before their thirteenth birthday. The provider must obtain a child-specific and time-limited waiver from their child care licenser in order for a child care center to provide care for a thirteen-year-old or older child.

(3) If the center provider cares for a child who is thirteen or older, the provider must have a child-specific and time-limited waiver and the child must meet the special needs requirement according to WAC 388-290-0220.

(4) Rates for Spokane County are in effect from July 1, 2004 through June 30, 2005 only. After June 30, 2005, Region 1 daily rates in WAC 388-290-0200 will include Spokane County.

EMERGENCY

**AMENDATORY SECTION** (Amending WSR 04-08-021, filed 3/29/04, effective 5/28/04)

**WAC 388-290-0205 What daily rates does DSHS pay for child care in a licensed or certified family home child care?** (1) We pay the lesser of the following to a licensed or certified family home child care:

(a) The provider's usual daily rate for that child; or

(b) The DSHS maximum child care subsidy daily rate for that child as listed in the following table.

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 yrs)	School- age (5 - 11 yrs)
Region 1	Full-Day	\$20.00	\$18.00	\$18.00	\$16.00
	Half-Day	\$10.00	\$9.00	\$9.00	\$8.00
<u>Spokane County</u>	<u>Full-Day</u>	<u>\$20.54</u>	<u>\$18.49</u>	<u>\$18.49</u>	<u>\$16.43</u>
	<u>Half-Day</u>	<u>\$10.27</u>	<u>\$9.24</u>	<u>\$9.24</u>	<u>\$8.22</u>
Region 2	Full-Day	\$20.00	\$19.00	\$17.00	\$17.00
	Half-Day	\$10.00	\$9.50	\$8.50	\$8.50
Region 3	Full-Day	\$29.00	\$25.00	\$22.00	\$20.00
	Half-Day	\$14.50	\$12.50	\$11.00	\$10.00
Region 4	Full-Day	\$30.00	\$29.67	\$25.00	\$24.00
	Half-Day	\$15.00	\$14.83	\$12.50	\$12.00
Region 5	Full-Day	\$22.00	\$20.00	\$19.00	\$17.00
	Half-Day	\$11.00	\$10.00	\$9.50	\$8.50
Region 6	Full-Day	\$22.00	\$20.00	\$20.00	\$19.00
	Half-Day	\$11.00	\$10.00	\$10.00	\$9.50

(2) The family home child care WAC 388-155-010 allows providers to care for children from birth up to and including the day before their twelfth birthday. In order for a family home provider to care for a twelve-year-old or older child, the provider must obtain a child-specific and time-limited waiver from their child care licenser. If the provider has a waiver to care for a child who has reached their twelfth birthday, the payment rate is the same as subsection (1) and the five to eleven year age range column is used for comparison.

(3) If the family home provider cares for a child who is thirteen or older, the provider must have a child-specific and time-limited waiver and the child must meet the special needs requirement according to WAC 388-290-0220.

(4) We pay family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection (5) of this section). Refer to subsection (1) and the five to eleven year age range column for comparisons.

(5) We cannot pay family home child care providers to provide care for children in their care if the provider is:

(a) The child's biological, adoptive or step-parent;

(b) The child's nonneedy or needy relative or that relative's spouse or partner;

(c) The child's legal guardian or the guardian's spouse or partner; or

(d) Another adult acting in loco parentis or that adult's spouse or partner.

(6) Rates for Spokane County are in effect from July 1, 2004 through June 30, 2005 only. After June 30, 2005, Region 1 daily rates in WAC 388-290-0205 will include Spokane County.

**WSR 04-21-030  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-281—Filed October 13, 2004, 4:28 p.m., effective October 16, 2004, 12:01 a.m.]

Effective Date of Rule: October 16, 2004, 12:01 a.m.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-52-05100I; and amending WAC 220-52-051.

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 rule is necessary to meet allocation, conservation, and management agreements. Openings and closures are consistent with these elements. Commercial shrimp trawl quotas are available in the area opened by this rule. 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.

Date Adopted: October 13, 2004.

J. P. Koenings  
Director

**NEW SECTION**

**WAC 220-52-05100J Puget Sound shrimp pot and beam trawl fishery—Season.** Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp beam trawl gear:

(a) Marine Fish Shellfish Catch and Reporting Areas 23AE (east), 23B and 25A open immediately until further notice outside of the shrimp districts for non-spot shrimp.

(2) It is unlawful to use shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 am October 16, 2004:

WAC 220-52-051001 Puget Sound shrimp pot and beam trawl fishery. (04-259)

**WSR 04-21-032**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed October 14, 2004, 10:59 a.m., effective October 14, 2004]

Effective Date of Rule: Immediately.

Purpose: Advanced registered nurse practitioner and physician's assistant rule. In response to SHB 1691 (chapter 65, Laws of 2004) this rule lays out the expanded duties that an advanced registered nurse practitioner (ARNP) can now perform under Title 51 RCW. In response to SB 6356 (chapter 163, Laws of 2004) this rule also defines what a "simple industrial injury" is in order to explain when a physician assistant (PA) may have sole signature on the report of accident or physician's initial report.

Citation of Existing Rules Affected by this Order: Amending WAC 296-14-400, 296-20-01002, 296-20-01501, 296-20-06101, and 296-23-240.

Statutory Authority for Adoption: SHB 1691 (chapter 65, Laws of 2004) and SB 6356 (chapter 163, Laws of 2004).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The ARNP bill, SHB 1691 (chapter 65, Laws of 2004) and the PA bill, SB 6356 (chapter 163, Laws of 2004) both have an effective date of July 1, 2004. An emergency rule was adopted June 15 and became effective July 1, 2004. This emergency rule filing extends the effective date of the first emergency rule while permanent rule making is being conducted to implement this rule permanently.

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 2, Amended 5, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 14, 2004.

Paul Trause  
Director

AMENDATORY SECTION (Amending WSR 90-22-054, filed 11/5/90, effective 12/6/90)

**WAC 296-14-400 Reopenings for benefits.** The director at any time may, upon the workers' application to reopen for aggravation or worsening of condition, provide proper and necessary medical and surgical services as authorized under RCW 51.36.010. This provision will not apply to total permanent disability cases, as provision of medical treatment in those cases is limited by RCW 51.36.010.

The seven-year reopening time limitation shall run from the date the first claim closure becomes final and shall apply to all claims regardless of the date of injury. In order for claim closure to become final on claims where closure occurred on or after July 1, 1981, the closure must include documentation of medical recommendation, advice or examination. Such documentation is not required for closing orders issued prior to July 1, 1981. First closing orders issued between July 1, 1981, and July 1, 1985, shall for the purposes of this section only, be deemed issued on July 1, 1985.

The director shall, in the exercise of his or her discretion, reopen a claim provided objective evidence of worsening is present and proximately caused by a previously accepted asbestos-related disease.

In order to support a final closure based on medical recommendation or advice the claim file must contain documented information from a doctor, or nurse consultant (departmental) or nurse practitioner (~~supervised by a doctor~~). The doctor or nurse practitioner may be in private practice, acting as a member of a consultation group, employed by a firm, corporation, or state agency.

For the purpose of this section, a "doctor" is defined in WAC 296-20-01002.

When a claim has been closed by the department or self-insurer for sixty days or longer, the worker must file a written application to reopen the claim. An informal written request filed without accompanying medical substantiation of worsening of the condition will constitute a request to reopen, but the time for taking action on the request shall not commence until a formal application is filed with the department or self-insurer as the case may be.

A formal application occurs when the worker and doctor complete and file the application for reopening provided by the department. Upon receipt of an informal request without accompanying medical substantiation of worsening of the worker's condition, the department or self-insurer shall promptly provide the necessary application to the worker for completion.

If, within seven years from the date the first closing order became final, a formal application to reopen is filed which shows by "sufficient medical verification of such disability related to the accepted condition(s)" that benefits are payable, the department, or the self-insurer, pursuant to RCW 51.32.-210 and 51.32.190, respectively shall mail the first payment within fourteen days of receiving the formal application to reopen. If the application does not contain sufficient medical

verification of disability, the fourteen-day period will begin upon receipt of such verification. If the application to reopen is granted, compensation will be paid pursuant to RCW 51.28.040. If the application to reopen is denied, the worker shall repay such compensation pursuant to RCW 51.32.240.

Applications for reopenings filed on or after July 1, 1988, must be acted upon by the department within ninety days of receipt of the application by the department or the self-insurer. The ninety-day limitation shall not apply if the worker files an appeal or request for reconsideration of the department's denial of the reopening application.

The department may, for good cause, extend the period in which the department must act for an additional sixty days. "Good cause" for such an extension may include, but not be limited to, the following:

- (1) Inability to schedule a necessary medical examination within the ninety-day time period;
- (2) Failure of the worker to appear for a medical examination;
- (3) Lack of clear or convincing evidence to support reopening or denial of the claim without an independent medical examination;
- (4) Examination scheduled timely but cannot be conducted and a report received in sufficient time to render a decision prior to the end of the ninety-day time period.

The department shall make a determination regarding "good cause" in a final order as provided in RCW 51.52.050.

The ninety-day limitation will not apply in instances where the previous closing order has not become final.

**AMENDATORY SECTION** (Amending WSR 04-08-040, filed 3/30/04, effective 5/1/04)

**WAC 296-20-01002 Definitions. Acceptance, accepted condition:** Determination by a qualified representative of the department or self-insurer that reimbursement for the diagnosis and curative or rehabilitative treatment of a claimant's medical condition is the responsibility of the department or self-insurer. The condition being accepted must be specified by one or more diagnosis codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM).

**Appointing authority:** For the evidence-based prescription drug program of the participating agencies in the state purchased health care programs, appointing authority shall mean the following persons acting jointly: The administrator of the health care authority, the secretary of the department of social and health services, and the director of the department of labor and industries.

**Attendant care:** Those proper and necessary personal care services provided to maintain the worker in his or her residence. Refer to WAC 296-20-303 for more information.

**Attending doctor report:** This type of report may also be referred to as a "60 day" or "special" report. The following information must be included in this type of report. Also, additional information may be requested by the department as needed.

- (1) The condition(s) diagnosed including ICD-9-CM codes and the objective and subjective findings.

- (2) Their relationship, if any, to the industrial injury or exposure.

(3) Outline of proposed treatment program, its length, components, and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date should be included. The probability, if any, of permanent partial disability resulting from industrial conditions should be noted.

(4) If the worker has not returned to work, the attending doctor should indicate whether a vocational assessment will be necessary to evaluate the worker's ability to return to work and why.

(5) If the worker has not returned to work, a doctor's estimate of physical capacities should be included with the report. If further information regarding physical capacities is needed or required, a performance-based physical capacities evaluation can be requested. Performance-based physical capacities evaluations should be conducted by a licensed occupational therapist or a licensed physical therapist. Performance-based physical capacities evaluations may also be conducted by other qualified professionals who provided performance-based physical capacities evaluations to the department prior to May 20, 1987, and who have received written approval to continue supplying this service based on formal department review of their qualifications.

**Authorization:** Notification by a qualified representative of the department or self-insurer that specific proper and necessary treatment, services, or equipment provided for the diagnosis and curative or rehabilitative treatment of an accepted condition will be reimbursed by the department or self-insurer.

**Average wholesale price (AWP):** A pharmacy reimbursement formula by which the pharmacist is reimbursed for the cost of the product plus a mark-up. The AWP is an industry benchmark which is developed independently by companies that specifically monitor drug pricing.

**Baseline price (BLP):** Is derived by calculating the mean average for all NDC's (National Drug Code) in a specific product group, determining the standard deviation, and calculating a new mean average using all prices within one standard deviation of the original mean average. "Baseline price" is a drug pricing mechanism developed and updated by First Data Bank.

**Bundled codes:** When a bundled code is covered, payment for them is subsumed by the payment for the codes or services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient. This service is not separately payable because it is included in the payment for other services such as hospital visits.) Bundled codes and services are identified in the fee schedules.

**By report:** BR (by report) in the value column of the fee schedules indicates that the value of this service is to be determined by report (BR) because the service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures (e.g., operative, medical, radiological, laboratory, pathology, or other similar service report) are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

- (1) Diagnosis;
- (2) Size, location and number of lesion(s) or procedure(s) where appropriate;
- (3) Surgical procedure(s) and supplementary procedure(s);
- (4) Whenever possible, list the nearest similar procedure by number according to the fee schedules;
- (5) Estimated follow-up;
- (6) Operative time;
- (7) Describe in detail any service rendered and billed using an "unlisted" procedure code.

The department or self-insurer may adjust BR procedures when such action is indicated.

**Chart notes:** This type of documentation may also be referred to as "office" or "progress" notes. Providers must maintain charts and records in order to support and justify the services provided. "Chart" means a compendium of medical records on an individual patient. "Record" means dated reports supporting bills submitted to the department or self-insurer for medical services provided in an office, nursing facility, hospital, outpatient, emergency room, or other place of service. Records of service shall be entered in a chronological order by the practitioner who rendered the service. For reimbursement purposes, such records shall be legible, and shall include, but are not limited to:

- (1) Date(s) of service;
- (2) Patient's name and date of birth;
- (3) Claim number;
- (4) Name and title of the person performing the service;
- (5) Chief complaint or reason for each visit;
- (6) Pertinent medical history;
- (7) Pertinent findings on examination;
- (8) Medications and/or equipment/supplies prescribed or provided;
- (9) Description of treatment (when applicable);
- (10) Recommendations for additional treatments, procedures, or consultations;
- (11) X rays, tests, and results; and
- (12) Plan of treatment/care/outcome.

**Consultation examination report:** The following information must be included in this type of report. Additional information may be requested by the department as needed.

- (1) A detailed history to establish:
  - (a) The type and severity of the industrial injury or occupational disease.
  - (b) The patient's previous physical and mental health.
  - (c) Any social and emotional factors which may effect recovery.
- (2) A comparison history between history provided by attending doctor and injured worker, must be provided with exam.
- (3) A detailed physical examination concerning all systems affected by the industrial accident.
- (4) A general physical examination sufficient to demonstrate any preexisting impairments of function or concurrent condition.
- (5) A complete diagnosis of all pathological conditions including ICD-9-CM codes found to be listed:
  - (a) Due solely to injury.

(b) Preexisting condition aggravated by the injury and the extent of aggravation.

(c) Other medical conditions neither related to nor aggravated by the injury but which may retard recovery.

(d) Coexisting disease (arthritis, congenital deformities, heart disease, etc.).

(6) Conclusions must include:

(a) Type of treatment recommended for each pathological condition and the probable duration of treatment.

(b) Expected degree of recovery from the industrial condition.

(c) Probability, if any, of permanent disability resulting from the industrial condition.

(d) Probability of returning to work.

(7) Reports of necessary, reasonable X-ray and laboratory studies to establish or confirm the diagnosis when indicated.

**Doctor:** For these rules, means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic physician; podiatry; dentistry; optometry.

Only those persons so licensed may sign report of accident forms and certify time loss compensation except as provided in ((chapter 296-20-)) WAC 296-20-01502. When can a physician's assistant have sole signature on the report of accident or physician's initial report? and WAC 296-23-241. Can advanced registered nurse practitioners independently perform the functions of an attending physician?

**Emergent hospital admission:** Placement of the worker in an acute care hospital for treatment of a work related medical condition of an unforeseen or rapidly progressing nature which if not treated in an inpatient setting, is likely to jeopardize the workers health or treatment outcome.

**Endorsing practitioner:** A practitioner who has reviewed the preferred drug list and has notified the health care authority that he or she has agreed to allow therapeutic interchange of a preferred drug for any nonpreferred drug in a given therapeutic class.

**Fatal:** When the attending doctor has reason to believe a worker has died as a result of an industrial injury or exposure, the doctor should notify the nearest department service location or the self-insurer immediately. Often an autopsy is required by the department or self-insurer. If so, it will be authorized by the service location manager or the self-insurer. Benefits payable include burial stipend and monthly payments to the surviving spouse and/or dependents.

**Fee schedules or maximum fee schedule(s):** The fee schedules consist of, but are not limited to, the following:

(a) Health Care Common Procedure Coding System Level I and II Codes, descriptions and modifiers that describe medical and other services, supplies and materials.

(b) Codes, descriptions and modifiers developed by the department.

(c) Relative value units (RVUs), calculated or assigned dollar values, percent-of-allowed-charges (POAC), or diagnostic related groups (DRGs), that set the maximum allowable fee for services rendered.

(d) Billing instructions or policies relating to the submission of bills by providers and the payment of bills by the department or self-insurer.

(e) Average wholesale price (AWP), baseline price (BLP), and policies related to the purchase of medications.

**Health services provider or provider:** For these rules means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker. It includes, but is not limited to, hospitals, medical doctors, dentists, chiropractors, vocational rehabilitation counselors, osteopathic physicians, pharmacists, podiatrists, physical therapists, occupational therapists, massage therapists, psychologists, naturopathic physicians, and durable medical equipment dealers.

**Home nursing:** Those nursing services that are proper and necessary to maintain the worker in his or her residence. These services must be provided through an agency licensed, certified or registered to provide home care, home health or hospice services. Refer to WAC 296-20-091 for more information.

**Independent or separate procedure:** Certain of the fee schedule's listed procedures are commonly carried out as an integral part of a total service, and as such do not warrant a separate charge. When such a procedure is carried out as a separate entity, not immediately related to other services, the indicated value for "independent procedure" is applicable.

**Medical aid rules:** The Washington Administrative Codes (WACs) that contain the administrative rules for medical and other services rendered to workers.

**Modified work status:** The worker is not able to return to their previous work, but is physically capable of carrying out work of a lighter nature. Workers should be urged to return to modified work as soon as reasonable as such work is frequently beneficial for body conditioning and regaining self confidence.

Under RCW 51.32.090, when the employer has modified work available for the worker, the employer must furnish the doctor and the worker with a statement describing the available work in terms that will enable the doctor to relate the physical activities of the job to the worker's physical limitations and capabilities. The doctor shall then determine whether the worker is physically able to perform the work described. The employer may not increase the physical requirements of the job without requesting the opinion of the doctor as to the worker's ability to perform such additional work. If after a trial period of reemployment the worker is unable to continue with such work, the worker's time loss compensation will be resumed upon certification by the attending doctor.

If the employer has no modified work available, the department should be notified immediately, so vocational assessment can be conducted to determine whether the worker will require assistance in returning to work.

**Nonemergent (elective) hospital admission:** Placement of the worker in an acute care hospital for medical treatment of an accepted condition which may be safely scheduled in advance without jeopardizing the worker's health or treatment outcome.

**Physician:** For these rules, means any person licensed to perform one or more of the following professions: Medicine and surgery; or osteopathic medicine and surgery.

**Practitioner:** For these rules, means any person defined as a "doctor" under these rules, or licensed to practice one or more of the following professions: Audiology; physical therapy; occupational therapy; pharmacy; prosthetics; orthotics; psychology; nursing; physician or osteopathic assistant; and massage therapy.

**Preferred drug list:** The list of drugs selected by the appointing authority to be used by applicable state agencies as the basis for the purchase of drugs in state purchased health care programs.

**Proper and necessary:**

(1) The department or self-insurer pays for proper and necessary health care services that are related to the diagnosis and treatment of an accepted condition.

(2) Under the Industrial Insurance Act, "proper and necessary" refers to those health care services which are:

(a) Reflective of accepted standards of good practice, within the scope of practice of the provider's license or certification;

(b) Curative or rehabilitative. Care must be of a type to cure the effects of a work-related injury or illness, or it must be rehabilitative. Curative treatment produces permanent changes, which eliminate or lessen the clinical effects of an accepted condition. Rehabilitative treatment allows an injured or ill worker to regain functional activity in the presence of an interfering accepted condition. Curative and rehabilitative care produce long-term changes;

(c) Not delivered primarily for the convenience of the claimant, the claimant's attending doctor, or any other provider; and

(d) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition.

(3) The department or self-insurer stops payment for health care services once a worker reaches a state of maximum medical improvement. Maximum medical improvement occurs when no fundamental or marked change in an accepted condition can be expected, with or without treatment. Maximum medical improvement may be present though there may be fluctuations in levels of pain and function. A worker's condition may have reached maximum medical improvement though it might be expected to improve or deteriorate with the passage of time. Once a worker's condition has reached maximum medical improvement, treatment that results only in temporary or transient changes is not proper and necessary. "Maximum medical improvement" is equivalent to "fixed and stable."

(4) In no case shall services which are inappropriate to the accepted condition or which present hazards in excess of the expected medical benefits be considered proper and necessary. Services that are controversial, obsolete, investigational or experimental are presumed not to be proper and necessary, and shall be authorized only as provided in WAC 296-20-03002(6) and 296-20-02850.

**Refill:** The continuation of therapy with the same drug (including the renewal of a previous prescription or adjustments in dosage) when a prescription is for an antipsychotic, antidepressant, chemotherapy, antiretroviral or immunosuppressive drug.

**Regular work status:** The injured worker is physically capable of returning to his/her regular work. It is the duty of the attending doctor to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending doctor if the condition is not stationary and such treatment is needed and otherwise in order.

**Temporary partial disability:** Partial time loss compensation may be paid when the worker can return to work on a limited basis or return to a lesser paying job is necessitated by the accepted injury or condition. The worker must have a reduction in wages of more than five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the worker's condition is stationary. **All time loss compensation must be certified by the attending doctor based on objective findings.**

**Termination of treatment:** When treatment is no longer required and/or the industrial condition is stabilized, a report indicating the date of stabilization should be submitted to the department or self-insurer. This is necessary to initiate closure of the industrial claim. The patient may require continued treatment for conditions not related to the industrial condition; however, financial responsibility for such care must be the patient's.

**Therapeutic alternative:** Drug products of different chemical structure within the same pharmacologic or therapeutic class and that are expected to have similar therapeutic effects and safety profiles when administered in therapeutically equivalent doses.

**Therapeutic interchange:** To dispense with the endorsing practitioner's authorization, a therapeutic alternative to the prescribed drug.

**Total permanent disability:** Loss of both legs or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the worker from performing any work at any gainful employment. When the attending doctor feels a worker may be totally and permanently disabled, the attending doctor should communicate this information immediately to the department or self-insurer. A vocational evaluation and an independent rating of disability may be arranged by the department prior to a determination as to total permanent disability. Coverage for treatment does not usually continue after the date an injured worker is placed on pension.

**Total temporary disability:** Full-time loss compensation will be paid when the worker is unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted industrial injury or exposure.

**Unusual or unlisted procedure:** Value of unlisted services or procedures should be substantiated "by report" (BR).

**Utilization review:** The assessment of a claimant's medical care to assure that it is proper and necessary and of good quality. This assessment typically considers the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

**AMENDATORY SECTION** (Amending WSR 03-21-069, filed 10/14/03, effective 12/1/03)

**WAC 296-20-01501 Physician's assistant rules.** (1) Physicians' assistants may perform only those medical services in industrial injury cases, for which the physician's assistant is trained and licensed, under the control and supervision of a licensed physician. Such control and supervision shall not be construed to require the personal presence of the supervising physician.

(2) Physicians' assistants may perform those medical services which are within the scope of their physician's assistant license for industrial injury cases within the limitations of subsection (3) of this section.

(3) Advance approval must be obtained from the department to treat industrial injury cases. To be eligible to treat industrial injuries, the physician's assistant must:

(a) Provide the department with a copy of his/her license.

(b) Provide the name and address and specialty of the supervising physician.

(c) Provide the department with the evidence of a reliable and rapid system of communication with the supervising physician.

(4) Physicians' assistants may prepare report of accident, time loss compensation certification, and progress reports for the supervising physician's signature. Physicians' assistants cannot submit such information under his/her signature. Under certain circumstances, physicians' assistants can submit the report of accident or physician's initial report under his or her signature. See WAC 296-20-01502.

#### NEW SECTION

**WAC 296-20-01502 When can a physician's assistant have sole signature on the report of accident or physician's initial report?** (1) Physicians' assistants (PAs) may complete and have sole signature on the report of accident or the physician's initial report, where applicable, on simple industrial injury claims. This can occur for the period beginning July 1, 2004, and ending July 1, 2007.

PAs cannot certify entitlement to time-loss compensation, pension benefits, death benefits, or loss-of-earning power benefits.

(2) A simple industrial injury claim would include:

- No time lost from work after the date of injury; and

- A simple industrial injury limited to an insect bite, abrasion, contusion, laceration, blister, foreign body, open wound, sprain, strain, closed fracture, simple burn, or probable exposure to bloodborne pathogen due to a needlestick.

(Specific examples include 2nd degree burn, ICD-9 943.29, tibia fracture, closed, ICD-9 823.80.)

A simple industrial injury does not involve:

- Time lost from work after the date of injury; or

- Surgery or hospitalization on the date of the injury or date of first treatment; or

- Occupational diseases (e.g., dermatitis, carpal tunnel syndrome, hearing loss, asbestosis, exposure to blood with no needlestick); or

- Complex industrial injuries (e.g., hernias, head injuries (except simple lacerations or abrasions), mental health conditions, open fractures, extremity amputation, severe crush

injuries, severe burns, spinal cord injuries, cancer, heart disease, stroke or chemical exposure).

(3) An attending physician must be assigned to the claim to certify any time off work after the date of injury.

(4) The PA must identify on the report of accident or physician's initial report the name of the doctor who will be supervising care under this claim and also list the corresponding labor and industries provider number for that doctor. The claim will be considered on its own merits regardless of the absence of the supervising physician's L&I number but payment of bills may be delayed.

(5) WAC 296-20-01502 expires July 1, 2007.

AMENDATORY SECTION (Amending WSR 00-01-190, filed 12/22/99, effective 1/24/00)

**WAC 296-20-06101 What reports are health care providers required to submit to the insurer?** The department or self-insurer requires different kinds of information at various stages of a claim in order to approve treatment, time loss compensation, and treatment bills. The department or self-insurer may request the following reports at specified points in the claim. The information provided in these reports is needed to adequately manage industrial insurance claims.

<i>Report</i>	<i>Due/Needed by Insurer</i>	<i>What Information Should Be Included In the Report?</i>	<i>Special Notes</i>
<b>Report of Industrial Injury or Occupational Disease</b> (form) <b>Self-Insurance: Physician's Initial Report</b> (form)	Immediately - within five days of first visit.	See form  If additional space is needed, please attach the information to the application. The claim number should be at the top of the page.	Only MD, DO, DC, ND, DPM, DDS, <u>ARNP</u> , and OD may sign and be paid for completion of this form. <u>PAs may sign and be paid for completion of this form under the circumstances outlined in WAC 296-20-01502.</u>
<b>Sixty Day</b> (narrative) <b>Purpose:</b> Support and document the need for continued care when conservative (nonsurgical) treatment is to continue beyond sixty days	Every sixty days when only conservative (non-surgical) care has been provided.	(1) The <b>conditions diagnosed</b> , including ICD-9-CM codes and the subjective complaints and objective findings.	Providers may submit legible comprehensive chart notes in lieu of sixty day reports <b>PROVIDED</b> the chart notes include all the information required as noted in the "What Information Should Be Included?" column.
		(2) The <b>relationship of diagnoses</b> , if any, to the industrial injury or exposure. (3) Outline of <b>proposed treatment program</b> , its length, components and expected prognosis including an <b>estimate of when treatment should be concluded</b> and condition(s) stable. An <b>estimated return to work date</b> and the <b>probability</b> , if any, of <b>permanent partial disability</b> resulting from the industrial condition. (4) <b>Current medications</b> , including dosage and amount prescribed. With repeated prescriptions, include the plan and need for continuing medication.	<b>However</b> , office notes are not acceptable in lieu of requested narrative reports and providers may not bill for the report if chart notes are submitted in place of the report. Please see WAC 296-20-03021 and 296-20-03022 for documentation requirements for those workers receiving opioids to treat chronic non-cancer pain.  Providers must <b>include their name, address and date</b> on all chart notes submitted.

**EMERGENCY**

<i>Report</i>	<i>Due/Needed by Insurer</i>	<i>What Information Should Be Included In the Report?</i>	<i>Special Notes</i>
		(5) If the worker has not returned to work, <b>indicate whether a vocational assessment will be necessary</b> to evaluate the worker's ability to return to work and why. (6) If the worker has not returned to work, a <b>doctor's estimate of physical capacities</b> should be included. (7) <b>Response to any specific questions</b> asked by the insurer or vocational counselor.	
<b>Special Reports/Follow-up Reports</b> (narrative)	As soon as possible following request by the department/insurer.	<b>Response to any specific questions</b> asked by the insurer or vocational counselor.	"Special reports" are payable only when requested by the insurer.
<p><b>Consultation Examination Reports</b> (narrative)</p> <p><b>Purpose:</b> Obtain an objective evaluation of the need for ongoing conservative medical management of the worker.                      The attending doctor may choose the consultant.</p>	At one hundred twenty days if only conservative (nonsurgical) care has been provided.	(1) Detailed history. (2) <b>Comparative history</b> between the history provided by the attending doctor and injured worker. (3) Detailed physical examination. (4) <b>Condition(s) diagnosed</b> including ICD-9-CM codes, subjective complaints and objective findings. (5) Outline of <b>proposed treatment program:</b> Its length, components, expected prognosis including when treatment should be concluded and condition(s) stable. (6) <b>Expected degree of recovery</b> from the industrial condition. (7) <b>Probability of returning to regular work</b> or modified work and an <b>estimated return to work date.</b> (8) <b>Probability, if any, of permanent partial disability</b> resulting from the industrial condition. (9) A doctor's <b>estimate of physical capacities</b> should be included if the worker has not returned to work.	If the injured/ill worker had been seen by the consulting doctor within the past three years for the same condition, the consultation will be considered a follow-up office visit, not consultation. A copy of the consultation report must be submitted to both the attending doctor and the department/insurer.

EMERGENCY

<i>Report</i>	<i>Due/Needed by Insurer</i>	<i>What Information Should Be Included In the Report?</i>	<i>Special Notes</i>
		(10) <b>Reports</b> of necessary, reasonable <b>X ray</b> and <b>laboratory</b> studies to establish or confirm diagnosis when indicated.	
<b>Supplemental Medical Report (form)</b>	As soon as possible following request by the department/insurer.	See form	Payable only to the attending doctor upon request of the department/insurer.
<b>Attending Doctor Review of IME Report (form)</b>  <b>Purpose:</b> Obtain the attending doctor's opinion about the accuracy of the diagnoses and information provided based on the IME.	As soon as possible following request by the department/insurer.	Agreement or disagreement with IME findings. If you disagree, provide objective/subjective findings to support your opinion.	Payable only to the attending doctor upon request of the department/insurer.
<b>Loss of Earning Power (form)</b> <b>Purpose:</b> Certify the loss of earning power is due to the industrial injury/occupational disease.	As soon as possible after receipt of the form.	See form	Payable only to the AP.
<b>Application to Reopen Claim Due to Worsening of Condition (form)</b>  <b>Purpose:</b> Document worsening of the accepted condition and need to reopen claim for additional treatment.	Immediately following identification of worsening after a claim has been closed for sixty days.  <b>Crime Victims:</b> Following identification of worsening after a claim has been closed for ninety days.	See form	Only MD, DO, DC, ND, DPM, DDS, <u>ARNP</u> , and OD may sign and be paid for completion of this form.

**EMERGENCY**

**What documentation is required for initial and follow up visits?**

Legible copies of office or progress notes are required for the initial and all follow-up visits.

**What documentation are ancillary providers required to submit to the insurer?**

Ancillary providers are required to submit the following documentation to the department or self-insurer:

<b>Provider</b>	<b>Chart Notes</b>	<b>Reports</b>
Audiology	X	X
Biofeedback	X	X
Dietician		X
Drug & Alcohol Treatment	X	X
Free Standing Surgery	X	X
Free Standing Emergency Room	X	X
Head Injury Program	X	X
Home Health Care		X
Infusion Treatment, Professional Services		X
Hospitals	X	X

<b>Provider</b>	<b>Chart Notes</b>	<b>Reports</b>
Laboratories		X
Licensed Massage Therapy	X	X
Medical Transportation		X
Nurse Case Managers		X
Nursing Home	X	X
Occupational Therapist	X	X
Optometrist	X	X
Pain Clinics	X	X
Panel Examinations		X
Physical Therapist	X	X
Prosthetist/Orthotist	X	X
Radiology		X
Skilled Nursing Facility	X	X
Speech Therapist	X	X

**AMENDATORY SECTION** (Amending WSR 03-21-069, filed 10/14/03, effective 12/1/03)

**WAC 296-23-240 Licensed nursing rules.** (1) Registered nurses and licensed practical nurses may perform pri-

vate duty nursing care in industrial injury cases when the attending physician deems this care necessary. Registered nurses may be reimbursed for services as outlined by department policy. (See chapter 296-20 WAC for home nursing rules.)

(2) Advanced registered nurse practitioners (ARNPs) may perform advanced and specialized levels of nursing care on a fee for service basis in industrial injury cases within the limitations of this section. ARNPs may be reimbursed for services as outlined by department policy.

(3) In order to treat workers under the Industrial Insurance Act, the advanced registered nurse practitioner must be:

(a) Recognized by the Washington state board of nursing or other government agency as an advanced registered nurse practitioner (ARNP). For out-of-state nurses an equivalent title and training may be approved at the department's discretion.

(b) Capable of providing the department with evidence and documentation of a reliable and rapid system of obtaining physician consultations.

(4) Billing procedures outlined in the medical aid rules and fee schedules apply to all nurses.

~~((5) Advanced registered nurse practitioners cannot sign accident report forms or certify time loss compensation.))~~

#### NEW SECTION

**WAC 296-23-241 Can advanced registered nurse practitioners independently perform the functions of an attending physician?** Advanced registered nurse practitioners (ARNPs) may for the period of July 1, 2004, through June 30, 2007, independently perform the functions of an attending physician under the Industrial Insurance Act, with the exception of rating permanent impairment. These functions are referenced in the medical aid rules as those of a physician, attending physician, or attending doctor and include, but are not limited to:

- Completing and signing the report of accident or physician's initial report, where applicable;
- Certifying time-loss compensation;
- Completing and submitting all required or requested reports;
- Referring workers for consultations;
- Performing consultations;
- Facilitating early return to work offered by and performed for the employer(s) of record;
- Doing all that is possible to expedite the vocational process, including making an estimate of the worker's physical or mental capacities that affect the worker's employability.

ARNPs can state whether a worker has permanent impairment, such as on the department's physician's final report (PFR). ARNPs cannot rate permanent impairment or perform independent medical examinations (IMEs).

WAC 296-23-241 expires on June 30, 2007.

#### WSR 04-21-044 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-285—Filed October 15, 2004, 3:33 p.m., effective October 19, 2004, 11:59 p.m.]

Effective Date of Rule: October 19, 2004, 11:59 p.m.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-47-31100T.

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 comanagers agreed to update the south Puget Sound chum run size from the original preseason forecast of 566,000 to an in-season-update of 725,000 chum. This modification is based on purse seine catch models derived from both the Apple Cove test fishery and the first week's commercial opening. Without expansion of the fishery it may be impossible to take the full nontreaty share. This fishery is not expected to exceed chinook or summer chum by-catch levels modeled during the preseason process. 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.

Date Adopted: October 15, 2004.

J. P. Koenings  
Director

#### NEW SECTION

**WAC 220-47-31100T Purse seine—Open periods.** Notwithstanding the provisions of WAC 220-47-311, effective 11:59 October 19 through 11:59 p.m. October 20, 2004, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 10 or 11 except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules for all other catch reporting areas remain in effect:

AREA	TIME	-	DATE(S)
10&11:	8AM	- 6PM	10/20

Chinook and Coho salmon must be released.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 21, 2004:

WAC 220-47-31100T Purse seine—Open periods.

**WSR 04-21-045  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-286—Filed October 15, 2004, 3:34 p.m., effective October 21, 2004, 8:00 a.m.]

Effective Date of Rule: October 21, 2004, 8:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600Q; and amending WAC 220-52-046.

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 state may not authorize commercial shellfish harvests absent agreed planning or compliance with a process. The provisions of this rule are in conformity with agreed plans with applicable tribes which have been entered as required by court order. There is insufficient time to promulgate permanent rule.

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.

Date Adopted: October 15, 2004.

J. P. Koenings  
Director  
by Larry Peck

**NEW SECTION**

**WAC 220-52-04600R Crab fishery—Seasons and areas.** Notwithstanding the provisions of WAC 220-52-046:

1) It will be lawful to fish for Dungeness Crab for commercial purposes in the following areas:

(a) Effective immediately until further notice, those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A within a line that extends due north from the green number 1 buoy at Scatchet Head to Scatchet Head, thence from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point, thence due north from the green number 1 buoy at Possession Point to Possession Point.

(b) Effective immediately until further notice, those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east and north of a line that extends from Possession Point to the green number 1 buoy at Possession Point thence following the 200 foot contour northward to a point due east from the Glendale Dock, thence extending due west to the Whidbey Island shore.

(c) Effective immediately until further notice, that portion of Marine Fish-Shellfish Catch Area 21B in Samish Bay south of a line from Fish Point and Point Williams in water deeper than 60 feet.

(d) Effective immediately until further notice, that portion of Marine Fish/Shellfish Catch Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo projected to the green #3 buoy at the mouth of the Snohomish River and west of a line projected from that #3 buoy southward to the oil boom pier on the shoreline.

(e) Effective immediately until further notice, waters of Marine Fish-Shellfish Catch Area 26A in Useless Bay north and east of a line from the south end of the Double Bluff State Park seawall (47° 58.782'N, 122° 30.84'W) projected 110° true to the boulder on shore (47° 57.690'N, 122° 26.742'W).

(2) Effective immediately until further notice Marine Fish-Shellfish Management and Catch Reporting Area 26A shall be further defined by the following boundaries:

(a) Area 26A-W shall include those waters of Catch Area 26A south of 25B and northerly of a line from Apple Cove Point to Point Edwards and south and west of a line that extends from Possession Point to the Shipwreck located .8 nautical miles north of Picnic Point.

(b) Area 26A-E shall include those waters of Catch Area 26A south of Areas 24B and 24C and north and east of a line that extends from Possession Point to the Shipwreck located .8 nautical miles north of Picnic Point.

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

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 8:00 a.m. October 21, 2004:

WAC 220-52-04600Q Crab fishery—Seasons and areas. (04-252)

**EMERGENCY**

**WSR 04-21-062**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed October 18, 2004, 3:39 p.m., effective October 18, 2004]

Effective Date of Rule: Immediately.

Purpose: Extend emergency rules revising WAC 388-825-030 (6)(b)(iv) to limit the required inventory of client and agency planning (ICAP) eligibility review of persons eligible for and receiving services from the Division of Developmental Disabilities; expand eligibility criteria to retain eligibility for persons not meeting current ICAP scores; clarify ambiguous language in WAC 388-825-030 (6)(b)(v) to prevent incorrect decisions of denial or termination. A notice of intent has been filed as WSR 02-07-107 to adopt permanent rules. Constituent meetings and constituent feedback are occurring and the intent is to file the CR-102 proposed rule-making notice in November 2004.

Citation of Existing Rules Affected by this Order: Amending WAC 388-825-030.

Statutory Authority for Adoption: RCW 71A.16.040(3).

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: When the ICAP is readministered, many clients lose eligibility and services necessary for their or the community's health and safety. Emergency rules will delete the required ICAP reviews every twenty-four months of persons currently eligible under the ICAP who are receiving DDD paid services, preventing their termination from DDD eligibility and DDD services until permanent rules can be adopted. Other amended ICAP review times will better ensure transition of services.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: October 15, 2004.

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

**WAC 388-825-030 Eligibility for services.** (1) A developmental disability is a condition which meets all of the following:

(a) A condition defined as mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition as described under WAC 388-825-030;

(b) Originates before the individual reaches eighteen years of age;

(c) Is expected to continue indefinitely; and

(d) Results in a substantial handicap.

(2) Mental retardation is a condition resulting in significantly subaverage general intellectual functioning as evidenced by:

(a) A diagnosis of mental retardation documented by a licensed psychologist or certified school psychologist; and

(b) A substantial handicap when the individual has an intelligence quotient score of more than two standard deviations below the mean using the Stanford-Binet, Wechsler, or Leiter International Performance Scale; and

(c) An intelligence quotient score which is not:

(i) Expected to improve with treatment, instruction, or skill acquisition above the established level; or

(ii) Attributable to mental illness or other psychiatric condition; and

(d) Meeting the requirements of developmental disability under subsection (1)(b) and (c) of this section.

(3) Cerebral palsy is a condition evidenced by:

(a) A diagnosis of cerebral palsy by a licensed physician; and

(b) A substantial handicap when, after forty-eight months of age:

(i) An individual needs direct physical assistance in two or more of the following activities:

(A) Eating;

(B) Dressing;

(C) Bathing;

(D) Toileting; or

(E) Mobility; or

(ii) An individual meets the requirements under subsection (6)(b) of this section; and

(c) Meeting the requirements under subsection (1)(b) and (c) of this section.

(4) Epilepsy is a condition evidenced by:

(a) A diagnosis of epilepsy by a board-eligible neurologist, including documentation the condition is chronic; and

(b) The presence of partially controlled or uncontrolled seizures; and

(c) A substantial handicap when the individual:

(i)(A) Requires the presence of another individual to monitor the individual's medication, and is certified by a physician to be at risk of serious brain damage/trauma without direct physical assistance from another individual; or

(B) In the case of individuals eighteen years of age or older only, requires the presence of another individual to monitor the individual's medication, and is unable to monitor the individual's own medication resulting in risk of medication toxicity or serious dosage side effects threatening the individual's life; or

(ii) Meets the requirements under subsection (6)(b) of this section; and

(d) Meeting the requirements under subsection (1)(b) and (c) of this section.

(5) Autism is a condition evidenced by:

(a) A specific diagnosis, by a board-eligible psychiatrist or licensed clinical psychologist, of autistic disorder, a particular diagnostic subgroup of the general diagnostic category pervasive developmental disorders; and

(b) A substantial handicap shown by:

(i) The presence of significant deficits of social and communication skills and marked restriction of activities of daily living, as determined by one or more of the following persons with at least one year's experience working with autistic individuals:

- (A) Licensed psychologists;
- (B) Psychiatrists;
- (C) Social workers;
- (D) Certified communication disorder specialists;
- (E) Registered occupational therapists;
- (F) Case managers;
- (G) Certificated educators; and
- (H) Others; or

(ii) Meeting the requirements under subsection (6)(b) of this section; and

(c) Meeting the requirements under subsection (1)(b) and (c) of this section.

(6) Another neurological or other condition closely related to mental retardation, or requiring treatment similar to that required for individuals with mental retardation is a condition evidenced by:

(a)(i) Impairment of the central nervous system as diagnosed by a licensed physician; and

(ii) A substantial handicap when, after forty-eight months of age, an individual needs direct physical assistance with two or more of the following activities:

- (A) Eating;
- (B) Dressing;
- (C) Bathing;
- (D) Toileting; or
- (E) Mobility; and

(iii) An intelligence quotient score of at least one and one-half standard deviations below the mean, using the Wechsler Intelligence Scale, the Stanford-Binet, or the Leiter International Performance Scale; and

(iv) Meeting the requirements under subsection (1)(b) and (c) of this section; or

(b) A condition evidenced by:

(i) An intelligence quotient score at least one and one-half standard deviations below the mean, using the Wechsler Intelligence Scale, the Stanford-Binet, or the Leiter International Performance Scale; or

(ii) If the individual's intelligence score is higher than one and one-half standard deviations below the mean, then current or previous eligibility for participation in special education, under WAC 392-172-114 through 392-172-150, shall be demonstrated. Such participation shall not currently or at eighteen years of age be solely due to one or more of the following:

(A) Psychiatric impairment;

(B) Serious emotional/behavioral disturbance; or

(C) Orthopedic impairment; and

(iii) A substantial handicap when a standard score of more than two standard deviations below the mean in each of four domains of the adaptive behavior section of the Inventory for Client and Agency Planning (ICAP) is obtained, the domains identified as:

- (A) Motor skills;
- (B) Social and communication skills;
- (C) Personal living skills;
- (D) Community living skills; and

(iv) There is no evidence of other conditions or impairments unrelated to the eligible condition currently affecting adaptive functioning;

(v) Meets the requirements under subsection (1)(b) and (c) of this section.

(vi) The ICAP is ((administered at least every twenty-four months; and-

(v) Is not attributable to mental illness, personality and behavioral disorders, or other psychiatric conditions; and

(vi) Meets the requirements under subsection (1)(b) and (e) of this section; or)) readministered to eligible persons in the following circumstances:

(A) Prior to age eighteen if the child is receiving paid services from the division of developmental disabilities (DDD); or

(B) Prior to transition from foster care into adult services at age eighteen or older; or

(C) Prior to the initial authorization of DDD paid services for persons not currently receiving paid services from DDD; or

(D) If the department discovers the evidence used to make the most recent eligibility determination is insufficient, in error, fraudulent, or new information becomes available that does not support your current eligibility.

(vii) Persons previously eligible under subsection (6)(b) of this section who are found ineligible under subsection (6)(b)(vi) of this section will retain eligibility for DDD if they meet all of the following criteria in (A), (B), and (C) below:

(A) There is evidence of a diagnosis of a condition or disorder resulting in significant limitations in both cognitive and adaptive functioning:

(I) The diagnosis of the condition or disorder must be made by a licensed physician, licensed psychologist or neurologist and is due to a neurological condition, central nervous system disorder involving the brain or spinal column, or chromosomal disorder.

(II) The diagnosis is excluded if it is a psychiatric disorder.

(B) There is evidence that the eligible condition or disorder results in significant limitations in cognitive functioning as evidenced by a full scale intelligence quotient (FSIQ) of 1.5 or more standard deviations below the mean. If the person does not meet this FSIQ evidence, then there must be evidence of:

(I) A delay of at least twenty-five percent of the chronological age in two academic areas at the time of the most current testing; or

(II) In the absence of school records to substantiate (B)(I) of this subsection, the department may review and accept other information.

(C) If criteria is met under (A) and (B) above, and there is no evidence of other conditions or impairments unrelated to the eligible condition currently affecting adaptive functioning, the following evidence will determine if the eligible condition or disorder results in a substantial limitation in adaptive functioning:

(I) A Vineland administered by a qualified person within the past two years resulting in an adaptive behavior composite score of sixty-nine; or

(II) An ICAP administered by the department resulting in a broad independence score at or below the score specific to the age of the applicant at the time of the administration of the ICAP. The score specific to age is as follows:

<u>Age</u>	<u>Score at or below</u>
<u>6</u>	<u>449</u>
<u>7</u>	<u>456</u>
<u>8</u>	<u>463</u>
<u>9</u>	<u>469</u>
<u>10</u>	<u>476</u>
<u>11</u>	<u>482</u>
<u>12</u>	<u>487</u>
<u>13</u>	<u>492</u>
<u>14</u>	<u>497</u>
<u>15</u>	<u>501</u>
<u>16</u>	<u>505</u>
<u>17 and older</u>	<u>509</u>

(c) A child under six years of age at risk of developmental disability, as measured by developmental assessment tools and administered by qualified professionals, showing a substantial handicap as evidenced by one of the following:

(i) A delay of at least twenty-five percent of the chronological age in one or more developmental areas between birth and twenty-four months of age; or

(ii) A delay of at least twenty-five percent of the chronological age in two or more developmental areas between twenty-five and forty-eight months of age; or

(iii) A delay of at least twenty-five percent of the chronological age in three or more developmental areas between forty-nine and seventy-two months of age; and

(iv) Such eligibility shall be subject to review at any time, but at least at thirty-six months of age and at least seventy-two months of age;

(v) Developmental areas as described in subsection (6)(c) of this section are:

- (A) Fine or gross motor skills;
- (B) Self-help skills;
- (C) Expressive and receptive communication skills, including American sign language skills;
- (D) Social skills; and
- (E) Cognitive, academic, or problem-solving skills.

(vi) Qualified professionals, as described in subsection (6)(c) of this section, include, but are not limited to, the following professionals with at least one year's experience and

training in the field of child development and preferably in the area of developmental disabilities:

- (A) Licensed physicians;
- (B) Licensed psychologists;
- (C) Certified communication disorder specialists;
- (D) Registered occupational therapists;
- (E) Licensed physical therapists;
- (F) Case managers;
- (G) Registered public health nurses; and
- (H) Educators.

(vii) Any standardized developmental assessment tool may be used if the tool:

(I) Is reasonably reliable and valid by professional standards; and

(II) Demonstrates the information required to make a determination of the developmental delay; or

(d) A child under six years of age having a diagnosis of Down Syndrome.

**WSR 04-21-075  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-287—Filed October 19, 2004, 4:16 p.m., effective October 19, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000P; and amending WAC 220-33-010.

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: Sets additional fishing periods for the October late fall salmon fishery. The late coho run size is greater than predicted. Harvestable numbers of salmon are available. Sturgeon landing limits are consistent with the joint state sturgeon management agreement and provide for sturgeon harvest opportunity throughout the late fall salmon fishery. All salmon returning to the select area net pens are harvestable. All fisheries are consistent with the 2004 fall management agreement, the preseason non-Indian allocation agreement, and consistent with actions of the Columbia River compact on July 29, October 1 and October 19, 2004. Impacts to ESA-listed stocks are included in the biological assessment of fall fisheries. The biological opinion covering these fisheries has been signed. 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.

EMERGENCY

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.

Date Adopted: October 19, 2004.

Jim Lux  
for Jeff Koenings  
Director

## NEW SECTION

**WAC 220-33-01000Q Columbia River season below Bonneville.** Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

1) OPEN AREA: SMCRA 1A, 1B, 1C, 1D and 1E.

SEASON: 7:00 a.m. October 20 to 7:00 a.m. October 22

GEAR: No minimum mesh and 9 3/4 inch maximum mesh restriction.

ALLOWABLE SALE: Salmon and sturgeon. A maximum of ten sturgeon may be processed or sold by each vessel participating each calendar week (Sunday through Saturday). The ten sturgeon possession and sales limit includes mainstem and Select Area fisheries.

SANCTUARIES: Cowlitz, Kalama-A, Lewis-A, Washougal and Sandy Rivers.

OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

2) OPEN AREA: SMCRA 1B upstream of a line between Harrington Point in Washington and to Settler Point in Oregon, 1C, 1D and 1E.

SEASON: 7:00 a.m. October 25 to 7:00 a.m. October 26

7:00 a.m. October 27 to 7:00 a.m. October 29

GEAR: No minimum mesh and 9 3/4 inch maximum mesh restriction.

ALLOWABLE SALE: Salmon and sturgeon. A maximum of ten sturgeon may be processed or sold by each vessel participating each calendar week (Sunday through Saturday). The ten sturgeon possession and sales limit includes mainstem and Select Area fisheries.

SANCTUARIES: Cowlitz, Kalama-A, Lewis-A, Washougal and Sandy Rivers

OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

3) OPEN AREA: Blind Slough/Knappa Slough Select Area

Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 0.5 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent waters

extend downstream of the railroad bridge. Oregon State waters extend upstream of the railroad bridge.

Knappa Slough fishing area includes all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure of about a 100-foot radius at the mouth of Big Creek defined by markers. All waters are under concurrent jurisdiction.

a) SEASON: 6:00 p.m. to 8:00 a.m., Mondays, Tuesdays, Wednesdays, and Thursday nights immediately through October 29, 2004.

b) GEAR: 6-inch maximum mesh size. Maximum net length of 100 fathoms. No weight restriction on lead line. Additional weights and anchors may be attached directly to the lead line.

c) ALLOWABLE SALE: Salmon and sturgeon. A maximum of ten sturgeon may be processed or sold by each vessel participating each calendar week (Sunday through Saturday). The ten sturgeon possession and sales limit includes mainstem and Select Area fisheries

d) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

4) OPEN AREA: Tongue Point/South Channel Select Area

Tongue Point fishing area includes all waters bounded by a line from a yellow marker midway between the red light at Tongue Point and the downstream (northern most) pier (#8) to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank. All waters are under concurrent jurisdiction.

South Channel area includes all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10" thence northwesterly to a marker on the sand bar defining the terminus of South Channel. All waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 29, 2004. Open hours are 4:00 p.m. to 8:00 a.m. daily.

b) GEAR: In the Tongue Point area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 250 fathoms, and weight not to exceed two pounds on any one fathom on the lead line.

In the South Channel area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on lead line. Additional weights and anchors may be attached directly to the lead line in South Channel.

c) ALLOWABLE SALE: Salmon and sturgeon. A maximum of ten sturgeon may be processed or sold by each vessel participating each calendar week (Sunday through Saturday). The ten sturgeon possession and sales limit includes mainstem and Select Area fisheries.

d) MISCELLANEOUS: Participants in the Tongue Point fishery may have stored on board their boats, gill nets with lead line in excess of two pounds per fathom.

e) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

5) OPEN AREA: Deep River Select Area

Deep River is open to fishing down river from the town of Deep River to the mouth (a line from navigation marker "16" southwest to a marker on the Washington shore). Concurrent waters extend downstream of the Highway 4 bridge. State waters extend upstream of the Highway 4 bridge.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 29, 2004. Open hours are 4:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line. Additional weights and anchors may be attached directly to the lead line.

c) ALLOWABLE SALE: Salmon and sturgeon. A maximum of ten sturgeon may be processed or sold by each vessel participating each calendar week (Sunday through Saturday). The ten sturgeon possession and sales limit includes mainstem and Select Area fisheries.

d) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

6) OPEN AREA: Steamboat Slough Select Area

Steamboat Slough is open to fishing in waters bounded by markers on Price Island and the Washington shore, at both upstream and downstream ends of Steamboat Slough. All open waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 29, 2004. Open hours are 4:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line. Additional weights and anchors may be attached directly to the lead line.

c) ALLOWABLE SALE: Salmon and sturgeon. A maximum of ten sturgeon may be possessed or sold by each vessel participating each calendar week (Sunday through Saturday). The ten sturgeon possession and sales limit includes mainstem and Select Area fisheries.

d) MISCELLANEOUS: Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer, except fishers may transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

e) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000P Columbia River season  
below Bonneville. (04-274))

**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 04-21-001**  
**NOTICE OF PUBLIC MEETINGS**  
**CENTRALIA COLLEGE**  
 [Memorandum—September 27, 2004]

The board of trustees for Washington Community College District Twelve, at their meeting on September 9, 2004, adopted the following regular meeting schedule for the 2005 calendar year.

**BOARD OF TRUSTEES**  
**Meeting Schedule**  
**2005**

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
Thursday, January 13, 2005	5:00 p.m.	College Boardroom
Thursday, February 10, 2005	5:00 p.m.	College Boardroom
Thursday, March 10, 2005	5:00 p.m.	College Boardroom
Thursday, April 14, 2005	5:00 p.m.	Centralia College East
Thursday, May 12, 2005	5:00 p.m.	College Boardroom
Thursday, June 9, 2005	5:00 p.m.	College Boardroom
Thursday, August 11, 2005	5:00 p.m.	College Boardroom
Thursday, September 15, 2005	5:00 p.m.	College Boardroom
Thursday, October 13, 2005	5:00 p.m.	College Boardroom
Thursday, November 10, 2005	5:00 p.m.	College Boardroom
Thursday, December 8, 2005	5:00 p.m.	College Boardroom

**WSR 04-21-006**  
**NOTICE OF PUBLIC MEETINGS**  
**BATES TECHNICAL COLLEGE**  
 [Memorandum—October 7, 2004]

The board of trustees of Bates Technical College will have a special meeting on October 12, 2003 [2004], from 5:00 p.m. to approximately 7:00 p.m. in the President's Conference Room, 1101 South Yakima Avenue, Tacoma. The board will go into executive session for the purpose of discussing personnel matters regarding the presidential search. No action will be taken during executive session.

**WSR 04-21-007**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Beef Commission)  
 [Memorandum—October 6, 2004]

Revised Washington State Beef Commission  
 Board Meeting Date

The November 2004 Washington State Beef Commission board meeting has been rescheduled for November 2, 2004, in Ellensburg, Washington.

Should you have questions, please contact Rosalee Mohny at (206) 444-2902.

**WSR 04-21-009**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [October 7, 2004]

IN THE MATTER OF THE ADOPTION ) ORDER  
 OF THE NEW RULE GR 31 ) NO. 25700-A-798

The JIS Committee having recommended the adoption of proposed new rule GR 31, and the Court having considered the new rule and comments submitted thereto, and having determined that the proposed new rule will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the new rule as attached hereto is adopted.

(b) That the JIS Committee shall monitor the new rule and, upon consultation with interested parties, shall report to the Court by October 6, 2005, on its functioning together with any suggestions for amendments to the rule.

(c) That the new rule will be published in the Washington Reports expeditiously and will become effective upon publication.

DATED at Olympia, Washington this 7th day of October 2004.

Alexander, C. J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Sanders, J.

Owens, J.

Ireland, J.

Fairhurst, J.

**GR 31**  
**ACCESS TO COURT RECORDS**

(a) **Policy and Purpose.** It is the policy of the courts to facilitate access to court records as provided by Article I, Section 10 of the Washington State Constitution. Access to court records is not absolute and shall be consistent with reasonable expectations of personal privacy as provided by arti-

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cle 1, Section 7 of the Washington State Constitution and shall not unduly burden the business of the courts.

(b) **Scope.** This rule applies to all court records, regardless of the physical form of the court record, the method of recording the court record or the method of storage of the court record. Administrative records are not within the scope of this rule. Court records are further governed by GR 22.

(c) **Definitions.**

(1) "Access" means the ability to view or obtain a copy of a court record.

(2) "Administrative record" means any record pertaining to the management, supervision or administration of the judicial branch, including any court, board, or committee appointed by or under the direction of any court or other entity within the judicial branch, or the office of any county clerk.

(3) "Bulk distribution" means distribution of all, or a significant subset, of the information in court records, as is and without modification.

(4) "Court record" includes, but is not limited to: (i) Any document, information, exhibit, or other thing that is maintained by a court in connection with a judicial proceeding, and (ii) Any index, calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, minute, and any information in a case management system created or prepared by the court that is related to a judicial proceeding. Court record does not include data maintained by or for a judge pertaining to a particular case or party, such as personal notes and communications, memoranda, drafts, or other working papers; or information gathered, maintained, or stored by a government agency or other entity to which the court has access but which is not entered into the record.

(5) "Criminal justice agencies" are government agencies that perform criminal justice functions pursuant to statute or executive order and that allocate a substantial part of their annual budget to those functions.

(6) "Dissemination contract" means an agreement between a court record provider and any person or entity, except a Washington State court (Supreme Court, court of appeals, superior court, district court or municipal court), that is provided court records. The essential elements of a dissemination contract shall be promulgated by the JIS Committee.

(7) "Judicial Information System (JIS) Committee" is the committee with oversight of the statewide judicial information system. The judicial information system is the automated, centralized, statewide information system that serves the state courts.

(8) "Judge" means a judicial officer as defined in the Code of Judicial Conduct (CJC) Application of the Code of Judicial Conduct Section (A).

(9) "Public" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency, however constituted, or any other organization or group of persons, however organized.

(10) "Public purpose agency" means governmental agencies included in the definition of "agency" in RCW 42.17.020

and other non-profit organizations whose principal function is to provide services to the public.

(d) **Access.**

(1) The public shall have access to all court records except as restricted by federal law, state law, court rule, court order, or case law.

(2) Each court by action of a majority of the judges may from time to time make and amend local rules governing access to court records not inconsistent with this rule.

(3) A fee may not be charged to view court records at the courthouse.

(e) **Personal Identifiers Omitted or Redacted from Court Records**

(1) Except as otherwise provided in GR 22, parties shall not include, and if present shall redact, the following personal identifiers from all documents filed with the court, whether filed electronically or in paper, unless necessary or otherwise ordered by the Court.

(A) Social Security Numbers. If the Social Security Number of an individual must be included in a document, only the last four digits of that number shall be used.

(B) Names of Minor Children. If the involvement of a minor child must be mentioned, only that child's initials shall be used, unless otherwise necessary.

(C) Financial Account Numbers. If financial account numbers are relevant, only the last four digits shall be recited in the document.

(D) Driver's License Numbers.

(2) The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Court or the Clerk will not review each pleading for compliance with this rule. If a pleading is filed without redaction, the opposing party or identified person may move the Court to order redaction. The court may award the prevailing party reasonable expenses, including attorney fees and court costs, incurred in making or opposing the motion.

(f) **Distribution of Court Records Not Publicly Accessible**

(1) A public purpose agency may request court records not publicly accessible for scholarly, governmental, or research purposes where the identification of specific individuals is ancillary to the purpose of the inquiry. In order to grant such requests, the court or the Administrator for the Courts must:

(A) Consider: (i) the extent to which access will result in efficiencies in the operation of the judiciary; (ii) the extent to which access will fulfill a legislative mandate; (iii) the extent to which access will result in efficiencies in other parts of the justice system; and (iv) the risks created by permitting the access.

(B) Determine, in its discretion, that filling the request will not violate this rule.

(C) Determine the minimum access to restricted court records necessary for the purpose is provided to the requestor.

(D) Assure that prior to the release of court records under section (f)(1), the requestor has executed a dissemination contract that includes terms and conditions which: (i) require the requester to specify provisions for the secure protection of any data that is confidential; (ii) prohibit the disclosure of

data in any form which identifies an individual; (iii) prohibit the copying, duplication, or dissemination of information or data provided other than for the stated purpose; and (iv) maintain a log of any distribution of court records which will be open and available for audit by the court or the Administrator of the Courts. Any audit should verify that the court records are being appropriately used and in a manner consistent with this rule.

(2) Courts, court employees, clerks and clerk employees, and the Commission on Judicial Conduct may access and use court records only for the purpose of conducting official court business.

(3) Criminal justice agencies may request court records not publicly accessible.

(A) The provider of court records shall approve the access level and permitted use for classes of criminal justice agencies including, but not limited to, law enforcement, prosecutors, and corrections. An agency that is not included in a class may request access.

(B) Agencies requesting access under this section of the rule shall identify the court records requested and the proposed use for the court records.

(C) Access by criminal justice agencies shall be governed by a dissemination contract. The contract shall: (i) specify the data to which access is granted; (ii) specify the uses which the agency will make of the data; and (iii) include the agency's agreement that its employees will access the data only for the uses specified.

**(g) Bulk Distribution of Court Records**

(1) A dissemination contract and disclaimer approved by the JIS Committee for JIS records or a dissemination contract and disclaimer approved by the court clerk for local records must accompany all bulk distribution of court records.

(2) A request for bulk distribution of court records may be denied if providing the information will create an undue burden on court or court clerk operations because of the amount of equipment, materials, staff time, computer time or other resources required to satisfy the request.

(3) The use of court records, distributed in bulk form, for the purpose of commercial solicitation of individuals named in the court records is prohibited.

**(h) Appeals.** Appeals of denials of access to JIS records maintained at state level shall be governed by the rules and policies established by the JIS Committee.

**(i) Notice.** The Administrator for the Courts shall develop a method to notify the public of access to court records and the restrictions on access.

**(j) Access to Juror Information.** Individual juror information, other than name, is presumed to be private. After the conclusion of a jury trial, the attorney for a party, or party pro se, or member of the public, may petition the trial court for access to individual juror information under the control of court. Upon a showing of good cause, the court may permit the petitioner to have access to relevant information. The court may require that juror information not be disclosed to other persons.

**(k) Access to Master Jury Source List.** Master jury source list information, other than name and address, is presumed to be private. Upon a showing of good cause, the court may permit a petitioner to have access to relevant information from the list. The court may require that the information not be disclosed to other persons.

information from the list. The court may require that the information not be disclosed to other persons.

**WSR 04-21-010**

**NOTICE OF PUBLIC MEETINGS  
CRIMINAL JUSTICE  
TRAINING COMMISSION**

[Memorandum—September 29, 2004]

**2005 Commission Meeting Schedule**

Date	Time	Location
Wednesday, March 9, 2005	10:00 a.m.	Room E-250B
Wednesday, June 8, 2005	10:00 a.m.	Room E-250B
Wednesday, September 14, 2005	10:00 a.m.	Room E-250B
Wednesday, December 14, 2005	10:00 a.m.	Room E-250B

All commission meetings will be held at the Washington State Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, phone (206) 835-7300.

If you have any questions, please call Sonja Hirsch at (206) 835-7372.

**WSR 04-21-011**

**NOTICE OF PUBLIC MEETINGS  
SKAGIT VALLEY COLLEGE**

[Memorandum—October 11, 2004]

**NOTICE OF SPECIAL MEETING**

**BOARD OF TRUSTEES  
COMMUNITY COLLEGE DISTRICT NO. 4  
SKAGIT VALLEY COLLEGE**

2405 East College Way  
Mount Vernon, WA 98273  
Tuesday, October 12, 2004  
4:00 p.m.

Mount Vernon Campus - Annex  
Conference Room

Chairperson, Tom Moser, has called a special meeting of the board of trustees for Tuesday, October 12, 2004, at 4:00 p.m. This meeting is being held as a study session to discuss the president's 2004-05 goals and objectives.

**WSR 04-21-012**

**NOTICE OF PUBLIC MEETINGS  
BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—October 11, 2004]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, October 21, 2004, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

MISC.

## WSR 01-21-014

## ATTORNEY GENERAL'S OFFICE

[Filed October 11, 2004, 3:55 p.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION  
WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by November 10, 2004. This is not a 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):

**04-10-01 Request by Lynn Kessler  
State Representative, 24th District**

**May public libraries operated by a city, town, or library district impose fines on residents for overdue materials in addition to any penalties established by RCW 27.12.340?**

## WSR 04-21-022

INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES

[Filed October 13, 2004, 4:12 p.m.]

## DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-70 MAA.  
Subject: Prescription drug program: Expedited prior authorization and drug limitation updates.

Effective Date: September 30, 2004.

Document Description: **Effective the week of October 4, 2004, and after**, the Medical Assistance Administration (MAA) will implement the following changes to the prescription drug program:

- ◆ Additions to the expedited prior authorization (EPA) codes and criteria;
- ◆ Deletions from the EPA list; and
- ◆ Additions to the list of limitations on certain drugs.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

October 7, 2004

E. A. Myers, Manager  
Rules and Publications Section

## WSR 04-21-023

INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES

[Filed October 13, 2004, 4:13 p.m.]

## DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-67 MAA.  
Subject: Wheelchairs, durable medical equipment (DME), and supplies: "Other DME" fee schedule changes and prior authorization changes.

Effective Date: September 30, 2004.

Document Description: **Effective for dates of service on and after October 1, 2004**, the Medical Assistance Administration (MAA) has revised the "Other DME" fee schedule in MAA's current wheelchairs, durable medical equipment (DME), and supplies billing instructions. The new fee schedule is attached to this memorandum.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

October 7, 2004

E. A. Myers, Manager  
Rules and Publications Section

MISC.

**WSR 04-21-031****NOTICE OF PUBLIC MEETINGS****DEPARTMENT OF  
GENERAL ADMINISTRATION**

(Capitol Campus Design Advisory Committee)

[Memorandum—October 14, 2004]

General Administration Building  
210 11th Avenue Southwest - Room 207  
Olympia, Washington  
October 21, 2004  
(10:00 a.m. - 3:00 p.m.)

**WSR 04-21-033****NOTICE OF PUBLIC MEETINGS****SHORELINE COMMUNITY COLLEGE**

[Memorandum—October 11, 2004]

The board of trustees of Shoreline Community College will hold a special meeting on Monday, October 18, 2004, to consider ratification of the agreement by and between the board of trustees of Shoreline Community College Federation of Teachers, Local No. 1950, WFT/AFT/AFL-CIO, effective July 1, 2004, through June 30, 2007.

Please call (206) 546-4552 or e-mail Michele Foley at mfoley@ctc.edu if you have further information.

**WSR 04-21-041****NOTICE OF PUBLIC MEETINGS****WESTERN WASHINGTON UNIVERSITY**

[Memorandum—October 12, 2004]

**Public Meetings - Notice of 2005 WWU Board Meeting  
Schedule**

Pursuant to RCW 42.30.075, following is the 2005 schedule of regular meetings of Western Washington University's board of trustees.

Western Washington University's board of trustees, at their October 8, 2004, board meeting, approved the following schedule of regular meetings for 2005:

February 4, 2005  
April 22, 2005  
June 10, 2005  
August 12, 2005  
October 7, 2005  
December 9, 2005

Any questions regarding the meeting schedule can be directed to Suzanne Baker, Assistant Secretary to the Board, at (360) 650-3117.

**WSR 04-21-042****NOTICE OF PUBLIC MEETINGS****EASTERN WASHINGTON UNIVERSITY**

[Memorandum—October 8, 2004]

This is to notify you that the Eastern Washington University board of trustees' meeting schedule for 2005 (adopted at the September 30, 2004, special meeting of the board) is as follows:

Friday, February 4	9:00 a.m.	Tawanka 215
Friday, April 1	3:00 p.m.	LTBD (possibly at Bellevue Community College)
Friday, May 20	1:00 p.m.	Tawanka 215
Board Retreat June 22-23		
Friday, June 24	9:00 a.m.	Tawanka 215
Friday, August 19	9:00 a.m.	Tawanka 215
Friday, October 7	9:00 a.m.	Tawanka 215
Friday, December 2	9:00 a.m.	Tawanka 215

Committee meetings will be held the afternoon and evening prior to the board meetings. No committee meetings for the April date.

Executive session will be held from approximately 12:00 - 1:00 p.m. No executive session for the April 1 meeting.

If you have questions concerning this schedule, please contact Connie Gross at (509) 359-6362.

**WSR 04-21-043****OFFICE OF THE GOVERNOR**

[Filed October 15, 2004, 3:03 p.m.]

October 13, 2004

Mr. Rob Kavanaugh  
6819 - 41st Street SE  
Olympia, Washington 98506

Dear Mr. Kavanaugh:

On October 6, 2004, the Office of the Governor received your petition seeking repeal of a Department of Fish and Wildlife emergency rule increasing the number of landowner damage elk permits (WSR 04-19-020). I have reviewed your request and determined that it fails to meet the requirements for a gubernatorial appeal under RCW 34.05.350(3) of the Administrative Procedures Act (APA).

RCW 34.05.350(3) states in relevant part that "*within seven days after the rule is adopted*, any person may petition the governor requesting the immediate repeal of a rule adopted on any emergency basis by any department listed in RCW 43.17.010." Director Koenings adopted the emergency rule on September 7, 2004. Given your appeal was received by the Governor's Office on October 6, 2004, your petition is untimely and thus no longer ripe for review by the Governor.

As you know, emergency rules are only operative for 120 days. Should the department wish to adopt this approach on

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a permanent basis, standard rulemaking processes would need to be employed, including an opportunity for public comment prior to permanent adoption.

Sincerely,

Jennifer Joly  
General Counsel

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.

Thursday, October 13	Commission Meeting Dates 2006	9:30 a.m. Auburn City Council Chambers 25 West Main, Auburn, WA (253) 931-3041
Thursday, November 10		9:30 a.m. Auburn City Council Chambers 25 West Main, Auburn, WA (253) 931-3041
Thursday, December 8	Class A Race Dates	9:30 a.m. Auburn City Council Chambers 25 West Main, Auburn, WA (253) 931-3041

**WSR 04-21-052**  
**NOTICE OF PUBLIC MEETINGS**  
**HORSE RACING COMMISSION**  
 [Memorandum—October 15, 2004]

In compliance with RCW 42.30.075 Schedule of regular meetings—Publication in state register—Notice of change—"regular" meetings defined, following are the adopted 2005 meeting dates for the Washington Horse Racing Commission for publication in the state register.

2005 MEETING DATES

DATE:	TOPIC:	LOCATION:
Thursday, January 13		9:30 a.m. Auburn City Council Chambers 25 West Main, Auburn, WA (253) 931-3041
Thursday, February 10	Class A & C Officials Class C Spring Dates	9:30 a.m. Auburn City Council Chambers 25 West Main, Auburn, WA (253) 931-3041
Thursday, March 10		9:30 a.m. Auburn City Council Chambers 25 West Main, Auburn, WA (253) 931-3041
Thursday, April 14		9:30 a.m. Auburn City Council Chambers 25 West Main, Auburn, WA (253) 931-3041
Thursday, May 12		9:30 a.m. Auburn City Council Chambers 25 West Main, Auburn, WA (253) 931-3041
Thursday, June 9		9:30 a.m. Auburn City Council Chambers 25 West Main, Auburn, WA (253) 931-3041
Thursday, July 14	Class C Fall Dates	9:30 a.m. Auburn City Council Chambers 25 West Main, Auburn, WA (253) 931-3041
Thursday, August 11	Class C Fall Officials	9:30 a.m. Auburn City Council Chambers 25 West Main, Auburn, WA (253) 931-3041
Thursday, September 8		9:30 a.m. Auburn City Council Chambers 25 West Main, Auburn, WA (253) 931-3041

MISC.

**WSR 04-21-055**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**  
 [Filed October 18, 2004, 2:17 p.m.]

Patricia D. Petersen Chief Hearing Officer (360) 725-7105	Wendy Galloway Administrative Assistant (360) 725-7002 wendyg@oic.wa.gov
-----------------------------------------------------------------	-----------------------------------------------------------------------------------

TO WHOM IT MAY CONCERN:

Title 48 RCW gives to the Washington State Insurance Commissioner (Commissioner) the duty to regulate the activities of insurance companies, health care service contractors, health maintenance organizations, and individuals engaged in the business of insurance and other related activities. As part of these duties, 1) RCW 48.31.010(1) requires that, after a hearing, the Commissioner must formally approve or disapprove any proposals whereby a domestic insurer will merge or consolidate with another insurer; 2) RCW 48.31B.015(4) requires that, after a hearing, the Commissioner must formally approve or disapprove any proposals whereby any individual or entity will merge with or otherwise acquire control of a domestic insurer or entity controlling a domestic insurer; 3) RCW 48.31C.020 requires that, after a hearing, the Commissioner must formally approve or disapprove any proposals whereby any individual or entity will acquire control of a foreign health carrier registered to do business in this state; 4) RCW 48.31C.030 requires that, after a hearing, the Commissioner must formally approve or disapprove any proposals whereby any individual or entity will acquire control of a domestic health carrier; 5) RCW 48.31B.025(11) provides that an individual or entity may file a disclaimer of affiliation with an authorized insurer and the Commissioner may, only after a hearing, disallow said disclaimer; 6) RCW 48.31C.040(10) provides that an individual or entity may file a disclaimer of affiliation with an authorized health carrier and the Commissioner may, only after a hearing, disallow said disclaimer. Pursuant to these statutes, in order to grant approval of any such proposed transaction, the Commissioner must first hold a hearing and formally adjudicate specific criteria which are included in these statutes. Only after such a hearing can the Commissioner either approve or disapprove the proposed transaction.

One of the criteria which is always required in such proceedings is a finding whether the Commissioner has given reasonable notice to interested parties and whether, in response to such notice or other information received, any interested party has raised any objection to the proposed transaction. In the past, and up until the current time, the Commissioner has determined that reasonable notice must include notice published in the Washington State Register (State Register) a given number of times, depending upon the nature, significance and scope of the proposed transaction, in addition to other forms of notice which he may require. This notice includes a description of the proposed transaction, the consequences thereof, cites the applicable statutes and criteria which will be at issue in the hearing and provides adequate time for interested parties to register their objections to the proposed transaction and/or appear at the hearing to contest it.

At this time, the Commissioner has now developed his own web site, which is readily accessible to the general public, without charge, over the internet. Over the past year, the Commissioner has published full notice of all of these proposed transactions just as he has done in the Washington State Register. Because now the Commissioner's own web site has been so developed, the Commissioner has determined that, effective immediately, notification of these proposed transactions in the Washington State Register will not be strictly required in all instances. Instead, the Commissioner will always publish notice of these proposed transactions on his own web site, may use other forms of notice, and may or may not publish a given proposed transaction in the Washington State Register. Therefore, while the Commissioner remains legally bound to provide "reasonable notice to all interested parties" and determine whether any reasonable objections exist as to all proposed transactions, this reasonable notice may not include publication in the Washington State Register.

Pursuant to WAC 284-02-020, the undersigned is delegated the primary responsibility for the conduct of hearings and the procedural matters preliminary thereto. The undersigned has determined that this change in notification in these types of proceedings is reasonable in that it continues to allow for, but no longer strictly requires, notification in the Washington State Register and leaves up to the Presiding Officer in each particular hearing the authority to determine whether reasonable notice has been given. Comments or concerns should be directed to the undersigned at the above address or telephone number.

ENTERED AT TUMWATER, WASHINGTON, this 6th day of October, 2004.

Patricia D. Petersen  
Chief Hearing Officer  
Office of the Insurance Commissioner

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

**WSR 04-21-065**  
**NOTICE OF PUBLIC MEETINGS**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**

[Memorandum—October 18, 2004]

On October 5, 2004, the Workforce Training and Education Coordinating Board approved the 2005 meeting schedule.

Please feel free to contact Darlene Bartlett, (360) 753-5677 or dbartlett@wtb.wa.gov, if you have any questions.

**WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**  
**2005 MEETING SCHEDULE**

Thursday, January 27, 2005	Meeting	Olympia
Thursday, March 31, 2005	Meeting	Olympia
Thursday, May 12, 2005	Meeting	Olympia
Wednesday, July 6, 2005	Dinner	Bellevue
Thursday, July 7, 2005	Meeting	Bellevue
July 27-28, 2005	Retreat	Leavenworth
Wednesday, September 21, 2005	Dinner	Yakima
Thursday, September 22, 2005	Meeting	Yakima
Wednesday, November 16, 2005	Dinner	Vancouver
Thursday, November 17, 2005	Meeting	Vancouver

**WSR 04-21-076**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF HEALTH**

[Filed October 20, 2004, 8:41 a.m.]

**NOTICE OF ADOPTION OF AN INTERPRETIVE STATEMENT**

Title: Paragon Corneal Refractive Therapy.

Issuing Entity: Dispensing optician.

Subject: Whether licensed dispensing opticians in Washington state can fit the CRT contact lens fitting system. The CRT system was developed by Paragon and is FDA approved.

Effective Date: July 10, 2003.

Contact Person: Judy Haenke, Program Manager, Health Professions Quality Assurance, Department of Health, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4947.

**WSR 04-21-081**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE UNIVERSITY**

[Memorandum—October 14, 2004]

The board of regents of Washington State University will hold its next board meeting on Friday, October 22, 2004, commencing at 9:00 a.m. in Light Student Services 405, in Pullman. The regents will consider all matters included on the agenda, plus any items that may normally come before them. In addition, the regents will hold committee meetings and activities according to the schedule below:

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Thursday, October 21, 2004

5th Floor Conference Rooms 513 and 514  
Bellingham, WA

11:30 a.m. -	University Development	Lighty
1:00 p.m.	University Relations & Athletics Committee	401
1:00 - 2:30 p.m.	Academic, Faculty, & Student Affairs Committee	French 422B
1:00 - 2:30 p.m.	Business Affairs and Information Technology Committee	Lighty 403
2:30 - 4:00 p.m.	Executive, Planning, and Budget Committee	Lighty 405

If you need special accommodations to participate in this meeting, please notify us by October 21, 2004, at (360) 902-2636 or TDD (360) 902-1996.

Next Meeting: December 2 and 3, 2004 (funding meeting).

Friday, September 10, 2004

9:00 a.m. -	Board of Regents Meeting	Lighty
12:00 p.m.		405

In addition, the regents have been invited to attend a social and dinner on Thursday evening following committee meetings. This notice is being sent by direction of the president of the board of regents pursuant to the requirements of the Open Meeting Act of 1971 (chapter 250, Laws of 1971 1st ex. sess.), as amended.

**WSR 04-21-089**

**INTERPRETIVE STATEMENT  
DEPARTMENT OF REVENUE**

[Filed October 20, 2004, 10:02 a.m.]

**ISSUANCE OF INTERPRETIVE STATEMENT**

This announcement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue issued or revised the following Excise Tax Advisories:

**ETA 2009-2S.32 BTA Nonacquiescence.** This is the second supplement to ETA 2009, and identifies two BTA decisions to which the department does not acquiesce.

**ETA 2009-1S.32 BTA Nonacquiescence.** This is the first supplement to ETA 2009, originally issued on October 31, 2003. It identifies four BTA decisions to which the department does not acquiesce. This document was revised to provide an explanation of the application of BTA decisions and when the department will announce a statement regarding adverse BTA decisions via an ETA or ETA supplement. This information previously was provided only in ETA 2009.32.

**ETA 2009.32 BTA Nonacquiescence.** This is the initial ETA announcing the department's announcement of nonacquiescence to BTA decisions, originally issued on August 20, 2002. It identifies three BTA decisions to which the department does not acquiesce. This document has been revised to explain that ETA 2009 and its supplements should not be discarded as they provide a history of all department statements of nonacquiescence regarding adverse BTA decisions through an ETA or ETA supplement.

Copies of these documents are available via the internet at <http://dor.wa.gov/content/laws/eta/eta.aspx> or a request for copies may be directed to Roseanna Hodson, Interpretation and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543.

Alan R. Lynn  
Rules Coordinator

**WSR 04-21-087**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF COMMUNITY,  
TRADE AND ECONOMIC DEVELOPMENT**

(Economic Development Commission)

[Memorandum—October 13, 2004]

Economic Development Commission  
2005 Meeting Schedule

The Economic Development Commission's quarterly meetings for 2005 are as follows:

February 15th	Olympia
May 17th	Spokane
August 16th	Bellingham
November 15th	Vancouver

**WSR 04-21-088**

**NOTICE OF PUBLIC MEETINGS  
OFFICE OF THE  
INTERAGENCY COMMITTEE**

(Salmon Recovery Funding Board)

[Memorandum—October 18, 2004]

**SALMON RECOVERY FUNDING BOARD MEETING**

October 28 and 29, 2004  
Whatcom County Courthouse  
311 Grand Avenue

MISC.

WSR 04-21-093

## DEPARTMENT OF ECOLOGY

[Filed October 20, 2004, 11:09 a.m.]

**Department of Ecology Makes  
Water Quality Assessment, including  
the Section 303(d) List,  
Available for Public Review**

The Department of Ecology has compiled and assessed available water quality data on a statewide basis in order to get a better picture of the overall status of water quality in Washington's waters. The assessment fulfills requirements of the Clean Water Act, including the list of known polluted waters in the state referred to as the Section 303(d) list, and a status of water quality in the state required by Section 305(b).

Developing the water quality assessment has been a multi-year process that has involved an update to the department's policy for placing waters in various water quality categories in September 2002, conducting a public call for data in the fall of 2002, and then conducting a public review on the preliminary results of the assessment from January - March 2004. During this review, the public was invited to comment on the draft assessment listings, and to submit new data to be considered for inclusion in this assessment.

During the first public review, ecology received two hundred sixty-two comments, letters, and e-mails that included over sixteen hundred specific suggestions or comments on the waterbody listings. Ecology also received thirty-two sets of new water quality data from outside sources. Ecology staff have reviewed the comments and assessed new data received from the public review, resulting in numerous changes to the draft water quality assessment.

Ecology is conducting a second and final public review on the water quality assessment from **November 3 through December 17, 2004**. The public is asked to comment on the final draft assessment. New data will not be accepted during this review. Informational workshops on how to access the information using an interactive mapping tool and simple query tool will be held in the following locations:

Date	Location	Time	Address
November 12, 2004	Lacey	10:00 a.m. - 12:00 p.m.	Ecology Headquarters Auditorium 300 Desmond Drive Lacey
November 17, 2004	Yakima	6:30 p.m. - 8:30 p.m.	Yakima Convention Center 10 North 8th Street Yakima
November 18, 2004	Spokane	6:30 p.m. - 8:30 p.m.	Spokane Falls Community College Student Union Building Conference Room West 3410 Fort George Wright Drive

The workshops will also cover general information relating to the water quality assessment, providing similar information to workshops conducted during the Spring 2004 public review. If individuals or groups are interested in meeting with ecology at a time or location different from the work-

shops, please contact Ken Koch at (360) 407-6782 or by e-mail at 303d@ecy.wa.gov.

Ecology encourages the public to review waters that they are familiar with, and provide comments on where they see problems or disagree with the assessment results. If the commenter disagrees with the assessment results, an explanation should be provided, and additional data submitted to support the finding, if available.

**What Happens After the Public Review?** Ecology will review all comments and make changes to the preliminary list of categories as appropriate. After that, the final assessment will be formally submitted to the Environmental Protection Agency (EPA) for review. EPA has the authority to approve or disapprove Category 5 listed waters, which is the equivalent of the Section 303(d) list. Each of the water bodies on the Category 5 list will need water cleanup plans developed, also known as a total maximum daily loads or TMDLs. A TMDL identifies how much pollution needs to be reduced or eliminated to achieve clean water.

**How do I Learn More?** To learn more about the draft water quality assessment of Washington's waters, visit our website at <http://www.ecy.wa.gov/programs/wq/303d/2002/2002-index.html>. Questions can also be addressed to Ken Koch at (360) 407-6782 or by e-mail at 303d@ecy.wa.gov.

WSR 04-21-094

## DEPARTMENT OF ECOLOGY

[Filed October 20, 2004, 11:12 a.m.]

**Announcement of an Update to the  
2001 Stormwater Management Manual  
for Western Washington**

The Department of Ecology is updating the 2001 stormwater management manual for Western Washington. The update is needed to correct errors, clarify statements, update design criteria and procedures, and apply recent research.

Proposed additions and deletions to the text of the 2001 manual are available at the Department of Ecology stormwater web page: <http://www.ecy.wa.gov/programs/wq/stormwater/manual.html>.

Public meetings to present and explain the significant changes and to receive public comments on all of the changes will be held at the following times and locations: On November 29, at 1:00 p.m. - 5:00 p.m., Pierce County Library, Administrative Service Center, 3005 112th Street S.E., Tacoma; on December 1, at 1:00 p.m. - 5:00 p.m., Washington Department of Ecology, 3190 160th Avenue S.E., Bellevue; and on December 2, at 1:00 p.m. - 5:00 p.m., WSU Cooperative Extension, Snohomish County, 600 128th Street S.E., Everett.

Directions to these locations are available at the Department of Ecology stormwater web page listed above.

Copies of proposed changes will be available at public meetings and upon request. Please contact Charlene Witzcak at [cnel461@ecy.wa.gov](mailto:cnel461@ecy.wa.gov) or (360) 407-7529.

A brief listing of the more significant changes being considered for the update includes:

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- Providing an exemption from the flow control requirement for discharges to certain rivers and large lakes.
- Allowing the predevelopment land cover condition to be modeled as the existing site condition in basins that have been highly urbanized, and have had a stable land cover condition for an extended period of time. This proposal applies to sizing flow control facilities.
- Deleting the instructions for development of single event hydrographs, and deleting single event hydrograph-based approaches for sizing flow control and most treatment facilities.
- Updating the design procedures for sizing infiltration and filtration systems with references to use of the Western Washington Hydrology Model (WWHM), and to design criteria and steps developed by Dr. Joel Massman.
- Adding interim guidance in regard to stormwater facilities that are regulated under the underground injection control (UIC) program.
- Correcting design criteria for biofiltration swales.
- Restricting the enhanced treatment required of arterials and highways to those which exceed a certain average daily traffic threshold.
- Clarifying that action should be taken to improve erosion and sediment control and to update the site stormwater pollution prevention plan if inspections indicate that existing measures are not adequately effective.
- Adding additional and new information on low impact development options.
- Inserting guidance concerning how to represent certain low impact development techniques within the WWHM so that it predicts flow reduction benefits from use of those techniques.

If you are aware of errors in the manual, or statements whose intent is not clear to you, or if you have questions about the proposed changes please contact Ed O'Brien at Washington Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696, phone (360) 407-6438, e-mail eobr461@ecy.wa.gov.

After considering the opinions and information provided through public input and making appropriate changes, ecology plans to publish the update before the end of the calendar year. The updated pages will be published separately at the website so that they can be printed and inserted into the paper copies of the manual that many users have. The full manual edition at the website will incorporate those updated pages.

**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 #
1- 21-070	AMD	04-02-071	4- 25-721	AMD-P	04-17-085	16-170-010	NEW	04-08-062
4- 25-400	PREP	04-08-033	4- 25-730	PREP	04-08-033	16-170-020	NEW-P	04-05-119
4- 25-400	AMD-P	04-17-085	4- 25-730	AMD-P	04-17-085	16-170-020	NEW	04-08-062
4- 25-410	PREP	04-08-033	4- 25-735	PREP	04-08-033	16-170-030	NEW-P	04-05-119
4- 25-410	AMD-P	04-17-085	4- 25-735	AMD-P	04-17-085	16-170-030	NEW	04-08-062
4- 25-510	PREP	04-08-033	4- 25-745	PREP	04-08-033	16-170-035	NEW-P	04-05-119
4- 25-510	AMD-P	04-17-085	4- 25-745	AMD-P	04-17-085	16-170-035	NEW	04-08-062
4- 25-530	PREP	04-06-085	4- 25-746	PREP	04-08-033	16-170-037	NEW-P	04-05-119
4- 25-530	AMD-P	04-17-086	4- 25-746	AMD-P	04-17-085	16-170-037	NEW	04-08-062
4- 25-540	PREP	04-08-033	4- 25-750	PREP	04-08-033	16-170-040	NEW-P	04-05-119
4- 25-540	AMD-P	04-17-085	4- 25-750	AMD-P	04-17-085	16-170-040	NEW	04-08-062
4- 25-550	PREP	04-08-033	4- 25-756	PREP	04-11-033	16-170-050	NEW-P	04-05-119
4- 25-550	AMD-P	04-17-085	4- 25-756	AMD-P	04-17-087	16-170-050	NEW	04-08-062
4- 25-551	PREP	04-08-033	4- 25-782	PREP	04-11-033	16-170-060	NEW-P	04-05-119
4- 25-551	AMD-P	04-17-085	4- 25-782	AMD-P	04-17-087	16-170-060	NEW	04-08-062
4- 25-610	PREP	04-08-033	4- 25-783	PREP	04-08-033	16-170-070	NEW-P	04-05-119
4- 25-610	AMD-P	04-17-085	4- 25-783	AMD-P	04-17-085	16-170-070	NEW	04-08-062
4- 25-620	PREP	04-08-033	4- 25-790	PREP	04-08-033	16-170-075	NEW-P	04-05-119
4- 25-620	AMD-P	04-17-085	4- 25-790	AMD-P	04-17-085	16-170-075	NEW	04-08-062
4- 25-626	PREP	04-08-033	4- 25-791	PREP	04-08-033	16-170-080	NEW-P	04-05-119
4- 25-626	AMD-P	04-17-085	4- 25-791	AMD-P	04-17-085	16-170-080	NEW	04-08-062
4- 25-630	PREP	04-08-033	4- 25-792	PREP	04-08-033	16-170-090	NEW-P	04-05-119
4- 25-630	AMD-P	04-17-085	4- 25-792	AMD-P	04-17-085	16-170-090	NEW	04-08-062
4- 25-631	PREP	04-08-033	4- 25-793	PREP	04-08-033	16-170-100	NEW-P	04-05-119
4- 25-631	AMD-P	04-17-085	4- 25-793	AMD-P	04-17-085	16-170-100	NEW	04-08-062
4- 25-640	PREP	04-08-033	4- 25-795	PREP	04-08-033	16-170-110	NEW-P	04-05-119
4- 25-640	AMD-P	04-17-085	4- 25-795	AMD-P	04-17-085	16-170-110	NEW	04-08-062
4- 25-650	PREP	04-08-033	4- 25-820	PREP	04-11-033	16-170-115	NEW-P	04-05-119
4- 25-650	AMD-P	04-17-085	4- 25-820	AMD-P	04-17-087	16-170-115	NEW	04-08-062
4- 25-660	PREP	04-08-033	4- 25-830	PREP	04-08-033	16-170-120	NEW-P	04-05-119
4- 25-660	AMD-P	04-17-085	4- 25-830	AMD-P	04-17-085	16-170-120	NEW	04-08-062
4- 25-661	PREP	04-08-033	4- 25-831	PREP	04-08-033	16-170-125	NEW-P	04-05-119
4- 25-661	AMD-P	04-17-085	4- 25-831	AMD-P	04-17-085	16-170-125	NEW	04-08-062
4- 25-670	PREP	04-08-033	4- 25-910	PREP	04-08-033	16-170-130	NEW-P	04-05-119
4- 25-670	AMD-P	04-17-085	4- 25-910	AMD-P	04-17-085	16-170-130	NEW	04-08-062
4- 25-710	PREP	04-08-033	16- 08-003	NEW	04-02-063	16-170-135	NEW-P	04-05-119
4- 25-710	AMD-P	04-17-085	16- 08-004	NEW	04-02-063	16-170-135	NEW	04-08-062
4- 25-720	PREP	04-08-033	16- 54-030	AMD-E	04-15-021	16-170-140	NEW-P	04-05-119
4- 25-720	AMD-P	04-17-085	16-157-020	AMD-X	04-16-092	16-170-140	NEW	04-08-062
4- 25-721	PREP	04-08-033	16-170-010	NEW-P	04-05-119	16-170-145	NEW-P	04-05-119

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-170-145	NEW	04-08-062	16-230-825	PREP	04-03-004	16-231-500	PREP	04-03-004
16-170-150	NEW-P	04-05-119	16-230-830	PREP	04-03-004	16-231-505	PREP	04-03-004
16-170-150	NEW	04-08-062	16-230-835	PREP	04-03-004	16-231-510	PREP	04-03-004
16-170-155	NEW-P	04-05-119	16-230-835	PREP	04-13-057	16-231-515	PREP	04-03-004
16-170-155	NEW	04-08-062	16-230-840	PREP	04-03-004	16-231-520	PREP	04-03-004
16-170-170	NEW-P	04-05-119	16-230-845	PREP	04-03-004	16-231-525	PREP	04-03-004
16-170-170	NEW	04-08-062	16-230-850	PREP	04-03-004	16-231-530	PREP	04-03-004
16-170-175	NEW-P	04-05-119	16-230-855	PREP	04-03-004	16-231-600	PREP	04-03-004
16-170-175	NEW	04-08-062	16-230-860	PREP	04-03-004	16-231-605	PREP	04-03-004
16-170-180	NEW-P	04-05-119	16-230-860	PREP	04-13-057	16-231-610	PREP	04-03-004
16-170-180	NEW	04-08-062	16-230-861	PREP	04-03-004	16-231-613	PREP	04-03-004
16-218	PREP	04-19-121	16-230-862	PREP	04-03-004	16-231-615	PREP	04-03-004
16-219-010	REP-X	04-13-059	16-230-863	PREP	04-03-004	16-231-620	PREP	04-03-004
16-219-010	REP	04-18-024	16-230-864	PREP	04-03-004	16-231-700	PREP	04-03-004
16-219-100	REP-X	04-06-073	16-230-866	PREP	04-03-004	16-231-705	PREP	04-03-004
16-219-100	REP	04-10-105	16-230-868	PREP	04-03-004	16-231-710	PREP	04-03-004
16-219-105	REP-X	04-06-073	16-231-100	PREP	04-03-004	16-231-715	PREP	04-03-004
16-219-105	REP	04-10-105	16-231-105	PREP	04-03-004	16-231-720	PREP	04-03-004
16-228-1220	PREP	04-03-005	16-231-107	PREP	04-03-004	16-231-725	PREP	04-03-004
16-228-1231	PREP	04-03-004	16-231-110	PREP	04-03-004	16-231-800	PREP	04-03-004
16-228-1250	PREP	04-03-004	16-231-115	PREP	04-03-004	16-231-805	PREP	04-03-004
16-229	PREP	04-14-102	16-231-119	PREP	04-03-004	16-231-810	PREP	04-03-004
16-230-250	REP-X	04-13-058	16-231-125	PREP	04-03-004	16-231-815	PREP	04-03-004
16-230-250	REP	04-18-023A	16-231-130	PREP	04-03-004	16-231-820	PREP	04-03-004
16-230-260	REP-X	04-13-058	16-231-135	PREP	04-03-004	16-231-825	PREP	04-03-004
16-230-260	REP	04-18-023A	16-231-140	PREP	04-03-004	16-231-830	PREP	04-03-004
16-230-270	REP-X	04-13-058	16-231-145	PREP	04-03-004	16-231-835	PREP	04-03-004
16-230-270	REP	04-18-023A	16-231-149	PREP	04-03-004	16-231-840	PREP	04-03-004
16-230-281	REP-X	04-13-058	16-231-153	PREP	04-03-004	16-231-900	PREP	04-03-004
16-230-281	REP	04-18-023A	16-231-156	PREP	04-03-004	16-231-905	PREP	04-03-004
16-230-290	REP-X	04-13-058	16-231-159	PREP	04-03-004	16-231-910	PREP	04-03-004
16-230-290	REP	04-18-023A	16-231-162	PREP	04-03-004	16-231-912	PREP	04-03-004
16-230-400	PREP	04-03-004	16-231-165	PREP	04-03-004	16-231-915	PREP	04-03-004
16-230-410	PREP	04-03-004	16-231-168	PREP	04-03-004	16-231-920	PREP	04-03-004
16-230-420	PREP	04-03-004	16-231-171	PREP	04-03-004	16-231-925	PREP	04-03-004
16-230-430	PREP	04-03-004	16-231-174	PREP	04-03-004	16-231-930	PREP	04-03-004
16-230-440	PREP	04-03-004	16-231-177	PREP	04-03-004	16-231-935	PREP	04-03-004
16-230-450	PREP	04-03-004	16-231-180	PREP	04-03-004	16-232-001	PREP	04-03-004
16-230-460	PREP	04-03-004	16-231-183	PREP	04-03-004	16-232-005	PREP	04-03-004
16-230-470	PREP	04-03-004	16-231-200	PREP	04-03-004	16-232-007	PREP	04-03-004
16-230-600	PREP	04-03-004	16-231-205	PREP	04-03-004	16-232-010	PREP	04-03-004
16-230-605	PREP	04-03-004	16-231-210	PREP	04-03-004	16-232-015	PREP	04-03-004
16-230-610	PREP	04-03-004	16-231-215	PREP	04-03-004	16-232-020	PREP	04-03-004
16-230-615	PREP	04-03-004	16-231-220	PREP	04-03-004	16-232-025	PREP	04-03-004
16-230-620	PREP	04-03-004	16-231-225	PREP	04-03-004	16-232-027	PREP	04-03-004
16-230-625	PREP	04-03-004	16-231-230	PREP	04-03-004	16-232-030	PREP	04-03-004
16-230-630	PREP	04-03-004	16-231-235	PREP	04-03-004	16-232-035	PREP	04-03-004
16-230-635	PREP	04-03-004	16-231-300	PREP	04-03-004	16-232-041	PREP	04-03-004
16-230-640	PREP	04-03-004	16-231-305	PREP	04-03-004	16-232-044	PREP	04-03-004
16-230-645	PREP	04-03-004	16-231-310	PREP	04-03-004	16-232-047	PREP	04-03-004
16-230-650	PREP	04-03-004	16-231-315	PREP	04-03-004	16-232-050	PREP	04-03-004
16-230-655	PREP	04-03-004	16-231-320	PREP	04-03-004	16-232-053	PREP	04-03-004
16-230-660	PREP	04-03-004	16-231-325	PREP	04-03-004	16-232-056	PREP	04-03-004
16-230-665	PREP	04-03-004	16-231-330	PREP	04-03-004	16-232-059	PREP	04-03-004
16-230-670	PREP	04-03-004	16-231-335	PREP	04-03-004	16-232-062	PREP	04-03-004
16-230-673	PREP	04-03-004	16-231-400	PREP	04-03-004	16-232-065	PREP	04-03-004
16-230-675	PREP	04-03-004	16-231-405	PREP	04-03-004	16-232-068	PREP	04-03-004
16-230-800	PREP	04-03-004	16-231-410	PREP	04-03-004	16-232-071	PREP	04-03-004
16-230-810	PREP	04-03-004	16-231-413	PREP	04-03-004	16-232-074	PREP	04-03-004
16-230-813	PREP	04-03-004	16-231-415	PREP	04-03-004	16-232-077	PREP	04-03-004
16-230-815	PREP	04-03-004	16-231-420	PREP	04-03-004	16-232-100	PREP	04-03-004
16-230-820	PREP	04-03-004	16-231-425	PREP	04-03-004	16-232-105	PREP	04-03-004

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-232-110	PREP	04-03-004	16-301-485	REP-P	04-05-118	16-390-242	NEW	04-11-078
16-232-115	PREP	04-03-004	16-301-485	REP	04-08-043	16-390-245	NEW-P	04-08-128
16-232-120	PREP	04-03-004	16-302-385	AMD-P	04-05-120	16-390-245	NEW	04-11-078
16-232-200	PREP	04-03-004	16-302-385	AMD	04-08-044	16-390-250	NEW-P	04-08-128
16-232-205	PREP	04-03-004	16-302-685	AMD	04-06-018	16-390-250	NEW	04-11-078
16-232-210	PREP	04-03-004	16-303-340	AMD	04-06-029	16-390-260	NEW-P	04-08-128
16-232-215	PREP	04-03-004	16-319-041	AMD	04-06-028	16-390-260	NEW	04-11-078
16-232-220	PREP	04-03-004	16-324-375	AMD-X	04-07-170	16-390-270	NEW-P	04-08-128
16-232-225	PREP	04-03-004	16-324-375	AMD	04-12-026	16-390-270	NEW	04-11-078
16-232-300	PREP	04-03-004	16-324-393	AMD-X	04-07-170	16-390-280	NEW-P	04-08-128
16-232-305	PREP	04-03-004	16-324-393	AMD	04-12-026	16-390-280	NEW	04-11-078
16-232-310	PREP	04-03-004	16-324-398	AMD-X	04-07-170	16-400-007	REP-P	04-08-128
16-232-315	PREP	04-03-004	16-324-398	AMD	04-12-026	16-400-007	REP	04-11-078
16-250-155	PREP	04-06-074	16-324-720	REP-X	04-07-170	16-400-008	REP-P	04-08-128
16-250-155	AMD-P	04-11-093	16-324-720	REP	04-12-026	16-400-008	REP	04-11-078
16-250-155	AMD	04-14-076	16-324-730	REP-X	04-07-170	16-400-010	REP-P	04-08-128
16-252-155	PREP	04-06-074	16-324-730	REP	04-12-026	16-400-010	REP	04-11-078
16-252-155	AMD-P	04-11-093	16-324-740	REP-X	04-07-170	16-400-040	REP-P	04-08-128
16-252-155	AMD	04-14-076	16-324-740	REP	04-12-026	16-400-040	REP	04-11-078
16-301-250	AMD	04-06-019	16-324-750	REP-X	04-07-170	16-400-045	REP-P	04-08-128
16-301-265	AMD	04-06-019	16-324-750	REP	04-12-026	16-400-045	REP	04-11-078
16-301-270	AMD	04-06-019	16-328	PREP	04-09-082	16-400-060	REP-P	04-08-128
16-301-310	AMD	04-06-019	16-328-011	AMD-P	04-13-150	16-400-060	REP	04-11-078
16-301-325	AMD	04-06-019	16-328-011	AMD	04-17-039	16-400-100	REP-P	04-08-128
16-301-330	AMD	04-06-019	16-333	PREP	04-09-081	16-400-100	REP	04-11-078
16-301-335	AMD	04-06-019	16-333-041	AMD-P	04-13-149	16-400-150	REP-P	04-08-128
16-301-365	AMD-P	04-05-118	16-333-041	AMD	04-17-038	16-400-150	REP	04-11-078
16-301-365	AMD	04-08-043	16-350	PREP	04-19-123	16-400-210	REP-P	04-08-128
16-301-375	AMD-P	04-05-118	16-350-040	AMD-P	04-07-171	16-400-210	REP	04-11-078
16-301-375	AMD	04-08-043	16-350-040	AMD	04-11-025	16-400-270	REP-P	04-08-128
16-301-380	AMD-P	04-05-118	16-350-045	AMD-P	04-07-171	16-400-270	REP	04-11-078
16-301-380	AMD	04-08-043	16-350-045	AMD	04-11-025	16-401	PREP	04-04-108
16-301-395	AMD-P	04-05-118	16-354	PREP	04-13-145	16-401	PREP	04-06-082
16-301-395	AMD	04-08-043	16-354-040	AMD-X	04-19-124	16-401	PREP	04-09-079
16-301-396	NEW-P	04-05-118	16-354-050	AMD-X	04-19-124	16-401-027	AMD-P	04-13-146
16-301-396	NEW	04-08-043	16-390-005	NEW-P	04-08-128	16-401-027	AMD	04-17-037
16-301-410	AMD-P	04-05-118	16-390-005	NEW	04-11-078	16-401-070	NEW-P	04-07-172
16-301-410	AMD	04-08-043	16-390-010	NEW-P	04-08-128	16-401-070	NEW	04-11-026
16-301-415	AMD-P	04-05-118	16-390-010	NEW	04-11-078	16-402	AMD-P	04-06-083
16-301-415	AMD	04-08-043	16-390-020	NEW-P	04-08-128	16-402	PREP	04-07-045
16-301-420	AMD-P	04-05-118	16-390-020	NEW	04-11-078	16-402	AMD	04-09-084
16-301-420	AMD	04-08-043	16-390-030	NEW-P	04-08-128	16-402-010	AMD-P	04-06-083
16-301-430	AMD-P	04-05-118	16-390-030	NEW	04-11-078	16-402-010	AMD	04-09-084
16-301-430	AMD	04-08-043	16-390-040	NEW-P	04-08-128	16-402-020	AMD-P	04-06-083
16-301-435	AMD-P	04-05-118	16-390-040	NEW	04-11-078	16-402-020	AMD	04-09-084
16-301-435	AMD	04-08-043	16-390-060	NEW-P	04-08-128	16-402-030	NEW-P	04-06-083
16-301-440	AMD-P	04-05-118	16-390-060	NEW	04-11-078	16-402-030	NEW	04-09-084
16-301-440	AMD	04-08-043	16-390-100	NEW-P	04-08-128	16-402-040	NEW-P	04-06-083
16-301-450	REP-P	04-05-118	16-390-100	NEW	04-11-078	16-402-040	NEW	04-09-084
16-301-450	REP	04-08-043	16-390-150	NEW-P	04-08-128	16-402-100	NEW-E	04-07-046
16-301-455	REP-P	04-05-118	16-390-150	NEW	04-11-078	16-402-100	NEW-P	04-11-111
16-301-455	REP	04-08-043	16-390-200	NEW-P	04-08-128	16-402-100	NEW	04-14-090
16-301-460	REP-P	04-05-118	16-390-200	NEW	04-11-078	16-402-100	NEW-E	04-14-103
16-301-460	REP	04-08-043	16-390-210	NEW-P	04-08-128	16-402-110	NEW-E	04-07-046
16-301-465	REP-P	04-05-118	16-390-210	NEW	04-11-078	16-402-110	NEW-P	04-11-111
16-301-465	REP	04-08-043	16-390-220	NEW-P	04-08-128	16-402-110	NEW	04-14-090
16-301-470	REP-P	04-05-118	16-390-220	NEW	04-11-078	16-402-110	NEW-E	04-14-103
16-301-470	REP	04-08-043	16-390-230	NEW-P	04-08-128	16-402-120	NEW-E	04-07-046
16-301-475	REP-P	04-05-118	16-390-230	NEW	04-11-078	16-402-120	NEW-P	04-11-111
16-301-475	REP	04-08-043	16-390-240	NEW-P	04-08-128	16-402-120	NEW	04-14-090
16-301-480	REP-P	04-05-118	16-390-240	NEW	04-11-078	16-402-120	NEW-E	04-14-103
16-301-480	REP	04-08-043	16-390-242	NEW-P	04-08-128	16-402-130	NEW-E	04-07-046

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-402-130	NEW-P	04-11-111	16-481	AMD	04-17-035	16-530-030	REP-P	04-03-111
16-402-130	NEW	04-14-090	16-481-010	AMD-P	04-13-147	16-530-030	REP	04-16-026
16-402-130	NEW-E	04-14-103	16-481-010	AMD	04-17-035	16-530-040	AMD-P	04-03-111
16-403	PREP	04-18-009	16-481-015	AMD-P	04-13-147	16-530-040	AMD	04-16-026
16-449-001	REP	04-05-117	16-481-015	AMD	04-17-035	16-532-005	NEW-W	04-10-056
16-449-010	REP	04-05-117	16-481-020	AMD-P	04-13-147	16-532-006	NEW-W	04-10-056
16-449-020	REP	04-05-117	16-481-020	AMD	04-17-035	16-532-010	AMD-W	04-10-056
16-449-030	REP	04-05-117	16-481-025	AMD-P	04-13-147	16-532-020	AMD-W	04-10-056
16-450-005	NEW	04-05-117	16-481-025	AMD	04-17-035	16-532-030	REP-W	04-10-056
16-450-010	NEW	04-05-117	16-481-030	AMD-P	04-13-147	16-532-040	AMD-W	04-10-056
16-450-012	NEW	04-05-117	16-481-030	AMD	04-17-035	16-532-060	AMD-W	04-10-056
16-450-014	NEW	04-05-117	16-481-050	AMD-P	04-13-147	16-532-065	REP-W	04-10-056
16-450-016	NEW	04-05-117	16-481-050	AMD	04-17-035	16-532-101	REP	04-10-059
16-450-020	NEW	04-05-117	16-481-060	AMD-P	04-13-147	16-532-103	NEW-W	04-10-055
16-450-022	NEW	04-05-117	16-481-060	AMD	04-17-035	16-532-105	NEW-W	04-10-055
16-450-024	NEW	04-05-117	16-481-070	AMD-P	04-13-147	16-532-110	AMD-W	04-10-075
16-450-026	NEW	04-05-117	16-481-070	AMD	04-17-035	16-532-115	NEW-W	04-10-075
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173-400-131	AMD-P	04-20-105	180-25	PREP	04-12-111	180-72-040	AMD-P	04-15-043
173-400-136	AMD-P	04-20-105	180-26	PREP	04-12-111	180-72-040	AMD	04-20-093
173-400-141	REP-P	04-20-105	180-27	PREP	04-12-111	180-72-045	REP-P	04-15-043
173-400-151	AMD-P	04-20-105	180-27-100	PREP	04-10-086	180-72-045	REP	04-20-093
173-400-171	AMD-P	04-20-105	180-27-100	AMD-P	04-18-107	180-72-050	AMD-P	04-15-043
173-400-175	NEW-P	04-20-105	180-27-120	PREP	04-12-116	180-72-050	AMD	04-20-093
173-400-200	AMD-P	04-20-105	180-27-120	AMD-P	04-18-107	180-72-055	REP-P	04-15-043
173-400-560	NEW-P	04-20-105	180-29	PREP	04-12-111	180-72-055	REP	04-20-093
173-400-700	NEW-P	04-20-105	180-31	PREP	04-12-111	180-72-060	AMD-P	04-15-043
173-400-710	NEW-P	04-20-105	180-32	PREP	04-12-111	180-72-060	AMD	04-20-093
173-400-720	NEW-P	04-20-105	180-33	PREP	04-12-111	180-72-065	REP-P	04-15-043
173-400-730	NEW-P	04-20-105	180-34	PREP	04-12-111	180-72-065	REP	04-20-093
173-400-740	NEW-P	04-20-105	180-36	PREP	04-12-111	180-77	PREP	04-08-056
173-400-750	NEW-P	04-20-105	180-37	PREP	04-12-110	180-77-120	AMD-P	04-18-101
173-405	PREP-W	04-10-010	180-38	PREP	04-12-110	180-77A	PREP	04-08-056
173-407-010	NEW-P	04-21-070	180-39	PREP	04-12-110	180-78A	PREP	04-08-056
173-407-020	NEW-P	04-21-070	180-40	PREP	04-12-110	180-78A-010	AMD-P	04-15-113
173-407-030	NEW-P	04-21-070	180-41	PREP	04-12-110	180-78A-010	AMD	04-21-038
173-407-040	NEW-P	04-21-070	180-41	PREP	04-18-026	180-78A-100	AMD	04-04-090
173-407-050	NEW-P	04-21-070	180-43	PREP	04-12-110	180-78A-100	AMD-P	04-15-113
173-407-060	NEW-P	04-21-070	180-44	PREP	04-12-109	180-78A-100	AMD	04-21-038
173-407-070	NEW-P	04-21-070	180-46	PREP	04-09-065	180-78A-264	AMD-P	04-15-113
173-407-080	NEW-P	04-21-070	180-46-005	REP-W	04-07-081	180-78A-264	AMD	04-21-038
173-407-090	NEW-P	04-21-070	180-46-010	REP-W	04-07-081	180-78A-270	AMD	04-04-089
173-410	PREP-W	04-10-010	180-46-015	REP-W	04-07-081	180-78A-270	AMD-P	04-15-113
173-430	PREP	04-13-125	180-46-020	REP-W	04-07-081	180-78A-270	AMD	04-21-038
173-433	PREP-W	04-10-010	180-46-025	REP-W	04-07-081	180-78A-272	NEW-P	04-15-116
173-434	PREP-W	04-10-010	180-46-030	REP-W	04-07-081	180-78A-272	NEW	04-20-089
173-503	PREP	04-06-027	180-46-035	REP-W	04-07-081	180-78A-319	NEW-P	04-15-113

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180- 78A-319	NEW	04-21-038	180- 88-010	NEW-S	04-18-110	182- 12-112	NEW-P	04-13-156
180- 78A-500	AMD-P	04-15-113	180- 88-020	NEW-P	04-15-111	182- 12-112	NEW	04-18-039
180- 78A-500	AMD	04-21-038	180- 88-020	NEW-E	04-18-102	182- 12-115	PREP	04-11-011
180- 78A-507	AMD	04-04-010	180- 88-020	NEW-S	04-18-110	182- 12-117	REP-P	04-13-156
180- 78A-507	AMD-P	04-15-115	180- 88-030	NEW-P	04-15-111	182- 12-117	REP	04-18-039
180- 78A-507	AMD	04-21-039	180- 88-030	NEW-E	04-18-102	182- 12-118	REP-P	04-13-156
180- 78A-509	NEW-P	04-15-113	180- 88-030	NEW-S	04-18-110	182- 12-118	REP	04-18-039
180- 78A-509	NEW	04-21-038	180- 88-040	NEW-P	04-15-111	182- 12-119	REP-P	04-13-156
180- 78A-535	AMD-P	04-15-113	180- 88-040	NEW-E	04-18-102	182- 12-119	REP	04-18-039
180- 78A-535	AMD	04-21-038	180- 88-040	NEW-S	04-18-110	182- 12-121	AMD-P	04-13-156
180- 78A-540	AMD-P	04-15-113	180- 88-050	NEW-P	04-15-111	182- 12-121	AMD	04-18-039
180- 78A-540	AMD-P	04-18-104	180- 88-050	NEW-E	04-18-102	182- 12-123	NEW-P	04-13-156
180- 78A-540	AMD	04-21-038	180- 88-050	NEW-S	04-18-110	182- 12-123	NEW	04-18-039
180- 79A	PREP	04-08-056	180- 88-060	NEW-P	04-15-111	182- 12-124	REP-P	04-13-156
180- 79A-006	AMD-P	04-15-117	180- 88-060	NEW-E	04-18-102	182- 12-124	REP	04-18-039
180- 79A-006	AMD	04-20-091	180- 88-060	NEW-S	04-18-110	182- 12-128	NEW-P	04-13-156
180- 79A-030	AMD	04-04-011	180- 90	PREP	04-12-107	182- 12-128	NEW	04-18-039
180- 79A-117	AMD	04-04-088	180- 95	PREP	04-12-106	182- 12-131	NEW-P	04-13-156
180- 79A-140	PREP	04-04-084	180- 96	PREP	04-12-105	182- 12-131	NEW	04-18-039
180- 79A-140	AMD-P	04-15-042	180- 97	PREP	04-12-104	182- 12-132	REP-P	04-13-156
180- 79A-140	AMD	04-20-092	181- 01	PREP	04-16-098	182- 12-132	REP	04-18-039
180- 79A-145	AMD-P	04-15-114	181- 01-002	NEW-P	04-04-105	182- 12-133	NEW-P	04-13-156
180- 79A-145	AMD	04-21-040	181- 01-002	NEW	04-08-047	182- 12-133	NEW	04-18-039
180- 79A-206	AMD	04-04-011	181- 01-002	AMD-E	04-16-040	182- 12-136	NEW-P	04-13-156
180- 79A-213	AMD	04-04-011	181- 01-002	AMD-P	04-19-147	182- 12-136	NEW	04-18-039
180- 79A-221	AMD-P	04-15-114	181- 01-003	NEW-P	04-04-106	182- 12-138	NEW-P	04-13-156
180- 79A-221	AMD	04-21-040	181- 01-003	NEW	04-08-048	182- 12-138	NEW	04-18-039
180- 79A-223	AMD	04-04-012	182	PREP	04-07-079	182- 12-141	NEW-P	04-13-156
180- 79A-226	AMD	04-04-011	182- 08-015	AMD-P	04-13-156	182- 12-141	NEW	04-18-039
180- 79A-226	AMD-P	04-15-114	182- 08-015	AMD	04-18-039	182- 12-145	REP-P	04-13-156
180- 79A-226	AMD	04-21-040	182- 08-095	REP-P	04-13-156	182- 12-145	REP	04-18-039
180- 79A-231	PREP	04-04-084	182- 08-095	REP	04-18-039	182- 12-146	NEW-P	04-13-156
180- 79A-231	AMD-P	04-15-118	182- 08-120	AMD-P	04-13-156	182- 12-146	NEW	04-18-039
180- 79A-231	AMD	04-20-090	182- 08-125	REP-P	04-13-156	182- 12-148	NEW-P	04-13-156
180- 79A-250	AMD-P	04-15-114	182- 08-125	REP	04-18-039	182- 12-148	NEW	04-18-039
180- 79A-250	AMD	04-21-040	182- 08-160	REP-P	04-13-156	182- 12-171	NEW-P	04-13-156
180- 79A-257	AMD	04-04-009	182- 08-160	REP	04-18-039	182- 12-171	NEW	04-18-039
180- 79A-257	AMD	04-04-011	182- 08-165	REP-P	04-13-156	182- 12-190	AMD-P	04-13-156
180- 79A-257	AMD-P	04-15-119	182- 08-165	REP	04-18-039	182- 12-190	AMD	04-18-039
180- 79A-257	AMD-E	04-15-121	182- 08-175	REP-P	04-13-156	182- 12-200	AMD-P	04-13-156
180- 79A-257	AMD	04-21-005	182- 08-175	REP	04-18-039	182- 12-200	AMD	04-18-039
180- 81	PREP	04-08-056	182- 08-180	AMD-P	04-13-156	182- 12-205	NEW-P	04-13-156
180- 82	PREP	04-08-056	182- 08-180	AMD	04-18-039	182- 12-205	NEW	04-18-039
180- 82A	PREP	04-08-056	182- 08-190	AMD-P	04-13-156	182- 12-211	NEW-P	04-13-156
180- 82A-204	AMD-E	04-15-041	182- 08-190	AMD	04-18-039	182- 12-211	NEW	04-18-039
180- 82A-204	AMD-E	04-18-099	182- 08-196	AMD-P	04-13-156	182- 12-215	REP-P	04-13-156
180- 82A-204	AMD-P	04-18-105	182- 08-196	AMD	04-18-039	182- 12-215	REP	04-18-039
180- 83	PREP	04-08-056	182- 08-200	AMD-P	04-13-156	182- 12-220	REP-P	04-13-156
180- 85	PREP	04-08-056	182- 08-200	AMD	04-18-039	182- 12-220	REP	04-18-039
180- 85-025	AMD-P	04-15-112	182- 08-210	REP-P	04-13-156	182- 12-230	REP-P	04-13-156
180- 85-025	AMD	04-20-094	182- 08-210	REP	04-18-039	182- 12-230	REP	04-18-039
180- 85-033	AMD-P	04-15-112	182- 08-230	NEW-P	04-13-156	182- 12-250	NEW-P	04-13-156
180- 85-033	AMD	04-20-094	182- 08-230	NEW	04-18-039	182- 12-250	NEW	04-18-039
180- 85-077	AMD-P	04-10-087	182- 12	PREP	04-07-080	182- 12-260	NEW-P	04-13-156
180- 85-077	AMD	04-15-120	182- 12-108	NEW-P	04-13-156	182- 12-260	NEW	04-18-039
180- 85-105	AMD-P	04-04-085	182- 12-108	NEW	04-18-039	182- 12-265	NEW-P	04-13-156
180- 85-105	AMD	04-08-054	182- 12-109	NEW-P	04-13-156	182- 12-265	NEW	04-18-039
180- 86	PREP	04-08-056	182- 12-109	NEW	04-18-039	182- 12-270	NEW-P	04-13-156
180- 87	PREP	04-08-056	182- 12-110	REP-P	04-13-156	182- 12-270	NEW	04-18-039
180- 88	PREP	04-09-064	182- 12-110	REP	04-18-039	182- 16-040	PREP	04-07-079
180- 88-010	NEW-P	04-15-111	182- 12-111	AMD-P	04-13-156	182- 16-040	AMD-P	04-13-156
180- 88-010	NEW-E	04-18-102	182- 12-111	AMD	04-18-039	182- 16-050	AMD-P	04-13-156

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
182- 20-400	AMD	04-03-006	192- 12-330	REP-E	04-10-071	192- 23-810	REP-E	04-19-016
182- 25-010	AMD-P	04-19-138	192- 12-330	REP-P	04-10-114	192- 28-105	REP-E	04-02-039
182- 25-030	AMD-P	04-19-138	192- 12-330	REP-E	04-19-016	192- 28-105	REP-E	04-10-071
182- 25-040	AMD-X	04-11-039	192- 12-340	REP-E	04-02-039	192- 28-105	REP-P	04-10-114
182- 25-040	AMD	04-15-109	192- 12-340	REP-E	04-10-071	192- 28-105	REP-E	04-19-016
182- 25-040	AMD-P	04-19-138	192- 12-340	REP-P	04-10-114	192- 28-110	REP-E	04-02-039
182- 25-080	AMD-P	04-19-138	192- 12-340	REP-E	04-19-016	192- 28-110	REP-E	04-10-071
182- 25-090	AMD-P	04-19-138	192- 16-009	AMD-E	04-02-039	192- 28-110	REP-P	04-10-114
182- 25-120	NEW-P	04-19-138	192- 16-009	AMD-E	04-10-071	192- 28-110	REP-E	04-19-016
182- 50-001	NEW	04-06-021	192- 16-009	AMD-P	04-10-114	192- 28-115	REP-E	04-02-039
182- 50-005	NEW	04-06-021	192- 16-009	AMD-E	04-19-016	192- 28-115	REP-E	04-10-071
182- 50-010	NEW	04-06-021	192- 16-015	AMD-E	04-02-039	192- 28-115	REP-P	04-10-114
182- 50-015	NEW	04-06-021	192- 16-015	AMD-E	04-10-071	192- 28-115	REP-E	04-19-016
182- 50-025	NEW	04-06-021	192- 16-015	AMD-P	04-10-114	192- 28-120	REP-E	04-02-039
182- 50-030	NEW	04-06-021	192- 16-015	AMD-E	04-19-016	192- 28-120	REP-E	04-10-071
182- 50-035	NEW	04-06-021	192- 16-016	AMD-E	04-02-039	192- 28-120	REP-P	04-10-114
182- 50-200	NEW	04-06-021	192- 16-016	AMD-E	04-10-071	192- 28-120	REP-E	04-19-016
192- 04-040	AMD-E	04-02-039	192- 16-016	AMD-P	04-10-114	192- 33	PREP	04-15-034
192- 04-040	AMD-E	04-10-071	192- 16-016	AMD-E	04-19-016	192-100-010	NEW-E	04-02-039
192- 04-040	AMD-P	04-10-114	192- 16-019	REP-E	04-02-039	192-100-010	NEW-E	04-10-071
192- 04-040	AMD-E	04-19-016	192- 16-019	REP-E	04-10-071	192-100-010	NEW-P	04-10-114
192- 04-050	AMD-E	04-02-039	192- 16-019	REP-P	04-10-114	192-100-010	NEW-E	04-19-016
192- 04-050	AMD-E	04-10-071	192- 16-019	REP-E	04-19-016	192-100-020	NEW-E	04-02-039
192- 04-050	AMD-P	04-10-114	192- 16-023	REP-E	04-02-039	192-100-020	NEW-P	04-10-114
192- 04-050	AMD-E	04-19-016	192- 16-023	REP-E	04-10-071	192-100-020	NEW-E	04-19-016
192- 12-011	REP-E	04-02-039	192- 16-023	REP-P	04-10-114	192-100-030	NEW-E	04-02-039
192- 12-011	REP-E	04-10-071	192- 16-023	REP-E	04-19-016	192-100-030	NEW-P	04-10-114
192- 12-011	REP-P	04-10-114	192- 23-014	REP-E	04-02-039	192-100-030	NEW-E	04-19-016
192- 12-011	REP-E	04-19-016	192- 23-014	REP-E	04-10-071	192-100-035	NEW-P	04-10-114
192- 12-012	REP-E	04-02-039	192- 23-014	REP-P	04-10-114	192-100-035	NEW-E	04-19-016
192- 12-012	REP-E	04-10-071	192- 23-014	REP-E	04-19-016	192-110-200	NEW-E	04-02-039
192- 12-012	REP-P	04-10-114	192- 23-015	REP-E	04-02-039	192-110-200	NEW-P	04-10-114
192- 12-012	REP-E	04-19-016	192- 23-015	REP-E	04-10-071	192-110-200	NEW-E	04-19-016
192- 12-020	REP-E	04-02-039	192- 23-015	REP-P	04-10-114	192-110-210	NEW-E	04-02-039
192- 12-020	REP-E	04-10-071	192- 23-015	REP-E	04-19-016	192-110-210	NEW-E	04-10-071
192- 12-020	REP-P	04-10-114	192- 23-016	REP-E	04-02-039	192-110-210	NEW-P	04-10-114
192- 12-020	REP-E	04-19-016	192- 23-016	REP-E	04-10-071	192-110-210	NEW-E	04-19-016
192- 12-180	REP-E	04-02-039	192- 23-016	REP-P	04-10-114	192-120-050	NEW-E	04-02-039
192- 12-180	REP-E	04-10-071	192- 23-016	REP-E	04-19-016	192-120-050	NEW-E	04-10-071
192- 12-180	REP-P	04-10-114	192- 23-017	REP-E	04-02-039	192-120-050	NEW-P	04-10-114
192- 12-180	REP-E	04-19-016	192- 23-017	REP-E	04-10-071	192-120-050	NEW-E	04-19-016
192- 12-184	REP-E	04-02-039	192- 23-017	REP-P	04-10-114	192-130-060	NEW-E	04-02-039
192- 12-184	REP-E	04-10-071	192- 23-017	REP-E	04-19-016	192-130-060	NEW-E	04-10-071
192- 12-184	REP-P	04-10-114	192- 23-019	REP-E	04-02-039	192-130-060	NEW-P	04-10-114
192- 12-184	REP-E	04-19-016	192- 23-019	REP-E	04-10-071	192-130-060	NEW-E	04-19-016
192- 12-190	REP-E	04-02-039	192- 23-019	REP-P	04-10-114	192-130-065	NEW-E	04-02-039
192- 12-190	REP-E	04-10-071	192- 23-019	REP-E	04-19-016	192-130-065	NEW-E	04-10-071
192- 12-190	REP-P	04-10-114	192- 23-061	REP-E	04-02-039	192-130-065	NEW-P	04-10-114
192- 12-190	REP-E	04-19-016	192- 23-061	REP-E	04-10-071	192-130-065	NEW-E	04-19-016
192- 12-300	REP-E	04-02-039	192- 23-061	REP-P	04-10-114	192-130-070	NEW-E	04-02-039
192- 12-300	REP-E	04-10-071	192- 23-061	REP-E	04-19-016	192-130-070	NEW-E	04-10-071
192- 12-300	REP-P	04-10-114	192- 23-096	REP-E	04-02-039	192-130-070	NEW-P	04-10-114
192- 12-300	REP-E	04-19-016	192- 23-096	REP-E	04-10-071	192-130-070	NEW-E	04-19-016
192- 12-310	REP-E	04-02-039	192- 23-096	REP-P	04-10-114	192-130-080	NEW-E	04-02-039
192- 12-310	REP-E	04-10-071	192- 23-096	REP-E	04-19-016	192-130-080	NEW-E	04-10-071
192- 12-310	REP-P	04-10-114	192- 23-800	REP-E	04-02-039	192-130-080	NEW-P	04-10-114
192- 12-310	REP-E	04-19-016	192- 23-800	REP-E	04-10-071	192-130-080	NEW-E	04-19-016
192- 12-320	REP-E	04-02-039	192- 23-800	REP-P	04-10-114	192-140-070	NEW-E	04-02-039
192- 12-320	REP-E	04-10-071	192- 23-800	REP-E	04-19-016	192-140-070	NEW-E	04-10-071
192- 12-320	REP-P	04-10-114	192- 23-810	REP-E	04-02-039	192-140-070	NEW-P	04-10-114
192- 12-320	REP-E	04-19-016	192- 23-810	REP-E	04-10-071	192-140-070	NEW-E	04-19-016
192- 12-330	REP-E	04-02-039	192- 23-810	REP-P	04-10-114	192-140-075	NEW-E	04-02-039

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
192-320-070	AMD-E	04-19-016	196- 26A	PREP	04-15-079	199- 08-470	NEW-E	04-10-002
192-320-075	NEW-E	04-02-039	196- 27A-025	NEW-W	04-05-061	199- 08-470	NEW-P	04-18-015
192-320-075	NEW-E	04-10-071	199- 08-300	NEW-E	04-10-002	199- 08-475	NEW-E	04-10-002
192-320-075	NEW-P	04-10-113	199- 08-300	NEW-P	04-18-015	199- 08-475	NEW-P	04-18-015
192-320-075	NEW-E	04-19-016	199- 08-305	NEW-E	04-10-002	199- 08-480	NEW-E	04-10-002
192-340-100	NEW-E	04-02-039	199- 08-305	NEW-P	04-18-015	199- 08-480	NEW-P	04-18-015
192-340-100	NEW-E	04-10-071	199- 08-310	NEW-E	04-10-002	199- 08-485	NEW-E	04-10-002
192-340-100	NEW-P	04-10-113	199- 08-310	NEW-P	04-18-015	199- 08-485	NEW-P	04-18-015
192-340-100	NEW-E	04-19-016	199- 08-315	NEW-E	04-10-002	199- 08-490	NEW-E	04-10-002
196- 09	AMD	04-04-001	199- 08-315	NEW-P	04-18-015	199- 08-490	NEW-P	04-18-015
196- 09	PREP	04-15-050	199- 08-320	NEW-E	04-10-002	199- 08-495	NEW-E	04-10-002
196- 09-010	AMD	04-04-001	199- 08-320	NEW-P	04-18-015	199- 08-495	NEW-P	04-18-015
196- 09-050	NEW	04-04-001	199- 08-325	NEW-E	04-10-002	199- 08-500	NEW-E	04-10-002
196- 09-055	NEW	04-04-001	199- 08-325	NEW-P	04-18-015	199- 08-500	NEW-P	04-18-015
196- 09-060	NEW	04-04-001	199- 08-335	NEW-E	04-10-002	199- 08-510	NEW-E	04-10-002
196- 09-100	NEW	04-04-001	199- 08-335	NEW-P	04-18-015	199- 08-510	NEW-P	04-18-015
196- 09-110	NEW	04-04-001	199- 08-340	NEW-E	04-10-002	199- 08-515	NEW-E	04-10-002
196- 09-120	NEW	04-04-001	199- 08-340	NEW-P	04-18-015	199- 08-515	NEW-P	04-18-015
196- 12-005	NEW	04-04-001	199- 08-350	NEW-E	04-10-002	199- 08-520	NEW-E	04-10-002
196- 12-010	AMD	04-04-001	199- 08-350	NEW-P	04-18-015	199- 08-520	NEW-P	04-18-015
196- 12-020	AMD	04-04-001	199- 08-385	NEW-E	04-10-002	199- 08-525	NEW-E	04-10-002
196- 12-030	AMD	04-04-001	199- 08-385	NEW-P	04-18-015	199- 08-525	NEW-P	04-18-015
196- 12-045	AMD	04-04-001	199- 08-390	NEW-E	04-10-002	199- 08-535	NEW-E	04-10-002
196- 12-050	AMD	04-04-001	199- 08-390	NEW-P	04-18-015	199- 08-535	NEW-P	04-18-015
196- 12-055	NEW	04-04-001	199- 08-395	NEW-E	04-10-002	199- 08-540	NEW-E	04-10-002
196- 12-065	NEW	04-04-001	199- 08-395	NEW-P	04-18-015	199- 08-540	NEW-P	04-18-015
196- 16-006	NEW	04-04-001	199- 08-400	NEW-E	04-10-002	199- 08-545	NEW-E	04-10-002
196- 16-007	AMD	04-04-001	199- 08-400	NEW-P	04-18-015	199- 08-545	NEW-P	04-18-015
196- 16-010	AMD	04-04-001	199- 08-405	NEW-E	04-10-002	199- 08-550	NEW-E	04-10-002
196- 16-020	AMD	04-04-001	199- 08-405	NEW-P	04-18-015	199- 08-550	NEW-P	04-18-015
196- 16-031	AMD	04-04-001	199- 08-410	NEW-E	04-10-002	199- 08-555	NEW-E	04-10-002
196- 16-035	NEW	04-04-001	199- 08-410	NEW-P	04-18-015	199- 08-555	NEW-P	04-18-015
196- 20-005	NEW-P	04-04-027	199- 08-415	NEW-E	04-10-002	199- 08-565	NEW-E	04-10-002
196- 20-005	NEW	04-10-067	199- 08-415	NEW-P	04-18-015	199- 08-565	NEW-P	04-18-015
196- 20-010	AMD-P	04-04-027	199- 08-420	NEW-E	04-10-002	199- 08-570	NEW-E	04-10-002
196- 20-010	AMD	04-10-067	199- 08-420	NEW-P	04-18-015	199- 08-570	NEW-P	04-18-015
196- 20-020	AMD-P	04-04-027	199- 08-425	NEW-E	04-10-002	199- 08-580	NEW-E	04-10-002
196- 20-020	AMD	04-10-067	199- 08-425	NEW-P	04-18-015	199- 08-580	NEW-P	04-18-015
196- 20-030	AMD-P	04-04-027	199- 08-426	NEW-E	04-10-002	204- 74A	PREP	04-17-132
196- 20-030	AMD	04-10-067	199- 08-426	NEW-P	04-18-015	204- 74A-040	AMD-P	04-21-021
196- 21-005	NEW	04-04-001	199- 08-427	NEW-E	04-10-002	204- 74A-050	AMD-P	04-21-021
196- 21-010	AMD	04-04-001	199- 08-427	NEW-P	04-18-015	204- 74A-060	AMD-P	04-21-021
196- 21-020	AMD	04-04-001	199- 08-428	NEW-E	04-10-002	204- 91A	PREP	04-10-054
196- 21-030	AMD	04-04-001	199- 08-428	NEW-P	04-18-015	204- 91A-030	AMD-P	04-13-040
196- 23	PREP	04-10-011	199- 08-429	NEW-E	04-10-002	204- 91A-030	AMD	04-20-021
196- 23-070	AMD	04-04-001	199- 08-429	NEW-P	04-18-015	204- 91A-040	AMD-P	04-13-040
196- 24-041	REP	04-04-001	199- 08-430	NEW-E	04-10-002	204- 91A-040	AMD	04-20-021
196- 24-080	REP	04-04-001	199- 08-430	NEW-P	04-18-015	204- 91A-050	AMD-P	04-13-040
196- 24-085	REP	04-04-001	199- 08-435	NEW-E	04-10-002	204- 91A-050	AMD	04-20-021
196- 24-100	REP	04-04-001	199- 08-435	NEW-P	04-18-015	204- 91A-060	AMD-P	04-13-040
196- 24-105	REP	04-04-001	199- 08-440	NEW-E	04-10-002	204- 91A-060	AMD	04-20-021
196- 24-110	REP-W	04-05-061	199- 08-440	NEW-P	04-18-015	204- 91A-070	AMD-P	04-13-040
196- 25-001	AMD	04-04-001	199- 08-445	NEW-E	04-10-002	204- 91A-070	AMD	04-20-021
196- 25-002	AMD-W	04-05-061	199- 08-445	NEW-P	04-18-015	204- 91A-080	AMD-P	04-13-040
196- 25-005	AMD	04-04-001	199- 08-450	NEW-E	04-10-002	204- 91A-080	AMD	04-20-021
196- 25-010	AMD	04-04-001	199- 08-450	NEW-P	04-18-015	204- 91A-090	AMD-P	04-13-040
196- 25-020	REP	04-04-001	199- 08-455	NEW-E	04-10-002	204- 91A-090	AMD	04-20-021
196- 25-030	REP	04-04-001	199- 08-455	NEW-P	04-18-015	204- 91A-120	AMD-P	04-13-040
196- 25-040	AMD-W	04-05-061	199- 08-460	NEW-E	04-10-002	204- 91A-120	AMD	04-20-021
196- 25-050	AMD	04-04-001	199- 08-460	NEW-P	04-18-015	204- 91A-130	AMD-P	04-13-040
196- 25-100	REP	04-04-001	199- 08-465	NEW-E	04-10-002	204- 91A-130	AMD	04-20-021
196- 26A	PREP	04-10-011	199- 08-465	NEW-P	04-18-015	204- 91A-140	AMD-P	04-13-040

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
204- 91A-140	AMD	04-20-021	208-690-130	NEW-P	04-11-110	220- 20-080	AMD	04-08-025
204- 91A-170	AMD-P	04-13-040	208-690-130	NEW	04-15-005	220- 20-100	AMD-W	04-14-085
204- 91A-170	AMD	04-20-021	208-690-140	NEW-E	04-07-182	220- 22-40000F	NEW-E	04-13-024
204- 96-010	AMD	04-07-012	208-690-140	NEW-P	04-11-110	220- 24-04000L	NEW-E	04-10-001
208-680A-040	AMD-P	04-19-158	208-690-140	NEW	04-15-005	220- 24-04000L	REP-E	04-10-001
208-680E-025	NEW-P	04-19-158	208-690-150	NEW-E	04-07-182	220- 24-04000L	REP-E	04-11-010
208-680F-020	AMD-P	04-19-158	208-690-150	NEW-P	04-11-110	220- 24-04000M	NEW-E	04-11-052
208-680G-050	AMD-P	04-19-157	208-690-150	NEW	04-15-005	220- 24-04000M	REP-E	04-11-052
208-690-010	NEW-E	04-07-182	208-690-160	NEW-E	04-07-182	220- 24-04000N	NEW-E	04-12-011
208-690-010	NEW-P	04-11-110	208-690-160	NEW-P	04-11-110	220- 24-04000N	REP-E	04-12-011
208-690-010	NEW	04-15-005	208-690-160	NEW	04-15-005	220- 24-04000P	NEW-E	04-14-009
208-690-020	NEW-E	04-07-182	208-690-170	NEW-E	04-07-182	220- 24-04000P	REP-E	04-14-009
208-690-020	NEW-P	04-11-110	208-690-170	NEW-P	04-11-110	220- 24-04000Q	NEW-E	04-14-092
208-690-020	NEW	04-15-005	208-690-170	NEW	04-15-005	220- 24-04000Q	REP-E	04-14-092
208-690-030	NEW-E	04-07-182	208-690-180	NEW-E	04-07-182	220- 24-04000Q	REP-E	04-15-086
208-690-030	NEW-P	04-11-110	208-690-180	NEW-P	04-11-110	220- 24-04000R	NEW-E	04-15-086
208-690-030	NEW	04-15-005	208-690-180	NEW	04-15-005	220- 24-04000R	REP-E	04-18-022
208-690-031	NEW-E	04-07-182	212- 17-060	AMD-E	04-11-061	220- 24-04000S	NEW-E	04-18-022
208-690-031	NEW-P	04-11-110	212- 17-060	PREP	04-21-003	220- 24-04000S	REP-E	04-18-022
208-690-035	NEW-E	04-07-182	212- 17-480	NEW-E	04-11-061	220- 24-04000S	REP-E	04-19-023
208-690-035	NEW-P	04-11-110	212- 17-480	PREP	04-21-003	220- 24-04000T	NEW-E	04-19-023
208-690-035	NEW	04-15-005	212- 17-485	NEW-E	04-11-061	220- 24-04000T	REP-E	04-19-023
208-690-040	NEW-E	04-07-182	212- 17-485	PREP	04-21-003	220- 32-05100A	NEW-E	04-15-133
208-690-040	NEW-P	04-11-110	212- 17-490	NEW-E	04-11-061	220- 32-05100A	REP-E	04-15-133
208-690-040	NEW	04-15-005	212- 17-490	PREP	04-21-003	220- 32-05100B	NEW-E	04-18-016
208-690-045	NEW-E	04-07-182	212- 17-495	NEW-E	04-11-061	220- 32-05100B	REP-E	04-19-084
208-690-045	NEW-P	04-11-110	212- 17-495	PREP	04-21-003	220- 32-05100C	NEW-E	04-19-084
208-690-045	NEW	04-15-005	212- 17-500	NEW-E	04-11-061	220- 32-05100C	REP-E	04-20-014
208-690-050	NEW-E	04-07-182	212- 17-500	PREP	04-21-003	220- 32-05100D	NEW-E	04-20-014
208-690-050	NEW-P	04-11-110	212- 17-505	NEW-E	04-11-061	220- 32-05100D	REP-E	04-20-063
208-690-050	NEW	04-15-005	212- 17-505	PREP	04-21-003	220- 32-05100E	NEW-E	04-20-063
208-690-060	NEW-E	04-07-182	212- 17-510	NEW-E	04-11-061	220- 32-05100E	REP-E	04-21-020
208-690-060	NEW-P	04-11-110	212- 17-510	PREP	04-21-003	220- 32-05100F	NEW-E	04-21-020
208-690-060	NEW	04-15-005	212- 17-515	NEW-E	04-11-061	220- 32-05100F	NEW-E	04-03-075
208-690-070	NEW-E	04-07-182	212- 17-515	PREP	04-21-003	220- 32-05100P	REP-E	04-03-075
208-690-070	NEW-P	04-11-110	212- 17-520	NEW-E	04-11-061	220- 32-05100P	REP-E	04-04-053
208-690-070	NEW	04-15-005	212- 17-520	PREP	04-21-003	220- 32-05100Q	NEW-E	04-04-053
208-690-075	NEW-E	04-07-182	212- 17-525	NEW-E	04-11-061	220- 32-05100Q	REP-E	04-04-053
208-690-075	NEW-P	04-11-110	212- 17-525	PREP	04-21-003	220- 32-05100Q	REP-E	04-07-027
208-690-075	NEW	04-15-005	212- 17-530	NEW-E	04-11-061	220- 32-05100R	NEW-E	04-07-027
208-690-080	NEW-E	04-07-182	212- 17-530	PREP	04-21-003	220- 32-05100R	REP-E	04-07-027
208-690-080	NEW-P	04-11-110	212- 17-535	NEW-E	04-11-061	220- 32-05100S	NEW-E	04-10-064
208-690-080	NEW	04-15-005	212- 17-535	PREP	04-21-003	220- 32-05100S	REP-E	04-10-064
208-690-090	NEW-E	04-07-182	212- 17-540	NEW-E	04-11-061	220- 32-05100T	NEW-E	04-11-022
208-690-090	NEW-P	04-11-110	212- 17-540	PREP	04-21-003	220- 32-05100T	REP-E	04-11-022
208-690-090	NEW	04-15-005	212- 80	PREP	04-17-131	220- 32-05100T	REP-E	04-11-074
208-690-100	NEW-E	04-07-182	220- 12-020	AMD	04-07-009	220- 32-05100U	NEW-E	04-11-074
208-690-100	NEW-P	04-11-110	220- 16-270	AMD	04-07-009	220- 32-05100U	REP-E	04-11-074
208-690-100	NEW	04-15-005	220- 16-470	AMD-X	04-12-073	220- 32-05100U	REP-E	04-12-021
208-690-110	NEW-E	04-07-182	220- 16-470	AMD	04-16-126	220- 32-05100V	NEW-E	04-12-021
208-690-110	NEW-P	04-11-110	220- 16-470	AMD	04-16-126	220- 32-05100V	REP-E	04-12-021
208-690-110	NEW	04-15-005	220- 16-47000B	NEW-E	04-10-034	220- 32-05100V	REP-E	04-12-021
208-690-112	NEW-E	04-07-182	220- 16-550	AMD	04-07-009	220- 32-05100W	NEW-E	04-13-065
208-690-112	NEW-P	04-11-110	220- 16-800	NEW	04-07-009	220- 32-05100W	REP-E	04-13-117
208-690-112	NEW	04-15-005	220- 16-800	NEW-W	04-14-085	220- 32-05100X	NEW-E	04-13-117
208-690-115	NEW-E	04-07-182	220- 16-810	NEW	04-07-009	220- 32-05100X	REP-E	04-13-117
208-690-115	NEW-P	04-11-110	220- 16-810	NEW-W	04-14-085	220- 32-05100X	REP-E	04-14-046
208-690-115	NEW	04-15-005	220- 16-820	NEW-W	04-14-085	220- 32-05100Y	NEW-E	04-14-046
208-690-120	NEW-E	04-07-182	220- 16-830	NEW-W	04-14-085	220- 32-05100Y	REP-E	04-14-046
208-690-120	NEW-P	04-11-110	220- 16-840	NEW-W	04-14-085	220- 32-05100Y	REP-E	04-15-051
208-690-120	NEW	04-15-005	220- 16-850	NEW-W	04-14-085	220- 32-05100Z	NEW-E	04-15-051
208-690-130	NEW-E	04-07-182	220- 20-013	NEW-P	04-21-056	220- 32-05100Z	REP-E	04-15-051
			220- 20-056	REP	04-10-108	220- 32-05100Z	REP-E	04-15-133

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**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-32-06000B	NEW-E	04-10-064	220-40-027	AMD-X	04-11-109	220-48-032	AMD-P	04-13-005
220-32-06000B	REP-E	04-10-064	220-40-027	AMD	04-16-013	220-48-032	AMD	04-17-098
220-33-01000A	NEW-E	04-08-011	220-40-02700E	NEW-E	04-19-059	220-48-03200C	NEW-E	04-05-056
220-33-01000A	REP-E	04-08-026	220-40-02700E	REP-E	04-19-059	220-48-03200C	REP-E	04-13-055
220-33-01000B	NEW-E	04-08-026	220-40-02700E	REP-E	04-20-016	220-48-03200D	NEW-E	04-13-055
220-33-01000B	REP-E	04-09-021	220-40-02700F	NEW-E	04-20-016	220-48-03200E	NEW-E	04-14-007
220-33-01000C	NEW-E	04-09-021	220-40-02700F	REP-E	04-20-016	220-48-062	AMD-P	04-13-005
220-33-01000C	REP-E	04-11-001	220-44-05000A	NEW-E	04-03-010C	220-48-062	AMD	04-17-098
220-33-01000D	NEW-E	04-11-075	220-44-05000A	REP-E	04-12-012	220-48-06200C	NEW-E	04-05-056
220-33-01000D	REP-E	04-11-075	220-44-05000B	NEW-E	04-12-012	220-48-06200C	REP-E	04-13-055
220-33-01000E	NEW-E	04-14-048	220-44-05000B	REP-E	04-21-002	220-48-06200D	NEW-E	04-13-055
220-33-01000E	REP-E	04-14-048	220-44-05000C	NEW-E	04-21-002	220-49-020	AMD-P	04-13-005
220-33-01000F	NEW-E	04-16-067	220-44-05000Z	REP-E	04-03-010C	220-49-020	AMD	04-17-098
220-33-01000F	REP-E	04-16-067	220-47-301	AMD-X	04-12-129	220-49-02000P	NEW-E	04-05-056
220-33-01000F	REP-E	04-17-069	220-47-301	AMD	04-16-125	220-49-02000P	REP-E	04-13-055
220-33-01000G	NEW-E	04-17-091	220-47-302	AMD-X	04-12-129	220-49-02000Q	NEW-E	04-13-055
220-33-01000G	REP-E	04-17-091	220-47-302	AMD	04-16-125	220-49-023	AMD-P	04-13-163
220-33-01000H	NEW-E	04-18-007	220-47-303	AMD-X	04-12-129	220-49-023	AMD	04-17-089
220-33-01000H	REP-E	04-18-007	220-47-303	AMD	04-16-125	220-49-056	AMD-P	04-13-005
220-33-01000I	NEW-E	04-18-020	220-47-307	AMD-X	04-12-129	220-49-056	AMD	04-17-098
220-33-01000I	REP-E	04-18-020	220-47-307	AMD	04-16-125	220-49-05600C	NEW-E	04-05-056
220-33-01000J	NEW-E	04-18-037	220-47-311	AMD-X	04-12-129	220-49-05600C	REP-E	04-13-055
220-33-01000J	REP-E	04-19-083	220-47-311	AMD	04-16-125	220-49-05600D	NEW-E	04-13-055
220-33-01000K	NEW-E	04-19-083	220-47-31100T	NEW-E	04-21-044	220-52-03000U	NEW-E	04-11-051
220-33-01000K	REP-E	04-20-003	220-47-31100T	REP-E	04-21-044	220-52-03000U	REP-E	04-11-051
220-33-01000L	NEW-E	04-20-003	220-47-325	AMD-X	04-12-129	220-52-03000V	NEW-E	04-14-004
220-33-01000L	REP-E	04-20-015	220-47-325	AMD	04-16-125	220-52-03000V	REP-E	04-14-004
220-33-01000M	NEW-E	04-20-015	220-47-401	AMD-X	04-12-129	220-52-03000W	NEW-E	04-16-031
220-33-01000M	REP-E	04-20-040	220-47-401	AMD	04-16-125	220-52-03000W	REP-E	04-16-031
220-33-01000N	NEW-E	04-20-040	220-47-411	AMD-X	04-12-129	220-52-03000W	REP-E	04-16-127
220-33-01000N	REP-E	04-20-064	220-47-411	AMD	04-16-125	220-52-03000W	REP-E	04-17-055
220-33-01000P	NEW-E	04-20-064	220-47-41100V	NEW-E	04-21-018	220-52-03000X	NEW-E	04-16-127
220-33-01000P	REP-E	04-21-075	220-47-41100V	REP-E	04-21-018	220-52-03000X	REP-E	04-17-055
220-33-01000Q	REP-E	04-04-071	220-47-428	AMD-X	04-12-129	220-52-03000Y	NEW-E	04-18-052
220-33-01000Q	NEW-E	04-21-075	220-47-428	AMD	04-16-125	220-52-03000Y	REP-E	04-18-052
220-33-01000R	NEW-E	04-04-071	220-47-430	REP-X	04-12-129	220-52-04000A	NEW-E	04-13-024
220-33-01000R	REP-E	04-04-071	220-47-430	REP	04-16-125	220-52-04000A	REP-E	04-13-024
220-33-01000S	NEW-E	04-06-002	220-47-601	NEW-E	04-16-030	220-52-04000B	NEW-E	04-13-060
220-33-01000S	REP-E	04-06-002	220-47-601	REP-E	04-16-049	220-52-04000B	REP-E	04-13-060
220-33-01000S	REP-E	04-06-059	220-47-602	NEW-E	04-16-049	220-52-04000C	NEW-E	04-19-082
220-33-01000T	NEW-E	04-06-059	220-47-602	REP-E	04-16-072	220-52-04000C	REP-E	04-20-034
220-33-01000T	REP-E	04-07-008	220-47-603	NEW-E	04-16-072	220-52-04000D	NEW-E	04-20-034
220-33-01000U	NEW-E	04-07-008	220-47-603	REP-E	04-17-028	220-52-04000U	REP-E	04-05-007
220-33-01000U	REP-E	04-07-028	220-47-604	NEW-E	04-17-028	220-52-04000V	NEW-E	04-05-007
220-33-01000U	REP-E	04-07-028	220-47-604	REP-E	04-18-008	220-52-04000V	REP-E	04-05-014
220-33-01000V	REP-E	04-07-050	220-47-605	NEW-E	04-18-008	220-52-04000W	NEW-E	04-05-014
220-33-01000W	NEW-E	04-07-050	220-47-605	REP-E	04-18-084	220-52-04000W	REP-E	04-06-003
220-33-01000W	REP-E	04-07-078	220-47-606	NEW-E	04-18-084	220-52-04000X	NEW-E	04-06-003
220-33-01000X	NEW-E	04-07-078	220-47-606	REP-E	04-19-066	220-52-04000X	REP-E	04-07-013
220-33-01000X	REP-E	04-07-118	220-47-607	NEW-E	04-19-066	220-52-04000Y	NEW-E	04-07-013
220-33-01000Y	NEW-E	04-07-118	220-47-607	REP-E	04-20-011	220-52-04000Y	REP-E	04-07-019
220-33-01000Y	REP-E	04-07-169	220-47-608	NEW-E	04-20-011	220-52-04000Z	NEW-E	04-07-019
220-33-01000Y	REP-E	04-07-169	220-47-608	REP-E	04-20-011	220-52-04600D	REP-E	04-03-049
220-33-01000Z	NEW-E	04-07-169	220-48-01500T	NEW-E	04-07-029	220-52-04600F	REP-E	04-05-007
220-33-01000Z	REP-E	04-08-011	220-48-01500T	REP-E	04-14-047	220-52-04600G	NEW-E	04-03-049
220-33-03000U	NEW-E	04-09-018	220-48-01500U	NEW-E	04-14-047	220-52-04600G	REP-E	04-06-042
220-33-03000U	REP-E	04-09-018	220-48-029	AMD-P	04-13-005	220-52-04600H	NEW-E	04-05-007
220-33-04000U	REP-E	04-07-117	220-48-029	AMD	04-17-098	220-52-04600H	REP-E	04-06-013
220-33-04000V	NEW-E	04-07-117	220-48-02900D	NEW-E	04-05-056	220-52-04600I	NEW-E	04-06-013
220-33-04000V	REP-E	04-07-117	220-48-02900D	REP-E	04-13-055	220-52-04600I	REP-E	04-07-013
220-33-070	NEW-W	04-10-074	220-48-02900E	NEW-E	04-13-055	220-52-04600J	NEW-E	04-06-042
220-36-023	AMD-X	04-11-109	220-48-02900F	NEW-E	04-14-007	220-52-04600J	REP-E	04-08-038
220-36-023	AMD	04-16-013						

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220-52-04600K	NEW-E	04-07-013	220-52-07100H	REP-E	04-16-012	220-56-25500M	NEW-E	04-12-002
220-52-04600K	REP-E	04-07-042	220-52-07100I	NEW-E	04-16-012	220-56-25500M	REP-E	04-12-032
220-52-04600L	NEW-E	04-07-042	220-52-07100I	REP-E	04-17-071	220-56-25500N	NEW-E	04-12-032
220-52-04600L	REP-E	04-13-024	220-52-07100J	NEW-E	04-17-071	220-56-25500N	REP-E	04-13-026
220-52-04600M	NEW-E	04-08-038	220-52-07100J	REP-E	04-20-007	220-56-25500P	NEW-E	04-13-026
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220-52-04600N	NEW-E	04-13-024	220-52-07100K	REP-E	04-20-047	220-56-25500Q	NEW-E	04-14-024
220-52-04600N	REP-E	04-13-024	220-52-073	AMD-P	04-13-033	220-56-25500Q	REP-E	04-16-004
220-52-04600P	NEW-E	04-13-060	220-52-073	AMD	04-17-096	220-56-25500R	NEW-E	04-16-004
220-52-04600P	REP-E	04-13-060	220-52-07300J	REP-E	04-03-010B	220-56-25500R	REP-E	04-16-004
220-52-04600Q	NEW-E	04-19-082	220-52-07300K	NEW-E	04-03-010B	220-56-267	AMD-P	04-13-005
220-52-04600Q	REP-E	04-21-045	220-52-07300K	REP-E	04-03-074	220-56-267	AMD	04-17-098
220-52-04600R	NEW-E	04-21-045	220-52-07300L	NEW-E	04-03-074	220-56-26700B	NEW-E	04-05-057
220-52-05100A	NEW-E	04-16-048	220-52-07300L	REP-E	04-06-012	220-56-26700B	REP-E	04-13-056
220-52-05100A	REP-E	04-16-073	220-52-07300M	NEW-E	04-20-006	220-56-26700C	NEW-E	04-13-056
220-52-05100B	NEW-E	04-16-073	220-55-061	NEW-P	04-05-068	220-56-270	AMD-P	04-13-005
220-52-05100B	REP-E	04-16-089	220-55-061	NEW	04-08-063	220-56-270	AMD	04-17-098
220-52-05100C	NEW-E	04-16-089	220-55-115	AMD-P	04-13-061	220-56-27000R	REP-E	04-07-116
220-52-05100C	REP-E	04-17-004	220-55-115	AMD	04-17-097	220-56-27000R	REP-E	04-07-123
220-52-05100D	NEW-E	04-17-004	220-56-100	AMD-W	04-05-060	220-56-27000S	NEW-E	04-05-057
220-52-05100D	REP-E	04-17-014	220-56-100	AMD	04-07-009	220-56-27000S	REP-E	04-13-056
220-52-05100E	NEW-E	04-17-014	220-56-100	AMD-X	04-11-119	220-56-27000T	NEW-E	04-07-116
220-52-05100E	REP-E	04-17-055	220-56-10000C	NEW-E	04-10-034	220-56-27000T	REP-E	04-07-116
220-52-05100F	NEW-E	04-17-055	220-56-115	AMD	04-07-009	220-56-27000T	REP-E	04-07-123
220-52-05100F	REP-E	04-17-095	220-56-115	AMD-P	04-19-117	220-56-27000U	NEW-E	04-07-123
220-52-05100G	NEW-E	04-17-095	220-56-118	NEW	04-07-009	220-56-27000U	REP-E	04-07-123
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220-52-05100H	NEW-E	04-18-131	220-56-123	AMD-X	04-11-119	220-56-282	AMD	04-07-009
220-52-05100H	REP-E	04-19-096	220-56-128	AMD-X	04-11-119	220-56-282	AMD-P	04-19-117
220-52-05100I	NEW-E	04-19-096	220-56-128	AMD-P	04-13-005	220-56-310	AMD	04-07-009
220-52-05100I	REP-E	04-21-030	220-56-128	AMD	04-17-098	220-56-310	AMD-P	04-13-023
220-52-05100J	NEW-E	04-21-030	220-56-128	AMD-P	04-19-117	220-56-310	AMD	04-17-088
220-52-05100P	NEW-E	04-09-007	220-56-12800H	NEW-E	04-10-034	220-56-310	AMD-P	04-19-117
220-52-05100P	REP-E	04-10-025	220-56-129	AMD-P	04-19-117	220-56-31000V	NEW-E	04-18-041
220-52-05100Q	NEW-E	04-10-025	220-56-130	AMD-P	04-19-117	220-56-315	AMD	04-07-009
220-52-05100Q	REP-E	04-11-044	220-56-150	AMD	04-07-009	220-56-315	AMD-P	04-19-117
220-52-05100R	NEW-E	04-11-044	220-56-156	AMD-P	04-19-064	220-56-320	AMD-P	04-19-117
220-52-05100R	REP-E	04-13-007	220-56-175	AMD	04-10-033	220-56-325	AMD	04-07-009
220-52-05100S	NEW-E	04-13-007	220-56-180	AMD-X	04-11-119	220-56-325	AMD-P	04-19-117
220-52-05100S	REP-E	04-13-027	220-56-18000C	NEW-E	04-10-034	220-56-32500K	NEW-E	04-09-020
220-52-05100T	NEW-E	04-13-027	220-56-195	AMD-X	04-11-119	220-56-32500K	REP-E	04-09-052
220-52-05100T	REP-E	04-13-082	220-56-19500M	NEW-E	04-10-034	220-56-32500L	NEW-E	04-09-052
220-52-05100U	NEW-E	04-13-082	220-56-215	AMD	04-07-009	220-56-32500L	REP-E	04-09-102
220-52-05100U	REP-E	04-14-058	220-56-232	NEW-W	04-10-077	220-56-32500M	NEW-E	04-09-102
220-52-05100V	NEW-E	04-14-058	220-56-235	AMD	04-07-009	220-56-32500M	REP-E	04-10-028
220-52-05100V	REP-E	04-15-024	220-56-235	AMD-W	04-10-073	220-56-32500N	NEW-E	04-10-028
220-52-05100W	NEW-E	04-15-024	220-56-235	AMD-P	04-13-005	220-56-32500N	REP-E	04-11-014
220-52-05100W	REP-E	04-15-087	220-56-235	AMD	04-17-098	220-56-32500P	NEW-E	04-11-014
220-52-05100X	NEW-E	04-15-087	220-56-23500S	NEW-E	04-05-057	220-56-32500P	REP-E	04-11-077
220-52-05100X	REP-E	04-15-132	220-56-23500S	REP-E	04-13-056	220-56-32500Q	NEW-E	04-11-077
220-52-05100Y	NEW-E	04-15-132	220-56-23500T	NEW-E	04-07-006	220-56-32500Q	REP-E	04-12-036
220-52-05100Y	REP-E	04-16-022	220-56-23500T	REP-E	04-07-006	220-56-32500R	NEW-E	04-12-036
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220-52-05100Z	REP-E	04-16-048	220-56-250	AMD	04-07-009	220-56-32500S	NEW-E	04-12-061
220-52-07100D	NEW-E	04-03-031	220-56-250	AMD-W	04-10-073	220-56-32500S	REP-E	04-13-034
220-52-07100D	REP-E	04-05-008	220-56-25000F	NEW-E	04-07-005	220-56-32500T	NEW-E	04-13-034
220-52-07100E	NEW-E	04-05-008	220-56-25000G	NEW-E	04-10-042	220-56-32500T	REP-E	04-13-093
220-52-07100E	REP-E	04-05-045	220-56-25000G	REP-E	04-10-042	220-56-32500U	NEW-E	04-13-093
220-52-07100F	NEW-E	04-05-045	220-56-25500K	NEW-E	04-10-027	220-56-32500U	REP-E	04-15-023
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220-56-330	AMD-P	04-19-117	220-69-241	AMD	04-17-096	220-120-020	REP-P	04-13-141
220-56-33000J	NEW-E	04-13-004	220-69-242	AMD-P	04-13-193	220-120-020	REP	04-18-051
220-56-33000J	REP-E	04-13-028	220-69-242	AMD	04-17-096	220-120-030	REP-P	04-13-141
220-56-33000K	NEW-E	04-13-008	220-69-243	AMD-P	04-13-193	220-120-030	REP	04-18-051
220-56-33000K	REP-E	04-18-072	220-69-243	AMD	04-17-096	220-120-040	REP-P	04-13-141
220-56-33000L	NEW-E	04-13-066	220-69-250	AMD-P	04-13-193	220-120-040	REP	04-18-051
220-56-33000L	REP-E	04-13-066	220-69-250	AMD	04-17-096	220-120-050	REP-P	04-13-141
220-56-33000M	NEW-E	04-18-072	220-69-254	AMD-P	04-13-193	220-120-050	REP	04-18-051
220-56-33000M	REP-E	04-19-065	220-69-254	AMD	04-17-096	220-120-060	REP-P	04-13-141
220-56-33000N	NEW-E	04-19-065	220-69-260	AMD-P	04-13-193	220-120-060	REP	04-18-051
220-56-335	AMD	04-07-009	220-69-260	AMD	04-17-096	220-120-070	REP-P	04-13-141
220-56-350	AMD	04-07-009	220-69-262	REP-P	04-13-193	220-120-070	REP	04-18-051
220-56-350	AMD-P	04-19-117	220-69-262	REP	04-17-096	220-120-080	REP-P	04-13-141
220-56-35000Q	NEW-E	04-03-010A	220-69-264	AMD-P	04-13-193	220-120-080	REP	04-18-051
220-56-35000Q	REP-E	04-06-035	220-69-264	AMD	04-17-096	220-120-090	REP-P	04-13-141
220-56-35000R	NEW-E	04-06-035	220-69-26401	AMD-P	04-13-193	220-120-090	REP	04-18-051
220-56-35000R	REP-E	04-07-043	220-69-26401	AMD	04-17-096	220-120-100	REP-P	04-13-141
220-56-35000S	NEW-E	04-07-043	220-69-26401A	NEW-E	04-19-097	220-120-100	REP	04-18-051
220-56-35000S	REP-E	04-09-006	220-69-270	AMD-P	04-13-193	220-125-010	AMD	04-05-026
220-56-35000T	NEW-E	04-09-006	220-69-270	AMD	04-17-096	220-130-04000A	NEW-E	04-16-047
220-56-36000A	NEW-E	04-10-070	220-69-274	AMD-P	04-13-193	222-08-010	AMD	04-05-122
220-56-36000A	REP-E	04-10-070	220-69-274	AMD	04-17-096	222-08-020	AMD	04-05-122
220-56-36000B	NEW-E	04-21-019	220-69-280	AMD-P	04-13-193	222-08-020	DECOD	04-05-122
220-56-36000B	REP-E	04-21-019	220-69-280	AMD	04-17-096	222-08-030	AMD	04-05-122
220-56-36000W	NEW-E	04-03-048	220-69-28000A	NEW-E	04-19-097	222-08-030	DECOD	04-05-122
220-56-36000W	REP-E	04-03-048	220-69-300	AMD-P	04-13-193	222-08-035	DECOD	04-05-122
220-56-36000X	NEW-E	04-05-100	220-69-300	AMD	04-17-096	222-08-040	AMD	04-05-122
220-56-36000X	REP-E	04-05-100	220-72-002	REP-P	04-21-072	222-08-050	NEW	04-05-122
220-56-36000Y	NEW-E	04-07-097	220-72-01000B	NEW-E	04-08-037	222-08-060	NEW	04-05-122
220-56-36000Y	REP-E	04-07-097	220-72-011	AMD-P	04-05-069	222-08-070	NEW	04-05-122
220-56-36000Z	NEW-E	04-09-058	220-72-011	AMD-W	04-18-074	222-08-080	NEW	04-05-122
220-56-36000Z	REP-E	04-09-058	220-72-011	AMD-P	04-21-072	222-08-090	NEW	04-05-122
220-56-370	REP	04-07-009	220-72-070	REP-P	04-21-072	222-08-100	NEW	04-05-122
220-56-380	AMD	04-07-009	220-72-073	REP-P	04-21-072	222-08-120	NEW	04-05-122
220-56-380	AMD-P	04-19-117	220-72-076	AMD-P	04-21-072	222-08-130	NEW	04-05-122
220-56-38000G	NEW-E	04-03-010A	220-72-079	REP-P	04-21-072	222-08-140	RECOD	04-05-122
220-56-390	AMD-P	04-13-005	220-72-085	REP-P	04-21-072	222-08-150	RECOD	04-05-122
220-56-390	AMD	04-17-098	220-72-087	REP-P	04-21-072	222-08-160	RECOD	04-05-122
220-56-39000B	NEW-E	04-05-057	220-72-089	AMD-P	04-05-069	222-12-090	AMD	04-05-087
220-56-39000B	REP-E	04-13-056	220-72-089	AMD-W	04-18-074	222-16-010	AMD	04-05-087
220-56-39000C	NEW-E	04-13-056	220-72-089	AMD-P	04-21-072	230-02-030	AMD-X	04-12-038
220-56-410	AMD-P	04-13-005	220-72-08900C	NEW-E	04-08-037	230-02-030	AMD	04-17-066
220-56-410	AMD	04-17-098	220-72-090	AMD-P	04-05-069	230-02-035	AMD-X	04-12-038
220-56-41000A	NEW-E	04-05-057	220-72-090	AMD-W	04-18-074	230-02-035	AMD	04-17-066
220-56-41000A	REP-E	04-13-056	220-72-090	REP-P	04-21-072	230-02-205	AMD-P	04-15-049
220-56-41000B	NEW-E	04-13-056	220-72-09000C	NEW-E	04-08-037	230-02-205	AMD	04-19-069
220-69-210	AMD-P	04-13-193	220-72-092	REP-P	04-21-072	230-02-205	AMD-P	04-20-107
220-69-210	AMD	04-17-096	220-88B-030	AMD	04-05-027	230-04-124	AMD-W	04-05-059
220-69-215	AMD-P	04-13-193	220-88B-040	AMD	04-05-027	230-04-192	REP-P	04-05-078
220-69-215	AMD	04-17-096	220-88C-030	AMD-P	04-07-186	230-04-192	REP	04-09-028
220-69-220	AMD-P	04-13-193	220-88C-030	AMD	04-10-035	230-04-196	REP-P	04-05-078
220-69-220	AMD	04-17-096	220-88C-03000	NEW-E	04-10-041	230-04-196	REP	04-09-028
220-69-23402	AMD-P	04-13-193	220-88C-040	AMD-P	04-07-186	230-04-208	NEW-P	04-17-124
220-69-23402	AMD	04-17-096	220-88C-040	AMD	04-10-035	230-12-045	AMD-P	04-07-103
220-69-236	AMD-P	04-13-193	220-88C-04000	NEW-E	04-10-041	230-12-045	AMD	04-11-091
220-69-236	AMD	04-17-096	220-100-110	AMD-X	04-09-046	230-12-330	AMD-P	04-11-090
220-69-236	AMD-P	04-19-117	220-100-110	AMD	04-14-006	230-12-340	AMD-P	04-11-090
220-69-240	AMD-P	04-13-033	220-110-035	PREP	04-04-008	230-20-059	AMD	04-07-102
220-69-240	AMD-P	04-13-193	220-110-035	AMD-P	04-08-064	230-30-033	AMD-P	04-09-088
220-69-240	AMD	04-17-096	220-110-035	AMD-C	04-17-013	230-30-033	AMD	04-15-047
220-69-241	AMD	04-05-028	220-120-010	REP-P	04-13-141	230-30-033	AMD-P	04-19-093

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230-30-072	AMD-W	04-15-108	232-16-610	NEW	04-17-061	232-28-61900C	NEW-E	04-15-146
230-40-070	PREP	04-04-061	232-16-740	AMD-P	04-13-168	232-28-61900C	REP-E	04-15-146
230-40-070	AMD-P	04-07-147	232-16-740	AMD	04-17-061	232-28-61900D	NEW-E	04-10-036
230-40-070	AMD-P	04-09-087	232-28-248	AMD-P	04-05-115	232-28-61900D	REP-E	04-10-036
230-40-070	AMD	04-11-092	232-28-248	AMD	04-11-036	232-28-61900D	REP-E	04-11-002
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230-40-120	AMD	04-06-005	232-28-271	AMD	04-03-026	232-28-61900E	NEW-E	04-10-063
230-40-120	AMD-W	04-07-051	232-28-271	AMD-P	04-21-101	232-28-61900E	REP-E	04-12-060
230-40-120	AMD-P	04-15-048	232-28-272	AMD-P	04-05-109	232-28-61900E	NEW-E	04-16-011
230-40-120	AMD	04-19-068	232-28-272	AMD	04-11-036	232-28-61900E	REP-E	04-18-032
230-40-554	AMD-P	04-19-095	232-28-272	AMD-P	04-13-165	232-28-61900F	REP-E	04-07-004
230-40-610	AMD-P	04-19-094	232-28-272	AMD	04-21-036	232-28-61900F	NEW-E	04-11-002
230-40-610	AMD-P	04-20-106	232-28-273	AMD-P	04-05-111	232-28-61900F	REP-E	04-11-073
230-40-625	AMD-P	04-11-089	232-28-273	AMD	04-11-036	232-28-61900F	NEW-E	04-16-021
230-40-625	AMD	04-19-070	232-28-282	AMD-P	04-05-111	232-28-61900F	REP-E	04-18-085
230-40-625	AMD	04-19-137	232-28-282	AMD	04-11-036	232-28-61900G	NEW-E	04-03-047
230-40-823	AMD	04-06-058	232-28-284	NEW-P	04-21-097	232-28-61900G	REP-E	04-03-047
230-40-825	AMD-P	04-11-089	232-28-285	NEW-P	04-13-170	232-28-61900G	REP-E	04-04-028
230-40-825	AMD-P	04-19-021	232-28-285	NEW	04-21-036	232-28-61900G	NEW-E	04-11-003
230-40-825	AMD	04-19-070	232-28-291	AMD-P	04-21-099	232-28-61900G	REP-E	04-11-003
230-40-825	AMD	04-19-137	232-28-29100B	NEW-E	04-19-011	232-28-61900G	NEW-E	04-16-023
232-12-004	AMD-P	04-05-099	232-28-333	AMD-P	04-05-113	232-28-61900G	REP-E	04-17-136
232-12-004	AMD	04-11-036	232-28-333	AMD-W	04-18-075	232-28-61900H	NEW-E	04-04-028
232-12-005	NEW-P	04-05-099	232-28-333	AMD-P	04-21-098	232-28-61900H	REP-E	04-04-028
232-12-005	NEW	04-11-036	232-28-335	AMD-P	04-05-114	232-28-61900H	REP-E	04-05-032
232-12-014	AMD-P	04-05-110	232-28-335	AMD	04-11-036	232-28-61900H	NEW-E	04-11-021
232-12-014	AMD	04-11-036	232-28-337	AMD-P	04-05-116	232-28-61900H	REP-E	04-11-021
232-12-019	AMD	04-07-009	232-28-337	AMD	04-11-036	232-28-61900H	NEW-E	04-16-069
232-12-021	AMD-E	04-17-060	232-28-33700B	NEW-E	04-19-025	232-28-61900H	REP-E	04-19-006
232-12-021	AMD-P	04-21-095	232-28-341	AMD-P	04-05-112	232-28-61900I	NEW-E	04-04-060
232-12-047	AMD-P	04-05-106	232-28-341	AMD	04-11-036	232-28-61900I	NEW-E	04-11-050
232-12-047	AMD	04-11-036	232-28-341	AMD-P	04-13-169	232-28-61900I	REP-E	04-11-050
232-12-054	AMD-P	04-05-106	232-28-341	AMD	04-21-036	232-28-61900I	NEW-E	04-16-041
232-12-054	AMD	04-11-036	232-28-351	AMD-P	04-05-107	232-28-61900I	REP-E	04-16-041
232-12-064	AMD-P	04-05-099	232-28-351	AMD	04-11-036	232-28-61900J	NEW-E	04-05-015
232-12-064	AMD	04-11-036	232-28-352	AMD-P	04-05-108	232-28-61900J	REP-E	04-05-015
232-12-06800B	NEW-E	04-19-058	232-28-352	AMD	04-11-036	232-28-61900J	NEW-E	04-11-076
232-12-129	AMD-P	04-21-096	232-28-427	REP-P	04-13-171	232-28-61900J	REP-E	04-11-076
232-12-168	AMD	04-07-009	232-28-427	REP	04-17-061	232-28-61900J	NEW-E	04-16-068
232-12-224	REP-P	04-13-038	232-28-428	NEW-P	04-13-171	232-28-61900K	NEW-E	04-05-033
232-12-224	REP-C	04-17-081	232-28-428	NEW	04-17-061	232-28-61900K	REP-E	04-05-033
232-12-243	AMD-P	04-13-165	232-28-515	AMD-P	04-13-166	232-28-61900K	REP-E	04-07-026
232-12-243	AMD	04-21-036	232-28-515	AMD	04-17-061	232-28-61900K	NEW-E	04-12-013
232-12-271	AMD-P	04-05-099	232-28-619	AMD	04-07-009	232-28-61900K	REP-E	04-12-013
232-12-271	AMD	04-11-036	232-28-619	AMD-X	04-11-069	232-28-61900K	NEW-E	04-17-070
232-12-275	AMD-P	04-13-167	232-28-619	AMD-X	04-11-119	232-28-61900K	REP-E	04-17-070
232-12-275	AMD	04-20-020	232-28-619	AMD-P	04-13-094	232-28-61900L	NEW-E	04-05-048
232-12-31500K	REP-E	04-08-065	232-28-619	AMD	04-16-046	232-28-61900L	REP-E	04-05-048
232-12-31500L	NEW-E	04-08-065	232-28-619	AMD	04-19-012	232-28-61900L	NEW-E	04-12-033
232-12-31500L	REP-E	04-08-065	232-28-619	AMD-P	04-19-117	232-28-61900L	REP-E	04-12-033
232-12-619	AMD	04-07-009	232-28-61900A	NEW-E	04-09-103	232-28-61900L	NEW-E	04-17-137
232-12-619	AMD-X	04-11-119	232-28-61900A	REP-E	04-09-103	232-28-61900L	REP-E	04-17-137
232-12-619	AMD-P	04-13-094	232-28-61900A	REP-E	04-11-003	232-28-61900M	NEW-E	04-07-007
232-12-619	AMD	04-19-012	232-28-61900A	NEW-E	04-15-022	232-28-61900M	REP-E	04-07-007
232-12-619	AMD-P	04-19-117	232-28-61900B	NEW-E	04-10-005	232-28-61900M	NEW-E	04-12-060
232-12-61900V	NEW-E	04-10-034	232-28-61900B	REP-E	04-10-005	232-28-61900M	REP-E	04-14-049
232-12-828	AMD-P	04-05-106	232-28-61900B	REP-E	04-10-036	232-28-61900M	NEW-E	04-19-006
232-12-828	AMD	04-11-036	232-28-61900B	NEW-E	04-15-044	232-28-61900M	REP-E	04-19-118
232-16-270	REP-P	04-13-168	232-28-61900B	REP-E	04-15-044	232-28-61900N	NEW-E	04-07-004
232-16-270	REP	04-17-061	232-28-61900C	NEW-E	04-10-034	232-28-61900N	REP-E	04-07-004

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232-28-61900N	NEW-E	04-13-035	232-28-62000R	NEW-E	04-15-110	236-51-005	NEW	04-07-104
232-28-61900N	REP-E	04-13-035	232-28-62000R	REP-E	04-17-059	236-51-006	NEW	04-07-104
232-28-61900N	NEW-E	04-19-063	232-28-62000S	NEW-E	04-17-059	236-51-010	NEW	04-07-104
232-28-61900P	NEW-E	04-07-026	232-28-62000S	REP-E	04-18-021	236-51-100	NEW	04-07-104
232-28-61900P	REP-E	04-07-026	232-28-62000T	NEW-E	04-18-021	236-51-110	NEW	04-07-104
232-28-61900P	REP-E	04-09-049	232-28-62000T	REP-E	04-18-021	236-51-115	NEW	04-07-104
232-28-61900P	NEW-E	04-13-054	232-28-62000T	REP-E	04-18-053	236-51-120	NEW	04-07-104
232-28-61900P	REP-E	04-13-054	232-28-62000U	NEW-E	04-18-053	236-51-200	NEW	04-07-104
232-28-61900P	NEW-E	04-19-118	232-28-62000U	REP-E	04-18-053	236-51-205	NEW	04-07-104
232-28-61900P	REP-E	04-20-039	232-28-62000U	REP-E	04-19-014	236-51-210	NEW	04-07-104
232-28-61900Q	NEW-E	04-07-067	232-28-62000V	NEW-E	04-19-014	236-51-215	NEW	04-07-104
232-28-61900Q	REP-E	04-07-067	232-28-62000V	REP-E	04-19-014	236-51-220	NEW	04-07-104
232-28-61900Q	NEW-E	04-13-064	232-28-62000V	REP-E	04-19-035	236-51-225	NEW	04-07-104
232-28-61900Q	REP-E	04-13-164	232-28-62000W	NEW-E	04-19-035	236-51-300	NEW	04-07-104
232-28-61900Q	NEW-E	04-20-039	232-28-62000W	REP-E	04-19-035	236-51-302	NEW	04-07-104
232-28-61900R	NEW-E	04-08-005	232-28-621	AMD-X	04-11-079	236-51-305	NEW	04-07-104
232-28-61900R	REP-E	04-08-005	232-28-621	AMD	04-16-006	236-51-306	NEW	04-07-104
232-28-61900R	REP-E	04-08-013	232-28-62100N	NEW-E	04-10-034	236-51-310	NEW	04-07-104
232-28-61900R	NEW-E	04-13-069	232-28-62100N	REP-E	04-13-068	236-51-320	NEW	04-07-104
232-28-61900R	REP-E	04-16-021	232-28-62100P	NEW-E	04-13-068	236-51-400	NEW	04-07-104
232-28-61900R	NEW-E	04-20-036	232-28-62100P	REP-E	04-17-005	236-51-405	NEW	04-07-104
232-28-61900R	REP-E	04-20-046	232-28-62100Q	NEW-E	04-17-005	236-51-410	NEW	04-07-104
232-28-61900S	NEW-E	04-08-013	232-28-62100Q	REP-E	04-17-005	236-51-500	NEW	04-07-104
232-28-61900S	NEW-E	04-13-164	236-12-290	AMD-P	04-05-101	236-51-502	NEW	04-07-104
232-28-61900S	REP-E	04-14-008	236-12-290	AMD	04-18-064	236-51-505	NEW	04-07-104
232-28-61900S	NEW-E	04-20-038	236-12-470	PREP	04-10-112	236-51-510	NEW	04-07-104
232-28-61900S	REP-E	04-20-038	236-12-470	AMD-P	04-19-057	236-51-515	NEW	04-07-104
232-28-61900T	NEW-E	04-08-049	236-22-010	AMD-P	04-20-084	236-51-600	NEW	04-07-104
232-28-61900T	REP-E	04-08-049	236-22-010	DECOD-P	04-20-084	236-51-605	NEW	04-07-104
232-28-61900T	NEW-E	04-14-008	236-22-020	AMD-P	04-20-084	236-51-610	NEW	04-07-104
232-28-61900T	REP-E	04-14-091	236-22-020	DECOD-P	04-20-084	236-51-615	NEW	04-07-104
232-28-61900T	NEW-E	04-20-046	236-22-030	AMD-P	04-20-084	236-51-620	NEW	04-07-104
232-28-61900U	NEW-E	04-09-047	236-22-030	DECOD-P	04-20-084	236-51-700	NEW	04-07-104
232-28-61900U	REP-E	04-14-059	236-22-031	AMD-P	04-20-084	236-51-710	NEW	04-07-104
232-28-61900U	NEW-E	04-20-082	236-22-031	DECOD-P	04-20-084	236-51-715	NEW	04-07-104
232-28-61900U	REP-E	04-20-082	236-22-032	DECOD-P	04-20-084	236-51-720	NEW	04-07-104
232-28-61900V	NEW-E	04-09-019	236-22-033	DECOD-P	04-20-084	236-51-725	NEW	04-07-104
232-28-61900V	REP-E	04-09-019	236-22-034	AMD-P	04-20-084	236-51-730	NEW	04-07-104
232-28-61900V	NEW-E	04-21-017	236-22-034	DECOD-P	04-20-084	236-51-735	NEW	04-07-104
232-28-61900V	REP-E	04-21-017	236-22-035	DECOD-P	04-20-084	236-51-740	NEW	04-07-104
232-28-61900W	NEW-E	04-09-023	236-22-036	AMD-P	04-20-084	236-51-745	NEW	04-07-104
232-28-61900W	REP-E	04-09-023	236-22-036	DECOD-P	04-20-084	242-02-210	AMD-P	04-18-111
232-28-61900W	REP-E	04-09-103	236-22-037	AMD-P	04-20-084	242-02-210	AMD	04-21-046
232-28-61900W	NEW-E	04-14-057	236-22-037	DECOD-P	04-20-084	242-02-230	AMD-P	04-18-111
232-28-61900X	NEW-E	04-09-022	236-22-038	AMD-P	04-20-084	242-02-230	AMD	04-21-046
232-28-61900X	REP-E	04-09-022	236-22-038	DECOD-P	04-20-084	242-02-240	AMD-P	04-18-111
232-28-61900X	NEW-E	04-14-059	236-22-040	DECOD-P	04-20-084	242-02-240	AMD	04-21-046
232-28-61900X	REP-E	04-15-022	236-22-050	AMD-P	04-20-084	242-02-250	AMD-P	04-18-111
232-28-61900Y	NEW-E	04-09-048	236-22-050	DECOD-P	04-20-084	242-02-250	AMD	04-21-046
232-28-61900Y	REP-E	04-11-072	236-22-060	AMD-P	04-20-084	242-02-270	AMD-P	04-18-111
232-28-61900Y	NEW-E	04-14-049	236-22-060	DECOD-P	04-20-084	242-02-270	AMD	04-21-046
232-28-61900Y	REP-E	04-16-005	236-22-070	AMD-P	04-20-084	242-02-280	AMD-P	04-18-111
232-28-61900Z	NEW-E	04-09-049	236-22-070	DECOD-P	04-20-084	242-02-280	AMD	04-21-046
232-28-61900Z	REP-E	04-09-049	236-22-080	AMD-P	04-20-084	242-02-310	AMD-P	04-18-111
232-28-61900Z	REP-E	04-10-005	236-22-080	DECOD-P	04-20-084	242-02-310	AMD	04-21-046
232-28-61900Z	NEW-E	04-14-091	236-22-100	AMD-P	04-20-084	242-02-320	AMD-P	04-18-111
232-28-620	AMD-X	04-11-079	236-22-100	DECOD-P	04-20-084	242-02-320	AMD	04-21-046
232-28-620	AMD	04-16-006	236-22-200	AMD-P	04-20-084	242-02-340	AMD-P	04-18-111
232-28-62000P	NEW-E	04-10-034	236-22-200	DECOD-P	04-20-084	242-02-340	AMD	04-21-046
232-28-62000P	REP-E	04-13-142	236-22-210	AMD-P	04-20-084	242-02-52001	AMD-P	04-18-111
232-28-62000Q	NEW-E	04-13-142	236-22-210	DECOD-P	04-20-084	242-02-52001	AMD	04-21-046
232-28-62000Q	REP-E	04-15-110	236-51-001	NEW	04-07-104	242-02-893	AMD-P	04-18-111

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242-02-893	AMD	04-21-046	246-215-230	REP-P	04-16-109	246-254-090	AMD	04-04-055
246-01	PREP	04-06-043	246-215-240	AMD-P	04-16-109	246-254-090	AMD-P	04-07-175
246-08	PREP	04-06-043	246-215-250	REP-P	04-16-109	246-254-090	AMD	04-12-124
246-50-001	AMD-W	04-02-066	246-215-251	NEW-P	04-16-109	246-254-100	AMD-P	04-07-175
246-50-005	NEW-W	04-02-066	246-215-260	AMD-P	04-16-109	246-254-100	AMD	04-12-124
246-50-010	AMD-W	04-02-066	246-215-270	REP-P	04-16-109	246-254-120	AMD-P	04-07-175
246-50-020	AMD-W	04-02-066	246-215-280	AMD-P	04-16-109	246-254-120	AMD	04-12-124
246-50-030	AMD-W	04-02-066	246-215-290	AMD-P	04-16-109	246-260	AMD-C	04-12-118
246-50-035	NEW-W	04-02-066	246-215-300	AMD-P	04-16-109	246-260-001	AMD-P	04-08-099
246-50-040	REP-W	04-02-066	246-215-311	NEW-P	04-16-109	246-260-001	AMD	04-18-096
246-50-990	AMD-W	04-02-066	246-217-010	PREP-W	04-06-020	246-260-010	AMD-P	04-08-099
246-100-166	PREP	04-15-148	246-217-010	AMD-P	04-09-056	246-260-010	AMD	04-18-096
246-101-015	PREP	04-12-119	246-217-010	AMD-C	04-11-097	246-260-020	REP-P	04-08-099
246-101-015	AMD-P	04-20-067	246-217-010	AMD	04-16-100	246-260-020	REP	04-18-096
246-101-101	PREP	04-12-119	246-217-015	PREP-W	04-06-020	246-260-021	NEW-P	04-08-099
246-101-101	AMD-E	04-16-099	246-220-010	AMD-P	04-19-159	246-260-021	NEW	04-18-096
246-101-101	AMD-P	04-20-067	246-221-010	AMD-P	04-19-159	246-260-030	REP-P	04-08-099
246-101-201	PREP	04-12-119	246-232-020	AMD	04-04-055	246-260-030	REP	04-18-096
246-101-201	AMD-E	04-16-099	246-232-040	AMD	04-04-055	246-260-031	NEW-P	04-08-099
246-101-201	AMD-P	04-20-067	246-232-050	AMD	04-04-055	246-260-031	NEW	04-18-096
246-101-301	PREP	04-12-119	246-232-060	AMD	04-04-055	246-260-040	REP-P	04-08-099
246-101-301	AMD-E	04-16-099	246-233-001	AMD	04-04-055	246-260-040	REP	04-18-096
246-101-301	AMD-P	04-20-067	246-233-005	NEW	04-04-055	246-260-041	NEW-P	04-08-099
246-215-001	AMD-P	04-16-109	246-233-015	NEW	04-04-055	246-260-041	NEW	04-18-096
246-215-005	NEW-P	04-16-109	246-233-020	AMD	04-04-055	246-260-050	REP-P	04-08-099
246-215-010	REP-P	04-16-109	246-233-025	NEW	04-04-055	246-260-050	REP	04-18-096
246-215-011	NEW-P	04-16-109	246-233-030	NEW	04-04-055	246-260-051	NEW-P	04-08-099
246-215-020	REP-P	04-16-109	246-233-035	NEW	04-04-055	246-260-051	NEW	04-18-096
246-215-021	NEW-P	04-16-109	246-233-040	NEW	04-04-055	246-260-060	REP-P	04-08-099
246-215-030	REP-P	04-16-109	246-235-093	AMD	04-04-055	246-260-060	REP	04-18-096
246-215-031	NEW-P	04-16-109	246-235-095	AMD	04-04-055	246-260-061	NEW-P	04-08-099
246-215-040	REP-P	04-16-109	246-235-097	AMD	04-04-055	246-260-061	NEW	04-18-096
246-215-041	NEW-P	04-16-109	246-239	PREP	04-18-092	246-260-070	REP-P	04-08-099
246-215-050	REP-P	04-16-109	246-239-080	AMD	04-04-055	246-260-070	REP	04-18-096
246-215-051	NEW-P	04-16-109	246-247-010	AMD-P	04-07-180	246-260-071	NEW-P	04-08-099
246-215-060	REP-P	04-16-109	246-247-010	AMD	04-18-094	246-260-071	NEW	04-18-096
246-215-061	NEW-P	04-16-109	246-247-040	AMD-P	04-07-180	246-260-080	REP-P	04-08-099
246-215-070	REP-P	04-16-109	246-247-040	AMD	04-18-094	246-260-080	REP	04-18-096
246-215-071	NEW-P	04-16-109	246-247-045	NEW-P	04-07-180	246-260-081	NEW-P	04-08-099
246-215-080	REP-P	04-16-109	246-247-045	NEW	04-18-094	246-260-081	NEW	04-18-096
246-215-081	NEW-P	04-16-109	246-247-075	AMD-W	04-02-067	246-260-090	REP-P	04-08-099
246-215-090	REP-P	04-16-109	246-247-075	AMD-P	04-07-180	246-260-090	REP	04-18-096
246-215-091	NEW-P	04-16-109	246-247-075	AMD	04-18-094	246-260-091	NEW-P	04-08-099
246-215-100	REP-P	04-16-109	246-247-080	AMD-P	04-07-180	246-260-091	NEW	04-18-096
246-215-110	REP-P	04-16-109	246-247-080	AMD	04-18-094	246-260-100	REP-P	04-08-099
246-215-120	REP-P	04-16-109	246-247-085	AMD-P	04-07-180	246-260-100	REP	04-18-096
246-215-121	NEW-P	04-16-109	246-247-085	AMD	04-18-094	246-260-101	NEW-P	04-08-099
246-215-130	REP-P	04-16-109	246-247-110	AMD-W	04-02-067	246-260-101	NEW	04-18-096
246-215-131	NEW-P	04-16-109	246-247-110	AMD-P	04-07-180	246-260-110	REP-P	04-08-099
246-215-140	REP-P	04-16-109	246-247-110	AMD	04-18-094	246-260-110	REP	04-18-096
246-215-141	NEW-P	04-16-109	246-247-120	AMD-W	04-02-067	246-260-111	NEW-P	04-08-099
246-215-150	REP-P	04-16-109	246-247-120	AMD-P	04-07-180	246-260-111	NEW	04-18-096
246-215-151	NEW-P	04-16-109	246-247-130	AMD	04-18-094	246-260-120	REP-P	04-08-099
246-215-160	REP-P	04-16-109	246-247-130	AMD-W	04-02-067	246-260-120	REP	04-18-096
246-215-170	REP-P	04-16-109	246-247-130	AMD-P	04-07-180	246-260-121	NEW-P	04-08-099
246-215-180	REP-P	04-16-109	246-247-130	AMD	04-18-094	246-260-121	NEW	04-18-096
246-215-181	NEW-P	04-16-109	246-254-053	AMD-P	04-07-181	246-260-130	REP-P	04-08-099
246-215-190	REP-P	04-16-109	246-254-053	AMD	04-12-125	246-260-130	REP	04-18-096
246-215-191	NEW-P	04-16-109	246-254-070	AMD-P	04-07-175	246-260-131	NEW-P	04-08-099
246-215-200	AMD-P	04-16-109	246-254-070	AMD	04-12-124	246-260-131	NEW	04-18-096
246-215-210	AMD-P	04-16-109	246-254-080	AMD-P	04-07-175	246-260-140	REP-P	04-08-099
246-215-220	AMD-P	04-16-109	246-254-080	AMD	04-12-124	246-260-140	REP	04-18-096

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246-260-141	NEW	04-18-096	246-292	PREP	04-13-051	246-360-150	AMD-P	04-12-117
246-260-150	REP-P	04-08-099	246-292-160	AMD-P	04-06-046	246-360-160	AMD-P	04-12-117
246-260-150	REP	04-18-096	246-292-160	AMD-C	04-10-013	246-360-180	AMD-P	04-12-117
246-260-151	NEW-P	04-08-099	246-292-160	AMD	04-12-123	246-360-200	AMD-P	04-12-117
246-260-151	NEW	04-18-096	246-294	PREP	04-15-147	246-360-220	NEW-P	04-12-117
246-260-160	REP-P	04-08-099	246-294-001	AMD	04-06-047	246-360-230	NEW-P	04-12-117
246-260-160	REP	04-18-096	246-294-010	AMD	04-06-047	246-360-500	AMD-P	04-12-117
246-260-170	REP-P	04-08-099	246-294-020	AMD	04-06-047	246-360-990	AMD-P	04-13-161
246-260-170	REP	04-18-096	246-294-030	AMD	04-06-047	246-360-990	AMD	04-19-141
246-260-171	NEW-P	04-08-099	246-294-040	AMD	04-06-047	246-366	PREP	04-20-050
246-260-171	NEW	04-18-096	246-294-050	AMD	04-06-047	246-802-060	PREP	04-15-149
246-260-181	NEW-P	04-08-099	246-294-060	AMD	04-06-047	246-808-190	PREP	04-02-064
246-260-181	NEW	04-18-096	246-294-070	AMD	04-06-047	246-808-535	PREP	04-02-064
246-260-191	NEW-P	04-08-099	246-294-080	AMD	04-06-047	246-809	PREP	04-17-052
246-260-191	NEW	04-18-096	246-294-090	AMD	04-06-047	246-809	PREP	04-17-053
246-260-200	REP-P	04-08-099	246-310-010	AMD-X	04-10-014	246-809-610	AMD	04-06-010
246-260-200	REP	04-18-096	246-310-010	PREP	04-15-150	246-809-620	AMD	04-06-010
246-260-201	NEW-P	04-08-099	246-310-010	AMD	04-17-054	246-809-630	AMD	04-06-010
246-260-201	NEW	04-18-096	246-310-132	REP-P	04-11-099	246-809-700	NEW	04-06-011
246-260-210	REP-P	04-08-099	246-310-210	PREP	04-15-150	246-809-710	NEW	04-06-011
246-260-210	REP	04-18-096	246-310-220	PREP	04-15-150	246-809-720	NEW	04-06-011
246-260-211	NEW-P	04-08-099	246-310-230	PREP	04-15-150	246-812	PREP	04-12-120
246-260-211	NEW	04-18-096	246-310-240	PREP	04-15-150	246-815-020	AMD-P	04-12-122
246-260-220	REP-P	04-08-099	246-310-261	AMD-P	04-11-099	246-815-020	AMD	04-20-049
246-260-220	REP	04-18-096	246-310-262	AMD-P	04-11-099	246-815-050	AMD-P	04-12-122
246-260-221	NEW-P	04-08-099	246-310-263	NEW-P	04-11-099	246-815-050	AMD	04-20-049
246-260-221	NEW	04-18-096	246-310-280	PREP	04-15-150	246-815-100	AMD-P	04-12-122
246-260-230	REP-P	04-08-099	246-310-990	AMD-P	04-11-099	246-815-100	AMD	04-20-049
246-260-230	REP	04-18-096	246-320-010	AMD	04-11-057	246-815-110	AMD-P	04-12-122
246-260-240	REP-P	04-08-099	246-320-370	NEW	04-11-057	246-815-110	AMD	04-20-049
246-260-240	REP	04-18-096	246-320-990	AMD-P	04-13-161	246-815-115	AMD-P	04-12-122
246-260-250	REP-P	04-08-099	246-320-990	AMD	04-19-141	246-815-115	AMD	04-20-049
246-260-250	REP	04-18-096	246-322-990	AMD-P	04-13-161	246-815-990	AMD-P	04-18-093
246-260-260	REP-P	04-08-099	246-322-990	AMD	04-19-141	246-817-135	PREP	04-08-096
246-260-260	REP	04-18-096	246-323-990	AMD-P	04-14-066	246-817-180	PREP	04-15-151
246-260-999	NEW-P	04-08-099	246-323-990	AMD	04-19-140	246-817-440	PREP	04-08-095
246-260-999	NEW	04-18-096	246-324-990	AMD-P	04-13-161	246-817-560	PREP	04-09-055
246-260-99901	NEW-P	04-08-099	246-324-990	AMD	04-19-141	246-828-030	REP	04-02-068
246-260-99901	NEW	04-18-096	246-325-990	AMD-P	04-13-161	246-828-045	AMD	04-02-068
246-260-99902	NEW-P	04-08-099	246-325-990	AMD	04-19-141	246-828-055	REP	04-02-068
246-260-99902	NEW	04-18-096	246-326-990	AMD-P	04-13-161	246-828-061	REP	04-02-068
246-272B	PREP	04-03-010	246-326-990	AMD	04-19-141	246-828-070	REP	04-02-068
246-282-990	AMD-P	04-11-098	246-329-990	AMD-P	04-13-161	246-828-075	AMD	04-02-068
246-282-990	AMD	04-15-154	246-329-990	AMD	04-19-141	246-828-090	AMD	04-02-068
246-290	PREP	04-06-044	246-335-990	PREP	04-09-054	246-828-095	AMD	04-02-068
246-290-010	AMD	04-04-056	246-335-990	AMD-P	04-13-160	246-828-100	AMD	04-02-068
246-290-025	AMD	04-04-056	246-335-990	AMD	04-19-142	246-828-105	AMD	04-02-068
246-290-130	AMD	04-04-056	246-360-001	AMD-P	04-12-117	246-828-220	AMD	04-02-068
246-290-300	AMD	04-04-056	246-360-010	AMD-P	04-12-117	246-828-270	AMD	04-02-068
246-290-310	AMD	04-04-056	246-360-020	AMD-P	04-12-117	246-828-290	AMD	04-02-068
246-290-320	AMD	04-04-056	246-360-030	AMD-P	04-12-117	246-828-320	AMD	04-02-068
246-290-480	AMD	04-04-056	246-360-035	NEW-P	04-12-117	246-828-330	AMD	04-02-068
246-290-601	AMD	04-04-056	246-360-040	AMD-P	04-12-117	246-828-350	AMD	04-02-068
246-290-630	AMD	04-04-056	246-360-050	AMD-P	04-12-117	246-828-500	AMD	04-02-068
246-290-660	AMD	04-04-056	246-360-070	AMD-P	04-12-117	246-828-500	PREP	04-13-050
246-290-664	AMD	04-04-056	246-360-080	AMD-P	04-12-117	246-828-510	PREP	04-13-050
246-290-666	AMD	04-04-056	246-360-090	AMD-P	04-12-117	246-828-530	PREP	04-13-050
246-290-72010	AMD	04-04-056	246-360-100	AMD-P	04-12-117	246-828-550	AMD	04-02-068
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246-840-010	AMD-E	04-05-043	246-851-570	NEW	04-05-004	246-915-100	AMD-P	04-20-053
246-840-010	AMD-P	04-09-057	246-851-580	NEW-P	04-06-045	246-915-105	PREP	04-07-174
246-840-010	AMD	04-13-053	246-851-580	NEW	04-12-127	246-915-105	NEW-P	04-20-070
246-840-010	PREP	04-21-079	246-851-590	NEW-P	04-06-045	246-915-120	PREP	04-07-176
246-840-020	PREP	04-21-079	246-851-590	NEW	04-12-127	246-915-140	AMD-P	04-08-046
246-840-030	PREP	04-21-079	246-851-600	NEW	04-05-004	246-915-140	AMD	04-13-052
246-840-040	PREP	04-21-079	246-851-610	NEW-P	04-06-045	246-915-150	REP-X	04-20-052
246-840-050	PREP	04-21-079	246-851-610	NEW	04-12-127	246-915-160	AMD-P	04-08-046
246-840-060	PREP	04-21-079	246-865-060	PREP	04-21-078	246-915-160	AMD	04-13-052
246-840-070	PREP	04-21-079	246-873-090	PREP-W	04-07-010	246-915-170	REP-X	04-20-052
246-840-080	PREP	04-21-079	246-887-160	AMD-X	04-03-105	246-915-180	PREP	04-07-177
246-840-090	PREP	04-21-079	246-887-160	AMD	04-13-162	246-915-180	AMD-P	04-20-069
246-840-565	PREP	04-21-079	246-888-010	AMD-P	04-08-097	246-915-182	NEW-P	04-03-119
246-840-700	AMD-E	04-06-009	246-888-010	AMD	04-18-095	246-915-182	NEW	04-08-102
246-840-700	AMD-P	04-10-078	246-888-020	AMD-P	04-08-097	246-915-210	AMD-P	04-03-107
246-840-700	AMD	04-14-065	246-888-020	AMD	04-18-095	246-915-210	AMD	04-08-100
246-840-760	PREP	04-21-079	246-888-030	AMD-P	04-08-097	246-915-220	AMD-P	04-03-107
246-840-840	AMD-E	04-05-043	246-888-030	AMD	04-18-095	246-915-220	AMD	04-08-100
246-840-840	AMD-P	04-09-057	246-888-040	RECOD-P	04-08-097	246-915-230	AMD-P	04-03-107
246-840-840	AMD	04-13-053	246-888-040	REP-P	04-08-097	246-915-230	AMD	04-08-100
246-840-850	AMD-E	04-05-043	246-888-040	REP	04-18-095	246-915-240	AMD-P	04-03-107
246-840-850	AMD-P	04-09-057	246-888-045	RECOD	04-18-095	246-915-240	AMD	04-08-100
246-840-850	AMD	04-13-053	246-888-050	DECOD-P	04-08-097	246-915-250	AMD-P	04-03-107
246-840-860	AMD-E	04-05-043	246-888-050	RECOD-P	04-08-097	246-915-250	AMD	04-08-100
246-840-860	AMD-P	04-09-057	246-888-050	DECOD	04-18-095	246-915-260	AMD-P	04-03-107
246-840-860	AMD	04-13-053	246-888-050	RECOD	04-18-095	246-915-260	AMD	04-08-100
246-840-870	AMD-E	04-05-043	246-888-060	DECOD-P	04-08-097	246-915-270	AMD-P	04-03-107
246-840-870	AMD-P	04-09-057	246-888-060	RECOD-P	04-08-097	246-915-270	AMD	04-08-100
246-840-870	AMD	04-13-053	246-888-060	DECOD	04-18-095	246-915-280	AMD-P	04-03-107
246-840-880	AMD-E	04-05-043	246-888-060	RECOD	04-18-095	246-915-280	AMD	04-08-100
246-840-880	AMD-P	04-09-057	246-888-070	AMD-P	04-08-097	246-918-120	AMD-P	04-05-044
246-840-880	AMD	04-13-053	246-888-070	DECOD-P	04-08-097	246-918-120	AMD	04-11-100
246-840-890	AMD-E	04-05-043	246-888-070	RECOD-P	04-08-097	246-919-110	AMD	04-04-067
246-840-890	AMD-P	04-09-057	246-888-070	AMD	04-18-095	246-919-320	AMD	04-04-067
246-840-890	AMD	04-13-053	246-888-070	DECOD	04-18-095	246-919-330	AMD-W	04-04-078
246-840-900	REP-E	04-05-043	246-888-070	RECOD	04-18-095	246-919-360	AMD	04-04-067
246-840-900	AMD-P	04-09-057	246-888-080	DECOD-P	04-08-097	246-919-480	PREP	04-03-106
246-840-900	AMD	04-13-053	246-888-080	RECOD-P	04-08-097	246-924-040	PREP	04-17-130
246-840-905	NEW-P	04-09-057	246-888-080	DECOD	04-18-095	246-924-060	PREP	04-17-130
246-840-905	NEW	04-13-053	246-888-080	RECOD	04-18-095	246-924-070	PREP	04-17-130
246-840-910	AMD-E	04-06-009	246-888-090	DECOD-P	04-08-097	246-924-080	PREP	04-17-130
246-840-910	AMD-P	04-10-078	246-888-090	RECOD-P	04-08-097	246-924-090	PREP	04-17-130
246-840-910	AMD	04-14-065	246-888-090	DECOD	04-18-095	246-924-095	PREP	04-17-130
246-840-920	PREP	04-21-079	246-888-090	RECOD	04-18-095	246-924-100	PREP	04-17-130
246-840-930	AMD-E	04-06-009	246-888-100	DECOD-P	04-08-097	246-924-150	PREP	04-17-130
246-840-930	AMD-P	04-10-078	246-888-100	RECOD-P	04-08-097	246-924-160	PREP	04-17-130
246-840-930	AMD	04-14-065	246-888-100	DECOD	04-18-095	246-924-351	PREP	04-20-048
246-840-940	AMD-E	04-06-009	246-888-100	RECOD	04-18-095	246-924-352	PREP	04-20-048
246-840-940	AMD-P	04-10-078	246-888-110	DECOD-P	04-08-097	246-924-353	PREP	04-20-048
246-840-940	AMD	04-14-065	246-888-110	DECOD	04-18-095	246-924-354	PREP	04-20-048
246-840-990	AMD	04-04-054	246-889-050	PREP	04-18-091	246-924-355	PREP	04-20-048
246-841-405	AMD-E	04-06-008	246-915-010	AMD-P	04-08-046	246-924-356	PREP	04-20-048
246-841-405	AMD-P	04-10-079	246-915-010	AMD	04-13-052	246-924-357	PREP	04-20-048
246-841-405	AMD	04-14-064	246-915-040	PREP	04-07-195	246-924-358	PREP	04-20-048
246-847	PREP	04-11-094	246-915-040	AMD-P	04-20-051	246-924-359	PREP	04-20-048
246-847-080	PREP	04-11-096	246-915-050	PREP	04-07-178	246-924-361	PREP	04-20-048
246-847-115	PREP	04-11-096	246-915-050	AMD-P	04-20-068	246-924-363	PREP	04-20-048
246-847-190	PREP	04-11-095	246-915-078	AMD-P	04-08-046	246-924-364	PREP	04-20-048
246-851-160	REP-P	04-15-153	246-915-078	AMD	04-13-052	246-924-365	PREP	04-20-048
246-851-160	REP	04-21-077	246-915-085	AMD-P	04-03-104	246-924-366	PREP	04-20-048
246-851-170	AMD-P	04-15-153	246-915-085	AMD	04-08-101	246-924-367	PREP	04-20-048
246-851-170	AMD	04-21-077	246-915-100	PREP	04-07-173	246-924-480	PREP	04-17-130

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246-924-510	NEW-W	04-21-071	251-04-170	AMD-P	04-11-115	251-30-010	RECOD	04-11-045
246-924-515	NEW-P	04-08-098	251-04-170	AMD	04-15-020	251-30-020	AMD-P	04-07-188
246-924-515	NEW-W	04-21-071	251-05-040	AMD-P	04-11-115	251-30-020	DECOD-P	04-07-188
246-930-010	PREP-W	04-10-012	251-05-040	AMD	04-15-020	251-30-020	RECOD-P	04-07-188
246-930-010	PREP	04-13-158	251-06-010	AMD-P	04-11-115	251-30-020	AMD	04-11-045
246-930-030	PREP-W	04-10-012	251-06-010	AMD	04-15-020	251-30-020	DECOD	04-11-045
246-930-040	PREP-W	04-10-012	251-06-020	AMD-P	04-11-115	251-30-020	RECOD	04-11-045
246-930-040	PREP	04-13-159	251-06-020	AMD	04-15-020	251-30-030	AMD-P	04-07-188
246-930-050	PREP-W	04-10-012	251-06-090	AMD-P	04-11-115	251-30-030	DECOD-P	04-07-188
246-930-050	PREP	04-13-159	251-06-090	AMD	04-15-020	251-30-030	RECOD-P	04-07-188
246-930-060	PREP	04-13-158	251-07-100	AMD-P	04-11-115	251-30-030	AMD	04-11-045
246-930-075	PREP-W	04-10-012	251-07-100	AMD	04-15-020	251-30-030	DECOD	04-11-045
246-930-075	PREP	04-13-159	251-08-005	AMD-P	04-11-115	251-30-030	RECOD	04-11-045
246-930-200	PREP-W	04-10-012	251-08-005	AMD	04-15-020	251-30-032	NEW-P	04-07-188
246-930-310	PREP-W	04-10-012	251-08-007	AMD-P	04-11-115	251-30-032	NEW	04-11-045
246-930-320	PREP-W	04-10-012	251-08-007	AMD	04-15-020	251-30-034	NEW-P	04-07-188
246-930-320	PREP	04-13-158	251-08-031	AMD-P	04-11-115	251-30-034	NEW	04-11-045
246-930-330	PREP-W	04-10-012	251-08-031	AMD	04-15-020	251-30-040	REP-P	04-07-188
246-930-330	PREP	04-13-159	251-08-070	AMD-P	04-11-115	251-30-040	REP	04-11-045
246-930-410	PREP-W	04-10-012	251-08-070	AMD	04-15-020	251-30-050	REP-P	04-07-188
246-976-010	AMD-X	04-18-097	251-08-100	AMD-E	04-16-054	251-30-050	REP	04-11-045
246-976-161	AMD	04-08-103	251-08-100	AMD-P	04-16-114	251-30-055	AMD-P	04-07-188
246-976-171	AMD	04-08-103	251-08-100	AMD	04-19-027	251-30-055	AMD	04-11-045
246-976-930	AMD	04-08-103	251-08-112	AMD-P	04-11-115	251-30-057	AMD-P	04-07-188
246-976-935	AMD-P	04-07-179	251-08-112	AMD	04-15-020	251-30-057	AMD	04-11-045
246-976-935	AMD	04-12-126	251-08-160	AMD-P	04-11-115	251-30-060	REP-P	04-07-188
250-20-041	AMD-P	04-03-108	251-08-160	AMD	04-15-020	251-30-060	REP	04-11-045
250-20-041	AMD	04-08-060	251-09-080	AMD-P	04-11-115	257-01-020	NEW-P	04-15-131
250-65	PREP	04-08-059	251-09-080	AMD	04-15-020	257-01-020	NEW	04-20-110
250-65	AMD-P	04-16-077	251-09-090	AMD-P	04-11-115	257-01-040	NEW-P	04-15-131
250-65	AMD-E	04-16-078	251-09-090	AMD	04-15-020	257-01-040	NEW	04-20-110
250-65-061	NEW-E	04-16-078	251-09-094	AMD-P	04-11-115	257-01-060	NEW-P	04-15-131
250-65-062	NEW-E	04-16-078	251-09-094	AMD	04-15-020	257-01-060	NEW	04-20-110
250-65-063	NEW-E	04-16-078	251-09-100	AMD-P	04-11-115	257-02-020	NEW-P	04-15-131
250-65-064	NEW-E	04-16-078	251-09-100	AMD	04-15-020	257-02-020	NEW	04-20-110
250-65-070	NEW-P	04-16-077	251-10-025	AMD-E	04-16-054	257-02-040	NEW-P	04-15-131
250-65-080	NEW-P	04-16-077	251-10-025	AMD-P	04-16-114	257-02-040	NEW	04-20-110
250-65-090	NEW-P	04-16-077	251-10-025	AMD	04-19-027	257-02-060	NEW-P	04-15-131
250-65-100	NEW-P	04-16-077	251-14-015	NEW-W	04-07-187	257-02-060	NEW	04-20-110
250-65-110	NEW-P	04-16-077	251-19-070	AMD-P	04-11-115	257-02-080	NEW-P	04-15-131
250-65-120	NEW-P	04-16-077	251-19-070	AMD	04-15-020	257-02-080	NEW	04-20-110
250-65-130	NEW-P	04-16-077	251-19-140	AMD-P	04-11-115	257-02-100	NEW-P	04-15-131
251-01-160	AMD-P	04-11-115	251-19-140	AMD	04-15-020	257-02-100	NEW	04-20-110
251-01-160	AMD	04-15-020	251-22-060	AMD-E	04-16-054	257-02-120	NEW-P	04-15-131
251-01-201	AMD-P	04-11-115	251-22-060	AMD-P	04-16-114	257-02-120	NEW	04-20-110
251-01-201	AMD	04-15-020	251-22-060	AMD	04-19-027	257-02-140	NEW-P	04-15-131
251-01-305	AMD-P	04-11-115	251-22-165	AMD-P	04-11-115	257-02-140	NEW	04-20-110
251-01-305	AMD	04-15-020	251-22-165	AMD	04-15-020	257-02-160	NEW-P	04-15-131
251-01-310	AMD-P	04-11-115	251-22-200	AMD-E	04-16-054	257-02-160	NEW	04-20-110
251-01-310	AMD	04-15-020	251-22-200	AMD-P	04-16-114	257-02-180	NEW-P	04-15-131
251-01-382	AMD-P	04-11-115	251-22-200	AMD	04-19-027	257-02-180	NEW	04-20-110
251-01-382	AMD	04-15-020	251-22-240	AMD-P	04-11-115	257-02-200	NEW-P	04-15-131
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251-04-050	REP-P	04-11-115	251-23-010	AMD	04-15-020	257-05-040	NEW-P	04-17-138
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251-04-060	AMD-P	04-11-115	251-24-010	AMD	04-15-020	257-05-080	NEW-P	04-17-138
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257- 05-160	NEW-P	04-17-138	260- 48-720	AMD	04-21-053	260- 88	PREP	04-10-015
257- 05-180	NEW-P	04-17-138	260- 48-890	AMD-P	04-04-048	260- 88-010	AMD	04-05-096
257- 05-200	NEW-P	04-17-138	260- 48-890	AMD	04-07-077	260- 88-010	AMD-P	04-16-036
257- 05-220	NEW-P	04-17-138	260- 48-900	AMD-P	04-04-048	260- 88-010	AMD	04-19-047
257- 05-240	NEW-P	04-17-138	260- 48-900	AMD	04-07-077	263- 12-01501	AMD-P	04-11-117
260	PREP	04-08-057	260- 48-910	AMD-P	04-04-048	263- 12-01501	AMD-S	04-16-008
260	PREP	04-16-111	260- 48-910	AMD	04-07-077	263- 12-01501	AMD-W	04-16-096
260- 08-600	REP	04-05-089	260- 49-010	NEW-E	04-11-056	263- 12-01501	AMD	04-16-097
260- 08-610	REP	04-05-089	260- 49-010	NEW-P	04-18-098	263- 12-01501	AMD-P	04-19-081
260- 08-620	AMD	04-05-089	260- 49-010	NEW-E	04-19-030	263- 12-020	AMD-P	04-11-117
260- 08-630	AMD	04-05-089	260- 49-010	NEW	04-21-053	263- 12-020	AMD	04-16-009
260- 08-640	REP	04-05-089	260- 49-020	NEW-E	04-11-056	263- 12-050	AMD-P	04-11-117
260- 08-650	AMD	04-05-089	260- 49-020	NEW-P	04-18-098	263- 12-050	AMD	04-16-009
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260- 14-040	AMD-P	04-18-098	260- 49-030	NEW-P	04-18-098	263- 12-117	AMD-P	04-11-117
260- 14-040	AMD-E	04-19-030	260- 49-030	NEW-E	04-19-030	263- 12-117	AMD	04-16-009
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260- 14-050	AMD-P	04-16-035	260- 49-040	NEW-P	04-18-098	284- 03-005	NEW-P	04-11-107
260- 14-050	AMD	04-19-046	260- 49-040	NEW-E	04-19-030	284- 03-005	NEW	04-15-157
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260- 24-510	AMD-E	04-09-053	260- 49-050	NEW-P	04-18-098	284- 03-015	NEW-P	04-11-107
260- 24-510	AMD-W	04-10-006	260- 49-050	NEW-E	04-19-030	284- 03-015	NEW	04-15-157
260- 24-510	AMD-P	04-14-101	260- 49-050	NEW	04-21-053	284- 03-020	AMD-P	04-11-107
260- 24-510	AMD-E	04-15-038	260- 49-050	NEW-E	04-11-056	284- 03-020	AMD	04-15-157
260- 24-510	AMD	04-17-082	260- 49-060	NEW-P	04-18-098	284- 03-025	NEW-P	04-11-107
260- 24-510	PREP	04-21-008	260- 49-060	NEW-E	04-19-030	284- 03-025	NEW	04-15-157
260- 24-650	AMD-P	04-04-045	260- 49-060	NEW	04-21-053	284- 03-030	AMD-P	04-11-107
260- 24-650	AMD	04-07-074	260- 49-070	NEW-E	04-11-056	284- 03-030	AMD	04-15-157
260- 28-020	AMD-P	04-20-035	260- 49-070	NEW-P	04-18-098	284- 03-035	NEW-P	04-11-107
260- 28-140	REP	04-05-092	260- 49-070	NEW-E	04-19-030	284- 03-035	NEW	04-15-157
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260- 32-200	REP-P	04-16-033	260- 49-080	NEW-E	04-11-056	284- 03-040	AMD	04-15-157
260- 32-200	REP	04-19-044	260- 49-080	NEW-P	04-18-098	284- 03-045	NEW-P	04-11-107
260- 36-020	AMD-P	04-20-035	260- 49-080	NEW-E	04-19-030	284- 03-045	NEW	04-15-157
260- 36-030	AMD-P	04-11-071	260- 49-080	NEW	04-21-053	284- 03-050	AMD-P	04-11-107
260- 36-030	AMD	04-15-039	260- 49-080	NEW-E	04-11-056	284- 03-050	AMD	04-15-157
260- 36-030	AMD-P	04-20-035	260- 49-090	NEW-P	04-18-098	284- 03-055	NEW-P	04-11-107
260- 36-040	AMD-P	04-20-035	260- 49-090	NEW-E	04-19-030	284- 03-055	NEW	04-15-157
260- 36-080	AMD-P	04-20-035	260- 49-090	NEW	04-21-053	284- 03-060	AMD-P	04-11-107
260- 36-085	NEW-P	04-20-035	260- 49-100	NEW-E	04-11-056	284- 03-060	AMD	04-15-157
260- 36-090	REP-P	04-20-035	260- 49-100	NEW-P	04-18-098	284- 03-065	NEW-P	04-11-107
260- 36-100	AMD-P	04-20-035	260- 49-100	NEW-E	04-19-030	284- 03-065	NEW	04-15-157
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260- 48-620	AMD	04-07-077	260- 72-030	REP-P	04-18-098	284- 03-100	AMD-P	04-11-107
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260- 48-700	AMD-P	04-18-098	260- 75	PREP	04-10-049	284- 03-105	NEW-P	04-11-107
260- 48-700	AMD-E	04-19-030	260- 75-020	AMD-P	04-16-034	284- 03-105	NEW	04-15-157
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284- 03-120	REP	04-15-157	284- 53-010	AMD-P	04-17-128	296- 14-4127	NEW-P	04-14-082
284- 03-130	REP-P	04-11-107	284- 74-400	NEW	04-04-070	296- 14-4127	NEW	04-20-024
284- 03-130	REP	04-15-157	284- 74-410	NEW	04-04-070	296- 14-4128	NEW-P	04-14-082
284- 03-140	REP-P	04-11-107	284- 74-420	NEW	04-04-070	296- 14-4128	NEW	04-20-024
284- 03-140	REP	04-15-157	284- 74-430	NEW	04-04-070	296- 14-4129	NEW-P	04-14-082
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284- 03-990	REP	04-15-157	284- 74-450	NEW	04-04-070	296- 16	PREP	04-15-103
284- 03-99001	REP-P	04-11-107	284- 74-460	NEW	04-04-070	296- 16-010	REP-P	04-19-106
284- 03-99001	REP	04-15-157	286- 04-010	AMD-P	04-20-097	296- 16-100	NEW-P	04-19-106
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284- 17-210	PREP	04-15-155	286- 13-040	AMD-P	04-20-098	296- 16-120	NEW-P	04-19-106
284- 17-220	PREP	04-15-155	286- 26-020	AMD-P	04-20-098	296- 16-130	NEW-P	04-19-106
284- 17-230	PREP	04-15-155	286- 26-080	AMD-P	04-20-098	296- 16-140	NEW-P	04-19-106
284- 17-235	PREP	04-15-155	286- 26-083	NEW-P	04-20-098	296- 16-150	NEW-P	04-19-106
284- 17-240	PREP	04-15-155	286- 26-085	NEW-P	04-20-098	296- 16-160	NEW-P	04-19-106
284- 17-250	PREP	04-15-155	286- 26-090	AMD-P	04-20-098	296- 16-170	NEW-P	04-19-106
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284- 17-270	PREP	04-15-155	286- 26-100	AMD-P	04-20-098	296- 17	PREP	04-04-100
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284- 17-290	PREP	04-15-155	286- 42-020	NEW-P	04-20-097	296- 17-31002	AMD-P	04-13-128
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284- 17B-010	NEW-P	04-15-156	286- 42-060	NEW-P	04-20-097	296- 17-310041	NEW-P	04-14-081
284- 17B-015	NEW-P	04-15-156	286- 42-070	NEW-P	04-20-097	296- 17-310042	NEW-P	04-14-081
284- 17B-020	NEW-P	04-15-156	286- 42-080	NEW-P	04-20-097	296- 17-310043	NEW-P	04-14-081
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284- 49-100	REP-X	04-21-054	296- 14-4122	NEW-P	04-14-082	296- 17-517	AMD-P	04-14-081
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284- 49-300	REP-X	04-21-054	296- 14-4123	NEW-P	04-14-082	296- 17-52002	AMD-P	04-14-081
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284- 49-520	REP-X	04-21-054	296- 14-4125	NEW-P	04-14-082	296- 17-52150	AMD-P	04-14-081
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296-17-64999	AMD	04-18-025	296-23-240	PREP	04-13-131	296-24-11015	REP-P	04-03-102
296-17-67701	NEW-P	04-07-122	296-23-240	AMD-P	04-17-093	296-24-11015	REP	04-15-105
296-17-67701	NEW	04-13-017	296-23-240	AMD-E	04-21-032	296-24-11017	REP-P	04-03-102
296-17-72202	AMD-P	04-13-128	296-23-241	NEW-E	04-13-063	296-24-11017	REP	04-15-105
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296-17-870	AMD-P	04-07-121	296-23-241	NEW-E	04-21-032	296-24-120	REP	04-07-161
296-17-870	AMD	04-10-045	296-23-255	REP	04-04-029	296-24-135	REP-X	04-12-069
296-17-875	AMD-P	04-19-033	296-23-260	REP	04-04-029	296-24-135	REP	04-18-080
296-17-880	AMD-P	04-19-033	296-23-265	REP	04-04-029	296-24-13501	REP-X	04-12-069
296-17-885	AMD-P	04-19-033	296-23-26501	REP	04-04-029	296-24-13501	REP	04-18-080
296-17-890	AMD-P	04-19-033	296-23-26502	REP	04-04-029	296-24-140	REP-X	04-12-069
296-17-895	AMD-P	04-07-122	296-23-26503	REP	04-04-029	296-24-140	REP	04-18-080
296-17-895	AMD	04-13-017	296-23-26504	REP	04-04-029	296-24-14001	REP-X	04-12-069
296-17-895	AMD-P	04-19-033	296-23-26505	REP	04-04-029	296-24-14001	REP	04-18-080
296-17-89502	AMD-P	04-19-055	296-23-26506	REP	04-04-029	296-24-14003	REP-X	04-12-069
296-17-90492	AMD-P	04-19-033	296-23-267	REP	04-04-029	296-24-14003	REP	04-18-080
296-17-920	AMD-P	04-19-055	296-23-270	REP	04-04-029	296-24-14005	REP-X	04-12-069
296-19A-210	AMD-S	04-03-035	296-23-302	NEW	04-04-029	296-24-14005	REP	04-18-080
296-19A-210	AMD	04-08-045	296-23-307	NEW	04-04-029	296-24-14007	REP-X	04-12-069
296-19A-480	AMD-S	04-03-035	296-23-312	NEW	04-04-029	296-24-14007	REP	04-18-080
296-19A-480	AMD	04-08-045	296-23-317	NEW	04-04-029	296-24-14009	REP-X	04-12-069
296-20-01002	AMD-P	04-03-082	296-23-322	NEW	04-04-029	296-24-14009	REP	04-18-080
296-20-01002	AMD	04-08-040	296-23-327	NEW	04-04-029	296-24-14011	REP-X	04-12-069
296-20-01002	AMD-E	04-13-063	296-23-332	NEW	04-04-029	296-24-14011	REP	04-18-080
296-20-01002	PREP	04-13-131	296-23-337	NEW	04-04-029	296-24-150	REP-P	04-03-085
296-20-01002	AMD-P	04-17-093	296-23-342	NEW	04-04-029	296-24-150	REP	04-14-028
296-20-01002	AMD-E	04-21-032	296-23-347	NEW	04-04-029	296-24-15001	REP-P	04-03-085
296-20-01501	AMD-E	04-13-063	296-23-352	NEW	04-04-029	296-24-15001	REP	04-14-028
296-20-01501	PREP	04-13-131	296-23-357	NEW	04-04-029	296-24-15003	REP-P	04-03-085
296-20-01501	AMD-P	04-17-093	296-23-362	NEW	04-04-029	296-24-15003	REP	04-14-028
296-20-01501	AMD-E	04-21-032	296-23-367	NEW	04-04-029	296-24-15005	REP-P	04-03-085
296-20-01502	NEW-E	04-13-063	296-23-372	NEW	04-04-029	296-24-15005	REP	04-14-028
296-20-01502	PREP	04-13-131	296-23-377	NEW	04-04-029	296-24-15007	REP-P	04-03-085
296-20-01502	NEW-P	04-17-093	296-23-381	NEW	04-04-029	296-24-15007	REP	04-14-028
296-20-01502	NEW-E	04-21-032	296-23-382	NEW	04-04-029	296-24-15009	REP-P	04-03-085
296-20-02704	AMD-P	04-03-082	296-23-387	NEW	04-04-029	296-24-15009	REP	04-14-028
296-20-02704	AMD	04-08-040	296-23-392	NEW	04-04-029	296-24-165	REP-P	04-03-085
296-20-02705	AMD-P	04-03-082	296-24	PREP	04-05-074	296-24-165	REP	04-14-028
296-20-02705	AMD	04-08-040	296-24	PREP	04-06-078	296-24-16501	REP-P	04-03-085
296-20-03011	AMD-P	04-03-082	296-24	PREP	04-07-154	296-24-16501	REP	04-14-028
296-20-03011	AMD	04-08-040	296-24	PREP	04-07-157	296-24-16503	REP-P	04-03-085
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296-20-06101	PREP	04-13-131	296-24-012	AMD	04-07-161	296-24-16507	REP-P	04-03-085
296-20-06101	AMD-P	04-17-093	296-24-110	REP-P	04-03-102	296-24-16507	REP	04-14-028
296-20-06101	AMD-E	04-21-032	296-24-110	REP	04-15-105	296-24-16509	REP-P	04-03-085
296-20-135	AMD-P	04-05-075	296-24-11001	REP-P	04-03-102	296-24-16509	REP	04-14-028
296-20-135	AMD	04-09-100	296-24-11001	REP	04-15-105	296-24-16511	REP-P	04-03-085
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296-20-210	REP	04-04-029	296-24-11009	REP-P	04-03-102	296-24-16517	REP	04-14-028
296-23-220	AMD-P	04-05-075	296-24-11009	REP	04-15-105	296-24-16519	REP-P	04-03-085
296-23-220	AMD	04-09-100	296-24-11011	REP-P	04-03-102	296-24-16519	REP	04-14-028
296-23-230	AMD-P	04-05-075	296-24-11011	REP	04-15-105	296-24-16521	REP-P	04-03-085

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296-24-23031	REP	04-19-051	296-37-570	AMD-X	04-11-065	296-46B-940	AMD-P	04-08-088
296-24-23033	REP-P	04-08-039	296-37-570	AMD	04-18-078	296-46B-940	AMD	04-12-049
296-24-23033	REP	04-19-051	296-37-575	AMD	04-10-026	296-46B-945	AMD-P	04-08-088
296-24-23035	REP-P	04-08-039	296-37-595	NEW-X	04-11-065	296-46B-945	AMD	04-12-049
296-24-23035	REP	04-19-051	296-37-595	NEW	04-18-078	296-46B-950	AMD-P	04-08-088
296-24-23037	REP-P	04-08-039	296-45-125	AMD	04-07-160	296-46B-950	AMD	04-12-049
296-24-23037	REP	04-19-051	296-45-175	AMD-P	04-03-102	296-46B-970	AMD-P	04-08-088
296-24-233	AMD-P	04-12-071	296-45-175	AMD	04-15-105	296-46B-970	AMD	04-12-049
296-24-233	AMD	04-20-079	296-46B	PREP	04-20-077	296-46B-970	PREP	04-14-088
296-24-260	REP	04-09-099	296-46B-010	AMD-P	04-08-088	296-46B-970	AMD-E	04-16-076
296-24-33009	AMD-X	04-12-069	296-46B-010	AMD	04-12-049	296-46B-970	AMD-P	04-17-094
296-24-33009	AMD	04-18-080	296-46B-020	AMD-P	04-08-088	296-46B-970	AMD	04-21-086
296-24-37013	AMD-X	04-12-069	296-46B-020	AMD	04-12-049	296-46B-990	AMD-P	04-08-088
296-24-37013	AMD	04-18-080	296-46B-020	AMD	04-12-049	296-46B-990	AMD	04-12-049
296-24-47511	AMD-P	04-08-039	296-46B-030	AMD-P	04-08-088	296-46B-995	AMD-P	04-08-088
296-24-47511	AMD	04-19-051	296-46B-030	AMD	04-12-049	296-46B-995	AMD	04-12-049
296-24-56527	AMD	04-07-161	296-46B-110	AMD-P	04-08-088	296-46B-999	AMD-P	04-08-088
296-24-58513	AMD-X	04-20-080	296-46B-110	AMD	04-12-049	296-46B-999	AMD	04-12-049
296-24-58515	AMD-X	04-20-080	296-46B-210	AMD-P	04-08-088	296-46B-999	AMD-P	04-08-088
296-24-58517	AMD-X	04-20-080	296-46B-210	AMD	04-12-049	296-46B-999	AMD	04-12-049
296-24-61703	AMD	04-07-161	296-46B-250	AMD-P	04-08-088	296-52	PREP	04-21-067
296-24-63399	AMD	04-07-161	296-46B-250	AMD	04-12-049	296-54-51150	AMD-X	04-20-080
296-24-67509	PREP	04-07-155	296-46B-300	AMD-P	04-08-088	296-54-573	AMD-P	04-03-085
296-24-67515	AMD-X	04-20-080	296-46B-300	AMD	04-12-049	296-54-573	AMD	04-14-028
296-24-67517	AMD-X	04-20-080	296-46B-300	AMD	04-12-049	296-54-57310	AMD-P	04-03-102
296-24-69003	AMD-P	04-03-085	296-46B-314	AMD-P	04-08-088	296-54-57310	AMD	04-15-105
296-24-69003	AMD	04-14-028	296-46B-314	AMD	04-12-049	296-56	PREP	04-07-154
296-24-71515	AMD-X	04-20-080	296-46B-334	AMD-P	04-08-088	296-56-60001	AMD-X	04-20-080
296-24-71519	AMD-X	04-20-080	296-46B-334	AMD	04-12-049	296-56-60005	AMD-X	04-20-080
296-24-75011	AMD	04-07-161	296-46B-410	AMD-P	04-08-088	296-56-60053	AMD-X	04-20-080
296-24-860	REP-P	04-14-027	296-46B-410	AMD	04-12-049	296-56-60057	AMD-X	04-20-080
296-24-86005	REP-P	04-14-027	296-46B-430	AMD-P	04-08-088	296-56-60107	AMD-X	04-20-080
296-24-86010	REP-P	04-14-027	296-46B-430	AMD	04-12-049	296-56-60110	AMD-X	04-20-080
296-24-86015	REP-P	04-14-027	296-46B-900	AMD-P	04-08-088	296-56-60115	AMD-X	04-05-072
296-24-86020	REP-P	04-14-027	296-46B-900	AMD	04-12-049	296-56-60115	AMD	04-11-066
296-24-861	REP-P	04-14-027	296-46B-900	PREP	04-14-088	296-56-60235	AMD-X	04-20-080
296-24-86105	REP-P	04-14-027	296-46B-900	AMD-E	04-16-076	296-56-60243	AMD-X	04-05-072
296-24-86110	REP-P	04-14-027	296-46B-900	AMD-P	04-17-094	296-56-60243	AMD	04-11-066
296-24-86115	REP-P	04-14-027	296-46B-900	AMD	04-21-086	296-59-130	AMD-P	04-03-085
296-24-86120	REP-P	04-14-027	296-46B-905	AMD-P	04-08-088	296-59-130	AMD	04-14-028
296-24-86125	REP-P	04-14-027	296-46B-905	AMD	04-12-049	296-62	PREP	04-05-073
296-24-86130	REP-P	04-14-027	296-46B-905	PREP	04-14-088	296-62	PREP	04-07-155
296-24-88020	AMD-P	04-03-085	296-46B-905	AMD-P	04-17-094	296-62	PREP	04-07-156
296-24-88020	AMD	04-14-028	296-46B-905	AMD	04-21-086	296-62	PREP	04-09-097
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296-24-90003	AMD	04-14-028	296-46B-910	AMD	04-12-049	296-62-052	REP	04-10-026
296-24-95603	AMD	04-07-161	296-46B-911	AMD-P	04-08-088	296-62-05201	REP	04-10-026
296-24-975	AMD-P	04-03-102	296-46B-911	AMD	04-12-049	296-62-05203	REP	04-10-026
296-24-975	AMD	04-15-105	296-46B-915	AMD-P	04-08-088	296-62-05205	REP	04-10-026
296-24-980	AMD-X	04-12-069	296-46B-915	AMD	04-12-049	296-62-05207	REP	04-10-026
296-24-980	AMD	04-18-080	296-46B-915	PREP	04-14-088	296-62-05209	REP	04-10-026
296-30-081	PREP	04-04-099	296-46B-915	AMD-P	04-17-094	296-62-05213	REP	04-10-026
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296-30-090	AMD-P	04-17-093	296-46B-920	AMD	04-12-049	296-62-05219	REP	04-10-026
296-30-090	AMD-E	04-18-112	296-46B-925	AMD-P	04-08-088	296-62-05221	REP	04-10-026
296-31-070	AMD-P	04-08-091	296-46B-925	AMD	04-12-049	296-62-05223	REP	04-10-026
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296-37-510	AMD-X	04-11-065	296-46B-925	AMD-P	04-17-094	296-62-05305	AMD	04-14-026
296-37-510	AMD	04-18-078	296-46B-925	AMD	04-21-086	296-62-071	REP-P	04-15-107
			296-46B-930	AMD-P	04-08-088	296-62-07101	REP-P	04-15-107
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296-62-07107	REP-P	04-15-107	296-62-07242	REP-P	04-15-107	296-62-07722	AMD-X	04-20-080
296-62-07109	REP-P	04-15-107	296-62-07243	REP-P	04-15-107	296-62-07727	AMD	04-10-026
296-62-07111	REP-P	04-15-107	296-62-07245	REP-P	04-15-107	296-62-08001	REP-P	04-15-107
296-62-07113	REP-P	04-15-107	296-62-07246	REP-P	04-15-107	296-62-08050	REP-P	04-15-107
296-62-07115	REP-P	04-15-107	296-62-07247	REP-P	04-15-107	296-62-09015	REP-P	04-15-107
296-62-07117	REP-P	04-15-107	296-62-07248	REP-P	04-15-107	296-62-09017	REP-P	04-15-107
296-62-07130	REP-P	04-15-107	296-62-07251	REP-P	04-15-107	296-62-09019	REP-P	04-15-107
296-62-07131	REP-P	04-15-107	296-62-07253	REP-P	04-15-107	296-62-09021	REP-P	04-15-107
296-62-07132	REP-P	04-15-107	296-62-07255	REP-P	04-15-107	296-62-09023	REP-P	04-15-107
296-62-07133	REP-P	04-15-107	296-62-07257	REP-P	04-15-107	296-62-09024	REP-P	04-15-107
296-62-07150	REP-P	04-15-107	296-62-07260	REP-P	04-15-107	296-62-09025	REP-P	04-15-107
296-62-07151	REP-P	04-15-107	296-62-07261	REP-P	04-15-107	296-62-09026	REP-P	04-15-107
296-62-07152	REP-P	04-15-107	296-62-07263	REP-P	04-15-107	296-62-09027	REP-P	04-15-107
296-62-07153	REP-P	04-15-107	296-62-07265	REP-P	04-15-107	296-62-09029	REP-P	04-15-107
296-62-07154	REP-P	04-15-107	296-62-07267	REP-P	04-15-107	296-62-09031	REP-P	04-15-107
296-62-07155	REP-P	04-15-107	296-62-07269	REP-P	04-15-107	296-62-09033	REP-P	04-15-107
296-62-07156	REP-P	04-15-107	296-62-07271	REP-P	04-15-107	296-62-09035	REP-P	04-15-107
296-62-07160	REP-P	04-15-107	296-62-07273	REP-P	04-15-107	296-62-09037	REP-P	04-15-107
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296-62-07162	REP-P	04-15-107	296-62-07277	REP-P	04-15-107	296-62-09041	AMD	04-10-026
296-62-07170	REP-P	04-15-107	296-62-07279	REP-P	04-15-107	296-62-09041	REP-P	04-15-107
296-62-07171	REP-P	04-15-107	296-62-07281	REP-P	04-15-107	296-62-09043	REP-P	04-15-107
296-62-07172	REP-P	04-15-107	296-62-07283	REP-P	04-15-107	296-62-09045	REP-P	04-15-107
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296-62-07176	REP-P	04-15-107	296-62-07287	REP-P	04-15-107	296-62-09049	REP-P	04-15-107
296-62-07177	REP-P	04-15-107	296-62-07289	REP-P	04-15-107	296-62-09051	REP-P	04-15-107
296-62-07178	REP-P	04-15-107	296-62-07291	REP-P	04-15-107	296-62-09053	REP-P	04-15-107
296-62-07179	REP-P	04-15-107	296-62-07293	REP-P	04-15-107	296-62-09055	REP-P	04-15-107
296-62-07182	REP-P	04-15-107	296-62-07295	REP-P	04-15-107	296-62-141	AMD	04-03-081
296-62-07184	REP-P	04-15-107	296-62-07306	AMD-X	04-20-080	296-62-141	REP-P	04-15-107
296-62-07186	REP-P	04-15-107	296-62-07314	AMD	04-10-026	296-62-14100	REP-P	04-15-107
296-62-07188	REP-P	04-15-107	296-62-07329	AMD	04-10-026	296-62-14105	REP-P	04-15-107
296-62-07190	REP-P	04-15-107	296-62-07329	AMD-X	04-20-080	296-62-14110	REP-P	04-15-107
296-62-07192	REP-P	04-15-107	296-62-07336	AMD	04-10-026	296-62-14115	REP-P	04-15-107
296-62-07194	REP-P	04-15-107	296-62-07336	AMD-X	04-20-080	296-62-14120	REP-P	04-15-107
296-62-07201	REP-P	04-15-107	296-62-07342	AMD	04-10-026	296-62-14125	REP-P	04-15-107
296-62-07202	REP-P	04-15-107	296-62-07342	AMD-X	04-20-080	296-62-14130	REP-P	04-15-107
296-62-07203	REP-P	04-15-107	296-62-07347	REP-P	04-18-077	296-62-14135	REP-P	04-15-107
296-62-07205	REP-P	04-15-107	296-62-07367	AMD-X	04-20-080	296-62-14140	REP-P	04-15-107
296-62-07206	REP-P	04-15-107	296-62-07375	AMD	04-10-026	296-62-14145	REP-P	04-15-107
296-62-07208	REP-P	04-15-107	296-62-07413	AMD-X	04-20-080	296-62-14150	REP-P	04-15-107
296-62-07209	REP-P	04-15-107	296-62-07427	AMD	04-10-026	296-62-14155	REP-P	04-15-107
296-62-07210	REP-P	04-15-107	296-62-07460	AMD	04-10-026	296-62-14170	REP-P	04-15-107
296-62-07212	REP-P	04-15-107	296-62-07460	AMD-X	04-20-080	296-62-14171	REP-P	04-15-107
296-62-07213	REP-P	04-15-107	296-62-07470	AMD	04-10-026	296-62-14172	REP-P	04-15-107
296-62-07214	REP-P	04-15-107	296-62-075	REP-P	04-15-107	296-62-14173	REP-P	04-15-107
296-62-07217	REP-P	04-15-107	296-62-07501	REP-P	04-15-107	296-62-14174	REP-P	04-15-107
296-62-07218	REP-P	04-15-107	296-62-07503	REP-P	04-15-107	296-62-14175	REP-P	04-15-107
296-62-07219	REP-P	04-15-107	296-62-07505	REP-P	04-15-107	296-62-14176	REP-P	04-15-107
296-62-07222	REP-P	04-15-107	296-62-07507	REP-P	04-15-107	296-62-14533	AMD	04-10-026
296-62-07223	REP-P	04-15-107	296-62-07509	REP-P	04-15-107	296-62-14533	AMD-X	04-20-080
296-62-07224	REP-P	04-15-107	296-62-07510	REP-P	04-15-107	296-62-20011	AMD-X	04-20-080
296-62-07225	REP-P	04-15-107	296-62-07511	REP-P	04-15-107	296-62-20019	AMD-X	04-20-080
296-62-07230	REP-P	04-15-107	296-62-07513	REP-P	04-15-107	296-62-20023	AMD	04-10-026
296-62-07231	REP-P	04-15-107	296-62-07515	REP-P	04-15-107	296-62-300	AMD	04-02-053
296-62-07233	REP-P	04-15-107	296-62-07521	AMD	04-10-026	296-62-300	REP-P	04-15-107
296-62-07234	REP-P	04-15-107	296-62-07521	AMD-X	04-20-080	296-62-30001	REP-P	04-15-107
296-62-07235	REP-P	04-15-107	296-62-07523	AMD-P	04-15-106	296-62-30003	REP-P	04-15-107
296-62-07236	REP-P	04-15-107	296-62-07540	AMD	04-10-026	296-62-3010	REP-P	04-15-107
296-62-07238	REP-P	04-15-107	296-62-07540	AMD-X	04-20-080	296-62-30105	REP-P	04-15-107

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-62-30110	REP-P	04-15-107	296-62-31005	REP-P	04-15-107	296-78-71007	AMD-P	04-03-085
296-62-30115	REP-P	04-15-107	296-62-31110	REP-P	04-15-107	296-78-71007	AMD	04-14-028
296-62-30120	REP-P	04-15-107	296-62-3120	REP-P	04-15-107	296-78-71015	AMD-X	04-20-080
296-62-30125	REP-P	04-15-107	296-62-3130	REP-P	04-15-107	296-78-71017	AMD-P	04-03-085
296-62-30130	REP-P	04-15-107	296-62-31305	REP-P	04-15-107	296-78-71017	AMD	04-14-028
296-62-30135	REP-P	04-15-107	296-62-31310	REP-P	04-15-107	296-78-71019	AMD-X	04-20-080
296-62-30140	REP-P	04-15-107	296-62-31315	REP-P	04-15-107	296-78-71505	AMD-P	04-03-085
296-62-30145	REP-P	04-15-107	296-62-31320	REP-P	04-15-107	296-78-71505	AMD	04-14-028
296-62-3020	REP-P	04-15-107	296-62-31325	REP-P	04-15-107	296-78-84005	AMD-X	04-20-080
296-62-30205	REP-P	04-15-107	296-62-31330	REP-P	04-15-107	296-79-030	AMD-P	04-03-085
296-62-30210	REP-P	04-15-107	296-62-31335	REP-P	04-15-107	296-79-030	AMD	04-14-028
296-62-30215	REP-P	04-15-107	296-62-3138	REP-P	04-15-107	296-79-220	AMD-P	04-03-102
296-62-30220	REP-P	04-15-107	296-62-3140	REP-P	04-15-107	296-79-220	AMD	04-15-105
296-62-30225	REP-P	04-15-107	296-62-31405	REP-P	04-15-107	296-79-29007	AMD-X	04-20-080
296-62-30230	REP-P	04-15-107	296-62-31410	REP-P	04-15-107	296-96-00500	AMD-P	04-08-087
296-62-30235	REP-P	04-15-107	296-62-31415	REP-P	04-15-107	296-96-00500	AMD	04-12-047
296-62-3030	REP-P	04-15-107	296-62-31420	REP-P	04-15-107	296-96-00600	AMD-P	04-08-087
296-62-30305	REP-P	04-15-107	296-62-31425	REP-P	04-15-107	296-96-00600	AMD	04-12-047
296-62-30310	REP-P	04-15-107	296-62-31430	REP-P	04-15-107	296-96-00650	AMD-P	04-08-087
296-62-30315	REP-P	04-15-107	296-62-31435	REP-P	04-15-107	296-96-00650	AMD	04-12-047
296-62-3040	REP-P	04-15-107	296-62-31440	REP-P	04-15-107	296-96-00700	AMD-P	04-08-087
296-62-30405	REP-P	04-15-107	296-62-31445	REP-P	04-15-107	296-96-00700	AMD	04-12-047
296-62-30410	REP-P	04-15-107	296-62-31450	REP-P	04-15-107	296-96-00800	AMD-P	04-08-087
296-62-30415	REP-P	04-15-107	296-62-31455	REP-P	04-15-107	296-96-00800	AMD	04-12-047
296-62-30420	REP-P	04-15-107	296-62-31460	REP-P	04-15-107	296-96-00805	NEW-P	04-08-087
296-62-30425	REP-P	04-15-107	296-62-31465	REP-P	04-15-107	296-96-00805	NEW	04-12-047
296-62-30430	REP-P	04-15-107	296-62-31470	REP-P	04-15-107	296-96-00900	NEW-P	04-08-087
296-62-30435	REP-P	04-15-107	296-62-3152	REP-P	04-15-107	296-96-00900	NEW	04-12-047
296-62-30440	REP-P	04-15-107	296-62-3160	REP-P	04-15-107	296-96-00902	NEW-P	04-08-087
296-62-30445	REP-P	04-15-107	296-62-3170	REP-P	04-15-107	296-96-00902	NEW	04-12-047
296-62-30450	REP-P	04-15-107	296-62-3180	REP-P	04-15-107	296-96-00903	NEW-P	04-08-087
296-62-30455	REP-P	04-15-107	296-62-3190	REP-P	04-15-107	296-96-00903	NEW	04-12-047
296-62-30460	REP-P	04-15-107	296-62-3195	REP-P	04-15-107	296-96-00904	NEW-P	04-08-087
296-62-30465	REP-P	04-15-107	296-62-3195	AMD-X	04-20-080	296-96-00904	NEW	04-12-047
296-62-3050	REP-P	04-15-107	296-62-40001	AMD-X	04-20-080	296-96-00906	NEW-P	04-08-087
296-62-30505	REP-P	04-15-107	296-62-40007	AMD-X	04-20-080	296-96-00906	NEW	04-12-047
296-62-30510	REP-P	04-15-107	296-62-40019	AMD	04-10-026	296-96-00910	NEW-P	04-08-087
296-62-30515	REP-P	04-15-107	296-65	PREP	04-05-073	296-96-00910	NEW	04-12-047
296-62-30520	REP-P	04-15-107	296-78-540	AMD	04-07-160	296-96-00912	NEW-P	04-08-087
296-62-30525	REP-P	04-15-107	296-78-56511	AMD-P	04-03-085	296-96-00912	NEW	04-12-047
296-62-30530	REP-P	04-15-107	296-78-56511	AMD	04-14-028	296-96-00914	NEW-P	04-08-087
296-62-30535	REP-P	04-15-107	296-78-590	AMD-P	04-03-085	296-96-00914	NEW	04-12-047
296-62-3060	REP-P	04-15-107	296-78-590	AMD	04-14-028	296-96-00916	NEW-P	04-08-087
296-62-3060	AMD-X	04-20-080	296-78-605	AMD-P	04-03-085	296-96-00916	NEW	04-12-047
296-62-30605	REP-P	04-15-107	296-78-605	AMD	04-14-028	296-96-00918	NEW-P	04-08-087
296-62-30610	REP-P	04-15-107	296-78-615	AMD-P	04-03-085	296-96-00918	NEW	04-12-047
296-62-30615	REP-P	04-15-107	296-78-615	AMD	04-14-028	296-96-00920	NEW-P	04-08-087
296-62-3070	REP-P	04-15-107	296-78-650	AMD-P	04-03-085	296-96-00920	NEW	04-12-047
296-62-30705	REP-P	04-15-107	296-78-650	AMD	04-14-028	296-96-00922	NEW-P	04-08-087
296-62-30710	REP-P	04-15-107	296-78-660	AMD-P	04-03-085	296-96-00922	NEW	04-12-047
296-62-30715	REP-P	04-15-107	296-78-660	AMD	04-14-028	296-96-00924	NEW-P	04-08-087
296-62-3080	REP-P	04-15-107	296-78-665	AMD-P	04-03-085	296-96-00924	NEW	04-12-047
296-62-3090	REP-P	04-15-107	296-78-665	AMD	04-14-028	296-96-00926	NEW-P	04-08-087
296-62-30905	REP-P	04-15-107	296-78-665	AMD-X	04-20-080	296-96-00926	NEW	04-12-047
296-62-30910	REP-P	04-15-107	296-78-690	AMD-P	04-03-085	296-96-00930	NEW-P	04-08-087
296-62-30915	REP-P	04-15-107	296-78-690	AMD	04-14-028	296-96-00930	NEW	04-12-047
296-62-30920	REP-P	04-15-107	296-78-70503	AMD-P	04-03-085	296-96-01000	AMD-P	04-08-087
296-62-30925	REP-P	04-15-107	296-78-70503	AMD	04-14-028	296-96-01000	AMD	04-12-047
296-62-30930	REP-P	04-15-107	296-78-710	PREP	04-06-078	296-96-01005	AMD-P	04-08-087
296-62-30935	REP-P	04-15-107	296-78-710	PREP-W	04-18-044	296-96-01005	AMD	04-12-047
296-62-30940	REP-P	04-15-107	296-78-71001	AMD-X	04-12-069	296-96-01006	NEW-P	04-08-087
296-62-3100	REP-P	04-15-107	296-78-71001	AMD	04-18-080	296-96-01006	NEW	04-12-047

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**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-96-01007	NEW-P	04-08-087	296-96-02355	AMD-P	04-11-063	296-96-08020	AMD-P	04-08-087
296-96-01007	NEW	04-12-047	296-96-02355	AMD	04-15-104	296-96-08020	AMD	04-12-047
296-96-01009	NEW-P	04-08-087	296-96-02360	AMD-P	04-08-087	296-96-08022	NEW-P	04-08-087
296-96-01009	NEW	04-12-047	296-96-02360	AMD	04-12-047	296-96-08022	NEW	04-12-047
296-96-01010	AMD-P	04-08-087	296-96-02361	NEW-P	04-08-087	296-96-08024	NEW-P	04-08-087
296-96-01010	AMD	04-12-047	296-96-02361	NEW	04-12-047	296-96-08024	NEW	04-12-047
296-96-01027	AMD-P	04-08-087	296-96-02362	NEW-P	04-08-087	296-96-08030	AMD-P	04-08-087
296-96-01027	AMD	04-12-047	296-96-02362	NEW	04-12-047	296-96-08030	AMD	04-12-047
296-96-01035	AMD-P	04-08-087	296-96-02363	NEW-P	04-08-087	296-96-08050	AMD-P	04-08-087
296-96-01035	AMD	04-12-047	296-96-02363	NEW	04-12-047	296-96-08050	AMD	04-12-047
296-96-01070	AMD-P	04-08-087	296-96-02364	NEW-P	04-08-087	296-96-08060	AMD-P	04-08-087
296-96-01070	AMD	04-12-047	296-96-02364	NEW	04-12-047	296-96-08060	AMD	04-12-047
296-96-01075	NEW-P	04-08-087	296-96-02365	REP-P	04-08-087	296-96-08090	AMD-P	04-08-087
296-96-01075	NEW	04-12-047	296-96-02365	REP	04-12-047	296-96-08090	AMD	04-12-047
296-96-01080	REP-P	04-08-087	296-96-02366	NEW-P	04-08-087	296-96-08100	AMD-P	04-08-087
296-96-01080	REP	04-12-047	296-96-02366	NEW	04-12-047	296-96-08100	AMD	04-12-047
296-96-02230	NEW-P	04-08-087	296-96-02367	NEW-P	04-08-087	296-96-08110	AMD-P	04-08-087
296-96-02230	NEW	04-12-047	296-96-02367	NEW	04-12-047	296-96-08110	AMD	04-12-047
296-96-02232	NEW-P	04-08-087	296-96-02370	NEW-P	04-08-087	296-96-08140	AMD-P	04-08-087
296-96-02232	NEW	04-12-047	296-96-02370	NEW	04-12-047	296-96-08140	AMD	04-12-047
296-96-02235	NEW-P	04-08-087	296-96-02371	NEW-P	04-08-087	296-96-08150	AMD-P	04-08-087
296-96-02235	NEW	04-12-047	296-96-02371	NEW	04-12-047	296-96-08150	AMD	04-12-047
296-96-02240	AMD-P	04-08-087	296-96-05010	AMD-P	04-08-087	296-96-08160	AMD-P	04-08-087
296-96-02240	AMD	04-12-047	296-96-05010	AMD	04-12-047	296-96-08160	AMD	04-12-047
296-96-02275	AMD-P	04-08-087	296-96-05030	AMD-P	04-08-087	296-96-08170	AMD-P	04-08-087
296-96-02275	AMD	04-12-047	296-96-05030	AMD	04-12-047	296-96-08170	AMD	04-12-047
296-96-02276	NEW-P	04-08-087	296-96-05070	AMD-P	04-08-087	296-96-08175	AMD-P	04-08-087
296-96-02276	NEW	04-12-047	296-96-05070	AMD	04-12-047	296-96-08175	AMD	04-12-047
296-96-02277	AMD-P	04-08-087	296-96-05160	AMD-P	04-08-087	296-96-08180	AMD-P	04-08-087
296-96-02277	AMD	04-12-047	296-96-05160	AMD	04-12-047	296-96-08180	AMD	04-12-047
296-96-02278	AMD-P	04-08-087	296-96-05170	AMD-P	04-08-087	296-96-08190	AMD-P	04-08-087
296-96-02278	AMD	04-12-047	296-96-05170	AMD	04-12-047	296-96-08190	AMD	04-12-047
296-96-02280	AMD-P	04-08-087	296-96-05230	AMD-P	04-08-087	296-96-08200	AMD-P	04-08-087
296-96-02280	AMD	04-12-047	296-96-05230	AMD	04-12-047	296-96-08200	AMD	04-12-047
296-96-02281	AMD-P	04-08-087	296-96-05290	AMD-P	04-08-087	296-96-08215	NEW-P	04-08-087
296-96-02281	AMD	04-12-047	296-96-05290	AMD	04-12-047	296-96-08215	NEW	04-12-047
296-96-02282	NEW-P	04-08-087	296-96-07010	AMD-P	04-08-087	296-96-08220	AMD-P	04-08-087
296-96-02282	NEW	04-12-047	296-96-07010	AMD	04-12-047	296-96-08220	AMD	04-12-047
296-96-02283	NEW-P	04-08-087	296-96-07021	NEW-P	04-08-087	296-96-08230	AMD-P	04-08-087
296-96-02283	NEW	04-12-047	296-96-07021	NEW	04-12-047	296-96-08230	AMD	04-12-047
296-96-02285	NEW-P	04-08-087	296-96-07024	NEW-P	04-08-087	296-96-08250	AMD-P	04-08-087
296-96-02285	NEW	04-12-047	296-96-07024	NEW	04-12-047	296-96-08250	AMD	04-12-047
296-96-02290	NEW-P	04-08-087	296-96-07080	AMD-P	04-08-087	296-96-09002	AMD-P	04-08-087
296-96-02290	NEW	04-12-047	296-96-07080	AMD	04-12-047	296-96-09002	AMD	04-12-047
296-96-02310	AMD-P	04-08-087	296-96-07100	AMD-P	04-08-087	296-96-09003	NEW-P	04-08-087
296-96-02310	AMD	04-12-047	296-96-07100	AMD	04-12-047	296-96-09003	NEW	04-12-047
296-96-02315	AMD-P	04-08-087	296-96-07170	AMD-P	04-08-087	296-96-09004	NEW-P	04-08-087
296-96-02315	AMD	04-12-047	296-96-07170	AMD	04-12-047	296-96-09004	NEW	04-12-047
296-96-02317	NEW-P	04-08-087	296-96-07180	AMD-P	04-08-087	296-96-10002	NEW-P	04-08-087
296-96-02317	NEW	04-12-047	296-96-07180	AMD	04-12-047	296-96-10002	NEW	04-12-047
296-96-02318	NEW-P	04-08-087	296-96-07190	AMD-P	04-08-087	296-96-11000	REP-P	04-08-087
296-96-02318	NEW	04-12-047	296-96-07190	AMD	04-12-047	296-96-11000	REP	04-12-047
296-96-02320	AMD-P	04-08-087	296-96-07200	AMD-P	04-08-087	296-96-11001	AMD-P	04-08-087
296-96-02320	AMD	04-12-047	296-96-07200	AMD	04-12-047	296-96-11001	AMD	04-12-047
296-96-02325	AMD-P	04-08-087	296-96-07215	NEW-P	04-08-087	296-96-11016	AMD-P	04-08-087
296-96-02325	AMD	04-12-047	296-96-07215	NEW	04-12-047	296-96-11016	AMD	04-12-047
296-96-02330	AMD-P	04-08-087	296-96-07230	AMD-P	04-08-087	296-96-11019	AMD-P	04-08-087
296-96-02330	AMD	04-12-047	296-96-07230	AMD	04-12-047	296-96-11019	AMD	04-12-047
296-96-02340	AMD-P	04-08-087	296-96-07250	AMD-P	04-08-087	296-96-11022	AMD-P	04-08-087
296-96-02340	AMD	04-12-047	296-96-07250	AMD	04-12-047	296-96-11022	AMD	04-12-047
296-96-02350	AMD-P	04-08-087	296-96-08010	AMD-P	04-08-087	296-96-11045	AMD-P	04-08-087
296-96-02350	AMD	04-12-047	296-96-08010	AMD	04-12-047	296-96-11045	AMD	04-12-047

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-96-11057	AMD-P	04-08-087	296-96-23270	AMD-P	04-08-087	296-150F	PREP	04-13-132
296-96-11057	AMD	04-12-047	296-96-23270	AMD	04-12-047	296-150F-0605	AMD-P	04-20-078
296-96-11078	AMD-P	04-08-087	296-96-23287	AMD-P	04-08-087	296-150F-0615	REP-P	04-20-078
296-96-11078	AMD	04-12-047	296-96-23287	AMD	04-12-047	296-150F-3000	AMD-P	04-08-092
296-96-11080	NEW-P	04-08-087	296-96-23303	NEW-P	04-11-063	296-150F-3000	AMD	04-12-048
296-96-11080	NEW	04-12-047	296-96-23303	NEW	04-15-104	296-150F-3000	AMD-P	04-20-078
296-96-13135	NEW-P	04-08-087	296-96-23610	AMD-P	04-08-087	296-150M	PREP	04-13-132
296-96-13135	NEW	04-12-047	296-96-23610	AMD	04-12-047	296-150M-0120	AMD-P	04-20-078
296-96-13139	NEW-P	04-08-087	296-104	PREP	04-08-114	296-150M-0260	AMD-P	04-20-078
296-96-13139	NEW	04-12-047	296-104-010	AMD-P	04-17-100	296-150M-0302	AMD-P	04-20-078
296-96-13143	NEW-P	04-08-087	296-104-010	AMD	04-21-069	296-150M-0310	AMD-P	04-20-078
296-96-13143	NEW	04-12-047	296-104-050	AMD-P	04-17-100	296-150M-0614	AMD-P	04-20-078
296-96-13145	NEW-P	04-08-087	296-104-050	AMD	04-21-069	296-150M-3000	AMD-P	04-08-092
296-96-13145	NEW	04-12-047	296-104-100	AMD-P	04-17-100	296-150M-3000	AMD	04-12-048
296-96-13147	NEW-P	04-08-087	296-104-100	AMD	04-21-069	296-150P	PREP	04-13-132
296-96-13147	NEW	04-12-047	296-104-102	AMD-P	04-17-100	296-150P-3000	AMD-P	04-08-092
296-96-13149	NEW-P	04-08-087	296-104-102	AMD	04-21-069	296-150P-3000	AMD	04-12-048
296-96-13149	NEW	04-12-047	296-104-140	AMD-P	04-17-100	296-150R	PREP	04-13-132
296-96-13151	NEW-P	04-08-087	296-104-140	AMD	04-21-069	296-150R-3000	AMD-P	04-08-092
296-96-13151	NEW	04-12-047	296-104-200	AMD-P	04-17-100	296-150R-3000	AMD	04-12-048
296-96-13153	NEW-P	04-08-087	296-104-200	AMD	04-21-069	296-150T	PREP	04-13-132
296-96-13153	NEW	04-12-047	296-104-200	AMD	04-21-069	296-150T-3000	AMD-P	04-08-092
296-96-13155	NEW-P	04-08-087	296-104-300	AMD-P	04-17-100	296-150T-3000	AMD	04-12-048
296-96-13155	NEW	04-12-047	296-104-300	AMD	04-21-069	296-150T-3000	AMD-P	04-20-078
296-96-13155	NEW	04-12-047	296-104-301	NEW-P	04-17-100	296-150V	PREP	04-13-132
296-96-13157	NEW-P	04-08-087	296-104-301	NEW	04-21-069	296-150V-0205	NEW-P	04-20-078
296-96-13157	NEW	04-12-047	296-104-302	NEW-P	04-17-100	296-150V-1180	AMD-P	04-20-078
296-96-13159	NEW-P	04-08-087	296-104-302	NEW	04-21-069	296-150V-3000	AMD-P	04-08-092
296-96-13159	NEW	04-12-047	296-104-303	NEW-P	04-17-100	296-150V-3000	AMD	04-12-048
296-96-13161	NEW-P	04-08-087	296-104-303	NEW	04-21-069	296-150V-3000	AMD-P	04-20-078
296-96-13161	NEW	04-12-047	296-104-405	AMD-P	04-17-100	296-155	PREP	04-03-084
296-96-13167	NEW-P	04-08-087	296-104-405	AMD	04-21-069	296-155	PREP	04-05-074
296-96-13167	NEW	04-12-047	296-104-502	AMD-P	04-17-100	296-155	PREP	04-11-062
296-96-13169	NEW-P	04-08-087	296-104-502	AMD	04-21-069	296-155-120	AMD	04-07-160
296-96-13169	NEW	04-12-047	296-104-502	AMD-P	04-17-100	296-155-160	AMD-X	04-20-080
296-96-13171	NEW-P	04-08-087	296-104-520	AMD	04-21-069	296-155-165	AMD-P	04-14-083
296-96-13171	NEW	04-12-047	296-104-700	AMD-P	04-08-115	296-155-17317	AMD-X	04-20-080
296-96-14045	AMD-P	04-08-087	296-104-700	AMD	04-13-044	296-155-17331	AMD	04-10-026
296-96-14045	AMD	04-12-047	296-104-700	AMD-P	04-17-100	296-155-174	AMD	04-10-026
296-96-14060	AMD-P	04-08-087	296-104-700	AMD	04-21-069	296-155-174	AMD-X	04-20-080
296-96-14060	AMD	04-12-047	296-104-701	AMD-P	04-17-100	296-155-17613	AMD-X	04-20-080
296-96-14070	AMD-P	04-08-087	296-104-701	AMD	04-21-069	296-155-17625	AMD-X	04-20-080
296-96-14070	AMD	04-12-047	296-115-050	AMD-P	04-03-085	296-155-17652	AMD-X	04-20-080
296-96-14080	AMD-P	04-08-087	296-115-050	AMD	04-14-028	296-155-200	AMD-P	04-14-083
296-96-14080	AMD	04-12-047	296-127	PREP	04-06-063	296-155-20301	AMD-X	04-20-080
296-96-16040	AMD-P	04-08-087	296-127-011	AMD-X	04-03-083	296-155-220	AMD-X	04-20-080
296-96-16040	AMD	04-12-047	296-127-011	AMD	04-10-083	296-155-300	REP-X	04-12-069
296-96-16150	AMD-P	04-08-087	296-127-01377	AMD-P	04-12-068	296-155-300	AMD-P	04-14-083
296-96-16150	AMD	04-12-047	296-127-01377	AMD	04-16-094	296-155-300	REP	04-18-080
296-96-23100	AMD-P	04-08-087	296-150C	PREP	04-13-132	296-155-305	AMD-P	04-14-083
296-96-23100	AMD	04-12-047	296-150C-0020	AMD-P	04-20-078	296-155-310	AMD-P	04-14-083
296-96-23101	AMD-P	04-08-087	296-150C-0800	AMD-P	04-20-078	296-155-315	AMD-P	04-14-083
296-96-23101	AMD	04-12-047	296-150C-0910	AMD-P	04-20-078	296-155-367	AMD-X	04-20-080
296-96-23117	NEW-P	04-08-087	296-150C-1080	AMD-P	04-20-078	296-155-429	AMD-P	04-03-102
296-96-23117	NEW	04-12-047	296-150C-1150	AMD-P	04-20-078	296-155-429	AMD	04-15-105
296-96-23118	NEW-P	04-08-087	296-150C-1175	AMD-P	04-20-078	296-155-481	REP-P	04-14-027
296-96-23118	NEW	04-12-047	296-150C-1180	AMD-P	04-20-078	296-155-482	REP-P	04-14-027
296-96-23119	NEW-P	04-08-087	296-150C-1345	REP-P	04-20-078	296-155-483	REP-P	04-14-027
296-96-23119	NEW	04-12-047	296-150C-1510	AMD-P	04-20-078	296-155-484	REP-P	04-14-027
296-96-23151	AMD-P	04-08-087	296-150C-1520	AMD-P	04-20-078	296-155-485	REP-P	04-14-027
296-96-23151	AMD	04-12-047	296-150C-3000	AMD-P	04-08-092	296-155-487	AMD-P	04-03-085
296-96-23240	AMD-P	04-08-087	296-150C-3000	AMD	04-12-048	296-155-487	REP-P	04-14-027
296-96-23240	AMD	04-12-047	296-150C-3000	AMD-P	04-20-078			

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-155-487	AMD	04-14-028	296-302-02501	REP	04-14-028	296-302-06523	REP	04-14-028
296-155-488	AMD-P	04-03-085	296-302-02503	REP-P	04-03-085	296-302-06525	REP-P	04-03-085
296-155-488	REP-P	04-14-027	296-302-02503	REP	04-14-028	296-302-06525	REP	04-14-028
296-155-488	AMD	04-14-028	296-302-02505	REP-P	04-03-085	296-302-06527	REP-P	04-03-085
296-155-489	REP-P	04-14-027	296-302-02505	REP	04-14-028	296-302-06527	REP	04-14-028
296-155-490	REP-P	04-14-027	296-302-02507	REP-P	04-03-085	296-302-06529	REP-P	04-03-085
296-155-493	REP-P	04-14-027	296-302-02507	REP	04-14-028	296-302-06529	REP	04-14-028
296-155-494	REP-P	04-14-027	296-302-02509	REP-P	04-03-085	296-302-06531	REP-P	04-03-085
296-155-496	REP-P	04-14-027	296-302-02509	REP	04-14-028	296-302-06531	REP	04-14-028
296-155-497	REP-P	04-14-027	296-302-02511	REP-P	04-03-085	296-303-030	AMD-P	04-03-085
296-155-498	REP-P	04-14-027	296-302-02511	REP	04-14-028	296-303-030	AMD	04-14-028
296-155-525	AMD-P	04-03-085	296-302-02513	REP-P	04-03-085	296-304-02003	AMD-X	04-20-080
296-155-525	AMD	04-14-028	296-302-02513	REP	04-14-028	296-304-03001	AMD-X	04-20-080
296-155-525	AMD-X	04-20-080	296-302-02515	REP-P	04-03-085	296-304-03005	AMD-X	04-20-080
296-155-575	REP	04-09-099	296-302-02515	REP	04-14-028	296-304-03007	AMD-X	04-20-080
296-155-576	REP	04-09-099	296-302-02517	REP-P	04-03-085	296-304-04001	AMD-X	04-20-080
296-155-610	AMD-E	04-10-107	296-302-02517	REP	04-14-028	296-304-09007	AMD-X	04-20-080
296-155-610	AMD-P	04-14-083	296-302-02519	REP-P	04-03-085	296-305-01515	AMD	04-07-160
296-155-610	AMD-E	04-19-013	296-302-02519	REP	04-14-028	296-305-02501	AMD	04-10-026
296-155-615	AMD-P	04-14-083	296-302-03001	REP-P	04-03-085	296-305-02501	AMD-X	04-20-080
296-155-617	PREP	04-07-154	296-302-03001	REP	04-14-028	296-305-04001	AMD-X	04-20-080
296-155-617	REP-P	04-12-071	296-302-03003	REP-P	04-03-085	296-305-04501	PREP	04-08-090
296-155-617	REP	04-20-079	296-302-03003	REP	04-14-028	296-305-04501	PREP	04-11-062
296-155-61701	REP-P	04-12-071	296-302-035	REP-P	04-03-085	296-305-05503	AMD-X	04-20-080
296-155-61701	REP	04-20-079	296-302-035	REP	04-14-028	296-305-06519	AMD-P	04-03-085
296-155-61703	REP-P	04-12-071	296-302-040	REP-P	04-03-085	296-305-06519	AMD	04-14-028
296-155-61703	REP	04-20-079	296-302-040	REP	04-14-028	296-307	PREP	04-09-097
296-155-61705	REP-P	04-12-071	296-302-045	REP-P	04-03-085	296-307	AMD-C	04-21-066
296-155-61705	REP	04-20-079	296-302-045	REP	04-14-028	296-307-018	AMD-P	04-15-107
296-155-61707	REP-P	04-12-071	296-302-050	REP-P	04-03-085	296-307-039	AMD	04-07-160
296-155-61707	REP	04-20-079	296-302-050	REP	04-14-028	296-307-039	AMD-P	04-15-107
296-155-61707	REP	04-20-079	296-302-05501	REP-P	04-03-085	296-307-03905	AMD	04-07-160
296-155-61709	REP-P	04-12-071	296-302-05501	REP	04-14-028	296-307-03910	REP	04-07-160
296-155-61709	REP	04-20-079	296-302-05503	REP-P	04-03-085	296-307-03915	REP	04-07-160
296-155-61711	REP-P	04-12-071	296-302-05503	REP	04-14-028	296-307-03920	AMD-P	04-15-107
296-155-61711	REP	04-20-079	296-302-060	REP-P	04-03-085	296-307-03925	REP	04-07-160
296-155-61713	REP-P	04-12-071	296-302-060	REP	04-14-028	296-307-061	AMD-P	04-15-107
296-155-61713	REP	04-20-079	296-302-065	REP-P	04-03-085	296-307-07013	AMD-P	04-15-107
296-155-655	AMD-P	04-14-083	296-302-065	REP	04-14-028	296-307-11015	AMD-P	04-15-107
296-155-655	AMD-X	04-20-080	296-302-06501	REP-P	04-03-085	296-307-13045	AMD-P	04-15-107
296-155-682	AMD-P	04-03-085	296-302-06501	REP	04-14-028	296-307-14505	AMD-X	04-07-162
296-155-682	AMD	04-14-028	296-302-06503	REP-P	04-03-085	296-307-14505	AMD	04-13-129
296-155-730	AMD-X	04-20-080	296-302-06503	REP	04-14-028	296-307-14510	AMD-X	04-07-162
296-200A-900	AMD-P	04-08-092	296-302-06505	REP-P	04-03-085	296-307-14510	AMD	04-13-129
296-200A-900	AMD	04-12-048	296-302-06505	REP	04-14-028	296-307-16340	AMD-P	04-15-107
296-301-020	AMD-P	04-03-085	296-302-06507	REP-P	04-03-085	296-307-45010	AMD-P	04-15-107
296-301-020	PREP	04-06-078	296-302-06507	REP	04-14-028	296-307-45035	AMD-P	04-15-107
296-301-020	AMD-X	04-12-069	296-302-06509	REP-P	04-03-085	296-307-45045	AMD-P	04-15-107
296-301-020	AMD	04-14-028	296-302-06509	REP	04-14-028	296-307-452	REP-P	04-15-107
296-301-020	PREP-W	04-18-044	296-302-06511	REP-P	04-03-085	296-307-45210	REP-P	04-15-107
296-301-020	AMD	04-18-080	296-302-06511	REP	04-14-028	296-307-45220	REP-P	04-15-107
296-301-170	AMD-P	04-03-085	296-302-06513	REP-P	04-03-085	296-307-45230	REP-P	04-15-107
296-301-170	AMD	04-14-028	296-302-06513	REP	04-14-028	296-307-45240	REP-P	04-15-107
296-301-220	AMD-X	04-20-080	296-302-06515	REP-P	04-03-085	296-307-45400	REP-P	04-15-107
296-302-010	REP-P	04-03-085	296-302-06515	REP	04-14-028	296-307-45410	REP-P	04-15-107
296-302-010	REP	04-14-028	296-302-06517	REP-P	04-03-085	296-307-45420	REP-P	04-15-107
296-302-015	REP-P	04-03-085	296-302-06517	REP	04-14-028	296-307-45430	REP-P	04-15-107
296-302-015	REP	04-14-028	296-302-06519	REP-P	04-03-085	296-307-45440	REP-P	04-15-107
296-302-020	REP-P	04-03-085	296-302-06519	REP	04-14-028	296-307-45450	REP-P	04-15-107
296-302-020	REP	04-14-028	296-302-06521	REP-P	04-03-085	296-307-45600	REP-P	04-15-107
296-302-025	REP-P	04-03-085	296-302-06521	REP	04-14-028	296-307-45610	REP-P	04-15-107
296-302-025	REP	04-14-028	296-302-06523	REP-P	04-03-085	296-307-45620	REP-P	04-15-107
296-302-02501	REP-P	04-03-085						

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-400A-030	AMD-P	04-08-089	296-802-40015	NEW	04-10-026	296-803-700	NEW	04-15-105
296-400A-030	AMD	04-12-046	296-802-500	NEW	04-10-026	296-803-70005	NEW-P	04-03-102
296-400A-031	AMD-P	04-08-089	296-802-50005	NEW	04-10-026	296-803-70005	NEW	04-15-105
296-400A-031	AMD	04-12-046	296-802-50010	NEW	04-10-026	296-803-70010	NEW-P	04-03-102
296-400A-035	AMD-P	04-08-089	296-802-600	NEW	04-10-026	296-803-70010	NEW	04-15-105
296-400A-035	AMD	04-12-046	296-802-60005	NEW	04-10-026	296-803-70015	NEW-P	04-03-102
296-400A-045	AMD-P	04-08-089	296-802-900	NEW	04-10-026	296-803-70015	NEW	04-15-105
296-400A-045	AMD	04-12-046	296-803-100	NEW-P	04-03-102	296-803-800	NEW-P	04-03-102
296-400A-120	AMD-P	04-08-089	296-803-100	NEW	04-15-105	296-803-800	NEW	04-15-105
296-400A-120	AMD	04-12-046	296-803-200	NEW-P	04-03-102	296-806-100	NEW-P	04-03-085
296-400A-121	AMD-P	04-08-089	296-803-200	NEW	04-15-105	296-806-100	NEW	04-14-028
296-400A-121	AMD	04-12-046	296-803-20005	NEW-P	04-03-102	296-806-200	NEW-P	04-03-085
296-400A-122	AMD-P	04-08-089	296-803-20005	NEW	04-15-105	296-806-200	NEW	04-14-028
296-400A-122	AMD	04-12-046	296-803-300	NEW-P	04-03-102	296-806-20002	NEW-P	04-03-085
296-400A-130	AMD-P	04-08-089	296-803-300	NEW	04-15-105	296-806-20002	NEW	04-14-028
296-400A-130	AMD	04-12-046	296-803-30005	NEW-P	04-03-102	296-806-20004	NEW-P	04-03-085
296-400A-135	NEW-P	04-08-089	296-803-30005	NEW	04-15-105	296-806-20004	NEW	04-14-028
296-400A-135	NEW	04-12-046	296-803-400	NEW-P	04-03-102	296-806-20006	NEW-P	04-03-085
296-400A-140	AMD-P	04-08-089	296-803-400	NEW	04-15-105	296-806-20006	NEW	04-14-028
296-400A-140	AMD	04-12-046	296-803-40005	NEW-P	04-03-102	296-806-20008	NEW-P	04-03-085
296-400A-150	NEW-P	04-08-089	296-803-40005	NEW	04-15-105	296-806-20008	NEW	04-14-028
296-400A-150	NEW	04-12-046	296-803-40010	NEW-P	04-03-102	296-806-20010	NEW-P	04-03-085
296-400A-155	NEW-P	04-08-089	296-803-40010	NEW	04-15-105	296-806-20010	NEW	04-14-028
296-400A-155	NEW	04-12-046	296-803-40015	NEW-P	04-03-102	296-806-20012	NEW-P	04-03-085
296-400A-300	AMD-P	04-08-089	296-803-40015	NEW	04-15-105	296-806-20012	NEW	04-14-028
296-400A-300	AMD	04-12-046	296-803-40020	NEW-P	04-03-102	296-806-20014	NEW-P	04-03-085
296-400A-400	AMD-P	04-08-089	296-803-40020	NEW	04-15-105	296-806-20014	NEW	04-14-028
296-400A-400	AMD	04-12-046	296-803-500	NEW-P	04-03-102	296-806-20016	NEW-P	04-03-085
296-400A-425	AMD-P	04-08-089	296-803-500	NEW	04-15-105	296-806-20016	NEW	04-14-028
296-400A-425	AMD	04-12-046	296-803-50005	NEW-P	04-03-102	296-806-20018	NEW-P	04-03-085
296-800	PREP	04-07-157	296-803-50005	NEW	04-15-105	296-806-20018	NEW	04-14-028
296-800-11045	PREP	04-06-078	296-803-50010	NEW-P	04-03-102	296-806-20020	NEW-P	04-03-085
296-800-11045	AMD-X	04-12-069	296-803-50010	NEW	04-15-105	296-806-20020	NEW	04-14-028
296-800-11045	PREP-W	04-18-044	296-803-50015	NEW-P	04-03-102	296-806-20022	NEW-P	04-03-085
296-800-11045	AMD	04-18-080	296-803-50015	NEW	04-15-105	296-806-20022	NEW	04-14-028
296-800-150	AMD	04-07-160	296-803-50020	NEW-P	04-03-102	296-806-20024	NEW-P	04-03-085
296-800-15005	AMD	04-07-160	296-803-50020	NEW	04-15-105	296-806-20024	NEW	04-14-028
296-800-15010	REP	04-07-160	296-803-50025	NEW-P	04-03-102	296-806-20026	NEW-P	04-03-085
296-800-15015	REP	04-07-160	296-803-50025	NEW	04-15-105	296-806-20026	NEW	04-14-028
296-800-15025	REP	04-07-160	296-803-50030	NEW-P	04-03-102	296-806-20028	NEW-P	04-03-085
296-800-160	AMD-X	04-20-080	296-803-50030	NEW	04-15-105	296-806-20028	NEW	04-14-028
296-800-17005	AMD	04-10-026	296-803-50035	NEW-P	04-03-102	296-806-20030	NEW-P	04-03-085
296-800-180	AMD	04-10-026	296-803-50035	NEW	04-15-105	296-806-20030	NEW	04-14-028
296-800-310	AMD-W	04-11-058	296-803-50040	NEW-P	04-03-102	296-806-20032	NEW-P	04-03-085
296-800-31010	AMD-W	04-11-058	296-803-50040	NEW	04-15-105	296-806-20032	NEW	04-14-028
296-800-31020	AMD-W	04-11-058	296-803-50045	NEW-P	04-03-102	296-806-20034	NEW-P	04-03-085
296-800-31070	AMD-W	04-11-058	296-803-50045	NEW	04-15-105	296-806-20034	NEW	04-14-028
296-800-35052	PREP	04-06-078	296-803-50050	NEW-P	04-03-102	296-806-20036	NEW-P	04-03-085
296-800-35052	AMD-X	04-12-069	296-803-50050	NEW	04-15-105	296-806-20036	NEW	04-14-028
296-800-35052	PREP-W	04-18-044	296-803-50055	NEW-P	04-03-102	296-806-20038	NEW-P	04-03-085
296-800-35052	AMD	04-18-080	296-803-50055	NEW	04-15-105	296-806-20038	NEW	04-14-028
296-800-370	AMD-W	04-11-058	296-803-50060	NEW-P	04-03-102	296-806-20040	NEW-P	04-03-085
296-802-100	NEW	04-10-026	296-803-50060	NEW	04-15-105	296-806-20040	NEW	04-14-028
296-802-200	NEW	04-10-026	296-803-600	NEW-P	04-03-102	296-806-20042	NEW-P	04-03-085
296-802-20005	NEW	04-10-026	296-803-600	NEW	04-15-105	296-806-20042	NEW	04-14-028
296-802-20010	NEW	04-10-026	296-803-60005	NEW-P	04-03-102	296-806-20044	NEW-P	04-03-085
296-802-20015	NEW	04-10-026	296-803-60005	NEW	04-15-105	296-806-20044	NEW	04-14-028
296-802-300	NEW	04-10-026	296-803-60010	NEW-P	04-03-102	296-806-20046	NEW-P	04-03-085
296-802-30005	NEW	04-10-026	296-803-60010	NEW	04-15-105	296-806-20046	NEW	04-14-028
296-802-400	NEW	04-10-026	296-803-60015	NEW-P	04-03-102	296-806-20048	NEW-P	04-03-085
296-802-40005	NEW	04-10-026	296-803-60015	NEW	04-15-105	296-806-20048	NEW	04-14-028
296-802-40010	NEW	04-10-026	296-803-700	NEW-P	04-03-102	296-806-20050	NEW-P	04-03-085

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-806-46002	NEW	04-14-028	296-806-48022	NEW	04-14-028	296-806-48084	NEW	04-14-028
296-806-46004	NEW-P	04-03-085	296-806-48024	NEW-P	04-03-085	296-806-48086	NEW-P	04-03-085
296-806-46004	NEW	04-14-028	296-806-48024	NEW	04-14-028	296-806-48086	NEW	04-14-028
296-806-46006	NEW-P	04-03-085	296-806-48026	NEW-P	04-03-085	296-806-48088	NEW-P	04-03-085
296-806-46006	NEW	04-14-028	296-806-48026	NEW	04-14-028	296-806-48088	NEW	04-14-028
296-806-465	NEW-P	04-03-085	296-806-48028	NEW-P	04-03-085	296-806-485	NEW-P	04-03-085
296-806-465	NEW	04-14-028	296-806-48028	NEW	04-14-028	296-806-485	NEW	04-14-028
296-806-46502	NEW-P	04-03-085	296-806-48030	NEW-P	04-03-085	296-806-48502	NEW-P	04-03-085
296-806-46502	NEW	04-14-028	296-806-48030	NEW	04-14-028	296-806-48502	NEW	04-14-028
296-806-46504	NEW-P	04-03-085	296-806-48032	NEW-P	04-03-085	296-806-500	NEW-P	04-03-085
296-806-46504	NEW	04-14-028	296-806-48032	NEW	04-14-028	296-806-500	NEW	04-14-028
296-806-46506	NEW-P	04-03-085	296-806-48034	NEW-P	04-03-085	296-809-100	NEW	04-03-081
296-806-46506	NEW	04-14-028	296-806-48034	NEW	04-14-028	296-809-200	NEW	04-03-081
296-806-46508	NEW-P	04-03-085	296-806-48036	NEW-P	04-03-085	296-809-20002	NEW	04-03-081
296-806-46508	NEW	04-14-028	296-806-48036	NEW	04-14-028	296-809-20004	NEW	04-03-081
296-806-46510	NEW-P	04-03-085	296-806-48038	NEW-P	04-03-085	296-809-20006	NEW	04-03-081
296-806-46510	NEW	04-14-028	296-806-48038	NEW	04-14-028	296-809-300	NEW	04-03-081
296-806-46512	NEW-P	04-03-085	296-806-48040	NEW-P	04-03-085	296-809-30002	NEW	04-03-081
296-806-46512	NEW	04-14-028	296-806-48040	NEW	04-14-028	296-809-30004	NEW	04-03-081
296-806-46514	NEW-P	04-03-085	296-806-48042	NEW-P	04-03-085	296-809-400	NEW	04-03-081
296-806-46514	NEW	04-14-028	296-806-48042	NEW	04-14-028	296-809-40002	NEW	04-03-081
296-806-46516	NEW-P	04-03-085	296-806-48044	NEW-P	04-03-085	296-809-40004	NEW	04-03-081
296-806-46516	NEW	04-14-028	296-806-48044	NEW	04-14-028	296-809-500	NEW	04-03-081
296-806-470	NEW-P	04-03-085	296-806-48046	NEW-P	04-03-085	296-809-50002	NEW	04-03-081
296-806-470	NEW	04-14-028	296-806-48046	NEW	04-14-028	296-809-50004	NEW	04-03-081
296-806-47002	NEW-P	04-03-085	296-806-48048	NEW-P	04-03-085	296-809-50006	NEW	04-03-081
296-806-47002	NEW	04-14-028	296-806-48048	NEW	04-14-028	296-809-50008	NEW	04-03-081
296-806-47004	NEW-P	04-03-085	296-806-48050	NEW-P	04-03-085	296-809-50010	NEW	04-03-081
296-806-47004	NEW	04-14-028	296-806-48050	NEW	04-14-028	296-809-50012	NEW	04-03-081
296-806-475	NEW-P	04-03-085	296-806-48052	NEW-P	04-03-085	296-809-50014	NEW	04-03-081
296-806-475	NEW	04-14-028	296-806-48052	NEW	04-14-028	296-809-50016	NEW	04-03-081
296-806-47502	NEW-P	04-03-085	296-806-48054	NEW-P	04-03-085	296-809-50018	NEW	04-03-081
296-806-47502	NEW	04-14-028	296-806-48054	NEW	04-14-028	296-809-50020	NEW	04-03-081
296-806-47504	NEW-P	04-03-085	296-806-48056	NEW-P	04-03-085	296-809-50022	NEW	04-03-081
296-806-47504	NEW	04-14-028	296-806-48056	NEW	04-14-028	296-809-50024	NEW	04-03-081
296-806-47506	NEW-P	04-03-085	296-806-48058	NEW-P	04-03-085	296-809-600	NEW	04-03-081
296-806-47506	NEW	04-14-028	296-806-48058	NEW	04-14-028	296-809-60002	NEW	04-03-081
296-806-47508	NEW-P	04-03-085	296-806-48060	NEW-P	04-03-085	296-809-60004	NEW	04-03-081
296-806-47508	NEW	04-14-028	296-806-48060	NEW	04-14-028	296-809-700	NEW	04-03-081
296-806-480	NEW-P	04-03-085	296-806-48062	NEW-P	04-03-085	296-809-70002	NEW	04-03-081
296-806-480	NEW	04-14-028	296-806-48062	NEW	04-14-028	296-809-70004	NEW	04-03-081
296-806-48002	NEW-P	04-03-085	296-806-48064	NEW-P	04-03-085	296-809-800	NEW	04-03-081
296-806-48002	NEW	04-14-028	296-806-48064	NEW	04-14-028	296-816-100	NEW-P	04-07-159
296-806-48004	NEW-P	04-03-085	296-806-48066	NEW-P	04-03-085	296-816-100	NEW	04-14-026
296-806-48004	NEW	04-14-028	296-806-48066	NEW	04-14-028	296-816-200	NEW-P	04-07-159
296-806-48006	NEW-P	04-03-085	296-806-48068	NEW-P	04-03-085	296-816-200	NEW	04-14-026
296-806-48006	NEW	04-14-028	296-806-48068	NEW	04-14-028	296-816-20005	NEW-P	04-07-159
296-806-48008	NEW-P	04-03-085	296-806-48070	NEW-P	04-03-085	296-816-20005	NEW	04-14-026
296-806-48008	NEW	04-14-028	296-806-48070	NEW	04-14-028	296-816-20010	NEW-P	04-07-159
296-806-48010	NEW-P	04-03-085	296-806-48072	NEW-P	04-03-085	296-816-20010	NEW	04-14-026
296-806-48010	NEW	04-14-028	296-806-48072	NEW	04-14-028	296-816-20015	NEW-P	04-07-159
296-806-48012	NEW-P	04-03-085	296-806-48074	NEW-P	04-03-085	296-816-20015	NEW	04-14-026
296-806-48012	NEW	04-14-028	296-806-48074	NEW	04-14-028	296-816-20020	NEW-P	04-07-159
296-806-48014	NEW-P	04-03-085	296-806-48076	NEW-P	04-03-085	296-816-20020	NEW	04-14-026
296-806-48014	NEW	04-14-028	296-806-48076	NEW	04-14-028	296-816-300	NEW-P	04-07-159
296-806-48016	NEW-P	04-03-085	296-806-48078	NEW-P	04-03-085	296-816-300	NEW	04-14-026
296-806-48016	NEW	04-14-028	296-806-48078	NEW	04-14-028	296-823-100	AMD-X	04-07-158
296-806-48018	NEW-P	04-03-085	296-806-48080	NEW-P	04-03-085	296-823-100	AMD	04-12-070
296-806-48018	NEW	04-14-028	296-806-48080	NEW	04-14-028	296-823-11010	AMD-X	04-07-158
296-806-48020	NEW-P	04-03-085	296-806-48082	NEW-P	04-03-085	296-823-11010	AMD	04-12-070
296-806-48020	NEW	04-14-028	296-806-48082	NEW	04-14-028	296-823-12010	AMD-X	04-07-158
296-806-48022	NEW-P	04-03-085	296-806-48084	NEW-P	04-03-085	296-823-12010	AMD	04-12-070

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-823-13005	AMD-X	04-07-158	296-829-40020	NEW	04-09-099	296-848-20025	NEW-P	04-18-077
296-823-13005	AMD	04-12-070	296-829-500	NEW	04-09-099	296-848-20060	NEW-P	04-18-077
296-823-14005	AMD-X	04-07-158	296-835-11045	AMD-X	04-20-080	296-848-20070	NEW-P	04-18-077
296-823-14005	AMD	04-12-070	296-839-30005	AMD-X	04-20-080	296-848-20090	NEW-P	04-18-077
296-823-14015	AMD-X	04-07-158	296-839-500	AMD-X	04-20-080	296-848-300	NEW-P	04-18-077
296-823-14015	AMD	04-12-070	296-841	PREP	04-07-155	296-848-30005	NEW-P	04-18-077
296-823-14025	AMD-X	04-07-158	296-841	PREP	04-07-156	296-848-30010	NEW-P	04-18-077
296-823-14025	AMD	04-12-070	296-841-100	AMD-X	04-11-064	296-848-30030	NEW-P	04-18-077
296-823-14050	AMD-X	04-07-158	296-841-100	AMD	04-18-079	296-848-30080	NEW-P	04-18-077
296-823-14050	AMD	04-12-070	296-841-20005	AMD-X	04-11-064	296-848-400	NEW-P	04-18-077
296-823-14060	AMD-X	04-07-158	296-841-20005	AMD	04-18-079	296-848-40005	NEW-P	04-18-077
296-823-14060	AMD	04-12-070	296-841-20010	AMD-X	04-11-064	296-848-40020	NEW-P	04-18-077
296-823-14065	AMD-X	04-07-158	296-841-20010	AMD	04-18-079	296-848-40025	NEW-P	04-18-077
296-823-14065	AMD	04-12-070	296-841-20020	AMD-X	04-11-064	296-848-40030	NEW-P	04-18-077
296-823-15010	AMD-X	04-07-158	296-841-20020	AMD	04-18-079	296-848-40040	NEW-P	04-18-077
296-823-15010	AMD	04-12-070	296-841-20025	NEW-X	04-11-064	296-848-40045	NEW-P	04-18-077
296-823-15015	AMD-X	04-07-158	296-841-20025	NEW	04-18-079	296-848-500	NEW-P	04-18-077
296-823-15015	AMD	04-12-070	296-841-300	AMD-X	04-11-064	296-849-100	NEW-P	04-15-106
296-823-15020	AMD-X	04-07-158	296-841-300	AMD	04-18-079	296-849-110	NEW-P	04-15-106
296-823-15020	AMD	04-12-070	296-843-100	NEW	04-02-053	296-849-11010	NEW-P	04-15-106
296-823-160	AMD-X	04-07-158	296-843-110	NEW	04-02-053	296-849-11020	NEW-P	04-15-106
296-823-160	AMD	04-12-070	296-843-11005	NEW	04-02-053	296-849-11030	NEW-P	04-15-106
296-823-16005	AMD-X	04-07-158	296-843-11010	NEW	04-02-053	296-849-11040	NEW-P	04-15-106
296-823-16005	AMD	04-12-070	296-843-120	NEW	04-02-053	296-849-11050	NEW-P	04-15-106
296-823-16010	AMD-X	04-07-158	296-843-12005	NEW	04-02-053	296-849-11065	NEW-P	04-15-106
296-823-16010	AMD	04-12-070	296-843-130	NEW	04-02-053	296-849-11070	NEW-P	04-15-106
296-823-16015	AMD-X	04-07-158	296-843-13005	NEW	04-02-053	296-849-11090	NEW-P	04-15-106
296-823-16015	AMD	04-12-070	296-843-13010	NEW	04-02-053	296-849-120	NEW-P	04-15-106
296-823-16025	AMD-X	04-07-158	296-843-140	NEW	04-02-053	296-849-12010	NEW-P	04-15-106
296-823-16025	AMD	04-12-070	296-843-14005	NEW	04-02-053	296-849-12030	NEW-P	04-15-106
296-823-16030	AMD-X	04-07-158	296-843-150	NEW	04-02-053	296-849-12050	NEW-P	04-15-106
296-823-16030	AMD	04-12-070	296-843-15005	NEW	04-02-053	296-849-12080	NEW-P	04-15-106
296-823-17010	AMD-X	04-07-158	296-843-15010	NEW	04-02-053	296-849-130	NEW-P	04-15-106
296-823-17010	AMD	04-12-070	296-843-15015	NEW	04-02-053	296-849-13005	NEW-P	04-15-106
296-823-180	AMD-X	04-07-158	296-843-160	NEW	04-02-053	296-849-13020	NEW-P	04-15-106
296-823-180	AMD	04-12-070	296-843-16005	NEW	04-02-053	296-849-13045	NEW-P	04-15-106
296-823-18015	AMD-X	04-07-158	296-843-170	NEW	04-02-053	296-849-190	NEW-P	04-15-106
296-823-18015	AMD	04-12-070	296-843-17005	NEW	04-02-053	296-863-10005	NEW-P	04-08-039
296-823-18045	AMD-X	04-07-158	296-843-180	NEW	04-02-053	296-863-10005	NEW	04-19-051
296-823-18045	AMD	04-12-070	296-843-18005	NEW	04-02-053	296-863-200	NEW-P	04-08-039
296-823-18050	AMD-X	04-07-158	296-843-18010	NEW	04-02-053	296-863-200	NEW	04-19-051
296-823-18050	AMD	04-12-070	296-843-18015	NEW	04-02-053	296-863-20005	NEW-P	04-08-039
296-823-18055	AMD-X	04-07-158	296-843-18020	NEW	04-02-053	296-863-20005	NEW	04-19-051
296-823-18055	AMD	04-12-070	296-843-190	NEW	04-02-053	296-863-20010	NEW-P	04-08-039
296-823-2005	AMD-X	04-07-158	296-843-19005	NEW	04-02-053	296-863-20010	NEW	04-19-051
296-823-200	AMD	04-12-070	296-843-200	NEW	04-02-053	296-863-20015	NEW-P	04-08-039
296-824-20005	AMD-X	04-20-080	296-843-20005	NEW	04-02-053	296-863-20015	NEW	04-19-051
296-824-40005	AMD-X	04-20-080	296-843-20010	NEW	04-02-053	296-863-20020	NEW-P	04-08-039
296-824-60005	AMD-X	04-20-080	296-843-20015	NEW	04-02-053	296-863-20020	NEW	04-19-051
296-824-70005	AMD-X	04-20-080	296-843-20020	NEW	04-02-053	296-863-20025	NEW-P	04-08-039
296-824-800	AMD-X	04-20-080	296-843-20025	NEW	04-02-053	296-863-20025	NEW	04-19-051
296-829-100	NEW	04-09-099	296-843-20030	NEW	04-02-053	296-863-20030	NEW-P	04-08-039
296-829-200	NEW	04-09-099	296-843-20035	NEW	04-02-053	296-863-20030	NEW	04-19-051
296-829-20005	NEW	04-09-099	296-843-210	NEW	04-02-053	296-863-20035	NEW-P	04-08-039
296-829-20010	NEW	04-09-099	296-843-21005	NEW	04-02-053	296-863-20035	NEW	04-19-051
296-829-300	NEW	04-09-099	296-843-220	NEW	04-02-053	296-863-20040	NEW-P	04-08-039
296-829-30005	NEW	04-09-099	296-843-22005	NEW	04-02-053	296-863-20040	NEW	04-19-051
296-829-30010	NEW	04-09-099	296-843-22010	NEW	04-02-053	296-863-300	NEW-P	04-08-039
296-829-400	NEW	04-09-099	296-843-300	NEW	04-02-053	296-863-300	NEW	04-19-051
296-829-40005	NEW	04-09-099	296-848-100	NEW-P	04-18-077	296-863-30005	NEW-P	04-08-039
296-829-40010	NEW	04-09-099	296-848-200	NEW-P	04-18-077	296-863-30005	NEW	04-19-051
296-829-40015	NEW	04-09-099	296-848-20010	NEW-P	04-18-077	296-863-30010	NEW-P	04-08-039

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-863-30010	NEW	04-19-051	296-864-20010	NEW	04-20-079	296-874-20044	NEW-P	04-14-027
296-863-30015	NEW-P	04-08-039	296-864-20015	NEW-P	04-12-071	296-874-20046	NEW-P	04-14-027
296-863-30015	NEW	04-19-051	296-864-20015	NEW	04-20-079	296-874-20048	NEW-P	04-14-027
296-863-30020	NEW-P	04-08-039	296-864-300	NEW-P	04-12-071	296-874-20050	NEW-P	04-14-027
296-863-30020	NEW	04-19-051	296-864-300	NEW	04-20-079	296-874-20052	NEW-P	04-14-027
296-863-30025	NEW-P	04-08-039	296-864-30005	NEW-P	04-12-071	296-874-20054	NEW-P	04-14-027
296-863-30025	NEW	04-19-051	296-864-30005	NEW	04-20-079	296-874-20056	NEW-P	04-14-027
296-863-30030	NEW-P	04-08-039	296-864-30010	NEW-P	04-12-071	296-874-20058	NEW-P	04-14-027
296-863-30030	NEW	04-19-051	296-864-30010	NEW	04-20-079	296-874-20060	NEW-P	04-14-027
296-863-30035	NEW-P	04-08-039	296-864-30015	NEW-P	04-12-071	296-874-20062	NEW-P	04-14-027
296-863-30035	NEW	04-19-051	296-864-30015	NEW	04-20-079	296-874-20064	NEW-P	04-14-027
296-863-30040	NEW-P	04-08-039	296-864-400	NEW-P	04-12-071	296-874-20066	NEW-P	04-14-027
296-863-30040	NEW	04-19-051	296-864-400	NEW	04-20-079	296-874-20068	NEW-P	04-14-027
296-863-400	NEW-P	04-08-039	296-864-40005	NEW-P	04-12-071	296-874-20070	NEW-P	04-14-027
296-863-400	NEW	04-19-051	296-864-40005	NEW	04-20-079	296-874-20072	NEW-P	04-14-027
296-863-40005	NEW-P	04-08-039	296-864-40010	NEW-P	04-12-071	296-874-20074	NEW-P	04-14-027
296-863-40005	NEW	04-19-051	296-864-40010	NEW	04-20-079	296-874-20076	NEW-P	04-14-027
296-863-40010	NEW-P	04-08-039	296-864-40015	NEW-P	04-12-071	296-874-300	NEW-P	04-14-027
296-863-40010	NEW	04-19-051	296-864-40015	NEW	04-20-079	296-874-30002	NEW-P	04-14-027
296-863-40015	NEW-P	04-08-039	296-864-40020	NEW-P	04-12-071	296-874-30004	NEW-P	04-14-027
296-863-40015	NEW	04-19-051	296-864-40020	NEW	04-20-079	296-874-30006	NEW-P	04-14-027
296-863-40020	NEW-P	04-08-039	296-864-500	NEW-P	04-12-071	296-874-30008	NEW-P	04-14-027
296-863-40020	NEW	04-19-051	296-864-500	NEW	04-20-079	296-874-30010	NEW-P	04-14-027
296-863-40025	NEW-P	04-08-039	296-864-50005	NEW-P	04-12-071	296-874-30012	NEW-P	04-14-027
296-863-40025	NEW	04-19-051	296-864-50005	NEW	04-20-079	296-874-30014	NEW-P	04-14-027
296-863-40030	NEW-P	04-08-039	296-864-50010	NEW-P	04-12-071	296-874-30016	NEW-P	04-14-027
296-863-40030	NEW	04-19-051	296-864-50010	NEW	04-20-079	296-874-30018	NEW-P	04-14-027
296-863-40035	NEW-P	04-08-039	296-864-50015	NEW-P	04-12-071	296-874-30020	NEW-P	04-14-027
296-863-40035	NEW	04-19-051	296-864-50015	NEW	04-20-079	296-874-30022	NEW-P	04-14-027
296-863-40040	NEW-P	04-08-039	296-864-50020	NEW-P	04-12-071	296-874-30024	NEW-P	04-14-027
296-863-40040	NEW	04-19-051	296-864-50020	NEW	04-20-079	296-874-30026	NEW-P	04-14-027
296-863-40045	NEW-P	04-08-039	296-864-600	NEW-P	04-12-071	296-874-30028	NEW-P	04-14-027
296-863-40045	NEW	04-19-051	296-864-600	NEW	04-20-079	296-874-30030	NEW-P	04-14-027
296-863-40050	NEW-P	04-08-039	296-864-60005	NEW-P	04-12-071	296-874-30032	NEW-P	04-14-027
296-863-40050	NEW	04-19-051	296-864-60005	NEW	04-20-079	296-874-30034	NEW-P	04-14-027
296-863-40055	NEW-P	04-08-039	296-864-60010	NEW-P	04-12-071	296-874-30036	NEW-P	04-14-027
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296-863-40060	NEW-P	04-08-039	296-864-700	NEW-P	04-12-071	296-874-30040	NEW-P	04-14-027
296-863-40060	NEW	04-19-051	296-864-700	NEW	04-20-079	296-874-30042	NEW-P	04-14-027
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357- 01-290	NEW-P	04-13-179	357- 10-010	NEW-P	04-04-109	357- 16-205	NEW-P	04-13-183
357- 01-295	NEW-P	04-13-179	357- 10-010	NEW	04-07-052	357- 19-005	NEW-P	04-13-031
357- 01-300	NEW-P	04-13-179	357- 10-020	NEW-P	04-04-109	357- 19-010	NEW-P	04-13-031
357- 01-305	NEW-P	04-13-179	357- 10-020	NEW	04-07-052	357- 19-015	NEW-P	04-13-031
357- 01-310	NEW-P	04-13-179	357- 13-010	NEW-P	04-13-182	357- 19-017	NEW-P	04-13-031
357- 01-315	NEW-P	04-13-179	357- 13-015	NEW-P	04-13-182	357- 19-020	NEW-P	04-13-031
357- 01-320	NEW-P	04-13-179	357- 13-020	NEW-P	04-13-182	357- 19-025	NEW-P	04-13-031
357- 01-325	NEW-P	04-13-179	357- 13-025	NEW-P	04-13-182	357- 19-030	NEW-P	04-13-031

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
357-34-060	NEW-P	04-13-188	357-43-050	NEW-P	04-13-191	357-46-120	NEW	04-18-114
357-34-065	NEW-P	04-13-188	357-43-055	NEW-P	04-13-191	357-46-125	NEW-P	04-13-030
357-34-070	NEW-P	04-12-087	357-43-060	NEW-P	04-13-191	357-46-125	NEW	04-18-114
357-34-070	NEW	04-15-015	357-43-065	NEW-P	04-13-191	357-46-130	NEW-P	04-13-030
357-34-075	NEW-P	04-12-087	357-43-070	NEW-P	04-13-191	357-46-130	NEW	04-18-114
357-34-075	NEW	04-15-015	357-43-075	NEW-P	04-13-191	357-46-135	NEW-P	04-13-030
357-34-080	NEW-P	04-12-087	357-43-080	NEW-P	04-13-191	357-46-135	NEW	04-18-114
357-34-080	NEW-W	04-15-014	357-43-085	NEW-P	04-13-191	357-46-140	NEW-P	04-13-030
357-34-085	NEW-P	04-12-087	357-43-090	NEW-P	04-13-191	357-46-140	NEW-S	04-18-125
357-34-085	NEW	04-15-015	357-43-090	NEW-W	04-18-117	357-46-145	NEW-P	04-13-030
357-34-090	NEW-P	04-13-188	357-43-095	NEW-P	04-13-191	357-46-145	NEW	04-18-114
357-37-010	NEW-P	04-13-189	357-43-095	NEW-C	04-18-123	357-46-147	NEW-P	04-18-120
357-37-015	NEW-P	04-13-189	357-43-100	NEW-P	04-13-191	357-46-150	NEW-P	04-13-030
357-37-020	NEW-P	04-13-189	357-43-100	NEW-C	04-18-123	357-46-150	NEW	04-18-114
357-37-025	NEW-P	04-13-189	357-43-105	NEW-P	04-13-191	357-46-155	NEW-P	04-13-030
357-37-030	NEW-P	04-13-189	357-43-110	NEW-P	04-13-191	357-46-155	NEW	04-18-114
357-37-035	NEW-P	04-13-189	357-43-115	NEW-P	04-13-191	357-46-160	NEW-P	04-13-030
357-37-040	NEW-P	04-13-189	357-46-005	NEW-P	04-13-030	357-46-160	NEW	04-18-114
357-37-045	NEW-P	04-13-189	357-46-005	NEW	04-18-114	357-46-165	NEW-P	04-13-030
357-37-050	NEW-P	04-13-189	357-46-010	NEW-P	04-13-030	357-46-165	NEW	04-18-114
357-37-055	NEW-P	04-13-189	357-46-010	NEW	04-18-114	357-46-170	NEW-P	04-13-030
357-37-060	NEW-P	04-13-189	357-46-010	AMD-P	04-20-114	357-46-170	NEW	04-18-114
357-37-065	NEW-P	04-13-189	357-46-012	NEW-P	04-20-114	357-46-175	NEW-P	04-13-030
357-37-070	NEW-P	04-13-189	357-46-015	NEW-P	04-13-030	357-46-175	NEW	04-18-114
357-37-075	NEW-P	04-13-189	357-46-015	NEW	04-18-114	357-46-180	NEW-P	04-13-030
357-37-080	NEW-P	04-13-189	357-46-020	NEW-P	04-13-030	357-46-180	NEW	04-18-114
357-40-010	NEW-P	04-13-190	357-46-020	NEW	04-18-114	357-46-185	NEW-P	04-13-030
357-40-010	NEW	04-18-113	357-46-025	NEW-P	04-13-030	357-46-185	NEW	04-18-114
357-40-015	NEW-P	04-13-190	357-46-025	NEW	04-18-114	357-46-190	NEW-P	04-13-030
357-40-015	NEW	04-18-113	357-46-030	NEW-P	04-13-030	357-46-190	NEW	04-18-114
357-40-020	NEW-P	04-13-190	357-46-030	NEW	04-18-114	357-46-195	NEW-P	04-13-030
357-40-020	NEW	04-18-113	357-46-035	NEW-P	04-13-030	357-46-195	NEW	04-18-114
357-40-025	NEW-P	04-13-190	357-46-035	NEW	04-18-114	357-46-200	NEW-P	04-13-030
357-40-025	NEW	04-18-113	357-46-040	NEW-P	04-13-030	357-46-200	NEW	04-18-114
357-40-030	NEW-P	04-13-190	357-46-040	NEW	04-18-114	357-46-205	NEW-P	04-13-030
357-40-030	NEW	04-18-113	357-46-045	NEW-P	04-13-030	357-46-205	NEW	04-18-114
357-40-035	NEW-P	04-13-190	357-46-045	NEW	04-18-114	357-46-210	NEW	04-18-114
357-40-035	NEW	04-18-113	357-46-050	NEW-P	04-13-030	357-46-215	NEW	04-18-114
357-40-040	NEW-P	04-13-190	357-46-050	NEW	04-18-114	357-46-220	NEW	04-18-114
357-40-040	NEW	04-18-113	357-46-060	NEW-P	04-13-030	357-46-225	NEW	04-18-114
357-40-045	NEW-P	04-13-190	357-46-060	NEW	04-18-114	357-49-010	NEW-P	04-13-192
357-40-045	NEW	04-18-113	357-46-070	NEW-P	04-13-030	357-49-010	NEW-S	04-18-127
357-40-050	NEW-P	04-13-190	357-46-070	NEW	04-18-114	357-49-015	NEW-P	04-13-192
357-40-050	NEW-W	04-18-115	357-46-075	NEW-P	04-13-030	357-49-015	NEW-C	04-18-126
357-40-055	NEW-P	04-13-190	357-46-075	NEW	04-18-114	357-49-020	NEW-P	04-13-192
357-40-055	NEW-W	04-18-115	357-46-080	NEW-P	04-13-030	357-49-020	NEW-C	04-18-126
357-40-060	NEW-P	04-13-190	357-46-080	NEW	04-18-114	357-52-005	NEW-P	04-18-119
357-40-060	NEW-W	04-18-115	357-46-085	NEW-P	04-13-030	357-52-010	NEW-P	04-18-119
357-40-065	NEW-P	04-13-190	357-46-085	NEW	04-18-114	357-52-015	NEW-P	04-18-119
357-40-065	NEW-W	04-18-115	357-46-090	NEW-P	04-13-030	357-52-020	NEW-P	04-18-119
357-43-001	NEW-P	04-13-191	357-46-090	NEW	04-18-114	357-52-025	NEW-P	04-18-119
357-43-005	NEW-P	04-13-191	357-46-095	NEW-P	04-13-030	357-52-030	NEW-P	04-18-119
357-43-007	NEW-P	04-18-124	357-46-095	NEW	04-18-114	357-52-035	NEW-P	04-18-119
357-43-008	NEW-P	04-20-113	357-46-100	NEW-P	04-13-030	357-52-040	NEW-P	04-18-119
357-43-010	NEW-P	04-13-191	357-46-100	NEW	04-18-114	357-52-045	NEW-P	04-18-119
357-43-015	NEW-P	04-13-191	357-46-105	NEW-P	04-13-030	357-52-050	NEW-P	04-18-119
357-43-020	NEW-P	04-13-191	357-46-105	NEW	04-18-114	357-52-055	NEW-P	04-18-119
357-43-025	NEW-P	04-13-191	357-46-110	NEW-P	04-13-030	357-52-060	NEW-P	04-18-119
357-43-030	NEW-P	04-13-191	357-46-110	NEW	04-18-114	357-52-065	NEW-P	04-18-119
357-43-035	NEW-P	04-13-191	357-46-115	NEW-P	04-13-030	357-52-070	NEW-P	04-18-119
357-43-040	NEW-P	04-13-191	357-46-115	NEW	04-18-114	357-52-075	NEW-P	04-18-119
357-43-045	NEW-P	04-13-191	357-46-120	NEW-P	04-13-030	357-52-077	NEW-P	04-18-119

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
357- 52-080	NEW-P	04-18-119	365-230-060	NEW	04-10-037	388- 14A	PREP	04-19-129
357- 52-085	NEW-P	04-18-119	365-230-070	NEW-P	04-05-062	388- 14A-1020	PREP	04-06-053
357- 52-090	NEW-P	04-18-119	365-230-070	NEW	04-10-037	388- 14A-1020	AMD-E	04-07-057
357- 52-095	NEW-P	04-18-119	365-230-080	NEW-P	04-05-062	388- 14A-1020	PREP	04-09-036
357- 52-100	NEW-P	04-18-118	365-230-080	NEW	04-10-037	388- 14A-1020	AMD-P	04-13-139
357- 52-105	NEW-P	04-18-118	365-230-090	NEW-P	04-05-062	388- 14A-1020	AMD-E	04-14-054
357- 52-110	NEW-P	04-18-118	365-230-090	NEW	04-10-037	388- 14A-1020	AMD	04-17-119
357- 52-115	NEW-P	04-18-118	365-230-100	NEW-P	04-05-062	388- 14A-3140	PREP	04-09-036
357- 52-120	NEW-P	04-18-118	365-230-100	NEW	04-10-037	388- 14A-3350	PREP	04-19-130
357- 52-125	NEW-P	04-18-118	365-230-110	NEW-P	04-05-062	388- 14A-3370	PREP	04-09-036
357- 52-130	NEW-P	04-18-118	365-230-110	NEW	04-10-037	388- 14A-3600	PREP	04-09-036
357- 52-135	NEW-P	04-18-118	365-230-120	NEW-P	04-05-062	388- 14A-3810	PREP	04-06-053
357- 52-140	NEW-P	04-18-118	365-230-120	NEW	04-10-037	388- 14A-3810	PREP	04-09-036
357- 52-145	NEW-P	04-18-118	365-230-130	NEW-P	04-05-062	388- 14A-4040	AMD-E	04-07-057
357- 52-150	NEW-P	04-18-118	365-230-130	NEW	04-10-037	388- 14A-4040	AMD-P	04-13-139
357- 52-155	NEW-P	04-18-118	365-230-132	NEW-P	04-05-062	388- 14A-4040	AMD-E	04-14-054
357- 52-160	NEW-P	04-18-118	365-230-132	NEW	04-10-037	388- 14A-4040	AMD	04-17-119
357- 52-165	NEW-P	04-18-118	365-230-134	NEW-P	04-05-062	388- 14A-4100	PREP-W	04-07-022
357- 52-170	NEW-P	04-18-118	365-230-134	NEW	04-10-037	388- 14A-4100	AMD-E	04-07-057
357- 52-175	NEW-P	04-18-118	365-230-140	NEW-P	04-05-062	388- 14A-4100	PREP	04-07-062
357- 52-180	NEW-P	04-18-118	365-230-140	NEW	04-10-037	388- 14A-4100	AMD-P	04-13-139
357- 52-185	NEW-P	04-18-118	365-230-150	NEW-P	04-05-062	388- 14A-4100	AMD-E	04-14-054
357- 52-190	NEW-P	04-18-118	365-230-150	NEW	04-10-037	388- 14A-4100	AMD	04-17-119
357- 52-195	NEW-P	04-18-118	365-230-160	NEW-P	04-05-062	388- 14A-4110	PREP-W	04-07-022
357- 52-200	NEW-P	04-18-118	365-230-160	NEW	04-10-037	388- 14A-4110	AMD-E	04-07-057
357- 52-205	NEW-P	04-18-118	365-230-170	NEW-P	04-05-062	388- 14A-4110	PREP	04-07-062
357- 52-210	NEW-P	04-18-118	365-230-170	NEW	04-10-037	388- 14A-4110	AMD-P	04-13-139
357- 52-215	NEW-P	04-18-118	365-230-180	NEW-P	04-05-062	388- 14A-4110	AMD-E	04-14-054
357- 52-220	NEW-P	04-18-118	365-230-180	NEW	04-10-037	388- 14A-4110	AMD	04-17-119
357- 52-225	NEW-P	04-18-118	365-230-190	NEW-P	04-05-062	388- 14A-4119	NEW-E	04-20-001
357- 52-230	NEW-P	04-18-118	365-230-190	NEW	04-10-037	388- 14A-4120	PREP-W	04-07-022
357- 52-235	NEW-P	04-18-118	365-230-200	NEW-P	04-05-062	388- 14A-4120	AMD-E	04-07-057
357- 52-240	NEW-P	04-18-118	365-230-200	NEW	04-10-037	388- 14A-4120	PREP	04-07-062
357- 52-245	NEW-P	04-18-118	365-230-210	NEW-P	04-05-062	388- 14A-4120	AMD-P	04-13-139
357- 52-250	NEW-P	04-18-118	365-230-210	NEW	04-10-037	388- 14A-4120	AMD-E	04-14-054
357- 52-255	NEW-P	04-18-118	365-230-220	NEW-P	04-05-062	388- 14A-4120	AMD	04-17-119
357- 52-260	NEW-P	04-18-118	365-230-220	NEW	04-10-037	388- 14A-4121	NEW-E	04-07-057
357- 52-265	NEW-P	04-18-118	365-230-230	NEW-P	04-05-062	388- 14A-4121	NEW-P	04-13-139
363-116-070	AMD-P	04-10-030	365-230-230	NEW	04-10-037	388- 14A-4121	NEW-E	04-14-054
363-116-070	AMD	04-14-017	365-230-240	NEW-P	04-05-062	388- 14A-4121	NEW	04-17-119
363-116-185	AMD-P	04-10-031	365-230-240	NEW	04-10-037	388- 14A-4122	NEW-E	04-07-057
363-116-185	AMD	04-14-018	365-230-250	NEW-P	04-05-062	388- 14A-4122	NEW-P	04-13-139
363-116-300	AMD-P	04-08-008	365-230-250	NEW	04-10-037	388- 14A-4122	NEW-E	04-14-054
363-116-300	AMD	04-12-014	365-230-260	NEW-P	04-05-062	388- 14A-4122	NEW	04-17-119
365-110-035	AMD-X	04-17-139	365-230-260	NEW	04-10-037	388- 14A-4123	NEW-E	04-07-057
365-230-010	NEW-P	04-05-062	365-230-270	NEW-P	04-05-062	388- 14A-4123	NEW-P	04-13-139
365-230-010	NEW	04-10-037	365-230-270	NEW	04-10-037	388- 14A-4123	NEW-E	04-14-054
365-230-015	NEW-P	04-05-062	371- 08	PREP	04-15-009	388- 14A-4123	NEW	04-17-119
365-230-015	NEW	04-10-037	371- 08-305	AMD-E	04-15-010	388- 14A-4124	NEW-E	04-07-057
365-230-016	NEW-P	04-05-062	371- 08-306	NEW	04-03-001	388- 14A-4124	NEW-P	04-13-139
365-230-016	NEW	04-10-037	371- 08-315	AMD	04-03-001	388- 14A-4124	NEW-E	04-14-054
365-230-020	NEW-P	04-05-062	371- 08-335	AMD-E	04-15-010	388- 14A-4124	NEW	04-17-119
365-230-020	NEW	04-10-037	388- 02-0215	AMD-E	04-07-090	388- 14A-4125	NEW-E	04-07-057
365-230-030	NEW-P	04-05-062	388- 02-0215	AMD-E	04-15-056	388- 14A-4125	NEW-P	04-13-139
365-230-030	NEW	04-10-037	388- 02-0215	AMD-P	04-20-042	388- 14A-4125	NEW-E	04-14-054
365-230-035	NEW-P	04-05-062	388- 11-032	PREP-W	04-07-112	388- 14A-4125	NEW	04-17-119
365-230-035	NEW	04-10-037	388- 11-045	PREP-W	04-07-112	388- 14A-4126	NEW-E	04-07-057
365-230-040	NEW-P	04-05-062	388- 11-048	PREP-W	04-07-112	388- 14A-4126	NEW-P	04-13-139
365-230-040	NEW	04-10-037	388- 11-205	PREP-W	04-07-112	388- 14A-4126	NEW-E	04-14-054
365-230-050	NEW-P	04-05-062	388- 14-045	PREP-W	04-07-112	388- 14A-4126	NEW	04-17-119
365-230-050	NEW	04-10-037	388- 14-450	PREP-W	04-07-112	388- 14A-4130	PREP-W	04-07-022
365-230-060	NEW-P	04-05-062	388- 14A	PREP	04-07-113	388- 14A-4130	AMD-E	04-07-057

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388-14A-4130	PREP	04-07-062	388-25-1040	NEW-E	04-07-091	388-71-0121	NEW	04-19-136
388-14A-4130	AMD-P	04-13-139	388-25-1040	NEW-E	04-15-055	388-71-01210	NEW-P	04-13-138
388-14A-4130	AMD-E	04-14-054	388-25-1050	NEW-E	04-07-091	388-71-01210	NEW	04-19-136
388-14A-4130	AMD	04-17-119	388-25-1050	NEW-E	04-15-055	388-71-01215	NEW-P	04-13-138
388-14A-4135	NEW-E	04-07-057	388-27-0120	AMD-E	04-03-018	388-71-01215	NEW	04-19-136
388-14A-4135	NEW-P	04-13-139	388-27-0120	AMD	04-06-024	388-71-01220	NEW-P	04-13-138
388-14A-4135	NEW-E	04-14-054	388-27-0130	AMD-E	04-03-018	388-71-01220	NEW	04-19-136
388-14A-4135	NEW	04-17-119	388-27-0130	AMD	04-06-024	388-71-01225	NEW-P	04-13-138
388-14A-4140	NEW-E	04-07-057	388-27-0135	AMD-E	04-03-018	388-71-01225	NEW	04-19-136
388-14A-4140	NEW-P	04-13-139	388-27-0135	AMD	04-06-024	388-71-01230	NEW-P	04-13-138
388-14A-4140	NEW-E	04-14-054	388-27-0155	AMD-E	04-03-018	388-71-01230	NEW	04-19-136
388-14A-4140	NEW	04-17-119	388-27-0155	AMD	04-06-024	388-71-01235	NEW-P	04-13-138
388-14A-4143	NEW-E	04-07-057	388-27-0160	AMD-E	04-03-018	388-71-01235	NEW	04-19-136
388-14A-4143	NEW-P	04-13-139	388-27-0160	AMD	04-06-024	388-71-01240	NEW-P	04-13-138
388-14A-4143	NEW-E	04-14-054	388-27-0165	AMD-E	04-03-018	388-71-01240	NEW	04-19-136
388-14A-4143	NEW	04-17-119	388-27-0165	AMD	04-06-024	388-71-01245	NEW-P	04-13-138
388-14A-4145	NEW-E	04-07-057	388-27-0175	AMD-E	04-03-018	388-71-01245	NEW	04-19-136
388-14A-4145	NEW-P	04-13-139	388-27-0175	AMD	04-06-024	388-71-01250	NEW-P	04-13-138
388-14A-4145	NEW-E	04-14-054	388-27-0190	AMD-E	04-03-018	388-71-01250	NEW	04-19-136
388-14A-4145	NEW	04-17-119	388-27-0190	AMD	04-06-024	388-71-01255	NEW-P	04-13-138
388-14A-4150	NEW-E	04-07-057	388-27-0195	AMD-E	04-03-018	388-71-01255	NEW	04-19-136
388-14A-4150	NEW-P	04-13-139	388-27-0195	AMD	04-06-024	388-71-01260	NEW-P	04-13-138
388-14A-4150	NEW-E	04-14-054	388-27-0200	AMD-E	04-03-018	388-71-01260	NEW	04-19-136
388-14A-4150	NEW	04-17-119	388-27-0200	AMD	04-06-024	388-71-01265	NEW-P	04-13-138
388-14A-4160	NEW-E	04-07-057	388-27-0210	AMD-E	04-03-018	388-71-01265	NEW	04-19-136
388-14A-4160	NEW-P	04-13-139	388-27-0210	AMD	04-06-024	388-71-01270	NEW-P	04-13-138
388-14A-4160	NEW-E	04-14-054	388-27-0215	AMD-E	04-03-018	388-71-01270	NEW	04-19-136
388-14A-4160	NEW	04-17-119	388-27-0215	AMD	04-06-024	388-71-01275	NEW-P	04-13-138
388-14A-4165	NEW-E	04-07-057	388-27-0220	AMD-E	04-03-018	388-71-01275	NEW	04-19-136
388-14A-4165	NEW-P	04-13-139	388-27-0220	AMD	04-06-024	388-71-01280	NEW-P	04-13-138
388-14A-4165	NEW-E	04-14-054	388-27-0225	REP-E	04-03-018	388-71-01280	NEW	04-19-136
388-14A-4165	NEW	04-17-119	388-27-0225	REP	04-06-024	388-71-0150	REP-P	04-13-138
388-14A-4170	NEW-E	04-07-057	388-27-0230	AMD-E	04-03-018	388-71-0150	REP	04-19-136
388-14A-4170	NEW-P	04-13-139	388-27-0230	AMD	04-06-024	388-71-0155	REP-P	04-13-138
388-14A-4170	NEW-E	04-14-054	388-27-0235	REP-E	04-03-018	388-71-0155	REP	04-19-136
388-14A-4170	NEW	04-17-119	388-27-0235	REP	04-06-024	388-71-0194	AMD-E	04-10-062
388-14A-4175	NEW-E	04-07-057	388-27-0240	REP-E	04-03-018	388-71-0194	AMD-P	04-10-101
388-14A-4175	NEW-P	04-13-139	388-27-0240	REP	04-06-024	388-71-0194	AMD	04-16-029
388-14A-4175	NEW-E	04-14-054	388-27-0245	REP-E	04-03-018	388-71-0202	AMD	04-04-042
388-14A-4175	NEW	04-17-119	388-27-0245	REP	04-06-024	388-71-0202	AMD-E	04-10-062
388-14A-4180	NEW-E	04-20-001	388-27-0270	REP-E	04-03-018	388-71-0202	AMD-P	04-10-101
388-14A-5000	PREP	04-07-166	388-27-0270	REP	04-06-024	388-71-0202	AMD	04-16-029
388-14A-5001	PREP	04-08-069	388-61-001	AMD-P	04-16-105	388-71-0405	AMD-E	04-10-062
388-14A-6300	PREP	04-09-036	388-61-001	AMD	04-21-028	388-71-0405	AMD-P	04-10-101
388-14A-6300	PREP	04-19-099	388-71	PREP	04-19-100	388-71-0405	AMD	04-16-029
388-25	PREP	04-07-059	388-71-0100	AMD-P	04-13-138	388-71-0410	AMD-E	04-10-062
388-25-0225	PREP	04-08-068	388-71-0100	AMD	04-19-136	388-71-0410	AMD-P	04-10-101
388-25-0225	AMD-E	04-15-082	388-71-0105	AMD-E	04-06-039	388-71-0410	AMD	04-16-029
388-25-0226	PREP	04-08-068	388-71-0105	AMD-P	04-13-138	388-71-0415	AMD-E	04-10-062
388-25-0226	NEW-E	04-15-082	388-71-0105	AMD-E	04-14-013	388-71-0415	AMD-P	04-10-101
388-25-0227	NEW-E	04-15-082	388-71-0105	AMD	04-19-136	388-71-0415	AMD	04-16-029
388-25-0228	NEW-E	04-15-082	388-71-0110	AMD-P	04-13-138	388-71-0420	AMD-E	04-10-062
388-25-0230	PREP	04-08-068	388-71-0110	AMD	04-19-136	388-71-0420	AMD-P	04-10-101
388-25-0230	REP-E	04-15-082	388-71-0115	AMD-P	04-13-138	388-71-0420	AMD	04-16-029
388-25-1000	NEW-E	04-07-091	388-71-0115	AMD	04-19-136	388-71-0425	AMD-E	04-10-062
388-25-1000	NEW-E	04-15-055	388-71-0116	NEW-E	04-06-039	388-71-0425	AMD-P	04-10-101
388-25-1010	NEW-E	04-07-091	388-71-0116	NEW-E	04-14-013	388-71-0425	AMD	04-16-029
388-25-1010	NEW-E	04-15-055	388-71-0120	REP-P	04-13-138	388-71-0440	AMD-E	04-10-062
388-25-1020	NEW-E	04-07-091	388-71-0120	REP	04-19-136	388-71-0440	AMD-P	04-10-101
388-25-1020	NEW-E	04-15-055	388-71-01205	NEW-P	04-13-138	388-71-0440	AMD	04-16-029
388-25-1030	NEW-E	04-07-091	388-71-01205	NEW	04-19-136	388-71-0465	AMD-E	04-10-062
388-25-1030	NEW-E	04-15-055	388-71-0121	NEW-P	04-13-138	388-71-0465	AMD-P	04-10-101

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388- 71-0465	AMD	04-16-029	388- 72A-0036	NEW-P	04-10-097	388- 72A-0060	AMD	04-16-029
388- 71-0470	AMD-E	04-10-062	388- 72A-0036	NEW-W	04-11-082	388- 72A-0060	AMD	04-19-103
388- 71-0470	AMD-P	04-10-101	388- 72A-0036	NEW-S	04-11-086	388- 72A-0065	AMD-E	04-09-094
388- 71-0470	AMD	04-16-029	388- 72A-0036	NEW-W	04-14-096	388- 72A-0065	AMD-E	04-10-062
388- 71-0480	AMD-E	04-10-062	388- 72A-0036	NEW-P	04-14-099	388- 72A-0065	AMD-P	04-10-101
388- 71-0480	AMD-P	04-10-101	388- 72A-0036	NEW-E	04-15-013	388- 72A-0065	AMD-P	04-14-099
388- 71-0480	AMD	04-16-029	388- 72A-0036	NEW	04-19-103	388- 72A-0065	AMD-E	04-15-013
388- 71-0510	AMD-E	04-10-062	388- 72A-0037	NEW-E	04-09-094	388- 72A-0065	AMD	04-16-029
388- 71-0510	AMD-P	04-10-101	388- 72A-0037	NEW-P	04-14-099	388- 72A-0065	AMD	04-19-103
388- 71-0510	AMD	04-16-029	388- 72A-0037	NEW-E	04-15-013	388- 72A-0069	NEW-E	04-09-094
388- 71-0531	NEW	04-04-042	388- 72A-0037	NEW	04-19-103	388- 72A-0069	NEW-P	04-14-099
388- 71-0531	REP-E	04-07-058	388- 72A-0038	NEW-E	04-09-094	388- 72A-0069	NEW-E	04-15-013
388- 71-0531	PREP	04-07-060	388- 72A-0038	NEW-P	04-14-099	388- 72A-0069	NEW	04-19-103
388- 71-0531	REP-P	04-11-085	388- 72A-0038	NEW-E	04-15-013	388- 72A-0070	AMD-E	04-09-094
388- 71-0531	REP	04-15-001	388- 72A-0038	NEW	04-19-103	388- 72A-0070	AMD-P	04-14-099
388- 71-0531	REP-E	04-15-011	388- 72A-0039	NEW-E	04-09-094	388- 72A-0070	AMD-E	04-15-013
388- 71-05665	AMD-E	04-10-062	388- 72A-0039	NEW-P	04-14-099	388- 72A-0070	AMD	04-19-103
388- 71-05665	AMD-P	04-10-101	388- 72A-0039	NEW-E	04-15-013	388- 72A-0075	REP-E	04-09-094
388- 71-05665	AMD	04-16-029	388- 72A-0039	NEW	04-19-103	388- 72A-0075	REP-P	04-14-099
388- 71-0700	AMD-E	04-10-062	388- 72A-0040	REP-E	04-09-094	388- 72A-0075	REP-E	04-15-013
388- 71-0700	AMD-P	04-10-101	388- 72A-0040	REP-P	04-14-099	388- 72A-0075	REP	04-19-103
388- 71-0700	AMD	04-16-029	388- 72A-0040	REP-E	04-15-013	388- 72A-0080	AMD-E	04-09-094
388- 71-0708	AMD-E	04-10-062	388- 72A-0040	REP	04-19-103	388- 72A-0080	AMD-P	04-14-099
388- 71-0708	AMD-P	04-10-101	388- 72A-0041	NEW-E	04-09-094	388- 72A-0080	AMD-E	04-15-013
388- 71-0708	AMD	04-16-029	388- 72A-0041	NEW-P	04-10-097	388- 72A-0080	AMD	04-19-103
388- 71-0900	PREP	04-07-061	388- 72A-0041	NEW-W	04-11-082	388- 72A-0081	NEW-E	04-09-094
388- 71-0905	PREP	04-07-061	388- 72A-0041	NEW-S	04-11-086	388- 72A-0081	NEW-P	04-14-099
388- 71-0910	PREP	04-07-061	388- 72A-0041	NEW-W	04-14-096	388- 72A-0081	NEW-E	04-15-013
388- 71-0915	PREP	04-07-061	388- 72A-0041	NEW-P	04-14-099	388- 72A-0081	NEW	04-19-103
388- 71-0915	AMD-E	04-10-062	388- 72A-0041	NEW-E	04-15-013	388- 72A-0082	NEW-E	04-09-094
388- 71-0915	AMD-P	04-10-101	388- 72A-0041	NEW	04-19-103	388- 72A-0082	NEW-P	04-14-099
388- 71-0915	AMD	04-16-029	388- 72A-0042	NEW-P	04-10-097	388- 72A-0082	NEW-E	04-15-013
388- 71-0920	PREP	04-07-061	388- 72A-0042	NEW-W	04-11-082	388- 72A-0082	NEW	04-19-103
388- 71-0925	PREP	04-07-061	388- 72A-0042	NEW-S	04-11-086	388- 72A-0083	NEW-E	04-09-094
388- 71-0930	PREP	04-07-061	388- 72A-0042	NEW-W	04-14-096	388- 72A-0083	NEW-P	04-14-099
388- 71-0935	PREP	04-07-061	388- 72A-0042	NEW-P	04-14-099	388- 72A-0083	NEW-E	04-15-013
388- 71-0940	PREP	04-07-061	388- 72A-0042	NEW-E	04-15-013	388- 72A-0083	NEW	04-19-103
388- 71-0945	PREP	04-07-061	388- 72A-0042	NEW-W	04-18-070	388- 72A-0084	NEW-E	04-09-094
388- 71-0950	PREP	04-07-061	388- 72A-0042	NEW-S	04-18-071	388- 72A-0084	NEW-P	04-14-099
388- 71-0955	PREP	04-07-061	388- 72A-0042	NEW-E	04-18-083	388- 72A-0084	NEW-E	04-15-013
388- 71-0960	PREP	04-07-061	388- 72A-0042	NEW	04-21-029	388- 72A-0084	NEW	04-19-103
388- 71-0960	AMD-E	04-10-062	388- 72A-0043	NEW-S	04-18-071	388- 72A-0085	AMD-E	04-09-094
388- 71-0960	AMD-P	04-10-101	388- 72A-0043	NEW-E	04-18-083	388- 72A-0085	AMD-P	04-14-099
388- 71-0960	AMD	04-16-029	388- 72A-0043	NEW	04-21-029	388- 72A-0085	AMD-E	04-15-013
388- 71-0965	PREP	04-07-061	388- 72A-0053	NEW-E	04-10-062	388- 72A-0085	AMD	04-19-103
388- 71-1105	AMD-E	04-10-062	388- 72A-0053	NEW-P	04-10-101	388- 72A-0086	NEW-E	04-09-094
388- 71-1105	AMD-P	04-10-101	388- 72A-0053	NEW	04-16-029	388- 72A-0086	NEW-P	04-10-097
388- 71-1105	AMD	04-16-029	388- 72A-0055	AMD-E	04-09-094	388- 72A-0086	NEW-W	04-11-082
388- 72A	PREP	04-09-089	388- 72A-0055	AMD-P	04-14-099	388- 72A-0086	NEW-S	04-11-086
388- 72A	PREP	04-19-100	388- 72A-0055	AMD-E	04-15-013	388- 72A-0086	NEW-W	04-14-096
388- 72A-0010	AMD-E	04-09-094	388- 72A-0055	AMD	04-19-103	388- 72A-0086	NEW-P	04-14-099
388- 72A-0010	AMD-P	04-10-097	388- 72A-0057	NEW-E	04-10-062	388- 72A-0086	NEW-E	04-15-013
388- 72A-0010	AMD-W	04-11-082	388- 72A-0057	NEW-P	04-10-101	388- 72A-0086	NEW	04-19-103
388- 72A-0010	AMD-S	04-11-086	388- 72A-0057	NEW	04-16-029	388- 72A-0087	NEW-E	04-09-094
388- 72A-0010	AMD-W	04-14-096	388- 72A-0058	NEW-E	04-10-062	388- 72A-0087	NEW-P	04-14-099
388- 72A-0010	AMD-P	04-14-099	388- 72A-0058	NEW-P	04-10-101	388- 72A-0087	NEW-E	04-15-013
388- 72A-0010	AMD-E	04-15-013	388- 72A-0058	NEW	04-16-029	388- 72A-0087	NEW	04-19-103
388- 72A-0010	AMD	04-19-103	388- 72A-0060	AMD-E	04-09-094	388- 72A-0090	AMD-E	04-09-094
388- 72A-0035	AMD-P	04-14-099	388- 72A-0060	AMD-E	04-10-062	388- 72A-0090	AMD-P	04-14-099
388- 72A-0035	AMD-E	04-15-013	388- 72A-0060	AMD-P	04-10-101	388- 72A-0090	AMD-E	04-15-013
388- 72A-0035	AMD	04-19-103	388- 72A-0060	AMD-P	04-14-099	388- 72A-0090	AMD	04-19-103
388- 72A-0036	NEW-E	04-09-094	388- 72A-0060	AMD-E	04-15-013	388- 72A-0092	NEW-E	04-09-094

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388-96-740	AMD	04-21-027	388-110-040	AMD	04-16-063	388-140-0120	NEW-E	04-03-010D
388-96-742	AMD-P	04-17-144	388-110-050	AMD-P	04-13-021	388-140-0125	NEW-E	04-03-010D
388-96-742	AMD	04-21-027	388-110-050	AMD	04-16-063	388-140-0130	NEW-E	04-03-010D
388-96-749	NEW-P	04-17-144	388-110-060	REP-P	04-13-021	388-140-0135	NEW-E	04-03-010D
388-96-749	NEW	04-21-027	388-110-060	REP	04-16-063	388-140-0140	NEW-E	04-03-010D
388-96-766	AMD-P	04-17-144	388-110-070	AMD-P	04-13-021	388-140-0145	NEW-E	04-03-010D
388-96-766	AMD	04-21-027	388-110-070	AMD	04-16-063	388-140-0150	NEW-E	04-03-010D
388-96-776	AMD-P	04-17-144	388-110-080	REP-P	04-13-021	388-140-0155	NEW-E	04-03-010D
388-96-776	AMD	04-21-027	388-110-080	REP	04-16-063	388-140-0160	NEW-E	04-03-010D
388-96-779	REP-P	04-17-144	388-110-090	AMD-P	04-13-021	388-140-0165	NEW-E	04-03-010D
388-96-779	REP	04-21-027	388-110-090	AMD	04-16-063	388-140-0170	NEW-E	04-03-010D
388-96-780	REP-P	04-17-144	388-110-100	AMD-P	04-13-021	388-140-0175	NEW-E	04-03-010D
388-96-780	REP	04-21-027	388-110-100	AMD	04-16-063	388-140-0180	NEW-E	04-03-010D
388-96-782	AMD-P	04-17-144	388-110-120	AMD-P	04-13-021	388-140-0185	NEW-E	04-03-010D
388-96-782	AMD	04-21-027	388-110-120	AMD	04-16-063	388-140-0190	NEW-E	04-03-010D
388-96-783	NEW-P	04-17-144	388-110-140	AMD-P	04-13-021	388-140-0195	NEW-E	04-03-010D
388-96-783	NEW	04-21-027	388-110-140	AMD	04-16-063	388-140-0200	NEW-E	04-03-010D
388-96-901	AMD-P	04-17-144	388-110-140	AMD	04-18-001	388-140-0205	NEW-E	04-03-010D
388-96-901	AMD	04-21-027	388-110-150	AMD-P	04-13-021	388-140-0210	NEW-E	04-03-010D
388-96-904	AMD-P	04-17-144	388-110-150	AMD	04-16-063	388-140-0215	NEW-E	04-03-010D
388-96-904	AMD	04-21-027	388-110-170	REP-P	04-13-021	388-140-0220	NEW-E	04-03-010D
388-97-017	PREP	04-12-095	388-110-170	REP	04-16-063	388-140-0225	NEW-E	04-03-010D
388-97-017	AMD-P	04-17-107	388-110-180	REP-P	04-13-021	388-140-0230	NEW-E	04-03-010D
388-97-017	AMD	04-20-055	388-110-180	REP	04-16-063	388-140-0235	NEW-E	04-03-010D
388-97-125	PREP	04-06-055	388-110-190	REP-P	04-13-021	388-140-0240	NEW-E	04-03-010D
388-97-125	AMD-P	04-20-056	388-110-190	REP	04-16-063	388-140-0245	NEW-E	04-03-010D
388-105	PREP	04-10-089	388-110-200	REP-P	04-13-021	388-140-0250	NEW-E	04-03-010D
388-105	PREP	04-18-066	388-110-200	REP	04-16-063	388-140-0255	NEW-E	04-03-010D
388-105	PREP	04-20-100	388-110-220	AMD-P	04-13-021	388-140-0260	NEW-E	04-03-010D
388-105	PREP-W	04-20-102	388-110-220	AMD	04-16-063	388-140-0265	NEW-E	04-03-010D
388-105-0005	AMD-P	04-04-044	388-110-220	AMD	04-18-001	388-140-0270	NEW-E	04-03-010D
388-105-0005	AMD-E	04-06-038	388-110-240	AMD-P	04-13-021	388-140-0275	NEW-E	04-03-010D
388-105-0005	AMD-W	04-06-056	388-110-240	AMD	04-16-063	388-140-0280	NEW-E	04-03-010D
388-105-0005	AMD-P	04-06-075	388-110-260	AMD-P	04-13-021	388-140-0285	NEW-E	04-03-010D
388-105-0005	AMD	04-09-092	388-110-260	AMD	04-16-063	388-140-0290	NEW-E	04-03-010D
388-105-0030	AMD-P	04-04-044	388-110-270	AMD-P	04-13-021	388-140-0295	NEW-E	04-03-010D
388-105-0030	AMD-E	04-06-038	388-110-270	AMD	04-16-063	388-140-0300	NEW-E	04-03-010D
388-105-0030	AMD-W	04-06-056	388-110-280	AMD-P	04-13-021	388-140-0305	NEW-E	04-03-010D
388-105-0030	AMD-P	04-06-075	388-110-280	AMD	04-16-063	388-140-0310	NEW-E	04-03-010D
388-105-0030	AMD	04-09-092	388-140-0005	NEW-E	04-03-010D	388-140-0315	NEW-E	04-03-010D
388-105-0040	AMD-P	04-04-044	388-140-0010	NEW-E	04-03-010D	388-140-0320	NEW-E	04-03-010D
388-105-0040	AMD-E	04-06-038	388-140-0015	NEW-E	04-03-010D	388-140-0325	NEW-E	04-03-010D
388-105-0040	AMD-W	04-06-056	388-140-0020	NEW-E	04-03-010D	388-140-0330	NEW-E	04-03-010D
388-105-0040	AMD-P	04-06-075	388-140-0025	NEW-E	04-03-010D	388-140-0335	NEW-E	04-03-010D
388-105-0040	AMD	04-09-092	388-140-0030	NEW-E	04-03-010D	388-140-0340	NEW-E	04-03-010D
388-105-0045	NEW-P	04-04-044	388-140-0035	NEW-E	04-03-010D	388-140-0345	NEW-E	04-03-010D
388-105-0045	NEW-E	04-06-038	388-140-0040	NEW-E	04-03-010D	388-140-0350	NEW-E	04-03-010D
388-105-0045	NEW-W	04-06-056	388-140-0045	NEW-E	04-03-010D	388-140-0355	NEW-E	04-03-010D
388-105-0045	NEW-P	04-06-075	388-140-0050	NEW-E	04-03-010D	388-140-0360	NEW-E	04-03-010D
388-105-0045	NEW	04-09-092	388-140-0055	NEW-E	04-03-010D	388-140-0365	NEW-E	04-03-010D
388-110	AMD-P	04-13-021	388-140-0060	NEW-E	04-03-010D	388-140-0370	NEW-E	04-03-010D
388-110	AMD	04-16-063	388-140-0065	NEW-E	04-03-010D	388-140-0375	NEW-E	04-03-010D
388-110-005	AMD-P	04-13-021	388-140-0070	NEW-E	04-03-010D	388-140-0380	NEW-E	04-03-010D
388-110-005	AMD	04-16-063	388-140-0075	NEW-E	04-03-010D	388-140-0385	NEW-E	04-03-010D
388-110-010	AMD-P	04-13-021	388-140-0080	NEW-E	04-03-010D	388-140-0390	NEW-E	04-03-010D
388-110-010	AMD	04-16-063	388-140-0085	NEW-E	04-03-010D	388-140-0395	NEW-E	04-03-010D
388-110-020	AMD-P	04-13-021	388-140-0090	NEW-E	04-03-010D	388-140-0400	NEW-E	04-03-010D
388-110-020	AMD	04-16-063	388-140-0095	NEW-E	04-03-010D	388-140-0405	NEW-E	04-03-010D
388-110-020	AMD	04-18-001	388-140-0100	NEW-E	04-03-010D	388-140-0410	NEW-E	04-03-010D
388-110-030	AMD-P	04-13-021	388-140-0105	NEW-E	04-03-010D	388-140-0415	NEW-E	04-03-010D
388-110-030	AMD	04-16-063	388-140-0110	NEW-E	04-03-010D	388-140-0420	NEW-E	04-03-010D
388-110-040	AMD-P	04-13-021	388-140-0115	NEW-E	04-03-010D	388-140-0425	NEW-E	04-03-010D

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388-140-0430	NEW-E	04-03-010D	388-147-0200	NEW-P	04-18-045	388-148-0020	AMD	04-08-073
388-140-0435	NEW-E	04-03-010D	388-147-0210	NEW-P	04-18-045	388-148-0025	AMD-P	04-03-116
388-140-0440	NEW-E	04-03-010D	388-147-0220	NEW-P	04-18-045	388-148-0025	AMD	04-08-073
388-140-0445	NEW-E	04-03-010D	388-147-0230	NEW-P	04-18-045	388-148-0035	AMD-P	04-03-116
388-140-0450	NEW-E	04-03-010D	388-147-0240	NEW-P	04-18-045	388-148-0035	AMD-E	04-05-035
388-140-0455	NEW-E	04-03-010D	388-147-0250	NEW-P	04-18-045	388-148-0035	AMD	04-08-073
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388-140-0465	NEW-E	04-03-010D	388-147-0270	NEW-P	04-18-045	388-148-0040	AMD-E	04-05-035
388-140-0470	NEW-E	04-03-010D	388-147-0280	NEW-P	04-18-045	388-148-0040	AMD	04-08-073
388-140-0475	NEW-E	04-03-010D	388-147-0290	NEW-P	04-18-045	388-148-0045	AMD-P	04-03-116
388-140-0480	NEW-E	04-03-010D	388-147-0300	NEW-P	04-18-045	388-148-0045	AMD-E	04-05-035
388-140-0485	NEW-E	04-03-010D	388-147-0310	NEW-P	04-18-045	388-148-0045	AMD	04-08-073
388-140-0490	NEW-E	04-03-010D	388-147-0320	NEW-P	04-18-045	388-148-0050	AMD-P	04-03-116
388-140-0495	NEW-E	04-03-010D	388-147-0330	NEW-P	04-18-045	388-148-0050	AMD-E	04-05-035
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388-140-0550	NEW-E	04-03-010D	388-147-0440	NEW-P	04-18-045	388-148-0060	AMD	04-08-073
388-140-0560	NEW-E	04-03-010D	388-147-0450	NEW-P	04-18-045	388-148-0065	AMD-P	04-03-116
388-140-0565	NEW-E	04-03-010D	388-147-0460	NEW-P	04-18-045	388-148-0065	AMD-E	04-05-035
388-140-0570	NEW-E	04-03-010D	388-147-0470	NEW-P	04-18-045	388-148-0065	AMD	04-08-073
388-140-0575	NEW-E	04-03-010D	388-147-0480	NEW-P	04-18-045	388-148-0070	AMD-P	04-03-116
388-140-0580	NEW-E	04-03-010D	388-147-0490	NEW-P	04-18-045	388-148-0070	AMD	04-08-073
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388-140-0635	NEW-E	04-03-010D	388-147-0600	NEW-P	04-18-045	388-148-0098	NEW	04-08-073
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388-145-0230	PREP	04-18-069	388-147-0620	NEW-P	04-18-045	388-148-0100	AMD	04-08-073
388-147-0010	NEW-P	04-18-045	388-147-0630	NEW-P	04-18-045	388-148-0110	AMD-P	04-03-116
388-147-0020	NEW-P	04-18-045	388-147-0640	NEW-P	04-18-045	388-148-0110	AMD	04-08-073
388-147-0030	NEW-P	04-18-045	388-147-0650	NEW-P	04-18-045	388-148-0120	AMD-P	04-03-116
388-147-0040	NEW-P	04-18-045	388-147-0660	NEW-P	04-18-045	388-148-0120	AMD-E	04-05-035
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388-147-0080	NEW-P	04-18-045	388-147-0700	NEW-P	04-18-045	388-148-0125	AMD	04-08-073
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388-147-0110	NEW-P	04-18-045	388-148	AMD-P	04-03-116	388-148-0130	AMD-P	04-03-116
388-147-0120	NEW-P	04-18-045	388-148	AMD	04-08-073	388-148-0130	AMD	04-08-073
388-147-0130	NEW-P	04-18-045	388-148-0005	AMD-P	04-03-116	388-148-0135	AMD-P	04-03-116
388-147-0140	NEW-P	04-18-045	388-148-0005	AMD	04-08-073	388-148-0135	AMD	04-08-073
388-147-0150	NEW-P	04-18-045	388-148-0010	AMD-P	04-03-116	388-148-0140	AMD-P	04-03-116
388-147-0160	NEW-P	04-18-045	388-148-0010	AMD	04-08-073	388-148-0140	AMD-E	04-05-035
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388-147-0180	NEW-P	04-18-045	388-148-0015	AMD	04-08-073	388-148-0150	AMD-P	04-03-116
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388-148-0170	AMD-P	04-03-116	388-148-0352	NEW	04-08-073	388-148-0542	NEW	04-08-073
388-148-0170	AMD-E	04-05-035	388-148-0355	AMD-P	04-03-116	388-148-0555	AMD-P	04-03-116
388-148-0170	AMD	04-08-073	388-148-0355	AMD	04-08-073	388-148-0555	AMD	04-08-073
388-148-0180	AMD-P	04-03-116	388-148-0360	REP-P	04-03-116	388-148-0560	AMD-P	04-03-116
388-148-0180	AMD	04-08-073	388-148-0360	REP	04-08-073	388-148-0560	AMD-E	04-05-035
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388-148-0185	AMD	04-08-073	388-148-0365	AMD	04-08-073	388-148-0585	AMD-P	04-03-116
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388-148-0200	AMD	04-08-073	388-148-0375	AMD	04-08-073	388-148-0585	AMD	04-08-073
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388-148-0210	AMD	04-08-073	388-148-0380	AMD	04-08-073	388-148-0600	AMD	04-08-073
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388-148-0220	AMD-E	04-05-035	388-148-0385	AMD	04-08-073	388-148-0605	AMD	04-08-073
388-148-0220	AMD	04-08-073	388-148-0395	AMD-P	04-03-116	388-148-0610	AMD-P	04-03-116
388-148-0225	AMD-P	04-03-116	388-148-0395	AMD-E	04-05-035	388-148-0610	AMD	04-08-073
388-148-0225	AMD	04-08-073	388-148-0395	AMD	04-08-073	388-148-0615	REP-P	04-03-116
388-148-0230	AMD-P	04-03-116	388-148-0400	AMD-P	04-03-116	388-148-0615	REP	04-08-073
388-148-0230	AMD	04-08-073	388-148-0400	AMD	04-08-073	388-148-0620	AMD-P	04-03-116
388-148-0235	AMD-P	04-03-116	388-148-0422	NEW-P	04-03-116	388-148-0620	AMD	04-08-073
388-148-0235	AMD	04-08-073	388-148-0422	NEW	04-08-073	388-148-0625	AMD-P	04-03-116
388-148-0240	AMD-P	04-03-116	388-148-0425	AMD-P	04-03-116	388-148-0625	AMD	04-08-073
388-148-0240	AMD	04-08-073	388-148-0425	AMD	04-08-073	388-148-0630	REP-P	04-03-116
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388-148-0245	AMD	04-08-073	388-148-0430	AMD-P	04-03-116	388-148-0630	REP	04-08-073
388-148-0250	AMD-P	04-03-116	388-148-0430	AMD	04-08-073	388-148-0635	REP-P	04-03-116
388-148-0250	AMD	04-08-073	388-148-0430	AMD	04-08-073	388-148-0635	REP	04-08-073
388-148-0255	AMD-P	04-03-116	388-148-0445	AMD-P	04-03-116	388-148-0640	AMD-P	04-03-116
388-148-0255	AMD	04-08-073	388-148-0445	AMD	04-08-073	388-148-0640	AMD	04-08-073
388-148-0260	AMD-P	04-03-116	388-148-0450	REP-P	04-03-116	388-148-0640	AMD	04-08-073
388-148-0260	AMD-E	04-05-035	388-148-0450	REP	04-08-073	388-148-0645	AMD-P	04-03-116
388-148-0260	AMD	04-08-073	388-148-0455	AMD-P	04-03-116	388-148-0645	AMD	04-08-073
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388-148-0265	AMD	04-08-073	388-148-0460	AMD-E	04-05-035	388-148-0650	REP	04-08-073
388-148-0270	AMD-P	04-03-116	388-148-0460	AMD	04-08-073	388-148-0655	AMD-P	04-03-116
388-148-0270	AMD-E	04-05-035	388-148-0462	NEW-E	04-05-035	388-148-0655	AMD	04-08-073
388-148-0270	AMD	04-08-073	388-148-0470	AMD-P	04-03-116	388-148-0660	AMD-P	04-03-116
388-148-0275	AMD-P	04-03-116	388-148-0470	AMD	04-08-073	388-148-0660	AMD	04-08-073
388-148-0275	AMD	04-08-073	388-148-0470	AMD	04-08-073	388-148-0670	AMD-P	04-03-116
388-148-0285	REP-P	04-03-116	388-148-0480	AMD-P	04-03-116	388-148-0670	AMD	04-08-073
388-148-0285	REP	04-08-073	388-148-0480	AMD	04-08-073	388-148-0685	AMD-P	04-03-116
388-148-0300	AMD-P	04-03-116	388-148-0485	AMD-P	04-03-116	388-148-0685	AMD	04-08-073
388-148-0300	AMD	04-08-073	388-148-0485	AMD	04-08-073	388-148-0695	AMD-P	04-03-116
388-148-0305	AMD-P	04-03-116	388-148-0487	NEW-P	04-03-116	388-148-0695	AMD	04-08-073
388-148-0305	AMD	04-08-073	388-148-0487	NEW	04-08-073	388-148-0700	AMD-P	04-03-116
388-148-0315	AMD-P	04-03-116	388-148-0488	NEW-P	04-03-116	388-148-0700	AMD-E	04-05-035
388-148-0315	AMD	04-08-073	388-148-0488	NEW	04-08-073	388-148-0700	AMD	04-08-073
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388-148-0320	AMD	04-08-073	388-148-0490	AMD	04-08-073	388-148-0705	AMD	04-08-073
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388-148-0325	AMD	04-08-073	388-148-0500	REP	04-08-073	388-148-0710	AMD	04-08-073
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388-148-0335	AMD-E	04-05-035	388-148-0520	AMD-E	04-05-035	388-148-0715	AMD	04-08-073
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388-148-0345	AMD-E	04-05-035	388-148-0535	AMD	04-08-073	388-148-0720	AMD	04-08-073
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388-148-0730	AMD-P	04-03-116	388-148-1045	AMD	04-08-073	388-148-1275	NEW	04-08-073
388-148-0730	AMD	04-08-073	388-148-1050	AMD-P	04-03-116	388-148-1280	NEW-P	04-03-116
388-148-0735	REP-P	04-03-116	388-148-1050	AMD	04-08-073	388-148-1280	NEW	04-08-073
388-148-0735	REP	04-08-073	388-148-1060	AMD-P	04-03-116	388-155	REP-C	04-10-095
388-148-0750	AMD-P	04-03-116	388-148-1060	AMD-E	04-05-035	388-155-005	REP-P	04-07-134
388-148-0750	AMD	04-08-073	388-148-1060	AMD	04-08-073	388-155-005	REP	04-18-082
388-148-0765	AMD-P	04-03-116	388-148-1065	REP-P	04-03-116	388-155-010	REP-P	04-07-134
388-148-0765	AMD	04-08-073	388-148-1065	REP	04-08-073	388-155-010	REP	04-18-082
388-148-0775	AMD-P	04-03-116	388-148-1066	NEW-P	04-03-116	388-155-020	REP-P	04-07-134
388-148-0775	AMD	04-08-073	388-148-1066	NEW	04-08-073	388-155-020	REP	04-18-082
388-148-0785	AMD-P	04-03-116	388-148-1070	AMD-P	04-03-116	388-155-040	REP-P	04-07-134
388-148-0785	AMD-E	04-05-035	388-148-1070	AMD-E	04-05-035	388-155-040	REP	04-18-082
388-148-0785	AMD	04-08-073	388-148-1070	AMD	04-08-073	388-155-050	REP-P	04-07-134
388-148-0795	AMD-P	04-03-116	388-148-1076	NEW-P	04-03-116	388-155-050	REP	04-18-082
388-148-0795	AMD	04-08-073	388-148-1076	NEW-E	04-05-035	388-155-060	REP-P	04-07-134
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388-148-0800	AMD	04-08-073	388-148-1077	NEW-P	04-03-116	388-155-070	REP-P	04-07-134
388-148-0805	AMD-P	04-03-116	388-148-1077	NEW-E	04-05-035	388-155-070	REP	04-18-082
388-148-0805	AMD	04-08-073	388-148-1077	NEW	04-08-073	388-155-080	REP-P	04-07-134
388-148-0810	AMD-P	04-03-116	388-148-1078	NEW-P	04-03-116	388-155-080	REP-W	04-18-046
388-148-0810	AMD	04-08-073	388-148-1078	NEW-E	04-05-035	388-155-083	REP-P	04-07-134
388-148-0830	AMD-P	04-03-116	388-148-1078	NEW	04-08-073	388-155-083	REP	04-18-082
388-148-0830	AMD	04-08-073	388-148-1079	NEW-P	04-03-116	388-155-085	REP-P	04-07-134
388-148-0860	AMD-P	04-03-116	388-148-1079	NEW-E	04-05-035	388-155-085	REP	04-18-082
388-148-0860	AMD	04-08-073	388-148-1079	NEW	04-08-073	388-155-090	REP-P	04-07-134
388-148-0870	AMD-P	04-03-116	388-148-1085	AMD-P	04-03-116	388-155-090	REP	04-18-082
388-148-0870	AMD	04-08-073	388-148-1085	AMD	04-08-073	388-155-092	REP-P	04-07-134
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388-148-0875	AMD	04-08-073	388-148-1115	AMD-E	04-05-035	388-155-093	REP-P	04-07-134
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388-148-0880	AMD-E	04-05-035	388-148-1120	AMD-P	04-03-116	388-155-094	REP-P	04-07-134
388-148-0880	AMD	04-08-073	388-148-1120	AMD-E	04-05-035	388-155-094	REP	04-18-082
388-148-0885	AMD-P	04-03-116	388-148-1120	AMD	04-08-073	388-155-095	REP-P	04-07-134
388-148-0885	AMD	04-08-073	388-148-1205	NEW-P	04-03-116	388-155-095	REP	04-18-082
388-148-0890	AMD-P	04-03-116	388-148-1205	NEW	04-08-073	388-155-096	REP-P	04-07-134
388-148-0890	AMD	04-08-073	388-148-1210	NEW-P	04-03-116	388-155-096	REP	04-18-082
388-148-0892	NEW-P	04-03-116	388-148-1210	NEW	04-08-073	388-155-097	REP-P	04-07-134
388-148-0892	NEW-E	04-05-035	388-148-1215	NEW-P	04-03-116	388-155-097	REP	04-18-082
388-148-0892	NEW	04-08-073	388-148-1215	NEW	04-08-073	388-155-098	REP-P	04-07-134
388-148-0895	AMD-P	04-03-116	388-148-1220	NEW-P	04-03-116	388-155-098	REP	04-18-082
388-148-0895	AMD	04-08-073	388-148-1220	NEW	04-08-073	388-155-100	REP-P	04-07-134
388-148-0900	AMD-P	04-03-116	388-148-1225	NEW-P	04-03-116	388-155-100	REP	04-18-082
388-148-0900	AMD	04-08-073	388-148-1225	NEW	04-08-073	388-155-110	REP-P	04-07-134
388-148-0905	AMD-P	04-03-116	388-148-1230	NEW-P	04-03-116	388-155-110	REP	04-18-082
388-148-0905	AMD	04-08-073	388-148-1230	NEW	04-08-073	388-155-120	REP-P	04-07-134
388-148-0915	AMD-P	04-03-116	388-148-1235	NEW-P	04-03-116	388-155-120	REP	04-18-082
388-148-0915	AMD-E	04-05-035	388-148-1235	NEW	04-08-073	388-155-130	REP-P	04-07-134
388-148-0915	AMD	04-08-073	388-148-1240	NEW-P	04-03-116	388-155-130	REP	04-18-082
388-148-0935	REP-P	04-03-116	388-148-1240	NEW	04-08-073	388-155-140	REP-P	04-07-134
388-148-0935	REP	04-08-073	388-148-1245	NEW-P	04-03-116	388-155-140	REP	04-18-082
388-148-0995	AMD-P	04-03-116	388-148-1245	NEW	04-08-073	388-155-150	REP-P	04-07-134
388-148-0995	AMD-E	04-05-035	388-148-1250	NEW-P	04-03-116	388-155-150	REP	04-18-082
388-148-0995	AMD	04-08-073	388-148-1250	NEW	04-08-073	388-155-160	REP-P	04-07-134
388-148-1020	REP-P	04-03-116	388-148-1255	NEW-P	04-03-116	388-155-160	REP	04-18-082
388-148-1020	REP	04-08-073	388-148-1255	NEW	04-08-073	388-155-165	REP-P	04-07-134
388-148-1025	AMD-P	04-03-116	388-148-1260	NEW-P	04-03-116	388-155-165	REP	04-18-082
388-148-1025	AMD	04-08-073	388-148-1260	NEW	04-08-073	388-155-170	REP-P	04-07-134
388-148-1030	AMD-P	04-03-116	388-148-1265	NEW-P	04-03-116	388-155-170	REP	04-18-082
388-148-1030	AMD	04-08-073	388-148-1265	NEW	04-08-073	388-155-180	REP-P	04-07-134
388-148-1035	AMD-P	04-03-116	388-148-1270	NEW-P	04-03-116	388-155-180	REP	04-18-082

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388-155-190	REP	04-18-082	388-155-605	REP	04-18-082	388-290-0030	AMD	04-08-134
388-155-200	REP-P	04-07-134	388-155-610	REP-P	04-07-134	388-290-0030	PREP	04-13-046
388-155-200	REP	04-18-082	388-155-610	REP	04-18-082	388-290-0031	NEW-P	04-02-047
388-155-220	REP-P	04-07-134	388-155-620	REP-P	04-07-134	388-290-0031	NEW	04-08-021
388-155-220	REP	04-18-082	388-155-620	REP	04-18-082	388-290-0031	NEW	04-08-134
388-155-230	REP-P	04-07-134	388-155-630	REP-P	04-07-134	388-290-0032	NEW-P	04-02-047
388-155-230	REP	04-18-082	388-155-630	REP	04-18-082	388-290-0032	NEW	04-08-021
388-155-240	REP-P	04-07-134	388-155-640	REP-P	04-07-134	388-290-0032	NEW	04-08-134
388-155-240	REP	04-18-082	388-155-640	REP	04-18-082	388-290-0032	PREP	04-13-046
388-155-250	REP-P	04-07-134	388-155-650	REP-P	04-07-134	388-290-0035	AMD-P	04-02-047
388-155-250	REP	04-18-082	388-155-650	REP	04-18-082	388-290-0035	AMD	04-08-021
388-155-270	REP-P	04-07-134	388-155-660	REP-P	04-07-134	388-290-0035	AMD	04-08-134
388-155-270	REP	04-18-082	388-155-660	REP	04-18-082	388-290-0040	AMD-P	04-02-047
388-155-280	REP-P	04-07-134	388-155-670	REP-P	04-07-134	388-290-0040	AMD	04-08-021
388-155-280	REP	04-18-082	388-155-670	REP	04-18-082	388-290-0040	AMD	04-08-134
388-155-290	REP-P	04-07-134	388-155-680	REP-P	04-07-134	388-290-0040	PREP	04-13-046
388-155-290	REP	04-18-082	388-155-680	REP	04-18-082	388-290-0045	AMD-P	04-02-047
388-155-295	REP-P	04-07-134	388-155-991	REP-P	04-07-134	388-290-0045	AMD	04-08-021
388-155-295	REP	04-18-082	388-155-991	REP	04-18-082	388-290-0045	AMD	04-08-134
388-155-310	REP-P	04-07-134	388-155-992	REP-P	04-07-134	388-290-0045	PREP	04-13-046
388-155-310	REP	04-18-082	388-155-992	REP	04-18-082	388-290-0050	AMD-P	04-02-047
388-155-320	REP-P	04-07-134	388-155-993	REP-P	04-07-134	388-290-0050	AMD	04-08-021
388-155-320	REP	04-18-082	388-155-993	REP	04-18-082	388-290-0050	AMD	04-08-134
388-155-330	REP-P	04-07-134	388-160-0075	PREP	04-18-067	388-290-0055	AMD-P	04-02-047
388-155-330	REP	04-18-082	388-160-0195	PREP	04-18-067	388-290-0055	AMD	04-08-021
388-155-340	REP-P	04-07-134	388-273-0025	AMD-E	04-03-097	388-290-0055	AMD	04-08-134
388-155-340	REP	04-18-082	388-273-0025	AMD-P	04-07-089	388-290-0060	AMD-P	04-02-047
388-155-350	REP-P	04-07-134	388-273-0025	AMD-E	04-11-080	388-290-0060	AMD	04-08-021
388-155-350	REP	04-18-082	388-273-0025	AMD	04-13-136	388-290-0060	AMD	04-08-134
388-155-360	REP-P	04-07-134	388-273-0030	AMD-E	04-03-097	388-290-0060	PREP	04-13-046
388-155-360	REP	04-18-082	388-273-0030	AMD-P	04-07-089	388-290-0065	AMD-P	04-02-047
388-155-370	REP-P	04-07-134	388-273-0030	AMD-E	04-11-080	388-290-0065	AMD	04-08-021
388-155-370	REP	04-18-082	388-273-0030	AMD	04-13-136	388-290-0065	AMD	04-08-134
388-155-380	REP-P	04-07-134	388-273-0035	AMD-E	04-03-097	388-290-0070	AMD-P	04-02-047
388-155-380	REP	04-18-082	388-273-0035	AMD-P	04-07-089	388-290-0070	AMD	04-08-021
388-155-390	REP-P	04-07-134	388-273-0035	AMD-E	04-11-080	388-290-0070	AMD	04-08-134
388-155-390	REP	04-18-082	388-273-0035	AMD	04-13-136	388-290-0075	AMD-P	04-02-047
388-155-400	REP-P	04-07-134	388-290-0001	AMD-P	04-02-047	388-290-0075	AMD-E	04-05-079
388-155-400	REP	04-18-082	388-290-0001	AMD	04-08-021	388-290-0075	AMD	04-08-021
388-155-410	REP-P	04-07-134	388-290-0001	AMD	04-08-134	388-290-0075	AMD	04-08-134
388-155-410	REP	04-18-082	388-290-0005	AMD-P	04-02-047	388-290-0080	REP-P	04-02-047
388-155-420	REP-P	04-07-134	388-290-0005	AMD	04-08-021	388-290-0080	REP	04-08-021
388-155-420	REP	04-18-082	388-290-0005	AMD	04-08-134	388-290-0080	REP	04-08-134
388-155-430	REP-P	04-07-134	388-290-0010	AMD-P	04-02-047	388-290-0082	NEW-P	04-02-047
388-155-430	REP	04-18-082	388-290-0010	AMD	04-08-021	388-290-0082	NEW	04-08-021
388-155-440	REP-P	04-07-134	388-290-0010	AMD	04-08-134	388-290-0082	NEW	04-08-134
388-155-440	REP	04-18-082	388-290-0012	NEW-P	04-02-047	388-290-0085	AMD-P	04-02-047
388-155-450	REP-P	04-07-134	388-290-0012	NEW	04-08-021	388-290-0085	AMD-E	04-05-079
388-155-450	REP	04-18-082	388-290-0012	NEW	04-08-134	388-290-0085	AMD	04-08-021
388-155-460	REP-P	04-07-134	388-290-0015	AMD-P	04-02-047	388-290-0085	AMD	04-08-134
388-155-460	REP	04-18-082	388-290-0015	AMD	04-08-021	388-290-0085	PREP	04-13-046
388-155-470	REP-P	04-07-134	388-290-0015	AMD	04-08-134	388-290-0090	AMD-P	04-02-047
388-155-470	REP	04-18-082	388-290-0020	AMD-P	04-02-047	388-290-0090	AMD	04-08-021
388-155-480	REP-P	04-07-134	388-290-0020	AMD	04-08-021	388-290-0090	AMD	04-08-134
388-155-480	REP	04-18-082	388-290-0020	AMD	04-08-134	388-290-0090	PREP	04-13-046
388-155-490	REP-P	04-07-134	388-290-0020	PREP	04-13-046	388-290-0095	AMD-P	04-02-047
388-155-490	REP	04-18-082	388-290-0025	AMD-P	04-02-047	388-290-0095	AMD	04-08-021
388-155-500	REP-P	04-07-134	388-290-0025	AMD	04-08-021	388-290-0095	AMD	04-08-134
388-155-500	REP	04-18-082	388-290-0025	AMD	04-08-134	388-290-0100	AMD-P	04-02-047
388-155-600	REP-P	04-07-134	388-290-0025	PREP	04-13-046	388-290-0100	AMD	04-08-021
388-155-600	REP	04-18-082	388-290-0030	AMD-P	04-02-047	388-290-0100	AMD	04-08-134

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388-290-0105	AMD-P	04-02-047	388-290-0190	AMD	04-08-134	388-295-0070	AMD	04-09-093
388-290-0105	AMD	04-08-021	388-290-0200	AMD-P	04-02-047	388-295-0090	AMD-P	04-05-084
388-290-0105	AMD	04-08-134	388-290-0200	AMD	04-08-021	388-295-0090	AMD	04-09-093
388-290-0105	PREP	04-13-046	388-290-0200	AMD	04-08-134	388-295-0100	AMD-P	04-05-084
388-290-0107	NEW-P	04-02-047	388-290-0200	AMD-E	04-14-014	388-295-0100	AMD	04-09-093
388-290-0107	NEW	04-08-021	388-290-0200	PREP	04-19-102	388-295-0110	AMD-P	04-05-084
388-290-0107	NEW	04-08-134	388-290-0200	AMD-E	04-21-024	388-295-0110	AMD	04-09-093
388-290-0108	NEW-P	04-02-047	388-290-0205	AMD-P	04-02-047	388-295-1070	AMD-P	04-05-084
388-290-0108	NEW	04-08-021	388-290-0205	AMD	04-08-021	388-295-1070	AMD	04-09-093
388-290-0108	NEW	04-08-134	388-290-0205	AMD	04-08-134	388-295-1110	AMD-P	04-05-084
388-290-0108	PREP	04-13-046	388-290-0205	AMD-E	04-14-014	388-295-1110	AMD	04-09-093
388-290-0110	AMD-P	04-02-047	388-290-0205	PREP	04-19-102	388-295-2010	AMD-P	04-05-084
388-290-0110	AMD	04-08-021	388-290-0205	AMD-E	04-21-024	388-295-2010	AMD	04-09-093
388-290-0110	AMD	04-08-134	388-290-0210	REP-P	04-02-047	388-295-2090	AMD-P	04-05-084
388-290-0110	PREP	04-13-046	388-290-0210	REP-E	04-05-079	388-295-2090	AMD	04-09-093
388-290-0120	AMD-P	04-02-047	388-290-0210	REP	04-08-021	388-295-2100	AMD-P	04-05-084
388-290-0120	AMD	04-08-021	388-290-0210	REP	04-08-134	388-295-2100	AMD	04-09-093
388-290-0120	AMD	04-08-134	388-290-0220	AMD-P	04-02-047	388-295-3010	AMD-P	04-05-084
388-290-0125	AMD-P	04-02-047	388-290-0220	AMD	04-08-021	388-295-3010	AMD	04-09-093
388-290-0125	AMD	04-08-021	388-290-0220	AMD	04-08-134	388-295-4010	AMD-P	04-05-084
388-290-0125	AMD	04-08-134	388-290-0225	AMD-P	04-02-047	388-295-4010	AMD	04-09-093
388-290-0130	AMD-P	04-02-047	388-290-0225	AMD	04-08-021	388-295-4100	AMD-P	04-05-084
388-290-0130	AMD-E	04-04-030	388-290-0225	AMD	04-08-134	388-295-4100	AMD	04-09-093
388-290-0130	AMD	04-08-021	388-290-0230	AMD-P	04-02-047	388-295-5030	AMD-P	04-05-084
388-290-0130	AMD	04-08-134	388-290-0230	AMD	04-08-021	388-295-5030	AMD	04-09-093
388-290-0130	PREP	04-13-046	388-290-0230	AMD	04-08-134	388-295-5150	AMD-P	04-05-084
388-290-0135	AMD-P	04-02-047	388-290-0235	AMD-P	04-02-047	388-295-5150	AMD	04-09-093
388-290-0135	AMD	04-08-021	388-290-0235	AMD	04-08-021	388-295-6010	PREP	04-17-105
388-290-0135	AMD	04-08-134	388-290-0235	AMD	04-08-134	388-295-7010	AMD-P	04-05-084
388-290-0140	AMD-P	04-02-047	388-290-0245	AMD-P	04-02-047	388-295-7010	AMD	04-09-093
388-290-0140	AMD	04-08-021	388-290-0245	AMD	04-08-021	388-295-7040	AMD-P	04-05-084
388-290-0140	AMD	04-08-134	388-290-0245	AMD	04-08-134	388-295-7040	AMD	04-09-093
388-290-0140	PREP	04-13-046	388-290-0247	NEW-P	04-02-047	388-295-7050	AMD-P	04-05-084
388-290-0143	AMD-P	04-02-047	388-290-0247	NEW	04-08-021	388-295-7050	AMD	04-09-093
388-290-0143	AMD	04-08-021	388-290-0247	NEW	04-08-134	388-296	NEW-C	04-10-095
388-290-0143	AMD	04-08-134	388-290-0250	AMD-P	04-02-047	388-296-0010	NEW-P	04-07-134
388-290-0145	AMD-P	04-02-047	388-290-0250	AMD	04-08-021	388-296-0010	NEW	04-18-082
388-290-0145	AMD	04-08-021	388-290-0250	AMD	04-08-134	388-296-0020	NEW-P	04-07-134
388-290-0145	AMD	04-08-134	388-290-0255	AMD-P	04-02-047	388-296-0020	NEW	04-18-082
388-290-0150	AMD-P	04-02-047	388-290-0255	AMD	04-08-021	388-296-0110	NEW-P	04-07-134
388-290-0150	AMD	04-08-021	388-290-0255	AMD	04-08-134	388-296-0110	NEW	04-18-082
388-290-0150	AMD	04-08-134	388-290-0260	AMD-P	04-02-047	388-296-0120	NEW-P	04-07-134
388-290-0155	AMD-P	04-02-047	388-290-0260	AMD	04-08-021	388-296-0120	NEW	04-18-082
388-290-0155	AMD	04-08-021	388-290-0260	AMD	04-08-134	388-296-0125	NEW-P	04-07-134
388-290-0155	AMD	04-08-134	388-290-0265	AMD-P	04-02-047	388-296-0125	NEW	04-18-082
388-290-0155	PREP	04-13-046	388-290-0265	AMD	04-08-021	388-296-0130	NEW-P	04-07-134
388-290-0160	AMD-P	04-02-047	388-290-0265	AMD	04-08-134	388-296-0130	NEW	04-18-082
388-290-0160	AMD	04-08-021	388-290-0270	AMD-P	04-02-047	388-296-0140	NEW-P	04-07-134
388-290-0160	AMD	04-08-134	388-290-0270	AMD	04-08-021	388-296-0140	NEW	04-18-082
388-290-0165	AMD-P	04-02-047	388-290-0270	AMD	04-08-134	388-296-0150	NEW-P	04-07-134
388-290-0165	AMD	04-08-021	388-290-0270	PREP	04-13-046	388-296-0150	NEW	04-18-082
388-290-0165	AMD	04-08-134	388-290-0271	NEW-P	04-02-047	388-296-0160	NEW-P	04-07-134
388-290-0165	PREP	04-13-046	388-290-0271	NEW	04-08-021	388-296-0160	NEW	04-18-082
388-290-0167	AMD-P	04-02-047	388-290-0271	NEW	04-08-134	388-296-0170	NEW-P	04-07-134
388-290-0167	AMD	04-08-021	388-290-0273	NEW-P	04-02-047	388-296-0170	NEW	04-18-082
388-290-0167	AMD	04-08-134	388-290-0273	NEW	04-08-021	388-296-0180	NEW-P	04-07-134
388-290-0180	AMD-P	04-02-047	388-290-0273	NEW	04-08-134	388-296-0180	NEW	04-18-082
388-290-0180	AMD	04-08-021	388-295-0020	AMD-P	04-05-084	388-296-0190	NEW-P	04-07-134
388-290-0180	AMD	04-08-134	388-295-0020	AMD	04-09-093	388-296-0190	NEW	04-18-082
388-290-0190	AMD-P	04-02-047	388-295-0060	AMD-P	04-05-084	388-296-0195	NEW	04-18-082
388-290-0190	AMD-E	04-05-079	388-295-0060	AMD	04-09-093	388-296-0200	NEW-P	04-07-134
388-290-0190	AMD	04-08-021	388-295-0070	AMD-P	04-05-084	388-296-0200	NEW	04-18-082

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388-296-1170	NEW-P	04-07-134	388-310-1650	AMD	04-07-025	388-418-0005	AMD-P	04-15-053
388-296-1170	NEW	04-18-082	388-310-2000	AMD-C	04-02-058	388-418-0005	AMD-S	04-17-108
388-296-1180	NEW-P	04-07-134	388-310-2000	AMD	04-05-010	388-418-0005	AMD-E	04-20-044
388-296-1180	NEW	04-18-082	388-400-0005	AMD-P	04-10-099	388-418-0005	AMD	04-21-026
388-296-1190	NEW-P	04-07-134	388-400-0005	PREP	04-12-096	388-418-0005	PREP	04-21-074
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388-296-1200	NEW-P	04-07-134	388-400-0005	AMD-P	04-19-131	388-418-0007	AMD	04-19-134
388-296-1200	NEW	04-18-082	388-400-0005	AMD-E	04-20-043	388-418-0011	NEW-P	04-15-052
388-296-1210	NEW-P	04-07-134	388-400-0010	AMD-P	04-10-099	388-418-0011	NEW	04-19-134
388-296-1210	NEW	04-18-082	388-400-0010	AMD	04-15-057	388-418-0011	PREP	04-21-074
388-296-1220	NEW-P	04-07-134	388-400-0025	AMD-P	04-10-099	388-418-0020	AMD-P	04-15-052
388-296-1220	NEW	04-18-082	388-400-0025	AMD	04-15-057	388-418-0020	AMD	04-19-134
388-296-1230	NEW-P	04-07-134	388-400-0025	AMD-P	04-19-131	388-418-0025	AMD	04-03-019
388-296-1230	NEW	04-18-082	388-400-0025	AMD-E	04-20-043	388-424-0001	NEW-P	04-10-100
388-296-1240	NEW-P	04-07-134	388-400-0030	AMD-P	04-15-054	388-424-0001	NEW	04-15-004
388-296-1240	NEW	04-18-082	388-400-0030	AMD	04-19-135	388-424-0005	REP-P	04-10-100
388-296-1250	NEW-P	04-07-134	388-400-0040	AMD-P	04-10-099	388-424-0005	REP	04-15-004
388-296-1250	NEW	04-18-082	388-400-0040	AMD-P	04-10-099	388-424-0006	NEW-P	04-10-100
388-296-1260	NEW-P	04-07-134	388-400-0040	AMD-E	04-14-039	388-424-0006	NEW	04-15-004
388-296-1260	NEW	04-18-082	388-400-0040	AMD	04-14-040	388-424-0007	NEW-P	04-10-100
388-296-1270	NEW-P	04-07-134	388-400-0040	AMD	04-15-057	388-424-0007	NEW	04-15-004
388-296-1280	NEW-P	04-07-134	388-400-0040	AMD-P	04-17-117	388-424-0007	NEW	04-15-004
388-296-1280	NEW	04-18-082	388-400-0040	AMD-E	04-20-043	388-424-0008	NEW-P	04-10-100
388-296-1290	NEW-P	04-07-134	388-400-0040	AMD	04-21-025	388-424-0008	NEW	04-15-004
388-296-1290	NEW	04-18-082	388-408-0015	PREP	04-07-164	388-424-0009	NEW-P	04-10-100
388-296-1300	NEW-P	04-07-134	388-408-0025	AMD-P	04-17-115	388-424-0009	NEW	04-15-004
388-296-1300	NEW	04-18-082	388-408-0034	AMD-P	04-02-050	388-424-0010	AMD-P	04-10-100
388-296-1320	NEW-P	04-07-134	388-408-0034	AMD	04-06-025	388-424-0010	AMD	04-15-004
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388-296-1330	NEW-P	04-07-134	388-408-0035	AMD	04-06-025	388-424-0015	AMD	04-15-004
388-296-1330	NEW	04-18-082	388-408-0035	AMD-P	04-10-096	388-424-0016	NEW-P	04-10-100
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388-296-1350	NEW-P	04-07-134	388-408-0035	AMD	04-18-068	388-424-0020	AMD	04-15-004
388-296-1350	NEW	04-18-082	388-408-0055	PREP	04-18-068	388-424-0025	AMD-P	04-10-100
388-296-1360	NEW-P	04-07-134	388-410-0001	AMD-C	04-02-058	388-424-0025	AMD	04-15-004
388-296-1360	NEW	04-18-082	388-410-0001	AMD	04-05-010	388-426	PREP-W	04-03-052
388-296-1370	NEW-P	04-07-134	388-410-0001	PREP	04-21-074	388-426-0005	AMD	04-03-050
388-296-1370	NEW	04-18-082	388-412-0005	PREP	04-13-100	388-434-0005	AMD	04-03-019
388-296-1380	NEW-P	04-07-134	388-412-0005	AMD-P	04-17-116	388-434-0005	PREP	04-07-086
388-296-1380	NEW	04-18-082	388-412-0015	AMD-P	04-13-098	388-434-0005	AMD-P	04-15-052
388-296-1390	NEW-P	04-07-134	388-414-0001	AMD-P	04-04-076	388-434-0005	AMD	04-19-134
388-296-1390	NEW	04-18-082	388-414-0001	AMD	04-07-139	388-434-0010	PREP	04-11-083
388-296-1400	NEW-P	04-07-134	388-414-0001	PREP	04-08-036	388-434-0010	AMD-P	04-16-104
388-296-1400	NEW	04-18-082	388-414-0001	AMD-E	04-10-061	388-434-0010	AMD	04-19-133
388-296-1410	NEW-P	04-07-134	388-414-0001	AMD-P	04-10-098	388-436-0002	AMD-P	04-02-049
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388-296-1450	NEW-P	04-07-134	388-416-0015	AMD	04-21-064	388-438-0100	REP-E	04-06-023
388-296-1450	NEW	04-18-082	388-416-0020	PREP	04-13-102	388-438-0100	REP	04-07-141
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388-448-0001	AMD	04-07-140	388-450-0200	PREP	04-17-103	388-478-0085	AMD-E	04-07-167
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388-448-0120	AMD	04-07-140	388-454-0010	AMD	04-05-012	388-492-0010	REP-E	04-05-003
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388-448-0160	AMD-E	04-03-010E	388-462-0020	AMD	04-15-057	388-492-0010	REP-E	04-19-116
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388-448-0170	REP-P	04-02-048	388-466-0130	AMD	04-05-010	388-492-0020	AMD-E	04-13-001
388-448-0170	REP-E	04-02-051	388-470-0040	REP	04-09-003	388-492-0020	AMD-P	04-19-112
388-448-0170	REP-E	04-03-010E	388-472-0010	AMD-P	04-03-093	388-492-0020	AMD-E	04-19-116
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388-448-0190	REP	04-07-140	388-475-0200	NEW	04-09-002	388-492-0040	AMD-E	04-13-001
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388-448-0200	AMD	04-07-140	388-475-0300	NEW	04-09-002	388-492-0040	AMD-E	04-19-116
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388-450-0005	AMD-W	04-04-034	388-475-0500	NEW	04-09-003	388-492-0050	AMD-E	04-19-116
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388-450-0005	PREP-W	04-13-099	388-475-0600	NEW	04-09-004	388-492-0060	AMD-E	04-13-001
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388-450-0106	AMD-P	04-10-099	388-475-0880	NEW	04-09-005	388-492-0080	AMD-E	04-05-003
388-450-0106	AMD	04-15-057	388-475-0900	NEW	04-09-005	388-492-0080	AMD-E	04-13-001
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388-450-0150	REP	04-09-005	388-478-0005	AMD	04-05-010	388-492-0090	AMD-E	04-19-116
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388-492-0130	AMD-E	04-05-003	388-527-2754	AMD-P	04-05-082	388-533-0315	NEW	04-13-049
388-492-0130	AMD-E	04-13-001	388-527-2754	AMD	04-10-060	388-533-0320	NEW-P	04-05-083
388-492-0130	AMD-P	04-19-112	388-527-2790	AMD-P	04-05-082	388-533-0320	NEW	04-13-049
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388-502-0160	PREP	04-07-088	388-527-2795	AMD-P	04-05-082	388-533-0330	NEW	04-13-049
388-502-0160	PREP	04-16-087	388-527-2795	AMD	04-10-060	388-533-0340	NEW-P	04-05-083
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388-505-0110	PREP	04-04-095	388-530-1125	PREP	04-09-035	388-533-0350	REP	04-13-049
388-505-0110	AMD-P	04-09-090	388-530-1125	AMD-P	04-19-109	388-533-0360	NEW-P	04-05-083
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388-505-0210	AMD-P	04-10-099	388-530-1200	PREP	04-09-035	388-533-0365	NEW-P	04-05-083
388-505-0210	AMD	04-15-057	388-530-1200	AMD-P	04-19-109	388-533-0365	NEW	04-13-049
388-505-0211	NEW	04-08-125	388-530-1250	PREP	04-09-035	388-533-0370	NEW-P	04-05-083
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388-505-0211	AMD	04-16-064	388-530-1260	PREP	04-09-035	388-533-0375	NEW-P	04-05-083
388-505-0220	PREP	04-17-106	388-530-1260	AMD-P	04-19-109	388-533-0375	NEW	04-13-049
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388-513-1380	PREP	04-16-027	388-531-0150	AMD-E	04-15-090	388-533-701	NEW-P	04-07-136
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388-527-2733	AMD	04-10-060	388-532-720	AMD-P	04-10-099	388-535A-0050	AMD-P	04-19-110
388-527-2740	AMD-P	04-05-082	388-532-720	AMD	04-15-057	388-535A-0050	AMD-E	04-19-115
388-527-2740	AMD	04-10-060	388-533-0300	AMD-P	04-05-083	388-535A-0060	AMD-E	04-04-073
388-527-2742	AMD-P	04-05-082	388-533-0300	AMD	04-13-049	388-535A-0060	AMD-E	04-12-041
388-527-2742	AMD	04-10-060	388-533-0310	NEW-P	04-05-083	388-535A-0060	AMD-P	04-19-110

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-535A-0060	AMD-E	04-19-115	388-546-0250	AMD-P	04-12-103	388-550-4900	AMD	04-12-044
388-538	PREP	04-13-101	388-546-0250	AMD	04-17-118	388-550-5000	PREP	04-03-090
388-538	PREP-W	04-16-082	388-546-0300	AMD-P	04-12-103	388-550-5100	PREP	04-03-090
388-538	PREP	04-16-086	388-546-0300	AMD	04-17-118	388-550-5100	AMD-P	04-08-124
388-538-050	AMD-P	04-21-057	388-546-0400	AMD-P	04-12-103	388-550-5100	AMD	04-12-044
388-538-060	PREP-W	04-14-034	388-546-0400	AMD	04-17-118	388-550-5200	PREP	04-03-090
388-538-060	AMD-P	04-21-057	388-546-0425	NEW-P	04-12-103	388-550-5200	AMD-P	04-08-124
388-538-061	NEW-P	04-21-057	388-546-0425	NEW	04-17-118	388-550-5200	AMD	04-12-044
388-538-063	PREP	04-04-095	388-546-0450	AMD-P	04-12-103	388-550-5210	NEW-P	04-08-124
388-538-063	NEW-P	04-09-090	388-546-0450	AMD	04-17-118	388-550-5210	NEW	04-12-044
388-538-063	NEW	04-15-003	388-546-0500	AMD-P	04-12-103	388-550-5220	NEW-P	04-08-124
388-538-065	AMD-P	04-21-058	388-546-0500	AMD	04-17-118	388-550-5220	NEW	04-12-044
388-538-067	AMD-P	04-21-058	388-546-0600	AMD-P	04-12-103	388-550-5450	NEW-P	04-16-017
388-538-070	AMD-P	04-21-058	388-546-0600	AMD	04-17-118	388-550-5450	NEW	04-19-113
388-538-095	AMD-P	04-21-058	388-546-0700	AMD-P	04-12-103	388-550-5900	PREP	04-13-103
388-538-112	AMD-P	04-07-135	388-546-0700	AMD	04-17-118	388-550-5900	REP-P	04-17-112
388-538-112	AMD	04-13-002	388-546-0800	AMD-P	04-12-103	388-550-5900	REP	04-20-058
388-538-112	AMD-P	04-21-058	388-546-0800	AMD	04-17-118	388-550-6000	PREP	04-13-104
388-538-120	AMD-P	04-21-058	388-546-0900	NEW-P	04-12-103	388-550-6000	AMD-P	04-17-110
388-542	PREP	04-10-093	388-546-0900	NEW	04-17-118	388-550-6000	AMD	04-20-060
388-542	AMD-P	04-13-140	388-546-1000	AMD-P	04-12-103	388-550-7000	NEW-P	04-17-109
388-542	AMD	04-16-064	388-546-1000	AMD	04-17-118	388-550-7000	NEW	04-20-061
388-542-0010	NEW-P	04-13-140	388-546-1500	NEW-P	04-12-103	388-550-7050	NEW-P	04-17-109
388-542-0010	NEW	04-16-064	388-546-1500	NEW	04-17-118	388-550-7050	NEW	04-20-061
388-542-0020	NEW-P	04-13-140	388-546-2500	NEW-P	04-12-103	388-550-7100	NEW-P	04-17-109
388-542-0020	NEW	04-16-064	388-546-2500	NEW	04-17-118	388-550-7100	NEW	04-20-061
388-542-0050	AMD-P	04-13-140	388-546-3000	NEW-P	04-12-103	388-550-7200	NEW-P	04-17-109
388-542-0050	AMD	04-16-064	388-546-3000	NEW	04-17-118	388-550-7200	NEW	04-20-061
388-542-0100	AMD	04-08-018	388-546-4000	NEW-P	04-12-103	388-550-7300	NEW-P	04-17-109
388-542-0100	REP-P	04-13-140	388-546-4000	NEW	04-17-118	388-550-7300	NEW	04-20-061
388-542-0100	REP	04-16-064	388-547	PREP-W	04-04-031	388-550-7400	NEW-P	04-17-109
388-542-0125	AMD	04-08-018	388-550	PREP	04-03-092	388-550-7400	NEW	04-20-061
388-542-0125	REP-P	04-13-140	388-550	PREP	04-12-093	388-550-7500	NEW-P	04-17-109
388-542-0125	REP	04-16-064	388-550	PREP	04-13-103	388-550-7500	NEW	04-20-061
388-542-0150	REP-P	04-13-140	388-550-1050	PREP	04-13-103	388-550-7600	NEW-P	04-17-109
388-542-0150	REP	04-16-064	388-550-1050	AMD-P	04-17-111	388-550-7600	NEW	04-20-061
388-542-0200	REP-P	04-13-140	388-550-1050	AMD	04-20-057	388-551	PREP	04-02-061
388-542-0200	REP	04-16-064	388-550-1700	PREP	04-13-103	388-551	PREP-W	04-07-111
388-542-0220	REP-P	04-13-140	388-550-1700	AMD-P	04-17-112	388-551	PREP	04-07-114
388-542-0220	REP	04-16-064	388-550-1700	AMD	04-20-058	388-553-100	NEW-C	04-02-055
388-542-0250	AMD-E	04-13-137	388-550-1750	PREP	04-13-103	388-553-100	NEW	04-11-007
388-542-0250	REP-P	04-13-140	388-550-1750	REP-P	04-17-112	388-553-200	NEW-C	04-02-055
388-542-0250	REP	04-16-064	388-550-1750	REP	04-20-058	388-553-200	NEW	04-11-007
388-542-0275	REP-P	04-13-140	388-550-2301	NEW-E	04-15-090	388-553-300	NEW-C	04-02-055
388-542-0275	REP	04-16-064	388-550-2598	AMD-P	04-21-061	388-553-300	NEW	04-11-007
388-542-0300	AMD-P	04-13-140	388-550-2800	PREP	04-03-091	388-553-400	NEW-C	04-02-055
388-542-0300	AMD	04-16-064	388-550-2800	AMD-P	04-16-017	388-553-400	NEW	04-11-007
388-542-0500	AMD	04-08-018	388-550-2800	AMD	04-19-113	388-553-500	NEW-C	04-02-055
388-542-0500	REP-P	04-13-140	388-550-2900	PREP	04-03-091	388-553-500	NEW	04-11-007
388-542-0500	REP	04-16-064	388-550-2900	PREP	04-13-103	388-720-0020	AMD-C	04-02-059
388-544	PREP-W	04-04-031	388-550-2900	AMD-P	04-17-112	388-720-0020	AMD	04-05-080
388-544	PREP	04-07-087	388-550-2900	AMD	04-20-058	388-800-0048	AMD-P	04-10-099
388-545	PREP-W	04-04-031	388-550-3100	PREP	04-05-085A	388-800-0048	AMD	04-15-057
388-546	PREP	04-02-060	388-550-3100	AMD-P	04-08-123	388-820	PREP	04-13-106
388-546-0001	AMD-P	04-12-103	388-550-3100	AMD	04-13-048	388-820-020	AMD	04-04-043
388-546-0001	AMD	04-17-118	388-550-3700	PREP	04-15-130	388-820-020	AMD-P	04-19-022
388-546-0100	AMD-P	04-12-103	388-550-3800	PREP	04-13-105	388-820-030	AMD	04-04-043
388-546-0100	AMD	04-17-118	388-550-3800	AMD-P	04-17-114	388-820-030	AMD-P	04-19-022
388-546-0150	AMD-P	04-12-103	388-550-4800	AMD-P	04-16-017	388-820-040	AMD-P	04-19-022
388-546-0150	AMD	04-17-118	388-550-4800	AMD	04-19-113	388-820-050	AMD	04-04-043
388-546-0200	AMD-P	04-12-103	388-550-4900	PREP	04-03-090	388-820-056	NEW	04-04-043
388-546-0200	AMD	04-17-118	388-550-4900	AMD-P	04-08-124	388-820-060	AMD	04-04-043

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388-820-070	AMD	04-04-043	388-825-070	AMD-P	04-08-072	388-825-236	PREP	04-12-091
388-820-076	NEW	04-04-043	388-825-070	AMD	04-11-087	388-825-236	AMD-P	04-16-088
388-820-086	NEW	04-04-043	388-825-090	AMD-P	04-08-072	388-825-236	AMD-E	04-18-048
388-820-090	AMD	04-04-043	388-825-090	AMD	04-11-087	388-825-236	AMD-E	04-20-017
388-820-090	AMD-P	04-19-022	388-825-100	AMD-P	04-12-100	388-825-238	PREP	04-12-091
388-820-100	AMD	04-04-043	388-825-100	AMD	04-15-093	388-825-238	AMD-P	04-16-088
388-820-120	AMD	04-04-043	388-825-101	NEW-P	04-12-100	388-825-238	AMD-E	04-18-048
388-820-140	AMD-P	04-19-022	388-825-101	NEW	04-15-093	388-825-238	AMD-E	04-20-017
388-820-150	AMD-P	04-19-022	388-825-102	NEW-P	04-12-100	388-825-242	PREP	04-12-091
388-820-160	AMD-P	04-19-022	388-825-102	NEW	04-15-093	388-825-242	AMD-P	04-16-088
388-820-180	AMD-P	04-19-022	388-825-103	NEW-P	04-12-100	388-825-242	AMD-E	04-18-048
388-820-190	AMD-P	04-19-022	388-825-103	NEW	04-15-093	388-825-242	AMD-E	04-20-017
388-820-200	AMD-P	04-19-022	388-825-104	NEW-P	04-12-100	388-825-248	PREP	04-12-091
388-820-210	AMD-P	04-19-022	388-825-104	NEW	04-15-093	388-825-248	AMD-P	04-16-088
388-820-220	AMD-P	04-19-022	388-825-105	NEW-P	04-12-100	388-825-248	AMD-E	04-18-048
388-820-230	AMD	04-04-043	388-825-105	NEW	04-15-093	388-825-248	AMD-E	04-20-017
388-820-230	AMD-P	04-19-022	388-825-120	AMD-E	04-08-020	388-825-252	PREP	04-12-091
388-820-240	AMD-P	04-19-022	388-825-120	AMD-E	04-16-019	388-825-252	AMD-P	04-16-088
388-820-250	AMD-P	04-19-022	388-825-125	NEW-E	04-08-020	388-825-252	AMD-E	04-18-048
388-820-260	AMD	04-04-043	388-825-125	NEW-E	04-16-019	388-825-252	AMD-E	04-20-017
388-820-260	AMD-P	04-19-022	388-825-130	NEW-E	04-08-020	388-825-253	PREP	04-12-091
388-820-290	AMD	04-04-043	388-825-130	NEW-E	04-16-019	388-825-253	NEW-P	04-16-088
388-820-290	AMD-P	04-19-022	388-825-135	NEW-E	04-08-020	388-825-253	NEW-E	04-18-048
388-820-300	AMD	04-04-043	388-825-135	NEW-E	04-16-019	388-825-253	NEW-E	04-20-017
388-820-310	AMD	04-04-043	388-825-140	NEW-E	04-08-020	388-825-254	PREP	04-12-091
388-820-310	AMD-P	04-19-022	388-825-140	NEW-E	04-16-019	388-825-254	AMD-P	04-16-088
388-820-320	AMD	04-04-043	388-825-145	NEW-E	04-08-020	388-825-254	AMD-E	04-18-048
388-820-330	AMD	04-04-043	388-825-145	NEW-E	04-16-019	388-825-254	AMD-E	04-20-017
388-820-330	AMD-P	04-19-022	388-825-150	NEW-E	04-08-020	388-825-260	REP-E	04-08-020
388-820-340	AMD	04-04-043	388-825-150	NEW-E	04-16-019	388-825-260	REP-E	04-16-019
388-820-350	AMD	04-04-043	388-825-155	NEW-E	04-08-020	388-825-262	REP-E	04-08-020
388-820-360	AMD-P	04-19-022	388-825-155	NEW-E	04-16-019	388-825-262	REP-E	04-16-019
388-820-400	AMD	04-04-043	388-825-160	NEW-E	04-08-020	388-825-264	REP-E	04-08-020
388-820-400	AMD-P	04-19-022	388-825-160	NEW-E	04-16-019	388-825-264	REP-E	04-16-019
388-820-405	NEW	04-04-043	388-825-165	NEW-E	04-08-020	388-825-266	REP-E	04-08-020
388-820-405	AMD-P	04-19-022	388-825-165	NEW-E	04-16-019	388-825-266	REP-E	04-16-019
388-820-410	AMD	04-04-043	388-825-170	REP-E	04-08-020	388-825-268	REP-E	04-08-020
388-820-430	AMD-P	04-19-022	388-825-170	REP-E	04-16-019	388-825-268	REP-E	04-16-019
388-820-440	AMD-P	04-19-022	388-825-180	REP-E	04-08-020	388-825-270	REP-E	04-08-020
388-820-520	AMD-P	04-19-022	388-825-180	REP-E	04-16-019	388-825-270	REP-E	04-16-019
388-820-530	AMD-P	04-19-022	388-825-190	REP-E	04-08-020	388-825-272	REP-E	04-08-020
388-820-540	AMD-P	04-19-022	388-825-190	REP-E	04-16-019	388-825-272	REP-E	04-16-019
388-820-550	AMD	04-04-043	388-825-210	PREP	04-12-091	388-825-276	REP-E	04-08-020
388-820-550	AMD-P	04-19-022	388-825-210	AMD-P	04-16-088	388-825-276	REP-E	04-16-019
388-820-555	NEW	04-04-043	388-825-210	AMD-E	04-18-048	388-825-278	REP-E	04-08-020
388-820-560	AMD	04-04-043	388-825-210	AMD-E	04-20-017	388-825-278	REP-E	04-16-019
388-820-560	AMD-P	04-19-022	388-825-228	PREP	04-12-091	388-825-280	REP-E	04-08-020
388-820-600	AMD	04-04-043	388-825-228	AMD-P	04-16-088	388-825-280	REP-E	04-16-019
388-820-630	AMD-P	04-19-022	388-825-228	AMD-E	04-18-048	388-825-282	REP-E	04-08-020
388-820-650	AMD	04-04-043	388-825-228	AMD-E	04-20-017	388-825-282	REP-E	04-16-019
388-820-650	AMD-P	04-19-022	388-825-230	PREP	04-12-091	388-825-284	REP-E	04-08-020
388-820-690	AMD	04-04-043	388-825-230	AMD-P	04-16-088	388-825-284	REP-E	04-16-019
388-820-720	AMD-P	04-19-022	388-825-230	AMD-E	04-18-048	388-825-300	NEW-E	04-08-020
388-820-880	AMD-P	04-19-022	388-825-230	AMD-E	04-20-017	388-825-300	NEW-E	04-16-019
388-820-890	AMD-P	04-19-022	388-825-232	PREP	04-12-091	388-825-305	NEW-E	04-08-020
388-820-900	AMD-P	04-19-022	388-825-232	AMD-P	04-16-088	388-825-305	NEW-E	04-16-019
388-820-910	AMD-P	04-19-022	388-825-232	AMD-E	04-18-048	388-825-310	NEW-E	04-08-020
388-820-920	AMD-P	04-19-022	388-825-232	AMD-E	04-20-017	388-825-310	NEW-E	04-16-019
388-820-930	AMD-P	04-19-022	388-825-234	PREP	04-12-091	388-825-315	NEW-E	04-08-020
388-825	PREP	04-08-071	388-825-234	AMD-P	04-16-088	388-825-315	NEW-E	04-16-019
388-825-030	AMD-E	04-14-003	388-825-234	AMD-E	04-18-048	388-825-320	NEW-E	04-08-020
388-825-030	AMD-E	04-21-062	388-825-234	AMD-E	04-20-017	388-825-320	NEW-E	04-16-019

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388-825-325	NEW-E	04-08-020	388-837-9005	NEW	04-16-018	388-845-0090	NEW-E	04-16-019
388-825-325	NEW-E	04-16-019	388-837-9015	NEW-E	04-10-016	388-845-0090	NEW-E	04-20-018
388-825-330	NEW-E	04-08-020	388-837-9015	NEW-P	04-12-099	388-845-0095	NEW-E	04-08-020
388-825-330	NEW-E	04-16-019	388-837-9015	NEW	04-16-018	388-845-0095	NEW-E	04-16-019
388-825-335	NEW-E	04-08-020	388-837-9020	NEW-E	04-10-016	388-845-0095	NEW-E	04-20-018
388-825-335	NEW-E	04-16-019	388-837-9020	NEW-P	04-12-099	388-845-0100	NEW-E	04-08-020
388-825-340	NEW-E	04-08-020	388-837-9020	NEW	04-16-018	388-845-0100	NEW-E	04-16-019
388-825-340	NEW-E	04-16-019	388-837-9030	NEW-E	04-10-016	388-845-0100	NEW-E	04-20-018
388-825-345	NEW-E	04-08-020	388-837-9030	NEW-P	04-12-099	388-845-0105	NEW-E	04-08-020
388-825-345	NEW-E	04-16-019	388-837-9030	NEW	04-16-018	388-845-0105	NEW-E	04-16-019
388-825-355	NEW-E	04-08-020	388-837-9040	NEW-E	04-10-016	388-845-0105	NEW-E	04-20-018
388-825-355	NEW-E	04-16-019	388-837-9040	NEW-P	04-12-099	388-845-0110	NEW-E	04-08-020
388-825-360	NEW-E	04-08-020	388-837-9040	NEW	04-16-018	388-845-0110	NEW-E	04-16-019
388-825-360	NEW-E	04-16-019	388-845-0010	NEW-E	04-08-020	388-845-0110	NEW-E	04-20-018
388-825-365	NEW-E	04-08-020	388-845-0010	NEW-E	04-16-019	388-845-0115	NEW-E	04-08-020
388-825-365	NEW-E	04-16-019	388-845-0010	NEW-E	04-20-018	388-845-0115	NEW-E	04-16-019
388-825-370	NEW-E	04-08-020	388-845-0015	NEW-E	04-08-020	388-845-0115	NEW-E	04-20-018
388-825-370	NEW-E	04-16-019	388-845-0015	NEW-E	04-16-019	388-845-0120	NEW-E	04-08-020
388-825-375	NEW-E	04-08-020	388-845-0015	NEW-E	04-20-018	388-845-0120	NEW-E	04-16-019
388-825-375	NEW-E	04-16-019	388-845-0020	NEW-E	04-08-020	388-845-0120	NEW-E	04-20-018
388-825-380	NEW-E	04-08-020	388-845-0020	NEW-E	04-16-019	388-845-0200	NEW-E	04-08-020
388-825-380	NEW-E	04-16-019	388-845-0020	NEW-E	04-20-018	388-845-0200	NEW-E	04-16-019
388-825-385	NEW-E	04-08-020	388-845-0025	NEW-E	04-08-020	388-845-0200	NEW-E	04-20-018
388-825-385	NEW-E	04-16-019	388-845-0025	NEW-E	04-16-019	388-845-0205	NEW-E	04-08-020
388-825-390	NEW-E	04-08-020	388-845-0025	NEW-E	04-20-018	388-845-0205	NEW-E	04-16-019
388-825-390	NEW-E	04-16-019	388-845-0030	NEW-E	04-08-020	388-845-0205	NEW-E	04-20-018
388-825-395	NEW-E	04-08-020	388-845-0030	NEW-E	04-16-019	388-845-0210	NEW-E	04-08-020
388-825-395	NEW-E	04-16-019	388-845-0030	NEW-E	04-20-018	388-845-0210	NEW-E	04-16-019
388-825-400	NEW-E	04-08-020	388-845-0035	NEW-E	04-08-020	388-845-0210	NEW-E	04-20-018
388-825-400	NEW-E	04-16-019	388-845-0035	NEW-E	04-16-019	388-845-0215	NEW-E	04-08-020
388-826	PREP	04-17-104	388-845-0035	NEW-E	04-20-018	388-845-0215	NEW-E	04-16-019
388-827	PREP	04-08-070	388-845-0040	NEW-E	04-08-020	388-845-0215	NEW-E	04-20-018
388-827-0110	AMD-P	04-12-102	388-845-0040	NEW-E	04-16-019	388-845-0220	NEW-E	04-08-020
388-827-0110	AMD	04-15-094	388-845-0040	NEW-E	04-20-018	388-845-0220	NEW-E	04-16-019
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388-827-0115	AMD	04-15-094	388-845-0045	NEW-E	04-16-019	388-845-0300	NEW-E	04-08-020
388-827-0175	AMD-P	04-12-102	388-845-0045	NEW-E	04-20-018	388-845-0300	NEW-E	04-16-019
388-827-0175	AMD	04-15-094	388-845-0050	NEW-E	04-08-020	388-845-0300	NEW-E	04-20-018
388-827-0185	AMD-P	04-12-102	388-845-0050	NEW-E	04-16-019	388-845-0305	NEW-E	04-08-020
388-827-0185	AMD	04-15-094	388-845-0050	NEW-E	04-20-018	388-845-0305	NEW-E	04-16-019
388-827-0410	AMD-P	04-12-102	388-845-0055	NEW-E	04-08-020	388-845-0305	NEW-E	04-20-018
388-827-0410	AMD	04-15-094	388-845-0055	NEW-E	04-16-019	388-845-0310	NEW-E	04-08-020
388-835-0085	AMD-E	04-10-016	388-845-0055	NEW-E	04-20-018	388-845-0310	NEW-E	04-16-019
388-835-0085	AMD-P	04-12-099	388-845-0060	NEW-E	04-08-020	388-845-0310	NEW-E	04-20-018
388-835-0085	AMD	04-16-018	388-845-0060	NEW-E	04-16-019	388-845-0400	NEW-E	04-08-020
388-835-0090	AMD-E	04-10-016	388-845-0060	NEW-E	04-20-018	388-845-0400	NEW-E	04-16-019
388-835-0090	AMD-P	04-12-099	388-845-0065	NEW-E	04-08-020	388-845-0400	NEW-E	04-20-018
388-835-0090	AMD	04-16-018	388-845-0065	NEW-E	04-16-019	388-845-0405	NEW-E	04-08-020
388-835-0100	AMD-E	04-10-016	388-845-0065	NEW-E	04-20-018	388-845-0405	NEW-E	04-16-019
388-835-0100	AMD-P	04-12-099	388-845-0070	NEW-E	04-08-020	388-845-0405	NEW-E	04-20-018
388-835-0100	AMD	04-16-018	388-845-0070	NEW-E	04-16-019	388-845-0410	NEW-E	04-08-020
388-835-0115	AMD-E	04-10-016	388-845-0070	NEW-E	04-20-018	388-845-0410	NEW-E	04-16-019
388-835-0115	AMD-P	04-12-099	388-845-0075	NEW-E	04-08-020	388-845-0410	NEW-E	04-20-018
388-835-0115	AMD	04-16-018	388-845-0075	NEW-E	04-16-019	388-845-0500	NEW-E	04-08-020
388-835-0135	REP-E	04-10-016	388-845-0075	NEW-E	04-20-018	388-845-0500	NEW-E	04-16-019
388-835-0135	REP-P	04-12-099	388-845-0080	NEW-E	04-08-020	388-845-0500	NEW-E	04-20-018
388-835-0135	REP	04-16-018	388-845-0080	NEW-E	04-16-019	388-845-0505	NEW-E	04-08-020
388-835-0140	AMD-E	04-10-016	388-845-0080	NEW-E	04-20-018	388-845-0505	NEW-E	04-16-019
388-835-0140	AMD-P	04-12-099	388-845-0085	NEW-E	04-08-020	388-845-0505	NEW-E	04-20-018
388-835-0140	AMD	04-16-018	388-845-0085	NEW-E	04-16-019	388-845-0510	NEW-E	04-08-020
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388-845-3035	NEW-E	04-08-020	388-865-0580	NEW	04-07-014	392-143-031	AMD	04-08-117
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388-845-3085	NEW-E	04-20-018	390- 16-238	AMD	04-12-055	392-143-080	AMD	04-08-117
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388-845-4005	NEW-E	04-16-019	390- 37-030	AMD	04-12-058	415- 02-200	NEW	04-04-038
388-845-4005	NEW-E	04-20-018	390- 37-041	AMD-E	04-07-049	415- 02-520	AMD-P	04-05-039
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388-845-4010	NEW-E	04-16-019	390- 37-041	AMD	04-12-059	415- 02-720	NEW	04-04-040
388-845-4010	NEW-E	04-20-018	392-121-124	AMD-P	04-08-127	415- 04-040	AMD-P	04-05-017
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388-865-0511	NEW	04-07-014	392-140-640	AMD-P	04-04-005	415-108-710	AMD	04-04-037
388-865-0515	REP	04-07-014	392-140-640	AMD	04-08-118	415-108-805	NEW-P	04-17-077
388-865-0516	NEW	04-07-014	392-140-643	AMD-P	04-04-005	415-108-805	NEW	04-20-004
388-865-0520	NEW	04-07-014	392-140-643	AMD	04-08-118	415-108-830	PREP	04-20-010
388-865-0525	REP	04-07-014	392-140-646	AMD-P	04-04-005	415-108-990	NEW-P	04-13-036
388-865-0526	NEW	04-07-014	392-140-646	AMD	04-08-118	415-108-990	NEW	04-17-002
388-865-0530	REP	04-07-014	392-140-653	AMD-P	04-04-005	415-110-010	AMD	04-04-041
388-865-0531	NEW	04-07-014	392-140-653	AMD	04-08-118	415-110-315	PREP	04-17-001
388-865-0535	REP	04-07-014	392-142-115	REP-P	04-05-054	415-110-491	AMD-P	04-17-083
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388-865-0540	REP	04-07-014	392-142-130	REP-P	04-05-054	415-110-680	AMD	04-04-041
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388-865-0545	REP-W	04-08-028	392-142-135	REP-P	04-05-054	415-110-710	AMD	04-04-037
388-865-0546	REP-W	04-08-028	392-142-135	REP	04-08-116	415-110-728	AMD	04-04-041
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388-865-0550	REP	04-07-014	392-142-165	AMD	04-08-116	415-110-817	NEW	04-17-002
388-865-0551	NEW	04-07-014	392-142-205	AMD-P	04-05-054	415-110-830	PREP	04-20-010
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415-112-810	AMD	04-21-080	434- 12-025	NEW	04-04-018	434-120-330	AMD	04-04-018
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415-112-820	AMD	04-21-080	434- 12-040	REP	04-05-041	434-120-355	NEW	04-04-018
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415-112-835	NEW	04-21-080	434- 12-080	REP	04-05-041	434-135-020	REP	04-04-018
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415-501-310	REP-P	04-19-024	434- 12-160	REP	04-05-041	434-215-020	AMD-E	04-15-081
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415-501-315	AMD-P	04-19-024	434- 12-180	REP	04-05-041	434-220-010	NEW-E	04-15-081
415-501-320	AMD-P	04-19-024	434- 12-200	REP	04-05-041	434-220-020	NEW-E	04-15-081
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434-238-060	AMD	04-15-089	434-262-020	AMD	04-15-089	434-324-120	AMD-X	04-10-084
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434-238-100	AMD	04-15-089	434-262-025	AMD	04-15-089	434-324-130	AMD-X	04-10-084
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434-257-030	AMD-X	04-10-084	434-263-060	NEW	04-16-037	434-333-095	AMD-E	04-15-088
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434-257-040	AMD-X	04-10-084	434-263-070	NEW-P	04-13-016	434-333-105	AMD-E	04-15-088
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434-257-150	AMD	04-15-089	434-263-080	NEW-P	04-13-016	434-333-110	AMD-E	04-15-088
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434-260-010	AMD	04-15-089	434-263-090	NEW-E	04-12-004	434-333-115	NEW-E	04-15-088
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434-333-180	NEW-E	04-17-003	434-381-120	AMD	04-15-089	448-13-220	REP	04-19-144
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434-333-185	NEW-E	04-17-003	434-840-005	AMD	04-15-089	448-13-225	REP	04-19-144
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434-333-190	NEW-E	04-17-003	446-20-600	AMD-P	04-17-068	448-16-010	NEW	04-19-144
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434-333-205	NEW-E	04-17-003	448-13-010	REP	04-19-144	448-16-040	NEW	04-19-144
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434-333-210	NEW-E	04-17-003	448-13-020	REP-P	04-16-062	448-16-050	NEW	04-19-144
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434-333-215	NEW-E	04-17-003	448-13-020	AMD-E	04-19-145	448-16-060	NEW	04-19-144
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434-333-220	NEW-E	04-17-003	448-13-030	REP	04-19-144	448-16-070	NEW	04-19-144
434-333-225	NEW-E	04-15-088	448-13-035	REP-P	04-16-062	448-16-080	NEW-P	04-16-062
434-333-225	NEW-E	04-17-003	448-13-035	REP	04-19-144	448-16-080	NEW	04-19-144
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434-333-230	NEW-E	04-17-003	448-13-040	REP	04-19-144	448-16-090	NEW	04-19-144
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434-333-240	NEW-E	04-17-003	448-13-055	REP	04-19-144	448-16-110	NEW	04-19-144
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434-333-245	NEW-E	04-17-003	448-13-056	REP	04-19-144	448-16-120	NEW	04-19-144
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434-333-250	NEW-E	04-17-003	448-13-060	REP	04-19-144	448-16-130	NEW	04-19-144
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434-333-255	NEW-E	04-17-003	448-13-065	REP	04-19-144	448-16-140	NEW	04-19-144
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434-333-260	NEW-E	04-17-003	448-13-070	REP	04-19-144	448-16-150	NEW	04-19-144
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434-333-265	NEW-E	04-17-003	448-13-080	REP	04-19-144	448-16-160	NEW	04-19-144
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434-333-280	NEW-E	04-17-003	448-13-110	REP	04-19-144	458-12-320	REP-X	04-21-091
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434-333-285	NEW-E	04-17-003	448-13-120	REP	04-19-144	458-16-1000	NEW-E	04-20-062
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463-06-120	AMD-P	04-13-154	463-22-100	NEW	04-21-013	463-30-093	NEW	04-21-013
463-06-120	AMD	04-21-013	463-26	AMD-P	04-13-154	463-30-120	AMD-P	04-13-154

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463- 30-120	AMD	04-21-013	463- 36-050	DECOD	04-21-013	463- 38-050	REP-P	04-13-154
463- 30-200	AMD-P	04-13-154	463- 36-060	DECOD-P	04-13-154	463- 38-050	REP	04-21-013
463- 30-200	AMD	04-21-013	463- 36-060	DECOD	04-21-013	463- 38-051	AMD-P	04-13-154
463- 30-250	AMD-P	04-13-154	463- 36-070	AMD-P	04-13-154	463- 38-051	DECOD-P	04-13-154
463- 30-250	AMD	04-21-013	463- 36-070	DECOD-P	04-13-154	463- 38-051	AMD	04-21-013
463- 30-251	NEW-P	04-13-154	463- 36-070	AMD	04-21-013	463- 38-051	DECOD	04-21-013
463- 30-251	NEW	04-21-013	463- 36-070	DECOD	04-21-013	463- 38-052	AMD-P	04-13-154
463- 30-252	NEW-P	04-13-154	463- 36-080	AMD-P	04-13-154	463- 38-052	DECOD-P	04-13-154
463- 30-252	NEW	04-21-013	463- 36-080	DECOD-P	04-13-154	463- 38-052	AMD	04-21-013
463- 30-253	NEW-P	04-13-154	463- 36-080	AMD	04-21-013	463- 38-052	DECOD	04-21-013
463- 30-253	NEW	04-21-013	463- 36-080	DECOD	04-21-013	463- 38-053	AMD-P	04-13-154
463- 30-254	NEW-P	04-13-154	463- 36-090	DECOD-P	04-13-154	463- 38-053	DECOD-P	04-13-154
463- 30-254	NEW	04-21-013	463- 36-090	DECOD	04-21-013	463- 38-053	AMD	04-21-013
463- 30-270	AMD-P	04-13-154	463- 36-100	AMD-P	04-13-154	463- 38-053	DECOD	04-21-013
463- 30-270	AMD	04-21-013	463- 36-100	DECOD-P	04-13-154	463- 38-054	AMD-P	04-13-154
463- 30-280	REP-P	04-13-154	463- 36-100	AMD	04-21-013	463- 38-054	DECOD-P	04-13-154
463- 30-280	REP	04-21-013	463- 36-100	DECOD	04-21-013	463- 38-054	AMD	04-21-013
463- 30-320	AMD-P	04-13-154	463- 38-005	NEW-P	04-13-154	463- 38-054	DECOD	04-21-013
463- 30-320	AMD	04-21-013	463- 38-005	NEW	04-21-013	463- 38-055	AMD-P	04-13-154
463- 30-330	REP-P	04-13-154	463- 38-010	AMD-P	04-13-154	463- 38-055	DECOD-P	04-13-154
463- 30-330	REP	04-21-013	463- 38-010	DECOD-P	04-13-154	463- 38-055	AMD	04-21-013
463- 30-335	AMD-P	04-13-154	463- 38-010	AMD	04-21-013	463- 38-055	DECOD	04-21-013
463- 30-335	AMD	04-21-013	463- 38-010	DECOD	04-21-013	463- 38-060	DECOD-P	04-13-154
463- 30-345	NEW-P	04-13-154	463- 38-020	DECOD-P	04-13-154	463- 38-060	REP-P	04-13-154
463- 30-345	NEW	04-21-013	463- 38-020	REP-P	04-13-154	463- 38-060	REP	04-21-013
463- 30-390	REP-P	04-13-154	463- 38-020	REP	04-21-013	463- 38-061	AMD-P	04-13-154
463- 30-390	REP	04-21-013	463- 38-025	NEW-P	04-13-154	463- 38-061	DECOD-P	04-13-154
463- 30-400	REP-P	04-13-154	463- 38-030	DECOD-P	04-13-154	463- 38-061	AMD	04-21-013
463- 30-400	REP	04-21-013	463- 38-030	REP-P	04-13-154	463- 38-061	DECOD	04-21-013
463- 30-410	REP-P	04-13-154	463- 38-030	REP	04-21-013	463- 38-062	AMD-P	04-13-154
463- 30-410	REP	04-21-013	463- 38-031	AMD-P	04-13-154	463- 38-062	DECOD-P	04-13-154
463- 30-420	REP-P	04-13-154	463- 38-031	DECOD-P	04-13-154	463- 38-062	AMD	04-21-013
463- 30-420	REP	04-21-013	463- 38-031	AMD	04-21-013	463- 38-062	DECOD	04-21-013
463- 34	AMD-P	04-13-154	463- 38-031	DECOD	04-21-013	463- 38-0625	NEW-P	04-13-154
463- 34	AMD	04-21-013	463- 38-032	AMD-P	04-13-154	463- 38-0625	NEW	04-21-013
463- 34-010	AMD-P	04-13-154	463- 38-032	DECOD-P	04-13-154	463- 38-063	DECOD-P	04-13-154
463- 34-010	AMD	04-21-013	463- 38-032	AMD	04-21-013	463- 38-063	DECOD	04-21-013
463- 34-030	AMD-P	04-13-154	463- 38-032	DECOD	04-21-013	463- 38-064	AMD-P	04-13-154
463- 34-030	AMD	04-21-013	463- 38-033	AMD-P	04-13-154	463- 38-064	DECOD-P	04-13-154
463- 34-050	AMD-P	04-13-154	463- 38-033	DECOD-P	04-13-154	463- 38-064	AMD	04-21-013
463- 34-050	AMD	04-21-013	463- 38-033	AMD	04-21-013	463- 38-064	DECOD	04-21-013
463- 34-060	AMD-P	04-13-154	463- 38-033	DECOD	04-21-013	463- 38-065	AMD-P	04-13-154
463- 34-060	AMD	04-21-013	463- 38-034	AMD-P	04-13-154	463- 38-065	DECOD-P	04-13-154
463- 34-070	AMD-P	04-13-154	463- 38-034	DECOD-P	04-13-154	463- 38-065	AMD	04-21-013
463- 34-070	AMD	04-21-013	463- 38-034	AMD	04-21-013	463- 38-065	DECOD	04-21-013
463- 34-080	AMD-P	04-13-154	463- 38-034	DECOD	04-21-013	463- 38-080	AMD-P	04-13-154
463- 34-080	AMD	04-21-013	463- 38-040	DECOD-P	04-13-154	463- 38-080	DECOD-P	04-13-154
463- 34-090	AMD-P	04-13-154	463- 38-040	REP-P	04-13-154	463- 38-080	AMD	04-21-013
463- 34-090	AMD	04-21-013	463- 38-040	REP	04-21-013	463- 38-080	DECOD	04-21-013
463- 36	AMD-P	04-13-154	463- 38-041	AMD-P	04-13-154	463- 38-090	AMD-P	04-13-154
463- 36	AMD	04-21-013	463- 38-041	DECOD-P	04-13-154	463- 38-090	DECOD-P	04-13-154
463- 36-010	DECOD-P	04-13-154	463- 38-041	AMD	04-21-013	463- 38-090	AMD	04-21-013
463- 36-010	REP-P	04-13-154	463- 38-041	DECOD	04-21-013	463- 38-090	DECOD	04-21-013
463- 36-010	REP	04-21-013	463- 38-042	AMD-P	04-13-154	463- 39-005	AMD-X	04-05-058
463- 36-020	DECOD-P	04-13-154	463- 38-042	DECOD-P	04-13-154	463- 39-005	AMD-P	04-11-070
463- 36-030	AMD-P	04-13-154	463- 38-042	AMD	04-21-013	463- 39-005	DECOD-P	04-13-154
463- 36-030	DECOD-P	04-13-154	463- 38-042	DECOD	04-21-013	463- 39-005	AMD	04-17-058
463- 36-030	AMD	04-21-013	463- 38-043	AMD-P	04-13-154	463- 39-005	DECOD	04-21-013
463- 36-030	DECOD	04-21-013	463- 38-043	DECOD-P	04-13-154	463- 39-010	DECOD-P	04-13-154
463- 36-040	DECOD-P	04-13-154	463- 38-043	AMD	04-21-013	463- 39-010	DECOD	04-21-013
463- 36-040	DECOD	04-21-013	463- 38-043	DECOD	04-21-013	463- 39-020	DECOD-P	04-13-154
463- 36-050	DECOD-P	04-13-154	463- 38-050	DECOD-P	04-13-154	463- 39-020	DECOD	04-21-013

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
463-39-030	AMD-X	04-05-058	463-42-010	DECOD	04-21-013	463-42-175	DECOD	04-21-013
463-39-030	AMD-P	04-11-070	463-42-012	AMD-P	04-13-154	463-42-185	AMD-P	04-13-154
463-39-030	DECOD-P	04-13-154	463-42-012	DECOD-P	04-13-154	463-42-185	DECOD-P	04-13-154
463-39-030	AMD	04-17-058	463-42-012	AMD	04-21-013	463-42-185	AMD	04-21-013
463-39-030	DECOD	04-21-013	463-42-012	DECOD	04-21-013	463-42-185	DECOD	04-21-013
463-39-070	DECOD-P	04-13-154	463-42-015	DECOD-P	04-13-154	463-42-195	AMD-P	04-13-154
463-39-070	DECOD	04-21-013	463-42-015	DECOD	04-21-013	463-42-195	DECOD-P	04-13-154
463-39-090	AMD-X	04-05-058	463-42-021	NEW-P	04-13-154	463-42-195	AMD	04-21-013
463-39-090	AMD-P	04-11-070	463-42-021	NEW	04-21-013	463-42-195	DECOD	04-21-013
463-39-090	DECOD-P	04-13-154	463-42-025	DECOD-P	04-13-154	463-42-205	AMD-P	04-13-154
463-39-090	AMD	04-17-058	463-42-025	DECOD	04-21-013	463-42-205	DECOD-P	04-13-154
463-39-090	DECOD	04-21-013	463-42-035	DECOD-P	04-13-154	463-42-205	AMD	04-21-013
463-39-095	DECOD-P	04-13-154	463-42-035	DECOD	04-21-013	463-42-205	DECOD	04-21-013
463-39-095	DECOD	04-21-013	463-42-045	DECOD-P	04-13-154	463-42-215	AMD-P	04-13-154
463-39-100	AMD-X	04-05-058	463-42-045	DECOD	04-21-013	463-42-215	DECOD-P	04-13-154
463-39-100	AMD-P	04-11-070	463-42-055	AMD-P	04-13-154	463-42-215	AMD	04-21-013
463-39-100	DECOD-P	04-13-154	463-42-055	DECOD-P	04-13-154	463-42-215	DECOD	04-21-013
463-39-100	AMD	04-17-058	463-42-055	AMD	04-21-013	463-42-225	AMD-P	04-13-154
463-39-100	DECOD	04-21-013	463-42-055	DECOD	04-21-013	463-42-225	DECOD-P	04-13-154
463-39-105	AMD-P	04-11-070	463-42-065	DECOD-P	04-13-154	463-42-225	AMD	04-21-013
463-39-105	DECOD-P	04-13-154	463-42-065	DECOD	04-21-013	463-42-225	DECOD	04-21-013
463-39-105	AMD	04-17-058	463-42-075	AMD-P	04-13-154	463-42-235	AMD-P	04-13-154
463-39-105	DECOD	04-21-013	463-42-075	DECOD-P	04-13-154	463-42-235	DECOD-P	04-13-154
463-39-115	AMD-X	04-05-058	463-42-075	AMD	04-21-013	463-42-235	AMD	04-21-013
463-39-115	AMD-P	04-11-070	463-42-075	DECOD	04-21-013	463-42-235	DECOD	04-21-013
463-39-115	DECOD-P	04-13-154	463-42-085	AMD-P	04-13-154	463-42-245	AMD-P	04-13-154
463-39-115	AMD	04-17-058	463-42-085	DECOD-P	04-13-154	463-42-245	DECOD-P	04-13-154
463-39-115	DECOD	04-21-013	463-42-085	AMD	04-21-013	463-42-245	AMD	04-21-013
463-39-120	DECOD-P	04-13-154	463-42-085	DECOD	04-21-013	463-42-245	DECOD	04-21-013
463-39-120	DECOD	04-21-013	463-42-095	DECOD-P	04-13-154	463-42-255	AMD-P	04-13-154
463-39-135	AMD-X	04-05-058	463-42-095	DECOD	04-21-013	463-42-255	DECOD-P	04-13-154
463-39-135	AMD-P	04-11-070	463-42-101	NEW-P	04-13-154	463-42-255	AMD	04-21-013
463-39-135	DECOD-P	04-13-154	463-42-101	NEW	04-21-013	463-42-255	DECOD	04-21-013
463-39-135	AMD	04-17-058	463-42-105	AMD-P	04-13-154	463-42-265	AMD-P	04-13-154
463-39-135	DECOD	04-21-013	463-42-105	DECOD-P	04-13-154	463-42-265	DECOD-P	04-13-154
463-39-140	DECOD-P	04-13-154	463-42-105	AMD	04-21-013	463-42-265	AMD	04-21-013
463-39-140	DECOD	04-21-013	463-42-105	DECOD	04-21-013	463-42-265	DECOD	04-21-013
463-39-170	AMD-P	04-11-070	463-42-115	DECOD-P	04-13-154	463-42-275	AMD-P	04-13-154
463-39-170	DECOD-P	04-13-154	463-42-115	DECOD	04-21-013	463-42-275	DECOD-P	04-13-154
463-39-170	AMD	04-17-058	463-42-116	NEW-P	04-13-154	463-42-275	AMD	04-21-013
463-39-170	DECOD	04-21-013	463-42-116	NEW	04-21-013	463-42-275	DECOD	04-21-013
463-39-230	AMD-P	04-11-070	463-42-117	NEW-P	04-13-154	463-42-285	AMD-P	04-13-154
463-39-230	DECOD-P	04-13-154	463-42-117	NEW	04-21-013	463-42-285	DECOD-P	04-13-154
463-39-230	AMD	04-17-058	463-42-125	DECOD-P	04-13-154	463-42-285	AMD	04-21-013
463-39-230	DECOD	04-21-013	463-42-125	DECOD	04-21-013	463-42-285	DECOD	04-21-013
463-40-010	AMD-P	04-13-154	463-42-135	AMD-P	04-13-154	463-42-295	AMD-P	04-13-154
463-40-010	DECOD-P	04-13-154	463-42-135	DECOD-P	04-13-154	463-42-295	DECOD-P	04-13-154
463-40-010	AMD	04-21-013	463-42-135	AMD	04-21-013	463-42-295	AMD	04-21-013
463-40-010	DECOD	04-21-013	463-42-135	DECOD	04-21-013	463-42-295	DECOD	04-21-013
463-40-020	DECOD-P	04-13-154	463-42-145	DECOD-P	04-13-154	463-42-296	NEW-P	04-13-154
463-40-020	DECOD	04-21-013	463-42-145	DECOD	04-21-013	463-42-296	NEW	04-21-013
463-40-030	DECOD-P	04-13-154	463-42-155	AMD-P	04-13-154	463-42-297	NEW-P	04-13-154
463-40-030	DECOD	04-21-013	463-42-155	DECOD-P	04-13-154	463-42-297	NEW	04-21-013
463-40-040	AMD-P	04-13-154	463-42-155	AMD	04-21-013	463-42-302	AMD-P	04-13-154
463-40-040	DECOD-P	04-13-154	463-42-155	DECOD	04-21-013	463-42-302	DECOD-P	04-13-154
463-40-040	AMD	04-21-013	463-42-165	AMD-P	04-13-154	463-42-302	AMD	04-21-013
463-40-040	DECOD	04-21-013	463-42-165	DECOD-P	04-13-154	463-42-302	DECOD	04-21-013
463-42	AMD-P	04-13-154	463-42-165	AMD	04-21-013	463-42-312	AMD-P	04-13-154
463-42	AMD	04-21-013	463-42-165	DECOD	04-21-013	463-42-312	DECOD-P	04-13-154
463-42-010	AMD-P	04-13-154	463-42-175	AMD-P	04-13-154	463-42-312	AMD	04-21-013
463-42-010	DECOD-P	04-13-154	463-42-175	DECOD-P	04-13-154	463-42-312	DECOD	04-21-013
463-42-010	AMD	04-21-013	463-42-175	AMD	04-21-013	463-42-322	AMD-P	04-13-154

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
463- 42-322	DECOD-P	04-13-154	463- 42-680	REP	04-21-013	463- 54-050	DECOD-P	04-13-154
463- 42-322	AMD	04-21-013	463- 42-685	DECOD-P	04-13-154	463- 54-050	AMD	04-21-013
463- 42-322	DECOD	04-21-013	463- 42-685	REP-P	04-13-154	463- 54-050	DECOD	04-21-013
463- 42-332	AMD-P	04-13-154	463- 42-685	REP	04-21-013	463- 54-060	AMD-P	04-13-154
463- 42-332	DECOD-P	04-13-154	463- 42-690	DECOD-P	04-13-154	463- 54-060	DECOD-P	04-13-154
463- 42-332	AMD	04-21-013	463- 42-690	REP-P	04-13-154	463- 54-060	AMD	04-21-013
463- 42-332	DECOD	04-21-013	463- 42-690	REP	04-21-013	463- 54-060	DECOD	04-21-013
463- 42-333	NEW-P	04-13-154	463- 43	AMD-P	04-13-154	463- 54-070	AMD-P	04-13-154
463- 42-333	NEW	04-21-013	463- 43	AMD	04-21-013	463- 54-070	DECOD-P	04-13-154
463- 42-342	AMD-P	04-13-154	463- 43-010	AMD-P	04-13-154	463- 54-070	AMD	04-21-013
463- 42-342	DECOD-P	04-13-154	463- 43-010	AMD	04-21-013	463- 54-070	DECOD	04-21-013
463- 42-342	AMD	04-21-013	463- 43-020	AMD-P	04-13-154	463- 54-080	DECOD-P	04-13-154
463- 42-342	DECOD	04-21-013	463- 43-020	AMD	04-21-013	463- 54-080	REP-P	04-13-154
463- 42-352	AMD-P	04-13-154	463- 43-040	AMD-P	04-13-154	463- 54-080	REP	04-21-013
463- 42-352	DECOD-P	04-13-154	463- 43-040	AMD	04-21-013	463- 58-010	AMD-P	04-13-154
463- 42-352	AMD	04-21-013	463- 43-050	AMD-P	04-13-154	463- 58-010	AMD	04-21-013
463- 42-352	DECOD	04-21-013	463- 43-050	AMD	04-21-013	463- 58-020	AMD-P	04-13-154
463- 42-362	AMD-P	04-13-154	463- 43-060	AMD-P	04-13-154	463- 58-020	AMD	04-21-013
463- 42-362	DECOD-P	04-13-154	463- 43-060	AMD	04-21-013	463- 58-030	AMD-P	04-13-154
463- 42-362	AMD	04-21-013	463- 43-070	AMD-P	04-13-154	463- 58-030	AMD	04-21-013
463- 42-362	DECOD	04-21-013	463- 43-070	AMD	04-21-013	463- 58-040	AMD-P	04-13-154
463- 42-372	AMD-P	04-13-154	463- 43-080	AMD-P	04-13-154	463- 58-040	AMD	04-21-013
463- 42-372	DECOD-P	04-13-154	463- 43-080	AMD	04-21-013	463- 58-050	AMD-P	04-13-154
463- 42-372	AMD	04-21-013	463- 47-020	AMD-P	04-13-154	463- 58-050	AMD	04-21-013
463- 42-372	DECOD	04-21-013	463- 47-020	AMD	04-21-013	463- 58-060	AMD-P	04-13-154
463- 42-382	DECOD-P	04-13-154	463- 47-040	REP-P	04-13-154	463- 58-060	AMD	04-21-013
463- 42-382	REP-P	04-13-154	463- 47-040	REP	04-21-013	463- 58-070	AMD-P	04-13-154
463- 42-382	REP	04-21-013	463- 47-060	AMD-P	04-13-154	463- 58-070	AMD	04-21-013
463- 42-385	DECOD-P	04-13-154	463- 47-060	AMD	04-21-013	463- 58-080	AMD-P	04-13-154
463- 42-385	REP-P	04-13-154	463- 47-090	AMD-P	04-13-154	463- 58-080	AMD	04-21-013
463- 42-385	REP	04-21-013	463- 47-090	AMD	04-21-013	463- 60-010	RECOD-P	04-13-154
463- 42-435	DECOD-P	04-13-154	463- 47-120	AMD-P	04-13-154	463- 60-010	RECOD	04-21-013
463- 42-435	REP-P	04-13-154	463- 47-120	AMD	04-21-013	463- 60-012	RECOD-P	04-13-154
463- 42-435	REP	04-21-013	463- 47-130	AMD-P	04-13-154	463- 60-012	RECOD	04-21-013
463- 42-525	DECOD-P	04-13-154	463- 47-130	AMD	04-21-013	463- 60-015	RECOD-P	04-13-154
463- 42-525	REP-P	04-13-154	463- 50	AMD-P	04-13-154	463- 60-015	RECOD	04-21-013
463- 42-525	REP	04-21-013	463- 50	AMD	04-21-013	463- 60-025	RECOD-P	04-13-154
463- 42-535	AMD-P	04-13-154	463- 50-010	AMD-P	04-13-154	463- 60-025	RECOD	04-21-013
463- 42-535	DECOD-P	04-13-154	463- 50-010	AMD	04-21-013	463- 60-035	RECOD-P	04-13-154
463- 42-535	AMD	04-21-013	463- 50-020	REP-P	04-13-154	463- 60-035	RECOD	04-21-013
463- 42-535	DECOD	04-21-013	463- 50-020	REP	04-21-013	463- 60-045	RECOD-P	04-13-154
463- 42-536	NEW-P	04-13-154	463- 50-040	AMD-P	04-13-154	463- 60-045	RECOD	04-21-013
463- 42-536	NEW	04-21-013	463- 50-040	AMD	04-21-013	463- 60-055	RECOD-P	04-13-154
463- 42-537	NEW-P	04-13-154	463- 50-050	AMD-P	04-13-154	463- 60-055	RECOD	04-21-013
463- 42-537	NEW	04-21-013	463- 50-050	AMD	04-21-013	463- 60-065	RECOD-P	04-13-154
463- 42-625	DECOD-P	04-13-154	463- 54	AMD-P	04-13-154	463- 60-065	RECOD	04-21-013
463- 42-625	REP-P	04-13-154	463- 54	AMD	04-21-013	463- 60-075	RECOD-P	04-13-154
463- 42-625	REP	04-21-013	463- 54-010	AMD-P	04-13-154	463- 60-075	RECOD	04-21-013
463- 42-645	DECOD-P	04-13-154	463- 54-010	DECOD-P	04-13-154	463- 60-085	RECOD-P	04-13-154
463- 42-645	REP-P	04-13-154	463- 54-010	AMD	04-21-013	463- 60-085	RECOD	04-21-013
463- 42-645	REP	04-21-013	463- 54-010	DECOD	04-21-013	463- 60-095	RECOD-P	04-13-154
463- 42-655	DECOD-P	04-13-154	463- 54-020	AMD-P	04-13-154	463- 60-095	RECOD	04-21-013
463- 42-655	REP-P	04-13-154	463- 54-020	DECOD-P	04-13-154	463- 60-105	RECOD-P	04-13-154
463- 42-655	REP	04-21-013	463- 54-020	AMD	04-21-013	463- 60-105	RECOD	04-21-013
463- 42-665	DECOD-P	04-13-154	463- 54-030	DECOD	04-21-013	463- 60-115	RECOD-P	04-13-154
463- 42-665	REP-P	04-13-154	463- 54-030	DECOD-P	04-13-154	463- 60-115	RECOD	04-21-013
463- 42-665	REP	04-21-013	463- 54-030	DECOD	04-21-013	463- 60-125	RECOD-P	04-13-154
463- 42-675	DECOD-P	04-13-154	463- 54-040	AMD-P	04-13-154	463- 60-125	RECOD	04-21-013
463- 42-675	REP-P	04-13-154	463- 54-040	DECOD-P	04-13-154	463- 60-135	RECOD-P	04-13-154
463- 42-675	REP	04-21-013	463- 54-040	AMD	04-21-013	463- 60-135	RECOD	04-21-013
463- 42-680	DECOD-P	04-13-154	463- 54-040	DECOD	04-21-013	463- 60-145	RECOD-P	04-13-154
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463- 60-165	RECOD-P	04-13-154	463- 62-030	NEW-P	04-13-154	463- 70-040	RECOD-P	04-13-154
463- 60-165	RECOD	04-21-013	463- 62-030	NEW	04-21-013	463- 70-040	RECOD	04-21-013
463- 60-175	RECOD-P	04-13-154	463- 62-040	NEW-P	04-13-154	463- 70-050	RECOD-P	04-13-154
463- 60-175	RECOD	04-21-013	463- 62-040	NEW	04-21-013	463- 70-050	RECOD	04-21-013
463- 60-185	RECOD-P	04-13-154	463- 62-050	NEW-P	04-13-154	463- 70-060	RECOD-P	04-13-154
463- 60-185	RECOD	04-21-013	463- 62-050	NEW	04-21-013	463- 70-060	RECOD	04-21-013
463- 60-195	RECOD-P	04-13-154	463- 62-060	NEW-P	04-13-154	463- 70-070	RECOD-P	04-13-154
463- 60-195	RECOD	04-21-013	463- 62-060	NEW	04-21-013	463- 70-070	RECOD	04-21-013
463- 60-205	RECOD-P	04-13-154	463- 62-070	NEW-P	04-13-154	463- 70-080	RECOD-P	04-13-154
463- 60-205	RECOD	04-21-013	463- 62-070	NEW	04-21-013	463- 72-010	NEW-P	04-13-154
463- 60-215	RECOD-P	04-13-154	463- 64-010	NEW-P	04-13-154	463- 72-010	NEW	04-21-013
463- 60-215	RECOD	04-21-013	463- 64-010	NEW	04-21-013	463- 72-020	NEW-P	04-13-154
463- 60-225	RECOD-P	04-13-154	463- 64-020	NEW-P	04-13-154	463- 72-020	NEW	04-21-013
463- 60-225	RECOD	04-21-013	463- 64-020	NEW	04-21-013	463- 72-030	NEW-P	04-13-154
463- 60-235	RECOD-P	04-13-154	463- 64-030	NEW-P	04-13-154	463- 72-030	NEW	04-21-013
463- 60-235	RECOD	04-21-013	463- 64-030	NEW	04-21-013	463- 72-040	NEW-P	04-13-154
463- 60-245	RECOD-P	04-13-154	463- 64-040	NEW-P	04-13-154	463- 72-040	NEW	04-21-013
463- 60-245	RECOD	04-21-013	463- 64-040	NEW	04-21-013	463- 72-050	NEW-P	04-13-154
463- 60-255	RECOD-P	04-13-154	463- 64-050	NEW-P	04-13-154	463- 72-050	NEW	04-21-013
463- 60-255	RECOD	04-21-013	463- 64-050	NEW	04-21-013	463- 72-060	NEW-P	04-13-154
463- 60-265	RECOD-P	04-13-154	463- 64-060	NEW-P	04-13-154	463- 72-060	NEW	04-21-013
463- 60-265	RECOD	04-21-013	463- 66-010	RECOD-P	04-13-154	463- 72-070	NEW-P	04-13-154
463- 60-275	RECOD-P	04-13-154	463- 66-020	RECOD-P	04-13-154	463- 72-070	NEW	04-21-013
463- 60-275	RECOD	04-21-013	463- 66-020	RECOD	04-21-013	463- 72-080	NEW-P	04-13-154
463- 60-285	RECOD-P	04-13-154	463- 66-030	RECOD-P	04-13-154	463- 72-080	NEW	04-21-013
463- 60-285	RECOD	04-21-013	463- 66-030	RECOD	04-21-013	463- 74-010	RECOD-P	04-13-154
463- 60-295	RECOD-P	04-13-154	463- 66-040	RECOD-P	04-13-154	463- 74-010	RECOD	04-21-013
463- 60-295	RECOD	04-21-013	463- 66-040	RECOD	04-21-013	463- 74-020	RECOD-P	04-13-154
463- 60-302	RECOD-P	04-13-154	463- 66-050	RECOD-P	04-13-154	463- 74-030	RECOD-P	04-13-154
463- 60-302	RECOD	04-21-013	463- 66-050	RECOD	04-21-013	463- 74-040	RECOD-P	04-13-154
463- 60-312	RECOD-P	04-13-154	463- 66-060	RECOD-P	04-13-154	463- 74-040	RECOD	04-21-013
463- 60-312	RECOD	04-21-013	463- 66-060	RECOD	04-21-013	463- 76-010	RECOD-P	04-13-154
463- 60-322	RECOD-P	04-13-154	463- 66-070	RECOD-P	04-13-154	463- 76-010	RECOD	04-21-013
463- 60-322	RECOD	04-21-013	463- 66-070	RECOD	04-21-013	463- 76-020	RECOD-P	04-13-154
463- 60-332	RECOD-P	04-13-154	463- 66-080	RECOD-P	04-13-154	463- 76-030	RECOD-P	04-13-154
463- 60-332	RECOD	04-21-013	463- 66-080	RECOD	04-21-013	463- 76-031	RECOD-P	04-13-154
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463- 60-342	RECOD	04-21-013	463- 66-090	RECOD	04-21-013	463- 76-032	RECOD-P	04-13-154
463- 60-352	RECOD-P	04-13-154	463- 66-100	RECOD-P	04-13-154	463- 76-032	RECOD	04-21-013
463- 60-352	RECOD	04-21-013	463- 66-100	RECOD	04-21-013	463- 76-033	RECOD-P	04-13-154
463- 60-362	RECOD-P	04-13-154	463- 68-010	NEW-P	04-13-154	463- 76-033	RECOD	04-21-013
463- 60-362	RECOD	04-21-013	463- 68-010	NEW	04-21-013	463- 76-034	RECOD-P	04-13-154
463- 60-372	RECOD-P	04-13-154	463- 68-020	NEW-P	04-13-154	463- 76-034	RECOD	04-21-013
463- 60-372	RECOD	04-21-013	463- 68-020	NEW	04-21-013	463- 76-040	RECOD-P	04-13-154
463- 60-382	RECOD-P	04-13-154	463- 68-030	NEW-P	04-13-154	463- 76-041	RECOD-P	04-13-154
463- 60-382	RECOD	04-21-013	463- 68-030	NEW	04-21-013	463- 76-041	RECOD	04-21-013
463- 60-385	RECOD-P	04-13-154	463- 68-040	NEW-P	04-13-154	463- 76-042	RECOD-P	04-13-154
463- 60-435	RECOD-P	04-13-154	463- 68-040	NEW	04-21-013	463- 76-042	RECOD	04-21-013
463- 60-525	RECOD-P	04-13-154	463- 68-040	NEW	04-21-013	463- 76-043	RECOD-P	04-13-154
463- 60-535	RECOD-P	04-13-154	463- 68-050	NEW-P	04-13-154	463- 76-043	RECOD	04-21-013
463- 60-535	RECOD	04-21-013	463- 68-050	NEW	04-21-013	463- 76-050	RECOD-P	04-13-154
463- 60-625	RECOD-P	04-13-154	463- 68-060	NEW-P	04-13-154	463- 76-051	RECOD-P	04-13-154
463- 60-645	RECOD-P	04-13-154	463- 68-060	NEW	04-21-013	463- 76-051	RECOD	04-21-013
463- 60-655	RECOD-P	04-13-154	463- 68-070	NEW-P	04-13-154	463- 76-052	RECOD-P	04-13-154
463- 60-665	RECOD-P	04-13-154	463- 68-070	NEW	04-21-013	463- 76-052	RECOD	04-21-013
463- 60-675	RECOD-P	04-13-154	463- 68-080	NEW-P	04-13-154	463- 76-053	RECOD-P	04-13-154
463- 60-680	RECOD-P	04-13-154	463- 68-080	NEW	04-21-013	463- 76-053	RECOD	04-21-013
463- 60-685	RECOD-P	04-13-154	463- 70-010	RECOD-P	04-13-154	463- 76-054	RECOD-P	04-13-154
463- 60-690	RECOD-P	04-13-154	463- 70-010	RECOD	04-21-013	463- 76-054	RECOD	04-21-013
463- 62-010	NEW-P	04-13-154	463- 70-020	RECOD-P	04-13-154	463- 76-055	RECOD-P	04-13-154
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463- 76-060	RECOD-P	04-13-154	468- 70-085	REP-E	04-16-061	478-116-255	AMD-P	04-07-127
463- 76-061	RECOD-P	04-13-154	468- 95-315	NEW-P	04-05-016	478-116-255	AMD	04-13-086
463- 76-061	RECOD	04-21-013	468- 95-315	NEW	04-08-010	478-116-271	AMD-P	04-07-127
463- 76-062	RECOD-P	04-13-154	468-100-306	AMD-X	04-03-113	478-116-271	AMD	04-13-086
463- 76-062	RECOD	04-21-013	468-100-306	AMD	04-08-041	478-116-301	AMD-P	04-07-127
463- 76-063	RECOD-P	04-13-154	468-100-306	AMD-W	04-12-066	478-116-301	AMD	04-13-086
463- 76-063	RECOD	04-21-013	468-310-020	PREP	04-03-011	478-116-311	AMD-P	04-07-127
463- 76-064	RECOD-P	04-13-154	468-310-020	AMD-P	04-07-092	478-116-311	AMD	04-13-086
463- 76-064	RECOD	04-21-013	468-310-020	AMD	04-11-004	478-116-431	AMD-P	04-07-127
463- 76-065	RECOD-P	04-13-154	468-310-050	PREP	04-03-011	478-116-431	AMD	04-13-086
463- 76-065	RECOD	04-21-013	468-310-050	AMD-P	04-07-092	478-116-520	AMD-P	04-07-127
463- 76-080	RECOD-P	04-13-154	468-310-050	AMD	04-11-004	478-116-520	AMD	04-13-086
463- 76-080	RECOD	04-21-013	468-500-001	AMD-X	04-20-022	478-116-531	AMD-P	04-07-127
463- 76-090	RECOD-P	04-13-154	478-116	AMD-C	04-11-055	478-116-531	AMD	04-13-086
463- 76-090	RECOD	04-21-013	478-116-051	AMD-P	04-07-127	478-116-670	AMD-P	04-07-127
463- 78-005	RECOD-P	04-13-154	478-116-051	AMD	04-13-086	478-116-670	AMD	04-13-086
463- 78-005	RECOD	04-21-013	478-116-061	AMD-P	04-07-127	478-118	PREP	04-21-015
463- 78-010	RECOD-P	04-13-154	478-116-061	AMD	04-13-086	478-168	PREP	04-04-016
463- 78-010	RECOD	04-21-013	478-116-101	AMD-P	04-07-127	478-168-160	AMD-P	04-09-076
463- 78-020	RECOD-P	04-13-154	478-116-101	AMD	04-13-086	478-168-160	AMD	04-13-087
463- 78-020	RECOD	04-21-013	478-116-111	AMD-P	04-07-127	478-168-170	REP-P	04-09-076
463- 78-030	RECOD-P	04-13-154	478-116-111	AMD	04-13-086	478-168-170	REP	04-13-087
463- 78-030	RECOD	04-21-013	478-116-114	AMD-P	04-07-127	478-168-180	AMD-P	04-09-076
463- 78-070	RECOD-P	04-13-154	478-116-114	AMD	04-13-086	478-168-180	AMD	04-13-087
463- 78-070	RECOD	04-21-013	478-116-116	AMD-P	04-07-127	478-168-190	AMD-P	04-09-076
463- 78-090	RECOD-P	04-13-154	478-116-116	AMD	04-13-086	478-168-190	AMD	04-13-087
463- 78-090	RECOD	04-21-013	478-116-121	AMD-P	04-07-127	478-168-200	REP-P	04-09-076
463- 78-095	RECOD-P	04-13-154	478-116-121	AMD	04-13-086	478-168-200	REP	04-13-087
463- 78-095	RECOD	04-21-013	478-116-125	AMD-P	04-07-127	478-168-270	AMD-P	04-09-076
463- 78-100	RECOD-P	04-13-154	478-116-125	AMD	04-13-086	478-168-270	AMD	04-13-087
463- 78-100	RECOD	04-21-013	478-116-131	AMD-P	04-07-127	478-168-290	REP-P	04-09-076
463- 78-105	RECOD-P	04-13-154	478-116-131	AMD	04-13-086	478-168-290	REP	04-13-087
463- 78-105	RECOD	04-21-013	478-116-141	AMD-P	04-07-127	478-168-294	REP-P	04-09-076
463- 78-115	RECOD-P	04-13-154	478-116-141	AMD	04-13-086	478-168-294	REP	04-13-087
463- 78-115	RECOD	04-21-013	478-116-145	AMD-P	04-07-127	478-168-298	REP-P	04-09-076
463- 78-120	RECOD-P	04-13-154	478-116-145	AMD	04-13-086	478-168-298	REP	04-13-087
463- 78-120	RECOD	04-21-013	478-116-161	AMD-P	04-07-127	478-168-300	REP-P	04-09-076
463- 78-135	RECOD-P	04-13-154	478-116-161	AMD	04-13-086	478-168-300	REP	04-13-087
463- 78-135	RECOD	04-21-013	478-116-165	AMD-P	04-07-127	478-168-310	AMD-P	04-09-076
463- 78-140	RECOD-P	04-13-154	478-116-165	AMD	04-13-086	478-168-310	AMD	04-13-087
463- 78-140	RECOD	04-21-013	478-116-167	AMD-P	04-07-127	478-168-320	AMD-P	04-09-076
463- 78-170	RECOD-P	04-13-154	478-116-167	AMD	04-13-086	478-168-320	AMD	04-13-087
463- 78-170	RECOD	04-21-013	478-116-171	AMD-P	04-07-127	478-168-325	AMD-P	04-09-076
463- 78-230	RECOD-P	04-13-154	478-116-171	AMD	04-13-086	478-168-325	AMD	04-13-087
463- 78-230	RECOD	04-21-013	478-116-181	AMD-P	04-07-127	478-168-330	REP-X	04-14-084
468- 38-265	PREP	04-09-067	478-116-181	AMD	04-13-086	478-168-330	REP	04-19-036
468- 38-265	AMD-E	04-13-011	478-116-184	AMD-P	04-07-127	478-168-340	REP-P	04-09-076
468- 38-265	AMD-P	04-13-012	478-116-184	AMD	04-13-086	478-168-340	REP	04-13-087
468- 38-265	AMD	04-16-060	478-116-186	AMD-P	04-07-127	478-168-345	REP-P	04-09-076
468- 60-010	NEW-P	04-03-112	478-116-186	AMD	04-13-086	478-168-345	REP	04-13-087
468- 60-010	NEW	04-06-087	478-116-191	AMD-P	04-07-127	478-168-350	REP-P	04-09-076
468- 70-020	AMD-E	04-09-024	478-116-191	AMD	04-13-086	478-168-350	REP	04-13-087
468- 70-020	AMD-P	04-13-045	478-116-201	AMD-P	04-07-127	478-168-360	REP-P	04-09-076
468- 70-020	AMD	04-16-056	478-116-201	AMD	04-13-086	478-168-360	REP	04-13-087
468- 70-020	AMD-E	04-16-061	478-116-211	AMD-P	04-07-127	478-168-380	AMD-P	04-09-076
468- 70-070	AMD-E	04-09-024	478-116-211	AMD	04-13-086	478-168-380	AMD	04-13-087
468- 70-070	AMD-P	04-13-045	478-116-227	AMD-P	04-07-127	478-168-390	AMD-P	04-09-076
468- 70-070	AMD	04-16-056	478-116-227	AMD	04-13-086	478-168-390	AMD	04-13-087
468- 70-070	AMD-E	04-16-061	478-116-251	AMD-P	04-07-127	479- 12-130	PREP	04-12-064
468- 70-085	REP-E	04-09-014	478-116-251	AMD	04-13-086	479- 12-130	AMD-E	04-12-065
468- 70-085	REP-P	04-13-045	478-116-253	AMD-P	04-07-127	479- 12-130	AMD-P	04-15-164

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479- 12-150	PREP	04-20-054	480- 90-242	NEW-P	04-18-129	480-100-008	AMD-P	04-18-129
479- 12-430	PREP	04-12-064	480- 90-244	NEW-P	04-18-129	480-100-023	AMD-P	04-18-129
479- 12-430	AMD-E	04-12-065	480- 90-245	NEW-P	04-18-129	480-100-207	NEW-P	04-18-129
479- 12-430	AMD-P	04-15-164	480- 90-248	NEW-P	04-18-129	480-100-208	AMD	04-05-031
479- 12-430	AMD	04-19-108	480- 90-252	NEW-P	04-18-129	480-100-208	REP-P	04-18-129
479- 14-130	PREP	04-12-064	480- 90-257	NEW-P	04-18-129	480-100-209	NEW-P	04-18-129
479- 14-130	AMD-E	04-12-065	480- 90-262	NEW-P	04-18-129	480-100-218	REP-P	04-18-129
479- 14-130	AMD-P	04-15-164	480- 90-264	NEW-P	04-18-129	480-100-242	NEW-P	04-18-129
479- 14-130	AMD	04-19-108	480- 90-268	NEW-P	04-18-129	480-100-244	NEW-P	04-18-129
479- 14-180	PREP	04-20-054	480- 90-275	NEW-P	04-18-129	480-100-245	NEW-P	04-18-129
480- 30-110	AMD	04-05-031	480- 90-999	AMD-P	04-18-129	480-100-248	NEW-P	04-18-129
480- 51-100	AMD	04-05-031	480- 92-016	AMD-P	04-18-129	480-100-252	NEW-P	04-18-129
480- 60-035	PREP	04-21-047	480- 92-021	AMD-P	04-18-129	480-100-257	NEW-P	04-18-129
480- 62	PREP	04-05-103	480- 92-050	AMD-P	04-18-129	480-100-262	NEW-P	04-18-129
480- 62-125	AMD-P	04-05-104	480- 92-055	NEW-P	04-18-129	480-100-264	NEW-P	04-18-129
480- 62-125	AMD	04-11-023	480- 93	AMD-C	04-21-048	480-100-268	NEW-P	04-18-129
480- 62-218	NEW-P	04-15-140	480- 93-002	REP-P	04-15-141	480-100-275	NEW-P	04-18-129
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480- 62-218	NEW-C	04-21-037	480- 93-007	NEW-P	04-15-141	480-100-287	NEW-P	04-18-129
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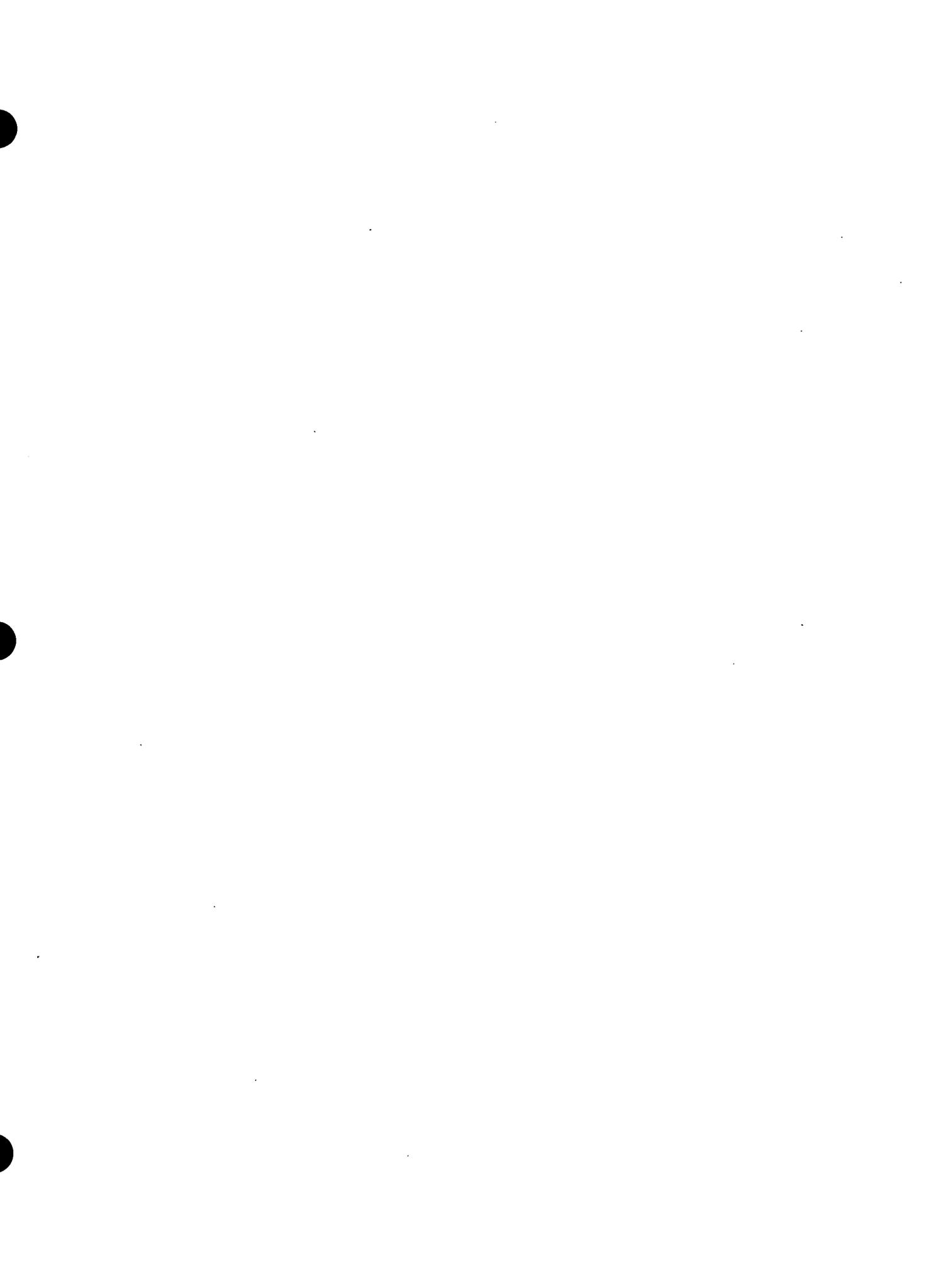
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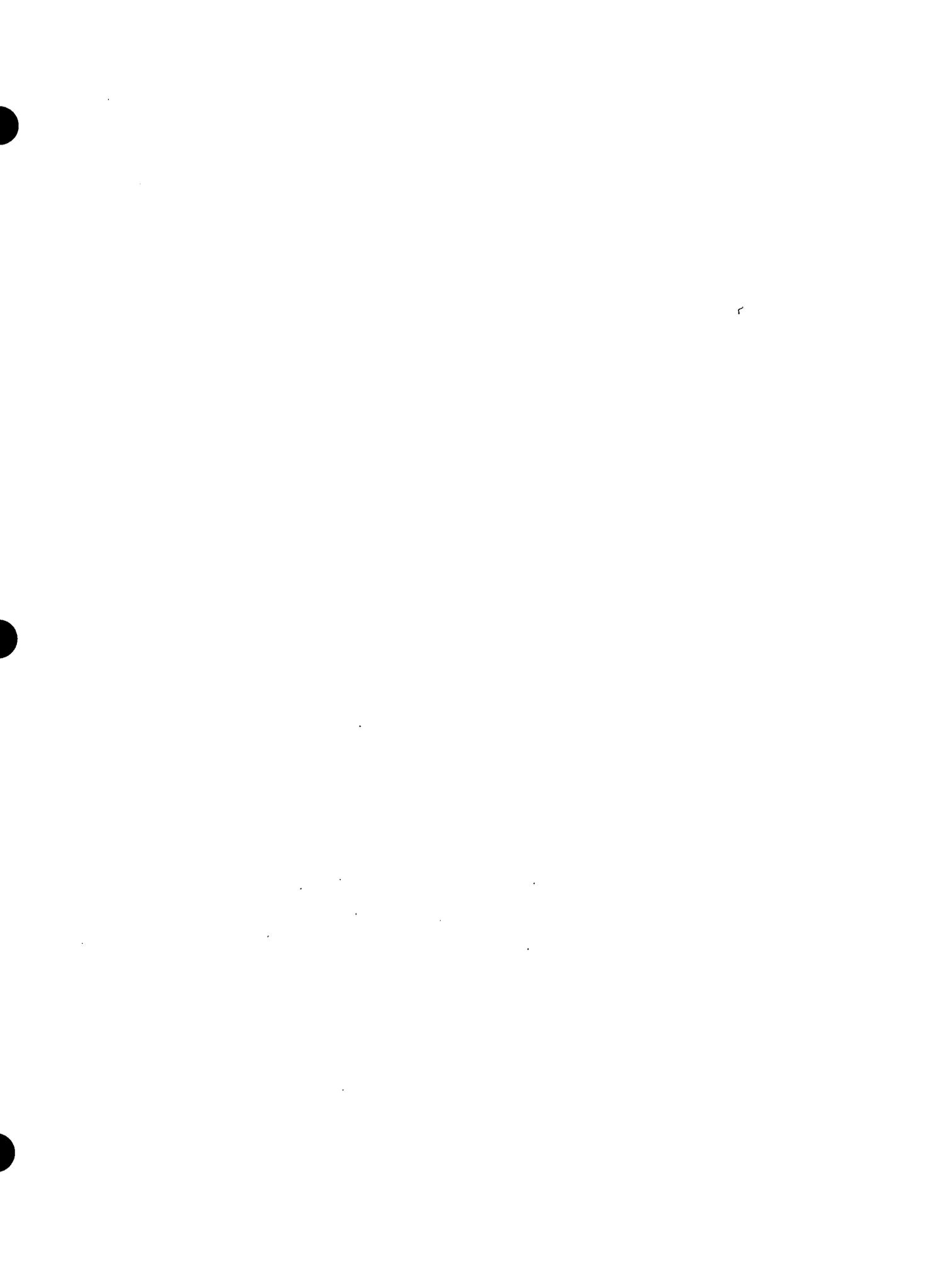
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