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OCTOBER 21, 1981

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This issue contains documents officially  
filed not later than October 7, 1981.

## 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 81-15-37.

## PUBLIC INSPECTION OF DOCUMENTS

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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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*Editor*

**Joyce Matzen**  
*Subscription Clerk*

# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

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

## 2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** *have been adopted on an emergency basis and are set forth in ten point oblique type.*

## 3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 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 matter is new matter;
  - (ii) deleted matter is (~~lined out and bracketed 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.

## 4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA 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.

## 5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed 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 and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

## 6. EDITORIAL CORRECTIONS

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

## 7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1981

**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

| Issue No. | Distribution Date | First Agency Action Date <sup>2</sup> | Closing Dates <sup>1</sup>                     |                                      |  |
|-----------|-------------------|---------------------------------------|--|--------------------------------------|--|
|           |                   |                                       | OTS <sup>3</sup> OR 10 pages maximum (14 days) | Non-OTS and 11 to 29 pages (28 days) | Non-OTS and 30 pages or more (42 days) |
| 81-01     | Jan 7, 1981       | Jan 27                                | Dec 24, 1980                                   | Dec 10                               | Nov 26                                 |
| 81-02     | Jan 21            | Feb 10                                | Jan 7  | Dec 24, 1980                         | Dec 10                                 |
| 81-03     | Feb 4             | Feb 24                                | Jan 21   | Jan 7                                | Dec 24, 1980                           |
| 81-04     | Feb 18            | Mar 10                                | Feb 4  | Jan 21                               | Jan 7                                  |
| 81-05     | Mar 4             | Mar 24                                | Feb 18   | Feb 4                                | Jan 21                                 |
| 81-06     | Mar 18            | Apr 7                                 | Mar 4  | Feb 18                               | Feb 4                                  |
| 81-07     | Apr 1             | Apr 21                                | Mar 18   | Mar 4                                | Feb 18                                 |
| 81-08     | Apr 15            | May 5                                 | Apr 1  | Mar 18                               | Mar 4                                  |
| 81-09     | May 6             | May 26                                | Apr 22   | Apr 8                                | Mar 25                                 |
| 81-10     | May 20            | Jun 9                                 | May 6  | Apr 22                               | Apr 8                                  |
| 81-11     | Jun 3             | Jun 23                                | May 20   | May 6                                | Apr 22                                 |
| 81-12     | Jun 17            | Jul 7                                 | Jun 3  | May 20                               | May 6                                  |
| 81-13     | Jul 1             | Jul 21                                | Jun 17   | Jun 3                                | May 20                                 |
| 81-14     | Jul 15            | Aug 4                                 | Jul 1  | Jun 17                               | Jun 3                                  |
| 81-15     | Aug 5             | Aug 25                                | Jul 22   | Jul 8                                | Jun 24                                 |
| 81-16     | Aug 19            | Sep 8                                 | Aug 5  | Jul 22                               | Jul 8                                  |
| 81-17     | Sep 2             | Sep 22                                | Aug 19   | Aug 5                                | Jul 22                                 |
| 81-18     | Sep 16            | Oct 6                                 | Sep 2  | Aug 19                               | Aug 5                                  |
| 81-19     | Oct 7             | Oct 27                                | Sep 23   | Sep 9                                | Aug 26                                 |
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| 81-23     | Dec 2             | Dec 22                                | Nov 18   | Nov 4                                | Oct 21                                 |
| 81-24     | Dec 16            | Jan 5, 1982                           | Dec 2  | Nov 18                               | Nov 4                                  |

<sup>1</sup>All documents are due at the Code Reviser's Office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

<sup>2</sup>"No proceeding shall be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained." RCW 28B.19.030(2) and 34.04.025(2). These dates represent the twentieth day after the distribution date of the immediate preceding Register.

<sup>3</sup>OTS is the acronym used for the Order Typing Service offered by the Code Reviser's Office which is briefly explained in WAC 1-12-220 and WAC 1-13-240.

**STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION**  
(Required by 39 U.S.C. 3685)

The WASHINGTON STATE REGISTER (ISSN 0164-6389), is published twice each month by the Statute Law Committee, Office of the Code Reviser, Legislative Building, Olympia, Washington 98504. The filing date of this report was September 30, 1981. The annual subscription price is \$50 for 24 issues. The general business offices of the publisher are located in the Legislative Building, Olympia, Washington 98504.

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The owner is the Statute Law Committee, State of Washington, Legislative Building, Olympia, Washington 98504.

There are no known bondholders, mortgagees, or other security holders.

The extent and nature of the circulation is as follows:

|   | Average no. copies each issue during preceding 12 mos. | Actual no. copies of single issue published nearest to filing date |
|---|--|--|
| Total no. copies printed  | 708  | 800  |
| Paid circulation  |  |  |
| Sales through dealers & carriers, street vendors, & counter sales                                 | 65   | 73   |
| Mail Subscriptions  | 347  | 448  |
| Total paid circulation  | 412  | 521  |
| Free distribution by mail, carrier, or other means; samples, complimentary, and other free copies | 109  | 105  |
| Total distribution  | 521  | 626  |
| Copies not distributed  |  |  |
| Office use, left over, unaccounted, spoiled after printing  | 187  | 174  |
| Returns from news agents  | 0  | 0  |
| Total   | 708  | 800  |

I certify that the statements made by me are correct and complete.

[2] Susan J. Smith  
Editor

**WSR 81-20-001**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Order 81-27—Filed September 24, 1981]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Special allocations, instructions, and requirements, chapter 392-14C WAC.

This action is taken pursuant to Notice No. WSR 81-17-076 filed with the code reviser on August 19, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.41-.170 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 23, 1981.  
 By Frank B. Brouillet  
 Superintendent of Public Instruction

NEW SECTION

WAC 392-140-025 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—DEFINITION—LEAP DOCUMENT 3. "LEAP Document 3" shall mean the formula unit worksheet establishing the ratios and percentage distribution of specified handicapping conditions that was developed by the legislative evaluation and accountability program (LEAP) committee on April 20, 1981, at 11:19 a.m.

NEW SECTION

WAC 392-140-026 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—DEFINITION—CERTIFICATED DERIVED BASE SALARY. "Derived base salary" shall mean the salary shown in Bulletin 21-81, Financial Services, dated May 22, 1981.

NEW SECTION

WAC 392-140-027 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—DEFINITION—CLASSIFIED AVERAGE SALARY. "Classified average salary" shall mean the salary shown in Bulletin 21-81, Financial Services, dated May 22, 1981.

NEW SECTION

WAC 392-140-028 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—CERTIFICATED DERIVED BASE SALARY. State categorical special education funds shall be allocated using each local district's particular 1980-81 derived base

salary and 1981-82 staff mix factor for certificated, special education program employees. The certificated staff mix factor used for certificated employees in each local district shall be determined using the same procedure described in WAC 392-121-121 and 392-121-125. The staff mix factor and average salary computations shall be based upon certificated employees with work assignments in the special education program.

NEW SECTION

WAC 392-140-029 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—CLASSIFIED AVERAGE SALARY. State categorical special education funds shall be allocated using each local district's particular 1980-81 average salary for classified, special education program, employees. The definition of "Full-time-equivalent classified employee" contained in WAC 392-121-115 shall be used to determine each district's special education average classified salary. Only employees with work assignments in the special education program should be included in such calculations.

NEW SECTION

WAC 392-140-030 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—SUPPLIES AND MATERIAL. State categorical special education funds for supplies and materials shall be allocated to school districts for eligible handicapped students served at the maximum distribution rate of \$57 per student per year for the 1981-82 school year and \$63 per student per year for the 1982-83 school year.

NEW SECTION

WAC 392-140-031 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—ELIGIBLE HANDICAPPED STUDENTS. State categorical special education funds shall be allocated in accordance with LEAP Document 3, as defined in WAC 392-140-025, for each served, eligible handicapped student as defined in:

- (1) WAC 392-171-381 (developmentally handicapped preschool students),
- (2) WAC 392-171-396 (orthopedically impaired students),
- (3) WAC 392-171-401 (health impaired students),
- (4) WAC 392-171-421 (mentally retarded students),
- (5) WAC 392-171-431 (multihandicapped students),
- (6) WAC 392-171-436 (deaf students),
- (7) WAC 392-171-441 (hard of hearing students),
- (8) WAC 392-171-446 (visually handicapped students), and
- (9) WAC 392-171-451 (deaf-blind students).

NEW SECTION

WAC 392-140-032 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—HOME AND HOSPITAL. State categorical special education funds shall be allocated to school districts for students eligible under WAC 392-171-486 temporarily requiring

home and/or hospital care in 1981-82 and 1982-83 school years at a maximum reimbursement rate of \$45 per student per week or the actual cost per student per week, whichever is lesser, and for travel by school district staff providing such services at the maximum rate per mile that is now or hereafter authorized by law for state employees for the use of private vehicles in connection with state business.

#### NEW SECTION

WAC 392-140-033 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—FOSTER CARE. State categorical special education funds shall be allocated to school districts for eligible handicapped students served and requiring foster care who do not meet the department of social and health services eligibility standards. These categorical funds shall be allocated according to the following criteria:

(1) For each such eligible handicapped student who is under six years of age the district shall receive a maximum rate of reimbursement of \$219 a month or the actual cost per student per month, whichever is lesser;

(2) For each such eligible handicapped student who is six years of age and under thirteen years of age the district shall receive a maximum rate of reimbursement of \$251 a month or the actual cost per student per month, whichever is lesser;

(3) For each such eligible handicapped student who is thirteen years of age and under twenty-one years of age the district shall receive a maximum rate of reimbursement of \$279 per month or the actual cost per student per month, whichever is lesser; and,

(4) All ages referred to in this section shall be the age of each such eligible handicapped student on September 1 of the current school year.

#### NEW SECTION

WAC 392-140-034 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—MAXIMUM CONTROL FACTOR—PRORATION. The maximum rates of reimbursement or distribution specified in these sections, WAC 392-140-025 through 392-140-033 shall be allocated by the superintendent of public instruction to school districts unless state appropriations for these programs are insufficient and it is necessary for the superintendent of public instruction to prorate all or a portion of these funds appropriated for allocation to school districts for such programs. All such prorations, if necessary, shall be announced to school districts through official agency bulletins.

#### NEW SECTION

WAC 392-140-035 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—REPORTING. (1) At such times as are designated by the superintendent of public instruction, each school district shall report the number of eligible handicapped students by each handicapping condition receiving special education according to instructions provided by the superintendent of public instruction.

(2) Each school district shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the district's allocation of special education funds.

#### **WSR 81-20-002**

##### **ADOPTED RULES**

##### **SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 81-28—Filed September 24, 1981]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Special allocations, instructions and requirements, chapter 392-140 WAC.

This action is taken pursuant to Notice No. WSR 81-17-077 filed with the code reviser on August 19, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.41.170 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 23, 1981.

By Frank B. Brouillet  
Superintendent of Public Instruction

#### NEW SECTION

WAC 392-140-040 1981-83 STATE CATEGORICAL RESIDENTIAL EDUCATIONAL PROGRAM—FUNDING. Residential educational programs operated by a school district shall be supported by funds appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating residential school program of education pursuant to RCW 28A.58.772.

#### NEW SECTION

WAC 392-140-041 1981-83 STATE CATEGORICAL RESIDENTIAL EDUCATIONAL PROGRAM—REPORTING. (1) At such times as when designated by the superintendent of public instruction, each school district operating a residential educational program shall report the number of eligible handicapped students by each handicapping condition receiving special education according to instructions provided by the superintendent of public instruction.

(2) Each school district operating a residential educational program shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the district's allocation of residential program funds.

**WSR 81-20-003**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Order 81-29—Filed September 24, 1981]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to education of handicapped children, chapter 392-171 WAC.

This action is taken pursuant to Notice No. WSR 81-17-079 filed with the code reviser on August 19, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.41-.170 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

**APPROVED AND ADOPTED** September 23, 1981.  
By Frank B. Brouillet  
Superintendent of Public Instruction

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 392-171-786 SPECIAL EDUCATION PROGRAM FUNDING AND REPORTING CRITERIA FOR THE 1980-81 SCHOOL YEAR.**

**WSR 81-20-004**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order DE 81-25—Filed September 24, 1981]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Skagit County, amending WAC 173-19-370.

This action is taken pursuant to Notice No. WSR 81-16-081 filed with the code reviser on August 5, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

**APPROVED AND ADOPTED** September 23, 1981.  
By John F. Spencer  
Deputy Director

**AMENDATORY SECTION** (Amending Order DE 80-51, filed 12/11/80)

**WAC 173-19-370 SKAGIT COUNTY.** Skagit County master program approved October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979. Revision approved March 3, 1980. Revision approved September 10, 1980. Revision approved December 10, 1980. Revision approved September 23, 1981.

**WSR 81-20-005**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order DE 81-26—Filed September 24, 1981]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Thurston County, amending WAC 173-19-420.

This action is taken pursuant to Notice No. WSR 81-16-081 filed with the code reviser on August 5, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

**APPROVED AND ADOPTED** September 23, 1981.  
By John F. Spencer  
Deputy Director

**AMENDATORY SECTION** (Amending Order DE 79-34, filed 1/30/80)

**WAC 173-19-420 THURSTON COUNTY.** Thurston County master program approved May 21, 1976. Revision approved August 27, 1976. Revision approved August 7, 1979. Revision approved September 23, 1981.

**WSR 81-20-006**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order DE 81-24—Filed September 24, 1981]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to King County, amending WAC 173-19-250.

This action is taken pursuant to Notice No. WSR 81-16-080 filed with the code reviser on August 5, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 23, 1981.  
By John F. Spencer  
Deputy Director

**AMENDATORY SECTION** (Amending Order DE 79-34, filed 1/30/80)

**WAC 173-19-250 KING COUNTY.** King County master program approved July 8, 1976. Revision approved November 22, 1976. Revision approved June 30, 1978. Revision approved July 5, 1979. Revision approved September 23, 1981.

**WSR 81-20-007**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Order 81-18—Filed September 24, 1981]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—School district budgeting, chapter 392-123 WAC.

This action is taken pursuant to Notice No. WSR 81-15-072 filed with the code reviser on July 21, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.41.170, 28A.41.055 and 28A.65.465 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 4, 1981.  
By Frank B. Brouillet  
Superintendent of Public Instruction

**AMENDATORY SECTION** (Amending Order 8-76, filed 7/23/76)

**WAC 392-123-005 PURPOSES.** The purposes of this chapter are to implement (~~section 14, chapter 118, Laws of 1975-76 2nd ex. sess.~~) chapter 28A.65 RCW

and insure proper budgetary procedures and practices on the part of school districts.

**AMENDATORY SECTION** (Amending Order 8-76, filed 7/23/76)

**WAC 392-123-010 THE ACCOUNTING MANUAL.** The superintendent of public instruction and the office of the state auditor shall publish and distribute to each school district an accounting manual which shall be referred to as The Accounting Manual for Public School Districts of the State of Washington. Such accounting manual, as now or hereafter amended, shall govern the accounting procedures of each school district and is hereby incorporated into this chapter by this reference. Prior to any revision thereof, the superintendent of public instruction shall publish notice of such proposed action and shall hold at least one public hearing.

**AMENDATORY SECTION** (Amending Order 80-16, filed 5/13/80)

**WAC 392-123-051 BASIS OF BUDGETING AND ACCOUNTING.** This section sets forth the basis for revenue and expenditure recognition for budgeting and accounting.

(1) The following terms when used herein shall have the following meanings, unless where used the context thereof shall clearly indicate to the contrary:

(a) "Revenue" means additions of assets during a given fiscal period to a fund of a school district in the form of cash which does not accompany the incurrence of liabilities or represent refunds of previous disbursements.

(b) "Accrual basis expenditures" mean costs during a given fiscal period for liabilities incurred, whether paid or unpaid.

(c) "Cash basis expenditures" mean actual disbursements during a given fiscal period for operating costs, capital outlay, and debt service, regardless of when liabilities are incurred, or the period of incurrence of cost.

(d) "Appropriation" means the maximum authorization during a given fiscal period to incur expenditures.

(e) "Disbursements" mean payments in cash, including but not limited to payments by warrants.

(2) All school districts must utilize the following methods of revenue and expenditure recognition in budgeting, accounting and financial reporting:

(a) Recognize revenue as defined above.

(b) Utilize the accrual basis for the recognition of expenditures in determining operating costs from the general fund: PROVIDED, That school districts with less than one thousand full time equivalent students for the previous year may utilize the cash basis for the recognition of expenditures in determining operating costs from the general fund: PROVIDED FURTHER, That in school districts with less than one thousand full time equivalent students using the cash basis for the recognition of expenditures shall prepare a list of accounts payable as of the end of the fiscal year, subject to the penalties of perjury, a copy of which will accompany the districts' annual report and a copy of which will be filed with the districts' board of directors.

(c) Utilize the accrual basis for the recognition of expenditures in determining the costs of site acquisitions and the construction of buildings from the building and capital projects fund: PROVIDED, That school districts with less than one thousand full time equivalent students for the previous year may utilize the cash basis for recognition of expenditures in determining the costs of site acquisitions and the construction of buildings from the building and capital projects fund.

~~(d) ((For fiscal year 1979-80 utilize the cash basis for the recognition of expenditures in determining costs for bond interest and redemption funds, refunding bond funds and refunded bond funds and for fiscal year 1980-81 and thereafter))~~ Utilize the accrual basis of expenditure recognition in determining expenditures of the building reserve fund: PROVIDED, That school districts with less than one thousand full-time equivalent students for the previous year may utilize the cash basis of recognition of expenditures in determining expenditures of the building reserve fund.

(e) Utilize the basis of matured debt for the recognition of expenditures in determining costs for bond interest and redemption funds, refunding bond funds and refunded bond funds based upon when bond interest and bond redemptions become due: PROVIDED, That school districts with an average of less than one thousand full-time equivalent students during the previous school year may utilize the cash basis for recognition of expenditures in determining the costs of bond fund interest and redemptions, refunding bonds and refunded bonds from the bond interest and redemption funds, refunding bond funds and refunded bond funds.

~~((f))~~ (f) For fiscal year 1979-80 utilize the cash basis for the recognition of expenditure in determining costs for permanent insurance funds and for fiscal year 1980-81 and thereafter utilize the accrual basis for the recognition of expenditures in determining ~~((costs))~~ expenditures for permanent insurance funds.

~~((g))~~ (g) Utilize the accrual basis of expenditure recognition for the associated student body program fund: PROVIDED, School districts with less than 1000 full-time equivalent students for the previous fiscal year may utilize the cash basis for recognition of expenditure in determining ~~((operating cost))~~ expenditures of the associated student body program fund.

**AMENDATORY SECTION** (Amending Order 80-16, filed 5/13/80)

**WAC 392-123-054 TIME SCHEDULE FOR BUDGET.** The time schedule for preparation, adoption and filing of the annual budget is as follows:

| Final Date For Action | First-Class Districts  | Second-Class Districts |
|-----------------------|--|------------------------|
| July 10               | Final date for district to prepare budget. Upon completion of their budgets, every school district shall publish a notice stating that the | Same as first-class.   |

| Final Date For Action | First-Class Districts | Second-Class Districts |
|-----------------------|-----------------------|------------------------|
|-----------------------|-----------------------|------------------------|

district has completed the budget and placed the same on file in the school district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.

July 10

Final date for district board of directors to petition in writing the superintendent of public instruction for permission to include receivables collectible in future years, in order to balance the budget.

Same as first-class.

July 15

Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.

| Final Date For Action | First-Class Districts   | Second-Class Districts  | Final Date For Action | First-Class Districts   | Second-Class Districts   |
|-----------------------|---|---|-----------------------|---|--|
| July 20               | Final date to have sufficient copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district <u>for review and comment.</u>   |   |                       | hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board. | violation of state law or rules and regulations adopted by the superintendent of public instruction. A copy of said budget shall be returned to the local school districts no later than September 10th.   |
| July 25               |   | Final date for educational service district to notify districts of problems noted in review.  |                       |   |  |
| August 1              |   | Final date for board directors to meet in public hearing and fix and adopt said budget.<br><br>Such hearing may be continued not to exceed a total two days: <b>PROVIDED</b> , That the budget must be adopted no later than August 1st.<br><br>Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board. |                       |   | Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local board of directors or a representative thereof and a representative of the superintendent of public instruction. |
|                       |   |   | September 3           | Final date for district to file four copies of said adopted budget with their educational service district.   |  |
|                       |   |   | September 10          | Last date for educational service district to file copies of said adopted budgets with the superintendent of public instruction, the office of the state auditor and the appropriate county auditor. One copy will be retained by educational service district.                 | Same as first-class except one copy of adopted and approved budget must be returned to local school district by this date.   |
| August 3              |   | Last date to forward five copies of said adopted budget to educational service district for review, alteration and approval.  |                       |   |  |
| August 10             | Final date for educational service district to notify districts of review problems noted in review.   |   |                       |   |  |
| August 31             | Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: <b>PROVIDED</b> , That the budget must be adopted no later than August 31st. Upon conclusion of the | Last date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. No budget review committee shall knowingly approve any budget or appropriation that is in  |                       |   |  |

**AMENDATORY SECTION** (Amending Order 80-16, filed 5/13/80)

**WAC 392-123-055 IDENTIFICATION OF REVENUES TO BE INCLUDED IN THE BUDGET.** Only revenues which can be reasonably anticipated to be received in cash in the fiscal period for which the budget is being prepared may be budgeted by a school district, except under the following condition: Receipt of written permission from the superintendent of public instruction to budget as revenue in a district's budget receivables collectible in future fiscal periods.

All available current information including current instructions contained in bulletins now or hereafter published by the superintendent of public instruction shall be used to determine the amount of budget revenues that can reasonably be expected to be received in cash in the fiscal period. (~~A major emphasis shall be placed on the tax levy collection success in the time period immediately preceding the budget period.~~) Proposed levies which have not been certified as approved by the voters shall not be included in the budget as adopted for operation of the district.

AMENDATORY SECTION (Amending Order 80-16, filed 5/13/80)

WAC 392-123-071 BUDGET EXTENSIONS—FIRST-CLASS SCHOOL DISTRICTS. Upon the happening of any emergency in a first-class school district caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

If in first-class districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated above the school district board of directors, before incurring expenditures in excess of expenditures therefor, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in WAC 392-123-054. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

All adopted appropriation resolutions adopted pursuant to this section shall be filed with the superintendent of public instruction, the office of the state auditor, the educational service district and the appropriate county auditor. The final date for adopting appropriation resolutions extending budgets other than for any emergency as stated above shall be June 30 (~~(- PROVIDED, That for fiscal year 1979-80 the final date shall be August 31).~~). The final date for adopting appropriation resolutions extending budgets for any emergency as stated above shall be August 31. Each copy of all appropriation resolutions filed shall have attached a copy of the school district budget as revised by the appropriation resolution and a copy of the latest budget status report. The revised budget shall be on forms provided by the superintendent of public instruction and shall be prepared in accordance with instructions provided by the superintendent of public instruction. Any appropriation resolution adopted after the dates specified in this section shall be null and void. Any appropriation resolution adopted after the

current appropriation level has been exceeded shall be null and void to the extent that the current appropriation level has been exceeded.

AMENDATORY SECTION (Amending Order 80-16, filed 5/13/80)

WAC 392-123-072 BUDGET EXTENSIONS—SECOND-CLASS SCHOOL DISTRICTS. If a second-class school district needs to increase the amount of the appropriation from any fund the school district board of directors before incurring expenditures in excess of appropriations shall obtain approval from the superintendent of public instruction in the following manner: The school district board of directors shall adopt a resolution stating the specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-123-054. Introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations. Such petition to be made on forms provided by the superintendent of public instruction. Five copies of the request for budget extension shall be prepared in accordance with current instructions contained in bulletins now or hereafter published by the superintendent of public instruction and attached to each copy shall be a copy of the latest budget status report and a copy of the board resolution.

The request for budget extension shall be forwarded to the educational service district for approval by the educational service district superintendent.

If approved, the request for budget extension shall be forwarded by the educational service district to the superintendent of public instruction for final approval. Except for requests for budget extensions for emergencies as defined in WAC 392-123-071, the superintendent of public instruction shall not approve requests for budget extensions received after the close of business on June 30 or the last business day prior to June 30 if June 30 occurs on a nonbusiness day (~~(- PROVIDED, That for fiscal year 1979-80 the final date for receiving budget extensions shall be August 29).~~). The final date for receiving requests for budget extensions for emergencies defined in WAC 392-123-071 shall be the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day.

Any request for budget extension shall not be approved by the superintendent of public instruction to the extent that the current appropriation has been exceeded prior to the request for budget extension.

All appropriation resolutions approved by the superintendent of public instruction shall be filed by the superintendent of public instruction with the educational

service district, the state auditor, and the appropriate county auditor.

AMENDATORY SECTION (Amending Order 80-16, filed 5/13/80)

WAC 392-123-079 REVIEW OF SECOND-CLASS DISTRICT BUDGETS AND BUDGET ((INSTRUCTIONS)) EXTENSIONS. Budgets of second-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. Second-class school districts shall submit a copy of their budget to their educational service district for review at least fourteen days prior to adoption, but not later than July 15.

Educational service districts shall notify each of its second-class school districts of any problems noted during the review prior to adoption of the budget by the board of directors.

The review shall include data entry and edit of the school district in the manner prescribed by the superintendent of public instruction.

Review of second-class school district adopted budgets shall be performed by the educational service districts. Said review shall include, but is not limited to, completion of data entry and edit, review of revenues and net cash and investments for accuracy, appropriateness of expenditures and determination of whether or not the budget is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction.

The educational service district will notify the district of all problems noted during the review. The educational service district shall attempt to have the problems corrected prior to submission of the budget to the superintendent of public instruction.

The superintendent of public instruction shall conduct meetings with representatives of the educational service district and/or school district as deemed necessary to correct problems and to fix and approve the amount of appropriation from each fund of the budget as prescribed in RCW 28A.65.430 and WAC 392-123-054.

Review of budget extensions shall consist of data entry and edit, review of revenues and net cash and investments for accuracy, appropriateness of expenditures, and determination of whether or not the budget extension is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction. Approval of budget extensions shall be in accordance with WAC 392-123-072.

AMENDATORY SECTION (Amending Order 80-16, filed 5/13/80)

WAC 392-123-115 MONTHLY BUDGET STATUS REPORTS ((FOR GENERAL FUND OPERATIONS)). A monthly budget status report for ((the general)) each fund shall be prepared by the administration of each school district; and a copy of the most current budget status reports shall be provided to each member of the board of directors of the district at the

board's regular monthly meeting. The report shall contain the most current approved budget amounts by summary level accounts and the cash and investment balance at the beginning and end of the period being analyzed. State form F-198, which is entitled "The Budget Status Report" and also is found in the state form F-196, is an example of the type and level of information necessary for this report. Also, as a part of the budget status report, the administration shall provide each member of the board of directors with a brief written explanation of any significant deviations in revenue and/or expenditure projections that may affect the financial status of the district. A section of the budget status report for the general fund shall indicate an analysis of any change in the amount of investments of general fund moneys and shall display investment earnings and the fund to which they are credited. If deemed necessary by the superintendent of public instruction, and upon written notice to the district by the superintendent of public instruction, a monthly budget status report for one or more funds along with other financial information shall be filed with either the educational service district superintendent or the superintendent of public instruction or both for the period of time set forth in such notice.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-120 STATEMENT OF FINANCIAL CONDITION—FINANCIAL POSITION OF THE SCHOOL DISTRICT. The administration of each school district which is required to maintain a double-entry accounting system shall be required to provide the board of directors of the district with a statement of financial condition monthly. The "statement of financial condition" in state form F-196, ((Part H;)) is an example of the type of format and level of information necessary for this report.

AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-125 PERSONNEL BUDGET STATUS REPORT. Each school district shall maintain the capability to prepare a monthly personnel status report ~~((within fifteen days following the end of each month))~~ according to the schedule set forth for monthly budget status reports in WAC 392-123-115. This report shall display the combined responsibilities of the district's administrative staff for personnel management and budget control and shall indicate the status of expenditures and commitments for salaries and wages ~~((the largest budgetary item in the general fund))~~. The report shall also indicate the number of certificated and classified positions planned in the budget and the amount of funds budgeted for those positions, summarized by program and/or responsibility area. The number of positions actually filled and the amount of funds actually expended or encumbered in support of these positions shall also be displayed in a manner that can be compared with budget. Any significant variance between budgeted positions and actual should be analyzed. The

personnel budget status report shall be provided to the superintendent of public instruction or the board of directors of the district within ten days from the date of such request from either the superintendent or board. A district's board of directors may use the personnel status report in conjunction with a monthly budget status report and the statement of financial condition to manage the financial position of the district.

**AMENDATORY SECTION** (Amending Order 8-76, filed 7/23/76)

**WAC 392-123-140 INTERFUND LOANS ALLOWABLE.** Loans between the general fund, the building and capital projects fund, or to the bond interest and redemption fund are allowable to alleviate a temporary cash deficiency in the borrowing fund. Loans shall not be made from any fund to the detriment of any function or project for which the fund was established.

**NEW SECTION**

**WAC 392-123-141 EFFECTIVE DATE.** Amendatory sections WAC 392-123-005, 392-123-010, 392-123-051, 392-123-054, 392-123-055, 392-123-071, 392-123-072, 392-123-079, 392-123-115, 392-123-120, 392-123-125 and 392-123-140 shall become effective on September 1, 1981.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 392-123-130 MONTHLY CASH AND INVESTMENT STATUS REPORT FOR FUNDS OTHER THAN THE GENERAL FUND.**

**WSR 81-20-008**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 81-156—Filed September 24, 1981]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Areas 4B, 5, 6C, 7 and 7A are restricted to protect Fraser River Harrison chinook salmon. Area 6 and 6A are closed to protect Fraser coho and naturally-spawning Skagit salmon runs. Area 6D and the Dungeness River are closed to protect Dungeness River pink and chinook salmon. Strait tributaries are closed to protect chinook salmon in those tributaries. Area 7C and the Samish River are closed to protect escapement of Samish Hatchery fall chinook

salmon. Area 8 and the Skagit River are closed to protect pink and coho salmon. Duwamish-Green River is restricted to protect chinook salmon. Area 13 is closed to protect Nisqually pink stocks. The Nisqually River is restricted to protect pink salmon. Areas 10C, 10D and the Cedar River are closed to protect Lake Washington sockeye and fall chinook. Coho management needs prevail in Area 10B. Portions of Area 12C are closed to protect Hoodspout and Dewatto fall chinook. Budd Inlet is restricted to protect chinook salmon. Hammersley and Case Inlets are closed to protect early timing chum salmon.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 24, 1981.

By Rolland A. Schmitten  
Director

**NEW SECTION**

**WAC 220-28-120 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS.** *Effective immediately until further notice, it is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

*4B - Troll-caught chinook under 24 inches in length and troll-caught coho under 16 inches in length must be released. Drift gill nets restricted to 6-1/2-inch maximum mesh when open.*

*Area 5 - Drift gill nets restricted to 6-1/2-inch maximum mesh when open.*

*Area 6 - Gill nets restricted to 5-7/8-inch maximum mesh when open. Closed to all commercial fishing effective September 20, 1981.*

*Area 6A - Gill nets restricted to 5-7/8-inch maximum mesh, and all other net gear must release chinook salmon over 28 inches when open. Closed to all commercial fishing effective September 20, 1981.*

*Area 6C - Drift gill nets restricted to 6-1/2-inch maximum mesh when open.*

*Area 6D - Closed to all commercial fishing.*

*Areas 7 and 7A - Gill nets restricted to 5-7/8-inch maximum mesh when open.*

*Area 7C - Closed to all commercial fishing.*

*Area 8 - Closed to all commercial fishing.*

*Area 10B - Gill nets restricted to 6-1/2-inch maximum mesh when open. Effective September 20, 1981, no mesh restriction.*

Areas 10C and 10D – Closed to all commercial fishing.

Areas 12C – Closed to all commercial fishing within 1,000 feet of western shore between Hoodspout Marina Dock and Glen Ayr Trailer Park, and within 1/4 mile of a line connecting the outermost points

Area 13 – Closed to all commercial fishing except in that portion in Hale Passage between the Fox Island Bridge and a line projected from the old ferry dock southeast of Ketner's Point 24 degrees true to the mainland.

Area 13B – (1) In that portion south of a line projected from Dofflemeyer Point to Cooper Point (Budd Inlet), closed to gill net gear. All other gear must immediately release female chinook salmon over 24 inches in length when open. (2) In that portion westerly of a line projected from the flashing light (Fl 4 sec) at Arcadia to Hungerford Point (Hammersley Inlet), closed to all commercial fishing. (3) In that portion northerly of a true east-west line projected through the southernmost point on Stretch Island and intersecting with the eastern and western shores of Case Inlet (Case Inlet), closed to all commercial fishing.

Nisqually River – Gill nets restricted to 7-1/2-inch minimum mesh size when open.

Cedar River – Closed to all commercial fishing.

\*Duwamish/Green River – Closed to all commercial fishing upstream of the Spokane Street Bridge.

Samish River – Closed to all commercial fishing.

Skagit River, including all tributaries – Closed to all commercial fishing.

Clallam River, Deep Creek, Hoko River, Lyre River, Pysht River, Sail River, Salt Creek, Sekiu River, East Twin River, West Twin River – Closed to all commercial fishing.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-119 Puget Sound Commercial Fishery Restrictions (81-152)

**WSR 81-20-009**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1704—Filed September 25, 1981]

I, David A. Hogan, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to consolidated emergency assistance program, amending chapter 388-24 WAC.

This action is taken pursuant to Notice No. WSR 81-15-029 filed with the code reviser on July 10, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 9, 1981.

By David A. Hogan  
Director, Division of Administration

#### AMENDATORY SECTION (Amending Order 1643, filed 4/27/81)

WAC 388-24-250 CONSOLIDATED EMERGENCY ASSISTANCE ((TO NEEDY FAMILIES WITH CHILDREN)) PROGRAM—CONDITIONS OF ELIGIBILITY. ((1) Emergency assistance provides assistance in meeting specific emergent needs of a child(ren) and needy caretaker relative(s).

(2) Effective March 1, 1981, emergency assistance shall be provided for only the following requirements:

(a) Food;

(b) Medical care as defined in chapter 388-86 WAC;

(c) Transportation for runaway minors;

(d) Emergency foster care as described in WAC 388-70-044;

(e) Mass feeding and clothing distribution shall not be provided.

(3) Emergency assistance shall be used to meet these specified requirements for children and families not eligible for AFDC:))

Effective July 1, 1981, the consolidated emergency assistance program (CEAP) shall be granted to families with dependent children who meet all of the following eligibility conditions:

(1) Are in financial need as defined in subsequent sections of this chapter.

(2) Have not been certified as eligible for, are not receiving, or are not having their needs met by AFDC, SSI, GAU or refugee assistance.

(3) Are experiencing one or more of the following emergent needs:

(a) Food.

- (b) Shelter.
- (c) Clothing.
- (d) Minor medical.
- (e) Utilities.
- (f) Household maintenance.
- (g) Necessary clothing or transportation costs to accept or maintain a job.
- (h) Transportation for a minor, not in foster care, to a home where care will be provided by family members or approved caretakers.
- (4) Are taking all steps necessary to make themselves eligible for AFDC, SSI, GAU or refugee assistance, medical assistance for CEAP applicants requesting emergent medical care, and food stamps for those CEAP applicants requesting emergent food assistance.
- (5) Are not under sanction for failure to comply with the eligibility requirements of AFDC, SSI, GAU, refugee assistance, medical assistance for CEAP applicants requesting emergent medical care, or food stamps for CEAP applicants requesting emergent food assistance. AFDC and GAU applicants who are waiting for an incapacity decision to be made may be granted CEAP prior to the date of the eligibility determination for AFDC or GAU.
- (6) Are residents of Washington state. A resident is a person who is living in the state voluntarily with the intention of making and maintaining his or her home in the state and not for a temporary purpose; that is, a person who has indicated no intention of presently leaving the state to take up residence.
- (7) Have not transferred property contrary to WAC 388-28-457 through 388-28-465.
- (8) Are registered for employment with Washington department of employment security (DES). Persons are exempt from registration if they are:
  - (a) Ill or incapacitated; or
  - (b) Needed in the home to care for an incapacitated person in the household; or
  - (c) A needy caretaker relative or parent of a child under the age of six who is caring for the child; or
  - (d) Under sixteen; or
  - (e) AFDC, GAU applicants who are waiting for an incapacity determination to be made; or
  - (f) Sixty years of age or older.
- (9)(a) Have not refused a bona fide job offer without good cause within thirty days prior to application or after application.
  - (b) Have not voluntarily terminated employment without good cause within thirty days prior to application or after application.
  - (c) Refusal of a bona fide offer of employment or voluntary termination without good cause within thirty days prior to application or after application shall result in a period of ineligibility of thirty days or until the person accepts employment, whichever period is less:
    - (i) The period of ineligibility shall begin on the date of refusal or termination of employment;
    - (ii) Conditions which constitute good cause for refusal or termination of employment are defined in WAC 388-57-025(7).
- (10) Have applied for unemployment compensation if potentially eligible.

(11) Have completed an interview with employment and training staff when referred.

AMENDATORY SECTION (Amending Order 1643, filed 4/27/81)

WAC 388-24-255 CONSOLIDATED EMERGENCY ASSISTANCE(=~~ELIGIBILITY~~) PROGRAM (CEAP). (~~Emergency assistance shall be provided when the child:~~

- (1) Is under eighteen years of age, and
- (2) Is living with a parent or other relative as specified in WAC 388-24-125(1)(a)(i), or
- (3) Has lived with such relative within the six months prior to the month in which assistance is requested;
- (4) Is in financial need for federal emergency assistance (see WAC 388-29-112) and the financial need is not due to his or such relative's refusal without good cause to accept employment or training for employment:))

Determination of financial need:

(1) Exempt resources and income. The following types of property shall be exempt in determination of financial need:

- (a) A home: WAC 388-28-420 shall apply in determining whether real property is used as a home;
- (b) A used and useful vehicle with an equity value not to exceed one thousand five hundred dollars;
- (c) Used and useful household furnishings;
- (d) Used and useful personal effects;
- (e) Tools and equipment used and useful in the person's occupation;
- (f) Livestock, the products of which are consumed by the applicant and his dependents.

(2) Nonexempt resources and income. All income, cash, marketable securities, and personal and real property not specifically exempted in this section shall be considered nonexempt in determination of financial need.

(3) Computation of grant amount, treatment of income and resources.

(a) Income received regularly, cash on hand, and the value of other nonexempt resources at the time of grant authorization shall be deducted from the amount required to meet the emergent need subject to payment maximums if the amount of income or cash is less than the applicant's emergent needs for the certification period. If the amount of cash on hand is the same as or is greater than the applicant's needs for the certification period, the applicant shall be ineligible.

(b) Income received after application and before grant authorization shall be deducted from the emergent need payment limit, or from the amount required to meet the emergent need if that amount is less than the payment maximum.

(c) A value shall be placed on all other nonexempt resources available to the applicant at the time of grant authorization in accordance with WAC 388-28-400.

(i) If the value of available nonexempt resources is greater than the applicant's needs for the certification period, the applicant shall be ineligible.

(ii) If the value of available nonexempt resources is less than the applicant's needs for the certification period, the amount of the value shall be deducted from the grant.

(4) These rules shall be effective July 1, 1981.

AMENDATORY SECTION (Amending Order 1643, filed 4/27/81)

WAC 388-24-260 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM—((STANDARDS=DURATION)) CERTIFICATION PERIOD. ((1) Effective March 1, 1981, the standards for requirements shall be as provided in WAC 388-29-112 and 388-29-190.

(2) Emergency assistance:

(a) May only be granted during one period of thirty consecutive days in any twelve consecutive months.

(b) Shall be utilized for AFDC recipients from another state only when such individuals are:

(i) Detained in Washington for reasons beyond their control and as a result of events which could not have been reasonably anticipated; or

(ii) They have decided to become residents.))

CEAP may be authorized for no more than two calendar months in any period of twelve consecutive calendar months.

(1) Each certification period can not exceed one calendar month.

(2) A specified emergent need(s) must exist for each period of eligibility.

(3) CEAP may not be paid to persons who received emergency assistance under previous emergency assistance programs within the last twelve months, unless assistance received was less than the two-month CEAP maximum payment. In this case, a second month's CEAP payment may be made, up to the amount of the difference between the amount of emergency assistance received and the two-month maximum payment allowable, except that this second month payment may not exceed the one month payment maximum.

AMENDATORY SECTION (Amending Order 1565, filed 11/3/80)

WAC 388-24-265 CONSOLIDATED EMERGENCY ASSISTANCE ((TO NEEDY FAMILIES

~~WITH CHILDREN)) PROGRAM (CEAP)—ELIGIBLE PERSONS. ((The following are eligible for emergency assistance:~~

~~(1) The child(ren) under the age of 18.~~

~~(2) The needy caretaker relative or relatives with whom the child(ren) lives:~~

~~(3) Migrant workers with dependent children.~~

~~(4) The parent(s) of an unborn child when pregnancy is confirmed.~~

~~(5) A child under the age of 18 not currently living in the home of a relative, if he/she qualifies under WAC 388-24-255(3).~~

~~(6) Children and families not eligible for AFDC because of their alien status:))~~

~~(1) CEAP shall be provided when the child:~~

~~(a) Is under eighteen years of age, and~~

~~(b) Is living with a parent or other relative as specified in WAC 388-24-125(1)(a)(i), or~~

~~(c) Has lived with such relative within the six months prior to the month in which assistance is requested;~~

~~(d) Is in emergent need and the need is not due to his or such relative's refusal without good cause to accept employment.~~

~~(2) The following are eligible for emergency assistance:~~

~~(a) The child(ren) under the age of eighteen.~~

~~(b) The needy caretaker relative or relatives with whom the child(ren) lives.~~

~~(c) Migrant workers with dependent children.~~

~~(d) The parent(s) of an unborn child when pregnancy is confirmed.~~

~~(e) A child under the age of eighteen not currently living in the home of a relative, if he or she qualifies under WAC 388-24-255(3).~~

~~(f) Children and families not eligible for assistance because of their alien status.~~

~~(3) Emergency assistance:~~

~~(a) May be paid to the recipient by warrant or by vendor payment.~~

~~(b) Shall be utilized for applicants from another state only when such individuals are:~~

~~(i) Detained in Washington for reasons beyond their control and as a result of events which could not have been reasonably anticipated; or~~

~~(ii) They have decided to become residents.~~

AMENDATORY SECTION (Amending Order 1643, filed 4/27/81)

WAC 388-24-270 CONSOLIDATED EMERGENCY ASSISTANCE ((TO NEEDY FAMILIES WITH CHILDREN)) PROGRAM (CEAP)—((TRANSPORTATION)) GRANT STANDARDS. ((1) Transportation for the child shall be provided for:

- (a) ~~Returning a runaway child to state of former residence when they do not intend to reside in this state and have no resources available to pay for transportation.~~
- (b) ~~Reaching a place where relatives will assume responsibility when the facts have been verified.~~
- ~~(2) Transportation will be paid according to the standard specified in WAC 388-29-190.))~~
- (1) CEAP requirements shall be paid in the amount necessary to meet allowable emergent needs under the CEAP program, with the following payment maximums:

| <u>Number in Household</u> | <u>Area I One Month Maximum</u> | <u>Two Month Maximum</u> | <u>Area II One Month Maximum</u> | <u>Two Month Maximum</u> |
|----------------------------|---------------------------------|--------------------------|----------------------------------|--------------------------|
| 1                          | 282                             | 352                      | 260                              | 325                      |
| 2                          | 339                             | 424                      | 287                              | 359                      |
| 3                          | 415                             | 519                      | 370                              | 463                      |
| 4                          | 501                             | 626                      | 452                              | 565                      |
| 5                          | 593                             | 741                      | 546                              | 683                      |
| 6                          | 672                             | 839                      | 621                              | 776                      |
| 7                          | 778                             | 973                      | 730                              | 913                      |
| 8 (or more)                | 859                             | 1,074                    | 809                              | 1,011                    |

(2) If less than the full standard in subsection (1) of this section is used during the first month of CEAP eligibility, eligibility for the second month may exist up to the amount of the difference between the two-month maximum in subsection (1) of this section and the amount of the first month's CEAP payment, except that payment may not exceed the one-month payment maximum.

(3) The following are individual monthly payment maximums for the allowable emergent need items payable under the CEAP program. These limits may not be exceeded for individual need items. If more than one emergent need exists, the total payment for all needs may not exceed the standards in subsection (1) of this section.

|                         | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> | <u>8 (or more)</u> |
|-------------------------|----------|----------|----------|----------|----------|----------|----------|--------------------|
| <u>Food</u>             | 138      | 171      | 204      | 255      | 306      | 354      | 400      | 444                |
| <u>Shelter</u>          | 140      | 174      | 208      | 260      | 312      | 361      | 408      | 452                |
| <u>Clothing</u>         | 21       | 25       | 30       | 38       | 46       | 53       | 60       | 66                 |
| <u>Minor Medical</u>    | 54       | 67       | 80       | 100      | 120      | 139      | 157      | 174                |
| <u>Utilities</u>        | 25       | 31       | 37       | 46       | 55       | 64       | 72       | 80                 |
| <u>Household Maint.</u> | 36       | 44       | 53       | 66       | 79       | 92       | 104      | 115                |

Clothing and transportation – as needed not to exceed the grant maximum.

NEW SECTION

WAC 388-24-276 APPLICATION. A person must apply and have eligibility determined prior to the issuance of CEAP.

Division of Administration  
 Department of Social and Health Services  
 Mailstop OB-33C  
 Olympia, WA 98504

**WSR 81-20-010  
 PROPOSED RULES  
 DEPARTMENT OF  
 SOCIAL AND HEALTH SERVICES  
 (Institutions)**

[Filed September 25, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Funding formula—Mental health, amending WAC 275-25-770.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by October 27, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Tuesday, November 10, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, November 18, 1981, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 71.05.560.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 10, 1981, and/or orally at 10:00 a.m., Tuesday, November 10, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: September 23, 1981

By: David A. Hogan  
Director, Division of Administration

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Amend WAC 275-25-770.

Purpose of the rule or rule change is to change the allocation formula for mental health funding grants to counties.

Statutory Authority: RCW 71.05.560.

Summary of the Rule or Rule Change: The attached rule reflects legislative intent by reducing the department set aside of mental health funds from 10 percent to one percent for emergency needs, and 1-1/2 percent for continuing education and technical assistance. It also adjusts the guaranteed funding to indicate that it is for basic services rather than staffing requirement funding. Finally, it sets up calendar year 1981 as a floor for the minimum grant-in-aid funding that a county may receive.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Delbert Kole, M.D., Director, Mental Health Division, Mailstop: OB-42F, Phone: 3-5414.

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

#### AMENDATORY SECTION (Amending Order 1484, filed 1/30/80)

WAC 275-25-770 FUNDING FORMULA—MENTAL HEALTH. The annual allocation of funds to counties shall be based on the following criteria:

(1) The department may withhold up to ~~((ten))~~ one percent of allocated funds to provide funding for ~~((new programs,))~~ emergency needs and one and one-half percent for ((state-wide priority programs, and for emergency needs)) continuing education and technical assistance within community mental health programs.

(2) Each county or federally designated catchment area, whichever is smaller, shall be guaranteed fifty thousand dollars for basic mental health ((staffing requirements)) services, subject to the availability of state and federal funds.

(3) The remainder of the funds shall be distributed to the counties on a per capita basis: PROVIDED, That no county will receive less state general grant-in-aid funding than it received in calendar year 1981, subject to availability of funds.

(4) Funds for the administration of the involuntary treatment act shall be disbursed to the counties under a contract separate from the mental health general award. This requirement can be waived at the request of any county.

**WSR 81-20-011**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1703—Filed September 25, 1981]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Child care—Special requirements regarding American Indians, amending WAC 388-73-044.

This action is taken pursuant to Notice Nos. WSR 81-14-008 and 81-17-031 filed with the code reviser on June 23, 1981 and August 12, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.15.030 and is intended to administrative implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 9, 1981.

By David A. Hogan  
Director, Division of Administration

#### AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-044 SPECIAL REQUIREMENTS REGARDING AMERICAN INDIANS. (1) Implementation of the licensing statute will recognize the unique tribal, cultural and religious sovereignty of Indian nations, tribes and communities. The licensing of a child care agency on sovereign Indian soil shall in no way abridge the sovereignty of an Indian nation nor shall compliance with these rules and regulations be deemed to be a relinquishment of sovereign authority.

(2) For the purposes of these rules, the term "Indian" ~~((is defined as:~~

~~(a) Any person who is enrolled in a federally recognized Indian tribe or one of whose parents or grandparents is so enrolled;~~

~~(b) Any person determined to be an Indian by the secretary of the interior;~~

~~(c) An Eskimo, Aleut or other Alaskan native;~~

~~(d) Any person considered to be Indian by himself or herself and by an Indian community))~~ includes the following groups:

(a) An enrolled Indian:

(i) Any person who is enrolled or eligible for enrollment in a recognized tribe.

(ii) Any person determined, or eligible to be found, to be an Indian by the secretary of the interior.

(iii) An Eskimo, Aleut or other Alaskan native.

(b) A Canadian Indian: Any person who is a member of a treaty tribe, Metis community or nonstatus Indian community from Canada.

(c) An unenrolled Indian: A person considered to be an Indian by a federally or nonfederally recognized Indian tribe or urban Indian/Alaskan native community organization.

(3) Prior to planning, development and delivery of social services to Indian children and families, agencies shall:

(a) Obtain a written statement from the parent or Indian custodian regarding the preference of child placement;

(b) Obtain a written statement from the parent or Indian custodian regarding the utilization of the DSHS LICWAC.

(4) When ~~((ten percent or more of an agency's caseload consists of Indian children))~~ an agency has an Indian child in its caseload, the agency shall develop social service resources and staff training programs designed to meet the special needs of such children through coordination with tribal, Indian Health Service and Bureau of Indian Affairs social service staff and appropriate urban Indian and Alaskan native consultants.

~~((4))~~ (5) In addition to reports required by WAC 388-73-056, an agency shall report to a child's tribal council the serious injury or death or abandonment of an enrolled Indian child or an Indian child eligible for enrollment.

~~((5))~~ (6) In planning foster care and adoptive placements for Indian children, ~~((demonstrable))~~ consideration shall be given ~~((to tribal membership, tribal culture and Indian religions, unless the child's record substantiates that such considerations are contrary to the wishes of the child and/or his parent(s)))~~ in the following order:

(a) Relatives;

(b) An Indian family of the same tribe as the child;

(c) An Indian family of a Washington Indian tribe of a similar culture to that tribe;

(d) Any other family which can provide a suitable home for an Indian child, such suitability to be determined through consultation with a local Indian child welfare advisory committee.

~~((6))~~ (7) When foster care or adoptive placement of a nonenrolled Indian child is planned, the Portland area office of the bureau of Indian affairs' form "family ancestry chart," or appropriate equivalent, shall be compiled ~~((, except for such children for whom it appears that foster care will last, or does last, less than thirty days))~~. Appropriate steps shall be taken to enroll eligible children ~~((if not contrary to the wishes of the child and/or his parent(s)))~~ in their respective tribes.

~~((7))~~ (8) Unless contrary to the wishes of a child and/or his parent(s), agencies serving Indian children shall make ~~((diligent and demonstrable))~~ efforts to recruit facilities and/or homes particularly capable of meeting the special needs of such children. Indian children shall be placed preferably in Indian foster homes or in non-Indian foster homes specifically recruited and

trained to meet the special needs of Indian foster children.

~~((8))~~ (9) When ~~((ten percent or more of a child-placing agency's caseload consists of Indian children))~~ an agency has an Indian child in its caseload, the agency shall have a written policy and procedures statement on legal practices which shall reflect the rights of Indian children and families based upon their unique social-legal status guaranteed by treaty and federal law.

~~((9))~~ (10) If not contrary to the wishes of a child and/or his parent(s), in the adoptive placement of Indian children adoptive homes having the following characteristics shall be given preference in the following order:

(a) An Indian family of the same tribe as the child within thirty days from the time the child is determined to be legally and otherwise ready for adoptive planning.

(b) Within an additional thirty days, a Washington Indian family; considering first a family of similar cultural background, for example, Eastern or Western Washington.

(c) Within an additional thirty days, an Indian family from elsewhere in the United States or Canada, through the Adoption Resource Exchange of North America, or other recognized adoption agency outside of Washington state. Attention shall be given to matching the child to an Indian family whose culture is similar to that of his natural parents, such as, Coastal, Plateau, Plains, Southwest, Woodland.

(d) Any other family who can provide a suitable home to an Indian child, as well as instill pride and understanding in the child's tribal and cultural heritage. See also (c) of this subsection.

(11) All agencies:

(a) Shall utilize the DSHS brochure, DSHS 22-195(X), as a manner of obtaining client consent for review by the DSHS local Indian child welfare advisory committee (LICWAC).

(b) Shall consult with the LICWAC or regional Indian consultant on case planning, development and service delivery.

(c) Shall utilize the LICWAC or regional Indian consultant to assist in the recruitment of appropriate tribal and urban Indian foster care and adoptive homes for Indian children.

(d) Shall utilize the LICWAC or regional Indian consultant in the development and provision of staff training.

(e) Shall complete a "verification of American Indian status" form for each family applying for foster care or adoptive care of Indian children. The verification form must be complete and on file, with review and approval by the LICWAC, prior to placement. When Indian homes are not available, Indian children shall be placed, in cooperation with LICWAC, in non-Indian homes specifically recruited and trained to meet the special needs of Indian children.

**WSR 81-20-012**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed September 25, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning:

New WAC 314-16-122 Licensee—Employees—Prohibited conduct with patrons.  
 Amd WAC 314-16-125 Suggestive, lewd and/or obscene conduct on licensed premises;

that such agency will at 9:30 a.m., Wednesday, November 4, 1981, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Wednesday, November 4, 1981, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 66.08.030, 66.98.070 and Title 34 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 4, 1981.

This notice is connected to and continues the matter in Notice No. WSR 81-17-083 filed with the code reviser's office on August 19, 1981.

Dated: September 25, 1981

By: Leroy M. Hittle  
 Chairman

**WSR 81-20-013**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 81-157—Filed September 25, 1981]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order closes Grays Harbor and tributaries and concurs with Indian tribal regulations.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act

(chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 25, 1981.  
 By Rolland A. Schmitten  
 Director

NEW SECTION

WAC 220-36-0210AA GRAYS HARBOR—CLOSED AREA. (1) Notwithstanding the provisions of WAC 220-36-021 and WAC 220-36-022, effective immediately, until further notice, it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Grays Harbor Fishing Areas 2A, 2B, 2C, 2D, the Chehalis River downstream from the power line crossing just below the confluence of the Wynoochee River and all other Grays Harbor tributaries.

(2) Effective immediately through September 30, 1981 it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in that portion of the Chehalis River upstream from the power line crossing just below the confluence of the Wynoochee River, including on-reservation waters.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-36-02100Z GRAYS HARBOR—CLOSED AREA. (81-149)

**WSR 81-20-014**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 81-158—Filed September 25, 1981]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Areas 4B, 5, 6C, 7 and 7A are restricted to protect Fraser River Harrison chinook salmon. Area 6 and 6A are closed to protect Fraser coho and naturally-spawning Skagit salmon runs. The Dungeness River is closed to protect Dungeness River pink and chinook salmon. Strait tributaries are closed to protect chinook salmon in those tributaries. Area 7C and the Samish River are closed to protect escapement of Samish Hatchery fall chinook salmon. Area 8 an the Skagit River are closed to protect pink and

coho salmon. Duwamish-Green River is restricted to protect chinook salmon. The Nisqually River is restricted to protect pink salmon. Areas 10C, 10D and the Cedar River are closed to protect Lake Washington sockeye and fall chinook. Portions of Area 12C are closed to protect Hoodspout and Dewatto fall chinook. Budd Inlet is restricted to protect chinook salmon. Hammersley and Case Inlets are closed to protect early timing chum salmon.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 25, 1981.

By Rolland A. Schmitten  
Director

#### NEW SECTION

**WAC 220-28-121 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS.** Effective immediately until further notice, it is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

4B - Troll-caught chinook under 24 inches in length and troll-caught coho under 16 inches in length must be released. Drift gill nets restricted to 6-1/2-inch maximum

Area 5 - Drift gill nets restricted to 6-1/2-inch maximum mesh when open.

\*Area 6 - Closed to all commercial fishing.

\*Area 6A - Closed to all commercial fishing.

Area 6C - Drift gill nets restricted to 6-1/2-inch maximum mesh when open.

\*Areas 7 and 7A - Gill nets restricted to 5-7/8-inch maximum mesh until 12:01 a.m. Sunday September 27, 1981. Effective Sunday September 27, 1981, closed to gill nets and purse seines. Reef nets must release chinook salmon over 28 inches.

Area 7C - Closed to all commercial fishing.

Area 8 - Closed to all commercial fishing.

Areas 10C and 10D - Closed to all commercial fishing.

Areas 12C - Closed to all commercial fishing within 1,000 feet of western shore between Hoodspout Marina Dock and Glen Ayr Trailer Park, and within 1/4 mile of a line connecting the outermost points of Dewatto Bay and Dewatto Bay.

Area 13B - (1) In that portion south of a line projected from Dofflemeyer Point to

Cooper Point (Budd Inlet), closed to gill net gear. All other gear must immediately release female chinook salmon over 24 inches in length when open. (2) In that portion westerly of a line projected from the flashing light (Fl 4 sec) at Arcadia to Hungerford Point (Hammersley Inlet), closed to all commercial fishing. (3) In that portion northerly of a true east-west line projected through the southernmost point on Stretch Island and intersecting with the eastern and western shores of Case Inlet (Case Inlet), closed to all commercial fishing.

Nisqually River - Gill nets restricted to 7-1/2-inch minimum mesh size when open.

Cedar River - Closed to all commercial fishing.

\*Duwamish/Green River - Closed to all commercial fishing upstream of the Spokane Street Bridge and in the East Waterway.

Samish River - Closed to all commercial fishing.

Skagit River, including all tributaries - Closed to all commercial fishing.

Clallam River, Deep Creek, Dungeness River, Hoko River, Lyre River, Pysht River, Sail River, Salt Creek, Sekiu River, East Twin River, West Twin River - Closed to all commercial fishing.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-120 Puget Sound Commercial Fishery Restrictions (81-156)

#### WSR 81-20-015

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 81-159—Filed September 25, 1981]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is scheduled fisheries in Areas 7 and 7A allow harvest of coho salmon for immobile reef net gear with minimal impact on stocks needing protection. Scheduled fisheries in Areas 7B, 8A, 10 and 11 allow harvest of coho salmon and prevent wastage of coho salmon. All other Puget Sound areas are closed to all-citizen commercial fishing to prevent overharvest of salmon stocks.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 25, 1981.

By Rolland A. Schmitt  
Director

### NEW SECTION

**WAC 220-47-618 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY** Notwithstanding the provisions of WAC 220-47-403, effective September 25 through October 2, 1981, it is unlawful to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5, 6, 6A, 6B, 6C, and 6D - Closed.

\*Areas 7 and 7A - Closed except reef nets only may fish from 5 a.m. to 9 p.m. daily from Sunday September 27 through Tuesday, September 29. Reef nets required to release all chinook salmon when open.

\*Area 7B - Closed except gill nets may fish from 5 p.m.-9 a.m. nightly from Friday September 25 through the morning of October 2 with 5-inch minimum to 6-1/2-inch maximum mesh, and purse seines may fish from 5 a.m. to 9 p.m. daily from Friday September 25 through Thursday October 1 and from 5 a.m. to 4 p.m. Friday October 2. Purse seines are required to release all chinook salmon when open. The Fidalgo Bay Salmon Preserve is closed as provided in WAC 220-47-307.

Area 7C - Closed.

\*Area 7D - Closed.

Area 8 - Closed.

\*Area 8A - Closed except gill nets may fish from 5 p.m. Sunday September 27 to 9 a.m. Monday September 28 with 5-inch minimum mesh, and purse seines may fish from 5 a.m. to 9 p.m. Monday September 28 with a 5-inch strip required. The Port Gardner and Port Susan preserves are closed as provided in WAC 220-47-264 and 220-47-265.

Areas 9 and 9A - Closed.

\*Area 10 - Closed except gill nets may fish from 5 p.m. Sunday September 27 to 9 a.m. Monday September 28 with 5-inch minimum mesh, and purse seines may fish from 5 a.m. to 9 p.m. Monday September 28 with

a 5-inch strip required. That portion of Area 10 easterly of a line projected from Meadow Point to West Point is closed to commercial fishing as provided in WAC 220-47-307.

Area 10A - Closed.

Areas 10B, 10C, 10D, 10E - Closed.

\*Area 11 - Closed except gill nets may fish from 5 p.m. Sunday September 27 to 9 a.m. Monday September 28 with 5-inch minimum mesh, and purse seines may fish from 5 a.m. to 9 p.m. Monday September 28 with a 5-inch strip required. The Gig Harbor Salmon Preserve is closed as provided in WAC 220-47-307. That portion southerly of a line projected from Dash Point to Point Defiance is also closed.

Areas 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13B, and all freshwater areas - Closed.

### REPEALER

The following section of the Washington Administrative Code is repealed effective September 25, 1981:

WAC 220-47-617 Puget Sound All-Citizen Commercial Salmon Fishery (81-155)

**WSR 81-20-016**

ATTORNEY GENERAL OPINION

Cite as: AGO 1981 No. 13

[September 23, 1981]

INSURANCE—MOTOR VEHICLES—WORKERS' COMPENSATION—REDUCTION OF PAYMENTS UNDER "UNDERINSURED MOTORIST" COVERAGE OFFERED PURSUANT TO CHAPTER 48.22 RCW

(1) Except to the extent necessary to prevent a duplicative recovery, an insurer may not reduce the payments made to its insured under "underinsured motorist" coverage offered pursuant to chapter 48.22 RCW on the basis of payments made by the tortfeasor's liability insurer; an insurer who has made a payment under "underinsured motorist" coverage, however, has a statutory right of reimbursement from any judgment or settlement which its injured insured collects from the tortfeasor directly but it may not include a subrogation or "consent to settle" clause in its "underinsured motorist" coverage.

(2) An insurer may reduce the payments made under such "underinsured motorist" coverage of a policy by the amount of any payments made under the liability coverage of the same policy, or it may reduce payments under the liability coverage by the amount of payments under the "underinsured motorist" coverage.

(3) An insurer may not reduce payments made under the "underinsured motorist" coverage of a policy by the amount of benefits received under a workers' compensation law or similar disability benefits law; but, just as in

the case of payments from the tortfeasor's liability insurer, the UIM carrier may take such amounts into account in the computation of the actual payment to be made under its UIM coverage.

Requested by:

Honorable Dick Marquardt  
Insurance Commissioner  
Insurance Building  
Olympia, Washington 98504

**WSR 81-20-017**

**NOTICE OF PUBLIC MEETINGS  
WHATCOM COMMUNITY COLLEGE**

[Memorandum—September 24, 1981]

You are hereby notified that the Board of Trustees of Whatcom Community College, District Number Twenty-One, will hold a special meeting at the following time and place: October 1, 1981, 3:00 p.m., Board Room, Northwest 2, Whatcom Community College, 5217 Northwest Road, Bellingham, WA 98226.

**WSR 81-20-018**

**NOTICE OF PUBLIC MEETINGS  
WASHINGTON STATE LIBRARY**

**(Library Commission)**

[Memorandum—September 24, 1981]

A special meeting of the Washington State Library Commission will be held on October 2nd in the Multi-Purpose Room of the Burien Public Library, 14700 Sixth Avenue S.W., Seattle, beginning at 1:30 p.m. This meeting is being called to review the budget adjustments to the State Library.

In addition, the December 10 meeting place has been changed to the East Room of the State Library, Olympia, beginning at 10:00 a.m.

**WSR 81-20-019**

**EMERGENCY RULES  
DEPARTMENT OF FISHERIES**

[Order 81-160—Filed September 28, 1981]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is: Areas 4B, 5, 6C, 7 and 7A are restricted to protect Fraser River Harrison chinook salmon. Area 6 and 6A are closed to protect

Fraser coho and naturally-spawning Skagit salmon runs. Area 7C and the Samish River are closed to protect escapement of Samish Hatchery fall chinook salmon. Area 8 and the Skagit River are closed to protect pink and coho salmon. Duwamish-Green River is restricted to protect chinook salmon. Areas 10C, 10D and the Cedar River are closed to protect Lake Washington sockeye and fall chinook. Portions of Area 12C are closed to protect Hoodspout and Dewatto fall chinook. Budd Inlet is restricted to protect chinook salmon. Hammersley and Case Inlets are closed to protect early timing chum salmon. Strait of Juan de Fuca tributaries are in coho management period. Test fishing shows pink salmon have cleared in the Nisqually River.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 28, 1981.

By Rolland A. Schmitt  
Director

**NEW SECTION**

**WAC 220-28-122 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS.** *Effective immediately until further notice, it is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

*4B - Troll-caught chinook under 24 inches in length and troll-caught coho under 16 inches in length must be released. Drift gill nets restricted to 6-1/2-inch maximum*

*Area 5 - Drift gill nets restricted to 6-1/2-inch maximum mesh when open.*

*Area 6 and 6A - - Closed to all commercial fishing.*

*Area 6C - Drift gill nets restricted to 6-1/2-inch maximum mesh when open.*

*Areas 7 and 7A - Closed to gill nets and purse seines. Reef nets must release chinook salmon over 28 inches.*

*Area 7C - Closed to all commercial fishing.*

*Area 8 - Closed to all commercial fishing.*

*Areas 10C and 10D - Closed to all commercial fishing.*

*Areas 12C - Closed to all commercial fishing within 1,000 feet of western shore between Hoodspout Marina Dock and Glen Ayr Trailer Park, and within 1/4 mile of a line connecting the outermost points of Dewatto Bay and Dewatto Bay.*

*Area 13B - (1) In that portion south of a line projected from Dofflemeyer Point to Cooper Point (Budd Inlet), closed to gill net gear. All other gear must immediately release female chinook salmon over 24 inches in length when open. (2) In that portion westerly of a line projected from the flashing light (Fl 4 sec) at Arcadia to Hungerford Point (Hammersley Inlet), closed to all commercial fishing. (3) In that portion northerly of a true east-west line projected through the southernmost point on Stretch Island and intersecting with the eastern and western shores of Case Inlet (Case Inlet), closed to all commercial fishing.*

*Cedar River - Closed to all commercial fishing.*

*Duwamish/Green River - Closed to all commercial fishing upstream of*

*Samish River - Closed to all commercial fishing.*

*Skagit River, including all tributaries - Closed to all commercial fishing.*

#### **REPEALER**

*The following section of the Washington Administrative Code is repealed:*

*WAC 220-28-121 Puget Sound Commercial Fishery Restrictions (81-158)*

#### **WSR 81-20-020**

#### **PROPOSED RULES**

#### **DEPARTMENT OF PERSONNEL**

#### **(Personnel Board)**

[Filed September 29, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

|     |                |  |
|-----|----------------|--|
| Amd | WAC 356-10-060 | Allocation—Request for review.   |
| Amd | WAC 356-14-010 | Compensation plan—Preparation—Basis and provisions.  |
| Amd | WAC 356-18-140 | Leave without pay.   |
| Amd | WAC 356-34-080 | Appeals from disciplinary actions, presumed abandonment, violations of law or rules—Filing period; |

that such agency will at 10:00 a.m., Thursday, November 12, 1981, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 10, 1981, and/or orally at

10:00 a.m., Thursday, November 12, 1981, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

Dated: September 28, 1981

By: Leonard Nord

Secretary

#### **STATEMENT OF PURPOSE**

Amend WAC 356-10-060.

Title: Allocation—Request for Review.

Purpose: Governs the status of incumbents who are in positions that are reallocated to a higher level class; identifies method of appeal.

Statutory Authority: RCW 41.06.150(17) and Title 358 WAC.

Summary: Proposed language transfers the authority to hear allocation appeals from the State Personnel Board to the Personnel Appeals Board.

Reasons: Legislature enacted chapter 311, Laws of 1981 effective May 19, 1981, establishing a separate Personnel Appeals Board to hear such appeals; change is necessary to administratively implement the proper filing of appeals.

Responsibility for Drafting: Ken Elfbrandt, Personnel Appeals Board, Olympia, WA, Phone: 754-1481; Implementation and Enforcement: Department of Personnel and the Personnel Appeals Board.

Comments: Adopted on an emergency basis at the September 10, 1981, Personnel Board Meeting.

Amend WAC 356-14-010.

Title: Compensation Plan—Preparation—Basis and Provisions.

Purpose: Mandates the preparation of a compensation plan for all classifications; specifies what is to be included in the plan.

Statutory Authority: Chapter 41.06 RCW.

Summary: Deletes subparagraph requiring that positions designated as being in the non-competitive service be identified in the compensation plan.

Reasons: Non-competitive service is no longer used.

Responsibility for Drafting: Bob Makula, Personnel Analyst, Standards and Surveys Division, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-2529; Implementation and Enforcement: Standards and Surveys Division, Department of Personnel.

Amend WAC 356-18-140.

Title: Leave Without Pay.

Purpose: Specifies reasons, and provides limitations, for authorization of leave without pay.

Statutory Authority: RCW 41.06.150(8).

Summary: Leave without pay is limited to a total of 12 months in any five year period except for specific instances; proposed language would include verified (by a doctor's statement) illness as a possible reason for extended leave.

Reasons: Under present language, rule would not appear to permit an agency to grant a career employee continued employment if they had used more than 12 months of leave without pay for illness or injury during a five year period. Sponsor feels such a termination would be cruel and unjust punishment.

**Responsibility for Drafting:** Lars Hennum, Retail Stores Employees Union, Local 1001, 2819 1st Avenue, #360, Seattle, WA, 98121, Phone: (206) 682-8353; **Implementation and Enforcement:** State Personnel Board and Agency Personnel Offices.

Amend WAC 356-34-080.

**Title:** Appeals from Disciplinary Actions, Presumed Abandonment, Violations of Law or Rules—Filing Period.

**Purpose:** Provides for the right of an employee to appeal various actions or violations of the law or rules.

**Statutory Authority:** RCW 41.06.150(17) and Title 358 WAC.

**Summary:** Proposed language transfers the responsibility for receiving such appeals from the State Personnel Board to the Personnel Appeals Board.

**Reasons:** Legislature enacted chapter 311, Laws of 1981 effective May 19, 1981, establishing a separate Personnel Appeals Board to hear such appeals; change is necessary to administratively implement the proper filing of appeals.

**Responsibility for Drafting:** Ken Elfbrandt, Personnel Appeals Board, Olympia, WA, Phone: 754-1481; **Implementation and Enforcement:** Department of Personnel and the Personnel Appeals Board.

**Comments:** Adopted on an emergency basis at the September 10, 1981, Personnel Board Meeting.

#### AMENDATORY SECTION (Amending Order 147, filed 9/16/80)

**WAC 356-10-060 ALLOCATION—REQUEST FOR REVIEW.** A review by the Director of Personnel or designee of the allocation or reallocation of a position may be requested by the incumbent in the position at the time the reallocation was requested, or on the date the allocation decision was issued, or at the conclusion of a class study, or by the agency director as follows:

(1) The written request for a review must be filed with the Director of Personnel within 30 calendar days following notification of the effective date of the action and must contain the reasons and basis for the review.

(2) The Director of Personnel or designee shall acknowledge receipt of the request and send a copy of the request to the agency.

(3) The agency shall make every effort to resolve the disagreement through agency procedures.

(4) During the review, the Director of Personnel or designee shall conduct a hearing and may investigate and obtain such information as may be deemed necessary.

(5) Within 30 days of the receipt of the request for review, the Director of Personnel or designee shall set a date for a hearing and shall notify the incumbent employee, employing agency, employee organization, and designated Department of Personnel analyst: provided that the notice shall not be less than 20 calendar days. The hearing shall be informal and any of the above designated parties may present their views. The Director of Personnel or designee will enter a written determination and provide each of the participating parties with a copy.

(6) An employee or agency ~~((may request a review of))~~ appeal the determination of the Director of Personnel or designee ~~((by))~~ to the State Personnel Appeals Board as provided in Title 358 WAC. ~~((The written request for a Board review must be filed with the Director of Personnel within 30 calendar days following notification of the Director of Personnel or designee's determination and must contain the reason and basis for the review. The review by the State Personnel Board will be limited to the documents from the proceedings before the director or designee, and the State Personnel Board, in its discretion, may schedule a hearing for argument or it may issue a decision without a hearing. Any of the above designated parties may submit or may be required to submit a written memorandum. The State Personnel Board will issue a written determination and provide each of the participating parties with a copy:))~~

(7) Allocation or reallocation reviews which result from a class-wide or broader position survey need not be heard until the Director of Personnel or designee has had a reasonable period of time to re-examine the position in question and all pertinent facts.

(8) Wherever possible, agencies shall continue employee's duties unchanged, pending an allocation decision.

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### AMENDATORY SECTION (Amending Order 98, filed 1/13/77)

**WAC 356-14-010 COMPENSATION PLAN—PREPARATION—BASIS AND PROVISIONS.** The Director of Personnel shall prepare a compensation plan for all classifications. The plan shall provide for:

(1) Full compensation to each employee for all work assigned and performed and consideration of all compensation to the employee in fixing the employee's salary.

(2) Salary range schedules including the first, intervening, and maximum steps of each range.

(3) Assignment of each classification to a salary range of not less than the prevailing rate in Washington State private industries, and other governmental units, for positions of a similar nature to provide like pay for like work.

(4) Work period designation of each classification, or individual positions within a classification.

(5) Rates of premium pay and shift differential and standby pay schedules determined by the Personnel Board in the same manner as are basic salaries.

~~((6) Classifications in which positions have been designated by the Board as being in the non-competitive service will be identified in the Compensation Plan:))~~

#### AMENDATORY SECTION (Amending Order 133, filed 9/18/79)

**WAC 356-18-140 LEAVE WITHOUT PAY.** (1) Leave without pay may be allowed when such leave will not operate to the detriment of the state service.

(2) Leave without pay may be authorized for any reasons applicable to:

(a) Leave with pay.

(b) Educational leave.

(c) Newborn or adoptive child care leave as provided in WAC 356-18-150.

(d) Military and U.S. Public Health Service and Peace Corps leave.

(e) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority and approved by the director of personnel.

(3) Leave ~~((of absence))~~ without pay shall not ~~((be allowed to an extent aggregating))~~ total more than 12 months in any consecutive ~~((period of))~~ five-year~~(s)~~ period, except for: ~~((leaves of absence for military, U.S. Public Health Service, Peace Corps, authorized government leave of no more than two years' duration, for employees receiving time loss compensation or for leaves under provisions of WAC 356-39-120:))~~

(a) Leaves without pay for military, U.S. Public Health Service or Peace Corps;

(b) Authorized government leave not exceeding two years;

(c) Employees receiving time loss compensation; or

(d) Educational leaves under provisions of WAC 356-39-120.

(e) Sick leave verified by doctor's certification.

#### AMENDATORY SECTION (Amending Order 89, filed 6/30/76)

**WAC 356-34-080 APPEALS FROM DISCIPLINARY ACTIONS, PRESUMED ABANDONMENT, VIOLATIONS OF LAW OR RULES—FILING PERIOD.** (1) Any permanent employee who is demoted, suspended, reduced, dismissed, or presumed to have abandoned his/her position may appeal such action to the Personnel Appeals Board as provided in Title 358 WAC.

(2) Any employee who is adversely affected by a violation of the State Civil Service Law, Chapter 41.06 RCW, or of the Merit System Rules (Title 356, WAC) may appeal such violation to the Personnel Appeals Board as provided in Title 358 WAC.

~~((3) Such appeals must be filed in writing at the Director's office within 30 days after the effective date of the action being appealed:))~~

Reviser's Note: RCW 34.04.058 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 81-20-021  
PROPOSED RULES  
YAKIMA VALLEY  
COMMUNITY COLLEGE**

[Filed September 29, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Yakima Valley Community College intends to adopt, amend, or repeal rules concerning tenure policy, chapter 132P-28 WAC:

- Rep WAC 132P-28-010 Purpose.
- Rep WAC 132P-28-020 Definitions.
- Rep WAC 132P-28-030 Composition of review committee.
- Rep WAC 132P-28-040 Review committee action.
- Rep WAC 132P-28-050 Dismissal for sufficient cause.
- Rep WAC 132P-28-055 Dismissal for cause.
- Rep WAC 132P-28-070 Review committee recommendations.
- Rep WAC 132P-28-080 Tenure considerations;

that such institution will at 4:00 p.m., Tuesday, November 17, 1981, in the Board of Trustees' Meeting Room, Yakima Valley Community College Campus, conduct a public hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to 4:00 p.m., November 17, and/or orally at 4:00 p.m., Tuesday, November 17, 1981, Board of Trustees' Meeting Room, Yakima Valley Community College.

This notice is connected to and continues the matter in Notice No. WSR 81-19-093 filed with the code reviser's office on September 18, 1981.

Dated: September 16, 1981  
By: Judy Couture  
Administrative Secretary

**STATEMENT OF PURPOSE**

Title: Chapter 132P-28 WAC, Tenure Policy.

Description of Purpose: These rules are for the purpose of governing faculty tenure and faculty re-employment rights at Yakima Valley Community College.

Statutory Authority: RCW 28B.50.852.

Summary of Rule: Tenure Policy.

Reasons Supporting Proposed Action: Negotiations between the board of trustees and the bargaining representative of the college's academic employees resulted in an agreement inconsistent with the above rules which must be revoked in order to avoid ambiguity.

Agency Personnel Responsible for Drafting: Owen F. Clarke, Jr., Assistant Attorney General, Central Washington University, Ellensburg, WA 98926, Ph:

Scan 453-2111; Implementation and Enforcement: Dr. Terrance R. Brown, President, Yakima Valley Community College, P.O. Box 1647, Yakima, WA 98907, Ph: Scan 558-2355.

Organization Proposing Rule: None.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

**REPEALER**

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 132P-28-010 PURPOSE
- (2) WAC 132P-28-020 DEFINITIONS
- (3) WAC 132P-28-030 COMPOSITION OF REVIEW COMMITTEE
- (4) WAC 132P-28-040 REVIEW COMMITTEE ACTION
- (5) WAC 132P-28-050 DISMISSAL FOR SUFFICIENT CAUSE
- (6) WAC 132P-28-055 DISMISSAL FOR CAUSE
- (7) WAC 132P-28-070 REVIEW COMMITTEE RECOMMENDATIONS
- (8) WAC 132P-28-080 TENURE CONSIDERATIONS

**WSR 81-20-022  
EMERGENCY RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Order 81-30—Filed September 29, 1981]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Maintenance and operation levy limits, chapter 392-139 WAC.

I, Frank B. Brouillet, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is school and other officials need to know the 1982 levy capacity prior to the effective date of regular adoption.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 84.52-.0531 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 29, 1981.  
By Frank B. Brouillet  
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 80-38, filed 11/26/80)

WAC 392-139-005 PURPOSE. The purpose of WAC 392-139-010 through 392-139-038 is to establish the exclusive means for fixing the maximum dollar amount of taxes which may be levied on property and collected on behalf of any school district in a given tax year for general fund maintenance and operation purposes pursuant to RCW 84.52.053 and 84.52.0531. These rules shall be effective for calculation of taxes collected in ~~((1981 and thereafter))~~ calendar years 1982 and 1983.

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 80-38, filed 11/26/80)

WAC 392-139-010 ESTABLISHMENT OF THE MAXIMUM DOLLAR AMOUNT OF SCHOOL DISTRICT LEVIES—GENERAL. ~~((+))~~ Notwithstanding such larger dollar amount as may be approved by the electorate of a school district pursuant to RCW 84.52.053, the maximum dollar amount which may be levied and collected by or for any school district for general fund maintenance and operation support in ~~((a given tax year))~~ 1982 and 1983 shall be established annually ((as follows)) in accordance with the following general procedures:

~~((a))~~ (1) Only figures and data gathered and approved by the superintendent of public instruction, or his or her designee, shall be used.

~~((b))~~ Pursuant to this chapter, the division of financial services, superintendent of public instruction, shall annually during the month of September compute and notify school districts of the maximum excess general fund property tax levy capacity of each school district for taxes to be collected during the immediate succeeding calendar year. All definitions of time periods are used in this chapter in the context of such annual September action. ~~((c))~~

(2) Notice of the levy amount determined for each school district ((arrived at)) pursuant to this chapter shall be provided to each affected school district, county assessor and chairman of the board of county commissioners ~~((prior to the date specified in RCW 84.52.020))~~ according to the schedule established in WAC 392-139-038.

(3) The superintendent of public instruction, or his or her designee, shall annually provide all districts with the appropriate calculation procedures for the purposes of this chapter.

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

AMENDATORY SECTION (Amending Order 80-38, filed 11/26/80)

WAC 392-139-016 DEFINITIONS. As used in this chapter, the terms:

(1) "Accounts 1000, 1030, 1040 and 3170" shall mean general fund revenue classifications as designated in Form F-195 (school district annual budget) published and distributed by the superintendent of public instruction as follows: Account 1000—total local property tax revenue; Account 1030—local property taxes collected from excess levies; Account 1040—joint district local property taxes collected from excess levies; and Account 3170—timber excise tax Fund A.

(2) "County assessor's report" shall mean the report completed by county assessors each year depicting the basic assessed valuation, regular levy senior citizen exemption, one hundred percent timber roll, excess general fund levy senior citizen exemption, and total assessed valuation data for individual school districts. County assessors provide these data annually to the superintendent of public instruction via Report 1038S.

(3) "County treasurer's monthly report" shall mean the financial statement issued to the school districts by the county treasurers each month from September through August. This report includes data concerning the school district general fund consisting of beginning and ending cash balances, investment income and expenditure, warrants outstanding, revenues in the form of cash increases credited to the various accounts and the current balance of the general fund. To determine the prior year's local property tax, joint district property tax and timber tax collections for calculating a school district's additional levy authority, cash increase data are reported in items 20, 21, 22, 23, 24, 25 and 35 of this report for the 1980-81 school year and items 20, 23 and 35 for the 1981-82 school year.

(4) "F-195" (the budget for fiscal year 19\_\_-\_\_) shall mean the annual school district budget document officially adopted by each school district pursuant to chapter 28A.65 RCW for each year's operations. This document contains estimates of revenues to be received from state sources and excess general fund levy revenues to be collected during the school year.

(5) "F-203" shall mean the annual document prescribed by the superintendent of public instruction which school districts use to estimate state revenues and which is attached to each school district F-195 (annual budget) by the educational service district.

(6) "~~((R-))~~ Report 1191" ~~((estimated funding required to guarantee one hundred percent of basic education allocation for 19\_\_-\_\_ school year))~~ shall mean the monthly report prepared and distributed by the superintendent of public instruction which includes the number of basic education allocation formula derived certificated and classified staff units, the compensation entitlement amounts for such staff, the basic education allocation provided for each average annual full-time-equivalent student, the basic education allocation, the amount of state-funded support and any final adjustments made for the current school year for each school district. These data are used to calculate the basic levy limitation amount pursuant to WAC 392-139-021 and the additional levy capacity, if any, pursuant to WAC 392-139-026 for calendar year tax collections.

(7) "~~((R-))~~ Report 1191E" ~~((full-time enrollments used to calculate staff units))~~ shall mean the report

prepared and distributed by the superintendent of public instruction which includes the number of basic certificated, formula certificated and formula classified staff units computed on the basis of the number of students enrolled in a school district as reported by the district converted to full-time-equivalent (FTE) students. The enrollment data are reported for each of the following grade levels: Kindergarten, grades 1-6, 7-8 and 9-12, excluding secondary vocational students. Vocational secondary FTE students are reported separately for private and public schools. The staff unit calculations provide for an additional number of certificated units due to a significant decrease in student enrollment as provided in the biennial appropriations acts.

(8) "~~(R=)~~ Report 1197" (~~(((statement of apportionment)))~~) shall mean the monthly report prepared and distributed by the superintendent of public instruction which includes the annual allotment of state funds to each school district for each of the state-funded programs which the district operates.

(9) "Spring tax collection percentage" shall mean that portion of property tax payments received by county treasurers for each school district from February 1 through August 31 expressed in terms of a percent. The superintendent of public instruction shall determine an average tax collection percentage based on a three-year period of tax collections. If a school district requests that the superintendent of public instruction review the tax collection percentage, the superintendent may choose another tax collection period on which to base the tax collection percentage.

(10) "Fall tax collection percentage" shall mean that portion of property tax payments received by county treasurers for each school district from September 1 through January 31 of the next ensuing year expressed in terms of a percent. The superintendent of public instruction shall determine an average tax collection percentage based on a three-year period of tax collections. To determine the fall tax collection percentage, the superintendent of public instruction shall subtract the spring tax collection percentage from one hundred percent. If a school district requests that the superintendent of public instruction review the tax collection percentage, the superintendent may choose another tax collection period on which to base the tax collection percentage.

(11) "Total property tax collections" shall mean all property tax payments received by county treasurers for each school district from February 1 through January 31 of the next ensuing year. The sum of the spring tax collection percentage and the fall tax collection percentage shall always equal one hundred percent.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order 80-38, filed 11/26/80)

**WAC 392-139-017** **ADDITIONAL DEFINITIONS.** As used in this chapter, the terms:

(1) "P-213" shall mean the form entitled Report of ~~((High School))~~ Students Residing in Nonhigh Districts Enrolled in High School Districts. The P-213 is printed and distributed annually by the superintendent of public instruction to school districts educating students residing in other school districts not maintaining an educational program for grades seven through twelve. Data from this report are used to determine, in part, the amount of excess general fund levy capacity which shall be transferred from the nonresident high school district to the resident nonhigh school district pursuant to WAC 392-139-~~(036)~~037.

(2) "P-223NR" shall mean the form entitled Monthly Report of School District Enrollment of Nonresident Students Enrolled in an Approved Interdistrict Cooperative. The P-223NR is printed and distributed annually by the superintendent of public instruction to school districts educating students residing in other school districts. Data from this report are used to determine the authorized levy capacity to be shifted from the nonresident school district to the resident school district pursuant to WAC 392-139-036.

(3) "Basic education allocation" shall mean the amount of state funds calculated by the superintendent of public instruction which is the basis for the superintendent to distribute funds to school districts for the operation of a basic program of education pursuant to RCW 28A.58.750, et seq., 28A.41.130, 28A.41.140 and chapter 392-121 WAC. ~~((This amount is also known as the total guaranteed entitlement for basic education.))~~ In cases where a school district operates more than one small high school, the basic education allocation shall be increased by the amount calculated pursuant to the small high school formula set forth in the biennial appropriations act for each of the high schools.

(4) "Average annual full-time equivalent (AAFTE)" shall have the same meaning as this term is given in WAC 392-121-105.

(5) "Enrollment decline" shall have the same meaning as this term is given in WAC 392-121-105.

(6) "Current school year" shall mean the school year which is in session at the time the levy limitation calculations are made pursuant to this chapter and county commissioners certify to the county assessors the amount of taxes to be levied on property pursuant to RCW 84.52.070.

(7) "Prior school year" shall mean the school year immediately preceding the current school year.

(8) "Next tax collection year" shall mean the calendar year immediately succeeding the current calendar year (~~(((referenced in WAC 392-139-010(1)(b))))~~).

(9) "Current tax collection year" shall mean the current calendar year.

(10) "Mandated restricted cash" shall mean an amount of funds from excess general fund levy collections in the fall of calendar year 1979 equal to eight percent of the school district's 1979-80 basic education allocation multiplied by the district's fall tax collection percentage rate or the amount of the district's fall 1979 collections, whichever is less, which shall be held in an unencumbered status for expenditure for excess general fund levy relief in a subsequent school year pursuant to

section 107, chapter 270, Laws of 1979 extraordinary session (the biennial appropriations act).

AMENDATORY SECTION (Amending Order 80-38, filed 11/26/80)

WAC 392-139-018 ADDITIONAL DEFINITIONS. As used in this chapter, the terms:

(1) "Account 3020" shall mean the school district general fund budget classification in which are recorded state ~~((funds))~~ monies received by school districts for reimbursement for operation of a student transportation program approved by the superintendent of public instruction pursuant to RCW 28A.41.160 and chapter 392-141 WAC.

(2) "Account 3021" shall mean the school district general fund budget classification in which are recorded state ~~((funds))~~ monies received by school districts for reimbursement for cost of depreciation of transportation equipment pursuant to RCW 28A.41.160 and chapter 392-141 WAC.

(3) "Account 3030" shall mean the school district general fund budget classification in which are recorded state ~~((funds))~~ monies received by school districts for the operation of a program to educate handicapped students, such program approved by the superintendent of public instruction pursuant to chapter 28A.13 RCW, RCW 28A.41.053 and chapter 392-171 WAC.

(4) "Account 3220" shall mean the school district general fund budget classification in which are recorded state ~~((funds))~~ monies received by school districts for the operation of urban, rural, racial, disadvantaged (URRD) educational programs pursuant to RCW 28A.41.270 and chapter 392-161 WAC for the 1980-81 school year.

(5) "Account 3243" shall mean the school district general fund budget classification in which are recorded state ~~((funds))~~ monies which a school district receives for the operation of an education program for gifted students, such program approved by the superintendent of public instruction pursuant to RCW 28A.16.020 and WAC 180-68-100 for the 1980-81 school year.

(6) "Account 3244" shall mean the school district general fund budget classification in which are recorded state ~~((funds))~~ monies received by a school district for the operation of a remedial assistance program pursuant to RCW 28A.41.404 and WAC 392-161-170, et seq., for the 1980-81 school year.

(7) "Account 3245" shall mean the school district general fund budget classification in which are recorded state ~~((funds))~~ monies received by a school district for the operation of a transitional bilingual instruction program pursuant to RCW 28A.58.810 and chapter 392-160 WAC for the 1980-81 school year.

(8) "Account 3300" shall mean for the 1981-82 and 1982-83 school years the school district general fund budget classifications in which are recorded state monies received by a school district for the operation of special instructional programs (block grants pursuant to subsections (1), (2) and (3) of section 100, chapter 340, Laws of 1981, the biennial appropriations act).

(9) "Account 3343" shall mean for the 1981-82 and 1982-83 school years the school district general fund

budget classification in which are recorded state monies received by a school district for the operation of Indo-chinese refugee educational programs (block grants pursuant to subsection (5) of section 100, chapter 340, Laws of 1981, the biennial appropriations act).

AMENDATORY SECTION (Amending Order 80-38, filed 11/26/80)

WAC 392-139-021 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY ATTRIBUTABLE TO BASIC EDUCATION ALLOCATION. The dollar amount of each school district's general fund excess levy authorized for the next tax collection year shall be determined by multiplying the prior school year's basic education allocation converted to one hundred percent of formula as of August 31 by ten percent.

AMENDATORY SECTION (Amending Order 80-38, filed 11/26/80)

WAC 392-139-026 DETERMINATION OF ADDITIONAL EXCESS GENERAL FUND LEVY CAPACITY FOR 1982 TAX COLLECTIONS. (1) General. The dollar amount or capacity of each school district's general fund excess levy authorized for the ~~((next))~~ 1982 tax collection year may be increased over the amount determined in WAC 392-139-021 to the extent that the total of the estimated basic education allocation for the ~~((current))~~ 1981-82 school year as of August 31, plus the estimated current school year general fund excess property tax capacity levy (property tax collections) which would otherwise be placed in accounts 1000 and 3170 as limited pursuant to WAC 392-139-021, ~~((plus the mandated restricted cash,))~~ is less than the estimated potential ~~((current))~~ 1981-82 school year dollar ~~((level))~~ amount for basic education as established in subsection (2) of this section.

(2) ~~((Establishment))~~ Determination of whether or not a school district ~~((s potential current school year dollar level for basic education for purposes of))~~ qualifies for additional excess general fund levy capacity. The establishment of the potential ~~((current))~~ 1981-82 school year dollar amount for purposes of determining whether or not a school district is authorized additional general fund excess levy capacity shall be calculated as follows:

(a) To determine the district's ~~((current))~~ 1980-81 school year dollar ~~((level))~~ amount per student: ~~((by dividing the total of amounts in prior school year general fund revenue accounts 1000 and 3170 plus prior school year basic education allocation as of August 31 less mandated restricted cash by the prior school year's AAFTE and multiplying the quotient obtained by one hundred six percent.))~~

(i) Add the dollar amounts in the school district's 1980-81 school year general fund revenue accounts 1000 and 3170 as reported in the August 1981 county treasurer's monthly report, the school district's 1980-81 basic education allocation as reported on the August 31, 1981, Report 1191 and the mandated restricted cash, if any, for the 1980-81 school year,

(ii) Divide the total obtained in (i) above by the 1980-81 AAFTE students; and

(iii) Multiply the quotient obtained in (ii) above by one hundred six percent.

(b) Determine the district's estimated potential aggregate ((current)) 1981-82 school year dollar ((level)) amount ((by)) as follows:

(i) Multiply((ing)) the district's estimate of ((current)) 1981-82 school year's AAFTE students by ((current school year)) the dollar ((level)) amount per student calculated in (a) of this subsection;

(ii) Multiply((ing)) one half the estimated number of enrollment decline students by the ((total)) dollar amount per student obtained in (a) (ii) above ((by adding the prior school year's dollar amounts in general fund revenue accounts 1000 and 3170 plus the prior school year's basic education allocation as of August 31 less the mandated restricted cash)); and

(iii) Add((ing)) the products obtained in (i) and (ii) above.

(c) Determine the district's ((current)) 1981-82 school year ((revenue level)) dollar amount ((in-relevant budget accounts)) without funds from additional levy capacity calculated pursuant to this section by combining the district's estimated ((total dollars in the current)) 1981-82 school year's ((general fund revenue accounts 1000 and 3170 with the district's estimate of current school year)) basic education allocation as ((of October 1 and the mandated restricted cash)) reported to the superintendent of public instruction on the F-203 for 1981-82 with the estimated fall tax collection amount from the 1981 excess general fund property tax levy and the estimated amount of spring tax collections for the 1982 tax levy limited pursuant to WAC 392-139-021 and WAC 392-139-031.

(d) Determine the district's estimated additional potential ((current school year)) dollar level for the 1981-82 school year by subtracting the total obtained in (c) of this subsection from the total obtained in (b) of this subsection.

(e) Determine the district's estimated additional excess general fund levy capacity for the 1982 tax collection year, if any, by dividing the amount obtained in (d) of this subsection, if greater than zero, by the spring tax collection percentage.

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

#### NEW SECTION

WAC 392-139-027 DETERMINATION OF ADDITIONAL EXCESS GENERAL FUND LEVY CAPACITY FOR 1983 COLLECTIONS. (1) Each school district which qualified to exceed the levy limitation imposed by WAC 392-139-021 for 1982 pursuant to WAC 392-139-026 may be authorized to exceed the levy limitations imposed by WAC 392-139-021 for taxes to be collected in 1983 as established in subsection (2) of this section.

(2) Establishing the maximum excess general fund tax levy for 1983. In order to determine the maximum general fund property tax levy capacity for 1983 tax collections, which shall be the same as the maximum capacity for the 1982 tax collection year would have been if more accurate data were available at the time the amounts were originally calculated, the followi 1981-82 data shall replace the estimated data in the calculation process described in WAC 392-139-026(2)(b), (c), (d) and (e) as follows:

(a) The AAFTE students for the 1981-82 school year;

(b) The enrollment decline students for the 1981-82 school year;

(c) The 1981-82 basic education allocation as reported on the district Report 1191 for August 31, 1982;

(d) The dollar amounts in the school district's 1981-82 school year general fund revenue accounts 1000 and 3170 as reported in the August 1982 county treasurer's monthly report.

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

#### AMENDATORY SECTION (Amending Order 80-38, filed 11/26/80)

WAC 392-139-031 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY ATTRIBUTABLE TO STATE-FUNDED CATEGORICAL PROGRAMS. (1) For 1982 tax collections, the dollar amount of each school district's general fund excess levy authorized ((for the next tax collection year)) pursuant to this chapter shall be determined by summing ((the prior school year's)) allocations made from the state general fund to the school district by the superintendent of public instruction for 1980-81 in school district general fund revenue accounts 3020, 3021, 3030, 3220, 3243, 3244 and 3245 as reported on the August 31, 1981, ((R=)) Report 1197 and multiplying the total obtained by ten percent.

(2) For 1983 tax collections, the dollar amount of each school district's general fund excess levy authorized pursuant to this chapter shall be determined by summing allocations made from the state general fund to each school district by the superintendent of public instruction for 1981-82 in school district general fund revenue accounts 3020, 3021, 3030, 3300 and 3343 as reported on the August 31, 1982, Report 1197 and multiplying the total obtained by ten percent.

#### AMENDATORY SECTION (Amending Order 80-38, filed 11/26/80)

WAC 392-139-036 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY TO BE TRANSFERRED FROM THE NONRESIDENT SCHOOL DISTRICT TO THE RESIDENT SCHOOL DISTRICT FOR INTERDISTRICT COOPERATION PROGRAMS. In cases where a student resides in one school district (resident school district) but attends school in another school district (nonresident school district) pursuant to ((chapter 28A.44 RCW;)) RCW 28A.58.075 or 28A.58.245 and chapter 392-135 WAC,

the nonresident school district's excess general fund levy capacity for the next tax collection year shall be reduced and the resident school district's general fund excess levy capacity for the next tax collection year shall be increased by the same amount which shall be determined as follows:

(1) Determine the nonresident school district's prior school year basic education allocation per AAFTE as of August 31.

(2) Multiply the amount obtained in subsection (1) of this section by ten percent.

(3) For each AAFTE student enrolled in a nonresident school district, deduct the amount obtained in subsection (2) of this section from the nonresident school district's excess general fund levy capacity for the next tax collection year and add that same amount to the resident school district's excess general fund levy capacity for the next tax collection year.

#### NEW SECTION

**WAC 392-139-037 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY TO BE TRANSFERRED FROM THE HIGH SCHOOL DISTRICT TO THE NONHIGH SCHOOL DISTRICT.** In cases where a student resides in a nonhigh school district and attends school in a high school district pursuant to chapter 28A.44 RCW, the high school district's excess general fund levy capacity for the next tax collection year shall be reduced and the nonhigh school district's excess general fund levy shall be increased by the same amount which shall be determined as follows:

(1) For levies to be collected in calendar year 1982:

(a) Determine the high school district's 1980-81 school year's basic education allocation as of August 31, 1981, and multiply that amount by ten percent.

(b) Determine the high school district's 1980-81 school year's allocations pursuant to WAC 392-139-031 as of August 31, 1981, and multiply that amount by ten percent.

(c) Determine the high school district's additional levy capacity for 1982 collections, if any, pursuant to WAC 392-139-026.

(d) Sum the amounts determined in subsections (a), (b) and (c) above.

(e) Divide the sum obtained in (d) above by the high school district's total estimated AAFTE enrollment for 1981-82 as reported on the district's F-203 for 1981-82 to determine the high school district's amount of levy capacity per AAFTE student.

(f) Multiply the estimated number of students from each nonhigh school district reported for 1981-82 on the Form P-213 by the amount obtained in subsection (e) above.

(2) For levies to be collected in calendar year 1983:

(a) For school districts with no additional levy capacity for 1982 tax collections pursuant to WAC 392-139-026, the following procedure shall be used:

(i) Determine the high school district's 1981-82 school year's estimated basic education allocation as reported on the district's F-203 for 1981-82 and multiply that amount by ten percent.

(ii) Determine the high school district's 1981-82 school year's allocations pursuant to WAC 392-139-031 as of September 30, 1982, and multiply that amount by ten percent.

(iii) Sum the amounts determined in subsections (i) and (ii) above.

(iv) Divide the sum obtained in subsection (iii) above by the district's total estimated AAFTE enrollment as reported on the district's F-203 for 1982-83 to determine the high school district's amount of levy capacity per AAFTE student.

(v) Multiply the estimated number of students from each nonhigh school district reported for 1982-83 on the Form P-213 by the amount obtained in subsection (iv) above.

(b) For school districts with additional levy capacity for 1982 tax collections pursuant to WAC 392-139-026, the amount calculated in subsection (1)(e) of this section shall be multiplied by the number of students from each nonhigh district estimated on Form P-213 for the 1982-83 school year.

(c) A positive adjustment shall be made in the amount obtained in (2)(a)(v) above if the actual number of students from each nonhigh school district reported on the appropriate Form P-213 for the 1981-82 school year is greater than the estimated number of such students reported on the prior Form P-213 for that year, or a negative adjustment shall be made in the amount obtained in (2)(a)(v) above if the actual number of students from each nonhigh school district reported on the appropriate Form P-213 from the 1981-82 school year is less than the estimated number of such students reported on the prior Form P-213 for that year.

(d) The amount of levy capacity to be transferred from a high school district to a nonhigh district shall be reduced the same amount as any voluntary reduction in the billing by the high school district in accordance with sections 5, 7 and 10 of chapter 264, Laws of 1981.

#### NEW SECTION

**WAC 392-139-038 NOTIFICATION OF MAXIMUM LEVY COLLECTION AMOUNTS.** (1) Notification of maximum levy collection amounts for 1982 tax collections. Pursuant to this chapter, the division of financial services, superintendent of public instruction, shall prior to the first Wednesday following the first Monday in October in cases where county treasurers' reports are completed on a timely basis and within ten days after the superintendent of public instruction receives complete data from county treasurers' reports which are late, compute and notify school districts of the maximum excess general fund property tax levy capacity of each school district for taxes to be collected during the 1982 calendar year: **PROVIDED**, That in cases in which school districts qualify for additional levy capacity pursuant to WAC 392-139-026, such levy capacity shall be subject to reduction if the second extraordinary session of the forty-seventh legislature, if convened, appropriates additional monies for the 1981-83 basic education allocation, or of a superior court or the State Supreme Court has issued an order effectively prohibiting the reduction of the common school appropriation

for 1981-83 in whole or in part: *PROVIDED FURTHER*, That such legislative action or court decision occurs on or before December 15, 1981. The superintendent of public instruction shall calculate the reduced maximum additional levy capacity for 1982 tax collections pursuant to WAC 392-139-026 using the new dollar amounts. The superintendent shall notify each affected school district, county assessor and chairman of the board of county commissioners of such reduced capacity within fifteen days following either adjournment sine die or a court decision.

(2) Notification of maximum levy collection amounts for 1983 tax collections. Pursuant to this chapter, the division of financial services, superintendent of public instruction, shall prior to the first Wednesday following the first Monday in October in cases where county treasurers' reports are completed on a timely basis and within ten days after the superintendent of public instruction receives complete data from county treasurers' reports which are late, compute and notify school districts of the maximum excess general fund property tax levy capacity of each school district for taxes to be collected during the 1983 calendar year.

### WSR 81-20-023

#### ADOPTED RULES

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 81-31—Filed September 29, 1981—Eff. December 27, 1981]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Maintenance and operation levy limits, chapter 392-139 WAC.

This action is taken pursuant to Notice Nos. WSR 81-17-080 and 81-19-115 filed with the code reviser on August 19, 1981 and September 23, 1981. Such rules shall take effect at a later date, such date being December 27, 1981.

This rule is promulgated pursuant to RCW 84.52-.0531 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 24, 1981.

By Frank B. Brouillet  
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 80-38, filed 11/26/80)

WAC 392-139-005 PURPOSE. The purpose of WAC 392-139-010 through 392-139-038 is to establish the exclusive means for fixing the maximum dollar amount of taxes which may be levied on property and

collected on behalf of any school district in a given tax year for general fund maintenance and operation purposes pursuant to RCW 84.52.053 and 84.52.0531. These rules shall be effective for calculation of taxes collected in ~~((1981 and thereafter))~~ calendar years 1982 and 1983.

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 80-38, filed 11/26/80)

WAC 392-139-010 ESTABLISHMENT OF THE MAXIMUM DOLLAR AMOUNT OF SCHOOL DISTRICT LEVIES—GENERAL. ~~((†))~~ Notwithstanding such larger dollar amount as may be approved by the electorate of a school district pursuant to RCW 84.52.053, the maximum dollar amount which may be levied and collected by or for any school district for general fund maintenance and operation support in ~~((a given tax year))~~ 1982 and 1983 shall be established annually ((as follows)) in accordance with the following general procedures:

~~((a))~~ (1) Only figures and data gathered and approved by the superintendent of public instruction, or his or her designee, shall be used.

~~((b))~~ Pursuant to this chapter, the division of financial services, superintendent of public instruction, shall annually during the month of September compute and notify school districts of the maximum excess general fund property tax levy capacity of each school district for taxes to be collected during the immediate succeeding calendar year. All definitions of time periods are used in this chapter in the context of such annual September action. ~~((c))~~

(2) Notice of the levy amount determined for each school district ~~((arrived at))~~ pursuant to this chapter shall be provided to each affected school district, county assessor and chairman of the board of county commissioners ~~((prior to the date specified in RCW 84.52.020))~~ according to the schedule established in WAC 392-139-038.

(3) The superintendent of public instruction, or his or her designee, shall annually provide all districts with the appropriate calculation procedures for the purposes of this chapter.

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

AMENDATORY SECTION (Amending Order 80-38, filed 11/26/80)

WAC 392-139-016 DEFINITIONS. As used in this chapter, the terms:

(1) "Accounts 1000, 1030, 1040 and 3170" shall mean general fund revenue classifications as designated in Form F-195 (school district annual budget) published and distributed by the superintendent of public instruction as follows: Account 1000—total local property tax revenue; Account 1030—local property taxes collected from excess levies; Account 1040—joint district local

property taxes collected from excess levies; and Account 3170—timber excise tax Fund A.

(2) "County assessor's report" shall mean the report completed by county assessors each year depicting the basic assessed valuation, regular levy senior citizen exemption, one hundred percent timber roll, excess general fund levy senior citizen exemption, and total assessed valuation data for individual school districts. County assessors provide these data annually to the superintendent of public instruction via Report 1038S.

(3) "County treasurer's monthly report" shall mean the financial statement issued to the school districts by the county treasurers each month from September through August. This report includes data concerning the school district general fund consisting of beginning and ending cash balances, investment income and expenditure, warrants outstanding, revenues in the form of cash increases credited to the various accounts and the current balance of the general fund. To determine the prior year's local property tax, joint district property tax and timber tax collections for calculating a school district's additional levy authority, cash increase data are reported in items 20, 21, 22, 23, 24, 25 and 35 of this report for the 1980-81 school year and items 20, 23 and 35 for the 1981-82 school year.

(4) "F-195" (the budget for fiscal year 19\_\_-\_\_) shall mean the annual school district budget document officially adopted by each school district pursuant to chapter 28A.65 RCW for each year's operations. This document contains estimates of revenues to be received from state sources and excess general fund levy revenues to be collected during the school year.

(5) "F-203" shall mean the annual document prescribed by the superintendent of public instruction which school districts use to estimate state revenues and which is attached to each school district F-195 (annual budget) by the educational service district.

(6) "~~((R=))~~ Report 1191" (~~(((estimated funding required to guarantee one hundred percent of basic education allocation for 19\_\_-\_\_ school year)))~~) shall mean the monthly report prepared and distributed by the superintendent of public instruction which includes the number of basic education allocation formula derived certificated and classified staff units, the compensation entitlement amounts for such staff, the basic education allocation provided for each average annual full-time-equivalent student, the basic education allocation, the amount of state-funded support and any final adjustments made for the current school year for each school district. These data are used to calculate the basic levy limitation amount pursuant to WAC 392-139-021 and the additional levy capacity, if any, pursuant to WAC 392-139-026 for calendar year tax collections.

(7) "~~((R=))~~ Report 1191E" (~~(((full-time enrollments used to calculate staff units)))~~) shall mean the report prepared and distributed by the superintendent of public instruction which includes the number of basic certificated, formula certificated and formula classified staff units computed on the basis of the number of students enrolled in a school district as reported by the district converted to full-time-equivalent (FTE) students. The enrollment data are reported for each of the following

grade levels: Kindergarten, grades 1-6, 7-8 and 9-12, excluding secondary vocational students. Vocational secondary FTE students are reported separately for private and public schools. The staff unit calculations provide for an additional number of certificated units due to a significant decrease in student enrollment as provided in the biennial appropriations acts.

(8) "~~((R=))~~ Report 1197" (~~(((statement of apportionment)))~~) shall mean the monthly report prepared and distributed by the superintendent of public instruction which includes the annual allotment of state funds to each school district for each of the state-funded programs which the district operates.

(9) "Spring tax collection percentage" shall mean that portion of property tax payments received by county treasurers for each school district from February 1 through August 31 expressed in terms of a percent. The superintendent of public instruction shall determine an average tax collection percentage based on a three-year period of tax collections. If a school district requests that the superintendent of public instruction review the tax collection percentage, the superintendent may choose another tax collection period on which to base the tax collection percentage.

(10) "Fall tax collection percentage" shall mean that portion of property tax payments received by county treasurers for each school district from September 1 through January 31 of the next ensuing year expressed in terms of a percent. The superintendent of public instruction shall determine an average tax collection percentage based on a three-year period of tax collections. To determine the fall tax collection percentage, the superintendent of public instruction shall subtract the spring tax collection percentage from one hundred percent. If a school district requests that the superintendent of public instruction review the tax collection percentage, the superintendent may choose another tax collection period on which to base the tax collection percentage.

(11) "Total property tax collections" shall mean all property tax payments received by county treasurers for each school district from February 1 through January 31 of the next ensuing year. The sum of the spring tax collection percentage and the fall tax collection percentage shall always equal one hundred percent.

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order 80-38, filed 11/26/80)

**WAC 392-139-017** **ADDITIONAL DEFINITIONS.** As used in this chapter, the terms:

(1) "P-213" shall mean the form entitled Report of (((High School))) Students Residing in Nonhigh Districts Enrolled in High School Districts. The P-213 is printed and distributed annually by the superintendent of public instruction to school districts educating students residing in other school districts not maintaining an educational program for grades seven through twelve. Data from this

report are used to determine, in part, the amount of excess general fund levy capacity which shall be transferred from the nonresident high school district to the resident nonhigh school district pursuant to WAC 392-139-~~(036)~~037.

(2) "P-223NR" shall mean the form entitled Monthly Report of School District Enrollment of Nonresident Students Enrolled in an Approved Interdistrict Cooperative. The P-223NR is printed and distributed annually by the superintendent of public instruction to school districts educating students residing in other school districts. Data from this report are used to determine the authorized levy capacity to be shifted from the nonresident school district to the resident school district pursuant to WAC 392-139-036.

(3) "Basic education allocation" shall mean the amount of state funds calculated by the superintendent of public instruction which is the basis for the superintendent to distribute funds to school districts for the operation of a basic program of education pursuant to RCW 28A.58.750, et seq., 28A.41.130, 28A.41.140 and chapter 392-121 WAC. ~~((This amount is also known as the total guaranteed entitlement for basic education.))~~ In cases where a school district operates more than one small high school, the basic education allocation shall be increased by the amount calculated pursuant to the small high school formula set forth in the biennial appropriations act for each of the high schools.

(4) "Average annual full-time equivalent (AAFTE)" shall have the same meaning as this term is given in WAC 392-121-105.

(5) "Enrollment decline" shall have the same meaning as this term is given in WAC 392-121-105.

(6) "Current school year" shall mean the school year which is in session at the time the levy limitation calculations are made pursuant to this chapter and county commissioners certify to the county assessors the amount of taxes to be levied on property pursuant to RCW 84.52.070.

(7) "Prior school year" shall mean the school year immediately preceding the current school year.

(8) "Next tax collection year" shall mean the calendar year immediately succeeding the current calendar year ~~((referenced in WAC 392-139-010(1)(b))).~~

(9) "Current tax collection year" shall mean the current calendar year.

(10) "Mandated restricted cash" shall mean an amount of funds from excess general fund levy collections in the fall of calendar year 1979 equal to eight percent of the school district's 1979-80 basic education allocation multiplied by the district's fall tax collection percentage rate or the amount of the district's fall 1979 collections, whichever is less, which shall be held in an unencumbered status for expenditure for excess general fund levy relief in a subsequent school year pursuant to section 107, chapter 270, Laws of 1979 extraordinary session (the biennial appropriations act).

AMENDATORY SECTION (Amending Order 80-38, filed 11/26/80)

WAC 392-139-018 **ADDITIONAL DEFINITIONS.** As used in this chapter, the terms:

(1) "Account 3020" shall mean the school district general fund budget classification in which are recorded state ~~((funds))~~ monies received by school districts for reimbursement for operation of a student transportation program approved by the superintendent of public instruction pursuant to RCW 28A.41.160 and chapter 392-141 WAC.

(2) "Account 3021" shall mean the school district general fund budget classification in which are recorded state ~~((funds))~~ monies received by school districts for reimbursement for cost of depreciation of transportation equipment pursuant to RCW 28A.41.160 and chapter 392-141 WAC.

(3) "Account 3030" shall mean the school district general fund budget classification in which are recorded state ~~((funds))~~ monies received by school districts for the operation of a program to educate handicapped students, such program approved by the superintendent of public instruction pursuant to chapter 28A.13 RCW, RCW 28A.41.053 and chapter 392-171 WAC.

(4) "Account 3220" shall mean the school district general fund budget classification in which are recorded state ~~((funds))~~ monies received by school districts for the operation of urban, rural, racial, disadvantaged (URRD) educational programs pursuant to RCW 28A.41.270 and chapter 392-161 WAC for the 1980-81 school year.

(5) "Account 3243" shall mean the school district general fund budget classification in which are recorded state ~~((funds))~~ monies which a school district receives for the operation of an education program for gifted students, such program approved by the superintendent of public instruction pursuant to RCW 28A.16.020 and WAC 180-68-100 for the 1980-81 school year.

(6) "Account 3244" shall mean the school district general fund budget classification in which are recorded state ~~((funds))~~ monies received by a school district for the operation of a remedial assistance program pursuant to RCW 28A.41.404 and WAC 392-161-170, et seq., for the 1980-81 school year.

(7) "Account 3245" shall mean the school district general fund budget classification in which are recorded state ~~((funds))~~ monies received by a school district for the operation of a transitional bilingual instruction program pursuant to RCW 28A.58.810 and chapter 392-160 WAC for the 1980-81 school year.

(8) "Account 3300" shall mean for the 1981-82 and 1982-83 school years the school district general fund budget classifications in which are recorded state monies received by a school district for the operation of special instructional programs (block grants pursuant to subsections (1), (2) and (3) of section 100, chapter 340, Laws of 1981, the biennial appropriations act).

(9) "Account 3343" shall mean for the 1981-82 and 1982-83 school years the school district general fund budget classification in which are recorded state monies received by a school district for the operation of Indo-chinese refugee educational programs (block grants pursuant to subsection (5) of section 100, chapter 340, Laws of 1981, the biennial appropriations act).

AMENDATORY SECTION (Amending Order 80-38, filed 11/26/80)

WAC 392-139-021 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY ATTRIBUTABLE TO BASIC EDUCATION ALLOCATION. The dollar amount of each school district's general fund excess levy authorized for the next tax collection year shall be determined by multiplying the prior school year's basic education allocation converted to one hundred percent of formula as of August 31 by ten percent.

AMENDATORY SECTION (Amending Order 80-38, filed 11/26/80)

WAC 392-139-026 DETERMINATION OF ADDITIONAL EXCESS GENERAL FUND LEVY CAPACITY FOR 1982 TAX COLLECTIONS. (1) General. The dollar amount or capacity of each school district's general fund excess levy authorized for the ((next)) 1982 tax collection year may be increased over the amount determined in WAC 392-139-021 to the extent that the total of the estimated basic education allocation for the ((current)) 1981-82 school year as of August 31, plus the estimated current school year general fund excess property tax capacity levy ((property tax collections)) which would otherwise be placed in accounts 1000 and 3170 as limited pursuant to WAC 392-139-021, ((plus the mandated restricted cash,)) is less than the estimated potential ((current)) 1981-82 school year dollar ((level)) amount for basic education as established in subsection (2) of this section.

(2) ((Establishment)) Determination of whether or not a school district((s potential current school year dollar level for basic education for purposes of)) qualifies for additional excess general fund levy capacity. The establishment of the potential ((current)) 1981-82 school year dollar amount for purposes of determining whether or not a school district is authorized additional general fund excess levy capacity shall be calculated as follows:

(a) To determine the district's ((current)) 1980-81 school year dollar ((level)) amount per student: ((by dividing the total of amounts in prior school year general fund revenue accounts 1000 and 3170 plus prior school year basic education allocation as of August 31 less mandated restricted cash by the prior school year's AAFTE and multiplying the quotient obtained by one hundred six percent:))

(i) Add the dollar amounts in the school district's 1980-81 school year general fund revenue accounts 1000 and 3170 as reported in the August 1981 county treasurer's monthly report, the school district's 1980-81 basic education allocation as reported on the August 31, 1981, Report 1191 and the mandated restricted cash, if any, for the 1980-81 school year;

(ii) Divide the total obtained in (i) above by the 1980-81 AAFTE students; and

(iii) Multiply the quotient obtained in (ii) above by one hundred six percent.

(b) Determine the district's estimated potential aggregate ((current)) 1981-82 school year dollar ((level)) amount ((by)) as follows:

(i) Multiply((ing)) the district's estimate of ((current)) 1981-82 school year's AAFTE students by ((current school year)) the dollar ((level)) amount per student calculated in (a) of this subsection;

(ii) Multiply((ing)) one half the estimated number of enrollment decline students by the ((total)) dollar amount per student obtained in (a) (ii) above ((by adding the prior school year's dollar amounts in general fund revenue accounts 1000 and 3170 plus the prior school year's basic education allocation as of August 31 less the mandated restricted cash)); and

(iii) Add((ing)) the products obtained in (i) and (ii) above.

(c) Determine the district's ((current)) 1981-82 school year ((revenue level)) dollar amount ((in relevant budget accounts)) without funds from additional levy capacity calculated pursuant to this section by combining the district's estimated ((total dollars in the current)) 1981-82 school year's ((general fund revenue accounts 1000 and 3170 with the district's estimate of current school year)) basic education allocation as ((of October 1 and the mandated restricted cash)) reported to the superintendent of public instruction on the F-203 for 1981-82 with the estimated fall tax collection amount from the 1981 excess general fund property tax levy and the estimated amount of spring tax collections for the 1982 tax levy limited pursuant to WAC 392-139-021 and WAC 392-139-031.

(d) Determine the district's estimated additional potential ((current school year)) dollar level for the 1981-82 school year by subtracting the total obtained in (c) of this subsection from the total obtained in (b) of this subsection.

(e) Determine the district's estimated additional excess general fund levy capacity for the 1982 tax collection year, if any, by dividing the amount obtained in (d) of this subsection, if greater than zero, by the spring tax collection percentage.

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

NEW SECTION

WAC 392-139-027 DETERMINATION OF ADDITIONAL EXCESS GENERAL FUND LEVY CAPACITY FOR 1983 COLLECTIONS. (1) Each school district which qualified to exceed the levy limitation imposed by WAC 392-139-021 for 1982 pursuant to WAC 392-139-026 may be authorized to exceed the levy limitations imposed by WAC 392-139-021 for taxes to be collected in 1983 as established in subsection (2) of this section.

(2) Establishing the maximum excess general fund tax levy for 1983. In order to determine the maximum general fund property tax levy capacity for 1983 tax collections, which shall be the same as the maximum capacity for the 1982 tax collection year would have been if more accurate data were available at the time the amounts were originally calculated, the followi 1981-82 data shall replace the estimated data in the calculation process described in WAC 392-139-026(2)(b), (c), (d) and (e) as follows:

- (a) The AAFTE students for the 1981-82 school year;
- (b) The enrollment decline students for the 1981-82 school year;
- (c) The 1981-82 basic education allocation as reported on the district Report 1191 for August 31, 1982;
- (d) The dollar amounts in the school district's 1981-82 school year general fund revenue accounts 1000 and 3170 as reported in the August 1982 county treasurer's monthly report.

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

**AMENDATORY SECTION** (Amending Order 80-38, filed 11/26/80)

**WAC 392-139-031 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY ATTRIBUTABLE TO STATE-FUNDED CATEGORICAL PROGRAMS.** (1) For 1982 tax collections, the dollar amount of each school district's general fund excess levy authorized (~~for the next tax collection year~~) pursuant to this chapter shall be determined by summing (~~the prior school year's~~) allocations made from the state general fund to the school district by the superintendent of public instruction for 1980-81 in school district general fund revenue accounts 3020, 3021, 3030, 3220, 3243, 3244 and 3245 as reported on the August 31, 1981, (~~R=~~) Report 1197 and multiplying the total obtained by ten percent.

(2) For 1983 tax collections, the dollar amount of each school district's general fund excess levy authorized pursuant to this chapter shall be determined by summing allocations made from the state general fund to each school district by the superintendent of public instruction for 1981-82 in school district general fund revenue accounts 3020, 3021, 3030, 3300 and 3343 as reported on the August 31, 1982, Report 1197 and multiplying the total obtained by ten percent.

**AMENDATORY SECTION** (Amending Order 80-38, filed 11/26/80)

**WAC 392-139-036 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY TO BE TRANSFERRED FROM THE NONRESIDENT SCHOOL DISTRICT TO THE RESIDENT SCHOOL DISTRICT FOR INTERDISTRICT COOPERATION PROGRAMS.** In cases where a student resides in one school district (resident school district) but attends school in another school district (nonresident school district) pursuant to (~~chapter 28A.44 RCW~~) RCW 28A.58.075 or 28A.58.245 and chapter 392-135 WAC, the nonresident school district's excess general fund levy capacity for the next tax collection year shall be reduced and the resident school district's general fund excess levy capacity for the next tax collection year shall be increased by the same amount which shall be determined as follows:

(1) Determine the nonresident school district's prior school year basic education allocation per AAFTE as of August 31.

(2) Multiply the amount obtained in subsection (1) of this section by ten percent.

(3) For each AAFTE student enrolled in a nonresident school district, deduct the amount obtained in subsection (2) of this section from the nonresident school district's excess general fund levy capacity for the next tax collection year and add that same amount to the resident school district's excess general fund levy capacity for the next tax collection year.

**NEW SECTION**

**WAC 392-139-037 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY TO BE TRANSFERRED FROM THE HIGH SCHOOL DISTRICT TO THE NONHIGH SCHOOL DISTRICT.**

In cases where a student resides in a nonhigh school district and attends school in a high school district pursuant to chapter 28A.44 RCW, the high school district's excess general fund levy capacity for the next tax collection year shall be reduced and the nonhigh school district's excess general fund levy shall be increased by the same amount which shall be determined as follows:

(1) For levies to be collected in calendar year 1982:

(a) Determine the high school district's 1980-81 school year's basic education allocation as of August 31, 1981, and multiply that amount by ten percent.

(b) Determine the high school district's 1980-81 school year's allocations pursuant to WAC 392-139-031 as of August 31, 1981, and multiply that amount by ten percent.

(c) Determine the high school district's additional levy capacity for 1982 collections, if any, pursuant to WAC 392-139-026.

(d) Sum the amounts determined in subsections (a), (b) and (c) above.

(e) Divide the sum obtained in (d) above by the high school district's total estimated AAFTE enrollment for 1981-82 as reported on the district's F-203 for 1981-82 to determine the high school district's amount of levy capacity per AAFTE student.

(f) Multiply the estimated number of students from each nonhigh school district reported for 1981-82 on the Form P-213 by the amount obtained in subsection (e) above.

(2) For levies to be collected in calendar year 1983:

(a) For school districts with no additional levy capacity for 1982 tax collections pursuant to WAC 392-139-026, the following procedure shall be used:

(i) Determine the high school district's 1981-82 school year's estimated basic education allocation as reported on the district's F-203 for 1981-82 and multiply that amount by ten percent.

(ii) Determine the high school district's 1981-82 school year's allocations pursuant to WAC 392-139-031 as of September 30, 1982, and multiply that amount by ten percent.

(iii) Sum the amounts determined in subsections (i) and (ii) above.

(iv) Divide the sum obtained in subsection (iii) above by the district's total estimated AAFTE enrollment as

reported on the district's F-203 for 1982-83 to determine the high school district's amount of levy capacity per AAFTE student.

(v) Multiply the estimated number of students from each nonhigh school district reported for 1982-83 on the Form P-213 by the amount obtained in subsection (iv) above.

(b) For school districts with additional levy capacity for 1982 tax collections pursuant to WAC 392-139-026, the amount calculated in subsection (1)(e) of this section shall be multiplied by the number of students from each nonhigh district estimated on Form P-213 for the 1982-83 school year.

(c) A positive adjustment shall be made in the amount obtained in (2)(a)(v) above if the actual number of students from each nonhigh school district reported on the appropriate Form P-213 for the 1981-82 school year is greater than the estimated number of such students reported on the prior Form P-213 for that year; or a negative adjustment shall be made in the amount obtained in (2)(a)(v) above if the actual number of students from each nonhigh school district reported on the appropriate Form P-213 from the 1981-82 school year is less than the estimated number of such students reported on the prior Form P-213 for that year.

(d) The amount of levy capacity to be transferred from a high school district to a nonhigh district shall be reduced the same amount as any voluntary reduction in the billing by the high school district in accordance with sections 5, 7 and 10 of chapter 264, Laws of 1981.

#### NEW SECTION

**WAC 392-139-038 NOTIFICATION OF MAXIMUM LEVY COLLECTION AMOUNTS.** (1) Notification of maximum levy collection amounts for 1982 tax collections. Pursuant to this chapter, the division of financial services, superintendent of public instruction, shall prior to the first Wednesday following the first Monday in October in cases where county treasurers' reports are completed on a timely basis and within ten days after the superintendent of public instruction receives complete data from county treasurers' reports which are late, compute and notify school districts of the maximum excess general fund property tax levy capacity of each school district for taxes to be collected during the 1982 calendar year: PROVIDED, That in cases in which school districts qualify for additional levy capacity pursuant to WAC 392-139-026, such levy capacity shall be subject to reduction if the second extraordinary session of the forty-seventh legislature, if convened, appropriates additional monies for the 1981-83 basic education allocation, or of a superior court or the State Supreme Court has issued an order effectively prohibiting the reduction of the common school appropriation for 1981-83 in whole or in part: PROVIDED FURTHER, That such legislative action or court decision occurs on or before December 15, 1981. The superintendent of public instruction shall calculate the reduced maximum additional levy capacity for 1982 tax collections pursuant to WAC 392-139-026 using the new dollar amounts. The superintendent shall notify each affected school district, county assessor and chairman of

the board of county commissioners of such reduced capacity within fifteen days following either adjournment sine die or a court decision.

(2) Notification of maximum levy collection amounts for 1983 tax collections. Pursuant to this chapter, the division of financial services, superintendent of public instruction, shall prior to the first Wednesday following the first Monday in October in cases where county treasurers' reports are completed on a timely basis and within ten days after the superintendent of public instruction receives complete data from county treasurers' reports which are late, compute and notify school districts of the maximum excess general fund property tax levy capacity of each school district for taxes to be collected during the 1983 calendar year.

#### **WSR 81-20-024**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 81-161—Filed September 29, 1981]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency in this order is necessary to clarify the intent of the regulation as proposed.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 29, 1981.

By Rolland A. Schmitten  
Director

#### NEW SECTION

**WAC 220-69-2400D CATCH REPORTING REQUIREMENTS—COMMERCIAL GEODUCK FISHERY.** Notwithstanding the provisions of WAC 220-69-240 and 220-69-241, effective immediately until further notice it is unlawful for any person, partnership, association, corporation, or similar entity receiving or purchasing geoducks from fishermen, firms, or individuals, regardless of whether or not the purchaser or receiver holds a license as required under Title 75 RCW,

to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual landing of geoducks onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the Department of Natural Resources harvest tract to the point of landing.

**WSR 81-20-025**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 81-162—Filed September 29, 1981]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is adopted pursuant to the Columbia River Compact.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.40.010 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 29, 1981.

By Rolland A. Schmitt  
Director

NEW SECTION

**WAC 220-32-03000D COHO GILL NET SEASON** Notwithstanding the provisions of WAC 220-32-030, WAC 220-32-031 and WAC 220-32-033, effective 6:00 p.m. September 29 through 6:00 p.m. November 12, 1981 it is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E except in those areas, at those times and with the gear designated below:  
Areas 1A, 1B, 1C and that portion of 1D downstream from the uppermost power line crossing at Lady Island except that those waters of Camas Slough upstream of a line projected true north from the western tip of Lady Island to mainland upstream to a line projected from Crown Zellerbach pumphouse southerly to a boundary marker on the north shore of Lady Island are excluded from open Catch Reporting Area 1D.

6 p.m. September 29 to 6 p.m. October 1, 1981.

6 p.m. October 4 to 6 p.m. October 8, 1981.  
6 p.m. October 11 to 6 p.m. October 14, 1981.  
6 p.m. October 18 to 6 p.m. October 21, 1981.  
6 p.m. October 25 to 6 p.m. October 28, 1981.  
6 p.m. November 1 to 6 p.m. November 5, 1981.  
6 p.m. November 8 to 6 p.m. November 12, 1981.

*It is unlawful to use gill net gear having a mesh size between 7 and 9 inches stretch measure.*

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

REPEALER

*The following section of the Washington Administrative Code is repealed effective 6:00 p.m. September 29, 1981:*

**WAC 220-32-03000C COHO GILL NET SEASON.**

**WSR 81-20-026**  
**PROPOSED RULES**  
**PARKS AND RECREATION**  
**COMMISSION**  
[Filed September 30, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning consumption of alcohol in state park areas, WAC 352-32-210;

that such agency will at 9 a.m., Thursday, November 19, 1981, in the Leopold Hotel, 1224 Cornwall Avenue, Bellingham, WA 98225, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 43.51.040(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Wednesday, November 18, 1981, and/or orally at 9 a.m., Thursday, November 19, 1981, Leopold Hotel, 1224 Cornwall Avenue, Bellingham, WA 98225.

Dated: September 30, 1981

By: D. W. Lowell  
Rules Coordinator

**STATEMENT OF PURPOSE**

Title: Consumption of alcohol in state park areas.  
Description of Purpose: To control consumption of alcohol in Washington State park areas.  
Statutory Authority: RCW 43.51.040(3).

Summary of Rule: Rule establishes where, under what circumstances and in what configuration alcoholic beverage may be used or possessed in Washington State park areas.

Reasons Supporting Proposed Action: To correct omission in WAC which will add possession of alcoholic beverage in open container. This addition will facilitate better control of alcoholic beverage in state park areas.

Agency Personnel Responsible for Drafting: John Greig, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504; Implementation and Enforcement: Law enforcement empowered staff of the Washington State Parks and Recreation Commission.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: Recommended statutory language is contained in the attached proposed amendatory section.

Federal Law/Court Action: N/A.

**AMENDATORY SECTION** (Amending Order 17, filed 2/1/74)

**WAC 352-32-210 CONSUMPTION OF ALCOHOL IN STATE PARK AREAS.** (1) Opening ((and)), possessing alcoholic beverage in an open container, or consuming any alcoholic beverages in any state park area shall be prohibited except in the following designated areas and under the following circumstances:

- (a) In designated campgrounds, by registered campers or their guests;
- (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
- (c) In any building 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) The provisions of this rule shall not apply to any part of the Seashore Conservation Area, as designated and established by RCW 43.51.655.

(3) Opening, consuming, or storing alcoholic beverages in Fort Simcoe State Park shall be prohibited.

**WSR 81-20-027**

**EMERGENCY RULES**

**LIQUOR CONTROL BOARD**

[Order 88, Resolution 97—Filed September 30, 1981]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does promulgate and adopt the annexed rules relating to:

|     |                |  |
|-----|----------------|--|
| Amd | WAC 314-12-070 | Transfer of licenses.  |
| Amd | WAC 314-12-090 | Change of management.  |
| New | WAC 314-16-210 | Class H license fees in unincorporated areas—Seasonal operations—Prorating fees.   |
| New | WAC 314-16-220 | Class F licensees—Principal business sale of wine for off-premises consumption—Authorization for selling or serving samples. |
| New | WAC 314-16-230 | Authorization for sale of wine in unopened bottles for off-premises consumption under Class J license.                       |
| Amd | WAC 314-20-010 | Brewers—Importers—Wholesalers—   |

|     |                |  |
|-----|----------------|--|
|     |                | Monthly reports—Tax refund procedures.   |
| Amd | WAC 314-20-015 | Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Class H restaurant operation. |
| Amd | WAC 314-20-160 | Importer of foreign beer—Certificate of approval required—Reports—Payment of tax.  |
| Amd | WAC 314-24-003 | Standards of identity for wine.  |
| Amd | WAC 314-24-050 | Alcoholic content.   |
| Amd | WAC 314-24-110 | Domestic wineries, wine wholesalers, wine importers—Monthly reports—Bonds required—Payment of tax.                             |
| Amd | WAC 314-24-120 | Importer of foreign wine—United States wineries—Certificate of approval required—Monthly reports—Records.                      |
| Amd | WAC 314-24-190 | Wine wholesale price posting.  |
| Amd | WAC 314-24-200 | Wine suppliers' price filings, contracts and memoranda.  |

We, the Chairman and Members of the WSLCB, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is chapter 5, Laws of 1981 ex. sess., provides inter alia for different rates on certain taxes and new privileges for certain licensees requiring immediate regulatory guidelines, which law went into effect July 1, 1981. The board has heretofore, July 1, 1981, adopted emergency rules, which will expire before permanent rules (see WSR 81-18-059) can be put into effect. Accordingly, it is essential to reenact the emergency rules so that they will be and remain in effect until the permanent rules, when adopted, become effective.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030, 66.08.060, 66.98.070 and Title 34 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 30, 1981.

By Leroy M. Hittle  
Chairman

**AMENDATORY SECTION** (Amending Order 55, filed 5/31/77, effective 7/1/77)

**WAC 314-12-070 TRANSFER OF LICENSES ((RULE 6)).** (1) No transfer of any license shall be made except in conformance with RCW 66.24.010, and subject to the following conditions:

(a) the holder of the license shall execute an assignment and transfer upon a form prescribed by the board, and the assignee and transferee shall then make application for approval of such assignment and transfer,

(b) the transferee shall not take possession of the premises, nor exercise any of the privileges of a licensee, nor shall such assignment and transfer be effective until the board shall have approved the same;

(c) in approving any assignment and transfer of licenses, the board reserves the right to impose special conditions as to the future connection of the former licensee or any of his employees with the licensed business as in its judgment the circumstances may justify;

(d) a change of trade name may be made coincident with the transfer of the license without any additional fee.

(2) The sale of a partnership interest or any change in the partners, either by withdrawal or addition or otherwise, shall be considered an assignment and transfer of the licenses held by the partnership and subject to the regulations applicable to assignment and transfer of licenses.

(3) If the licensee is a corporation, a change in ownership of any stock shall not be deemed a transfer of a license: **PROVIDED, HOWEVER, That** ~~((in the case of a change in ownership of a controlling number of shares of stock the board must be notified and its approval obtained))~~ pursuant to the provisions of RCW 66.24.025(2), the proposed sale of more than ten percent of the outstanding and/or issued stock of a licensed corporation or any proposed change in the principal officers of a licensed corporation must be reported to the board on forms prescribed by it. The board may inquire into all matters in connection with any such sale of stock or proposed change in officers, and the written consent of the board must be obtained before any such changes are made.

(4) If a licensee has an unresolved violation charge pending, no action will be taken by the board on an application to transfer the liquor license to another until such time as a final disposition has been made of the pending violation charge.

**AMENDATORY SECTION** (Amending Rule 8, filed 6/13/63)

**WAC 314-12-090 CHANGE OF MANAGEMENT** ~~((**RULE 8**))~~. No change shall be made in the management ~~((or officers))~~ of any licensed business until written consent of the board has been obtained.

**NEW SECTION**

**WAC 314-16-210 CLASS H LICENSE FEES IN UNINCORPORATED AREAS—SEASONAL OPERATIONS—PRORATING FEES.** (1) The provisions of RCW 66.24.420(1)(c) which provide for prorated fees according to the calendar quarters for class H licensees outside of incorporated cities and towns pertains to those class H licensees who have seasonal operations only.

(2) As required by RCW 66.24.010(5)(c), class H licensees outside of incorporated cities and towns who operate on a year-round basis or who are open for a period of time during each calendar quarter are required to submit a full year's fee.

**NEW SECTION**

**WAC 314-16-220 CLASS F LICENSEES—PRINCIPAL BUSINESS SALE OF WINE FOR OFF-PREMISES CONSUMPTION—AUTHORIZATION FOR SELLING OR SERVING SAMPLES.**

(1) Class F licensees whose business is primarily the sale of wine at retail, who desire authorization under RCW 66.24.370 to serve on their premises free or for a charge, single serving samples of two ounces or less must, prior to commencing such sales or service, obtain written approval from the board.

(2) To demonstrate to the satisfaction of the board that the class F licensee's primary business is and continues to be the sale of wine at retail, the board may require the licensee to make periodic reports concerning the licensee's sales and inventory. A class F licensee's gross retail sales of wine, not to be consumed on premises, must exceed fifty percent of all gross sales for the entire business of said licensee in order to be considered by the board as a business whose primary business is the sale of wine.

(3) No more than one sample of any single brand and type of wine, and no more than four samples, may be furnished or sold to a customer or patron during any one visit to the licensed premises.

(4) The sampling privileges authorized by RCW 66.24.370 as implemented by this section of the rules are not to be a substitute for or an alternative to the on-premises consumption of wine that is authorized under RCW 66.24.340 or 66.24.400.

**NEW SECTION**

**WAC 314-16-230 AUTHORIZATION FOR SALE OF WINE IN UNOPENED BOTTLES FOR OFF-PREMISES CONSUMPTION UNDER CLASS J LICENSE.** (1) Authorization for the sale of unopened bottles and original packages of wine not to be consumed on the premises where sold, at an additional fee of ten dollars per day, as authorized by RCW 66.24.500, must be applied for to the board at the time the society or organization makes application for the class J license, and the board's written approval is required before any such sales are made.

(2) Board approval for the sales authorized in subsection (1) of this section shall be granted by the board upon the condition that no more than twelve liters may be sold to any one purchaser under a single class J license.

**AMENDATORY SECTION** (Amending Order 40, filed 8/21/75)

**WAC 314-20-010 BREWERS—IMPORTERS—WHOLESALEERS—MONTHLY REPORTS—TAX REFUND PROCEDURES** ~~((**RULE 37**))~~. (1) The holders of licenses to manufacture malt liquors within the state of Washington and holders of certificates of approval and importers who import malt liquors manufactured outside the United States must at all times when said licenses or certificates of approval are in force have in effect and on file with the board a bond executed by any surety authorized to do business in the state of

Washington, in form and amount acceptable to the board, which bond shall be payable to the Washington State Liquor Control Board and conditioned that such licensee or holder of certificate of approval will pay to the board the tax levied by virtue of RCW 66.24.290 (sec. 24 of the Washington State Liquor Act).

(2) Every person, firm or corporation holding a license to manufacture malt liquors within the state of Washington shall, in addition to the statement required to be made by RCW 66.24.280 (sec. 23F (1) of the Washington State Liquor Act), on or before the ((tenth)) twentieth day of each month make a report to the board upon forms furnished by the board, of all sales of beer in and out of the state during the preceding calendar month, and shall at the same time pay to the board the tax due thereon including beer furnished as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040.

(3) Every person, firm or corporation holding a license to import beer into the state of Washington shall make a report to the board, upon forms furnished by the board, on or before the ((tenth)) twentieth day of each month of all beer imported into the state during the preceding calendar month, and shall at the same time pay to the board the tax due thereon: **PROVIDED, HOWEVER,** That said tax shall be paid on behalf of the importer of such beer by the holders of certificates of approval at the time that said holders of certificates of approval furnish to the board the report required under RCW 66.24.270 and WAC 314-20-170: **PROVIDED, FURTHER,** That the report method of payment of tax shall be exclusive of any other method. In the event beer has been imported into the state of Washington upon which the tax has not been paid, or payment arranged as herein provided, the beer importer shall pay the tax due thereon ((prior to any transfer to any other beer importer or wholesaler)) including beer received and/or furnished as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040.

(4) Failure to make such report or pay said tax at the time prescribed will be sufficient ground for the board to forthwith suspend or cancel the license privilege of the delinquent brewer or importer or the certificate of approval of the brewer located outside the state of Washington. A two percent penalty per month, or portion of a month, will be assessed on any tax payments postmarked after the twentieth day following the month of sale. In addition, in case of any such delinquency, the board shall immediately give notice to the surety on such brewer's, importer's or certificate of approval holder's bond and shall take such action as is thereafter deemed necessary by the board to collect any of said tax which it finds is due.

(5) In consideration of the foregoing requirements, revenue stamps evidencing payment of said tax shall not be used on any package containing beer manufactured by brewers within the state or imported into the state by a beer importer, nor shall it be required that "in transit" stamps be affixed to packages containing any beer manufactured in the state of Washington when the same is exported directly to a point outside the geographical confines of the state by such manufacturers. Neither

shall it be required that "in transit" stamps be affixed to packages of beer being shipped in interstate commerce from one point outside this state, through this state, to another point outside the geographical confines of this state. In the case of beer manufactured by a brewer within the state or imported into the state of Washington by a beer importer and either sold to beer wholesalers for export from the state or exported directly by the importer, such manufacturer or importer must either pay the tax on beer so sold or affix "in transit" stamps, if not previously affixed, to all packages containing such beer, as provided in WAC 314-20-040(1).

(6) Beer wholesalers or beer importers who export beer to a point outside the geographical confines of the state of Washington upon which the tax imposed by RCW 66.24.290 has been paid may claim a refund or tax credit of said tax on forms prescribed and furnished by the board. For the purpose of this regulation, beer sold and delivered to interstate commercial common passenger carriers holding licenses pursuant to chapter 245, Laws of 1975, 1st ex. sess., or for use within the confines of any military reservation over which the state does not exercise jurisdiction shall be considered exported from the state. Such tax shall not be paid on beer being shipped in interstate commerce from a point outside this state directly through the state to another point outside the geographical confines of this state.

#### AMENDATORY SECTION (Amending Order 61, filed 12/6/77)

WAC 314-20-015 LICENSED BREWERS—RETAIL SALES OF BEER ON BREWERY PREMISES—BEER SERVED WITHOUT CHARGE ON PREMISES—CLASS H RESTAURANT OPERATION ((RULE 37.5)). (1) A licensed brewer holding a proper retail license, pursuant to chapter 66.24 RCW, may sell beer of its own production at retail on the brewery premises: **PROVIDED,** That beer so sold at retail shall be subject to the tax and penalty for late payment, if any, as imposed by RCW 66.24.290, and to reporting and bonding requirements as prescribed in RCW 66.28.010 and WAC 314-20-010 ((Rule 37)).

(2) In selling beer at retail, as provided in subsection (1) of this regulation, a brewer shall conduct such operation in conformity with the statutes and regulations applicable to holders of such beer retailers' licenses. The brewer shall maintain records of such retail operation separate from other brewery records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, beer of a licensed brewer's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the licensed brewer.

(4) A licensed brewer or a lessee of a licensed brewer operating a Class H restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such Class H licenses.

(5) A brewer may serve beer without charge on the brewery premises, as authorized by RCW 66.28.040. Such beer served without charge as provided herein is not subject to the tax imposed by RCW 66.24.290.

(6) No retail license or fee is required for the holder of a brewer's license to serve beer without charge on the brewery premises as set forth in subsection (5) of this regulation. Before exercising this privilege, however, such brewer shall obtain approval of the proposed service area and facilities from the board. Such brewer shall maintain a separate record of all beer so served.

**AMENDATORY SECTION** (Amending Order 14, filed 12/1/70, effective 1/1/71)

**WAC 314-20-160 IMPORTER OF FOREIGN BEER—CERTIFICATE OF APPROVAL REQUIRED—REPORTS—PAYMENT OF TAX ((RULE 55)).** Beer manufactured outside of the United States may be imported by a beer importer, but only under the following conditions:

(1) The beer importer must be the holder of a certificate of approval, and shall furnish the bond required by WAC 314-20-010.

(2) The beer importer importing such beer shall be at all times solely responsible for the payment of any and all taxes due the state of Washington on account of such beer. Such beer shall be imported and delivered directly to either the warehouse of the importer or to some other warehouse previously designated by the importer and approved by the board.

(3) On or before the ((tenth)) twentieth day of the month following such importation the importer (certificate of approval holder) shall report such importation to the board, setting forth the quantity, brand, type, and package sizes of such beer and shall pay to the board the tax due thereon as provided in WAC 314-20-010.

(4) All matters pertaining to the importation, transportation, storage, payment of taxes and keeping of records, and all other matters pertaining to the importation of beer manufactured outside the United States shall be subject at all times to such orders, rules and regulations as the board may from time to time prescribe, and the board reserves the right to make orders applicable to individual and particular cases in addition to general orders, rules and regulations applicable generally.

**AMENDATORY SECTION** (Amending Order 14, filed 12/1/70, effective 1/1/71)

**WAC 314-24-003 STANDARDS OF IDENTITY FOR WINE.** (1) Application of standards. The standards of identity for the several classes and types of wine set forth herein shall be applicable to all wines produced, imported, bottled, offered for sale, or sold within this state for beverage use or any other purpose, except as hereinafter prescribed. The standards herein established are minimum standards for wines of the several classes and types defined.

(2) Standards of identity. The several classes and types of wine set forth herein shall be as follows:

(a) Wine (or Grape Wine). "Wine" is the product of the normal alcoholic fermentation of the juice of sound, ripe grapes (including pure condensed must), with or without added grape brandy or other spirits derived from grapes or grape products, and containing not to exceed

((20.87)) 24 percent alcohol by volume, but without any other addition or abstraction whatsoever except such as may occur in normal cellar treatment: PROVIDED, That the product may be ameliorated before, during or after fermentation by the use of pure dry sugar, a combination of water and pure dry sugar, liquid sugar, invert sugar syrup, grape juice or concentrated must, but only in accordance with federal regulations ((26)) 27 CFR part 240, and the total solids of the wine shall in no case exceed 21 percent by weight. The maximum volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, shall not be, for red table wine, more than 0.14 gram, and for all other wine, more than 0.12 gram in both cases per 100 cubic centimeters (20 degrees C.). The maximum sulphur dioxide content of any wine shall not be greater than 350 parts per million of total sulphur dioxide or sulphites expressed as sulphur dioxide.

Pure Condensed Must. "Pure condensed must" means the dehydrated juice or must of sound, ripe grapes, or other fruit or agricultural products, concentrated to not more than 80° Brix, the composition thereof remaining unaltered except for removal of water, the term "restored pure condensed must" means pure condensed must to which has been added an amount of water not exceeding the amount removed in the dehydration process, and the term "sugar" means pure cane, beet, or dextrose sugar in dry form containing, respectively, not less than 95 percent of actual sugar calculated on a dry basis.

(b) Natural Wine is the product of the juice of sound, ripe grapes, or the product of the juice of sound ripe fruit or berries other than grapes, produced in accordance with section 5381, I.R.C., and federal regulations ((26)) 27 CFR part 240, as applicable.

(c) Red and White Wine. Red wine is wine which contains the red coloring matter of the skins, juice, or pulp of grapes; pink, amber or rose wine is wine which contains partial red coloring of the skins, juice, or pulp of grapes; and white wine is wine which does not contain the red coloring matter of the skins, juice, or pulp of grapes.

(d) Table Wine (including light wine, light grape wine, light red wine, light white wine, and natural wine) is wine containing not to exceed 14 percent alcohol by volume. The maximum Balling or Brix saccharometer test for any table wine shall not be more than 14 percent (at 20 degrees C. using a saccharometer calibrated at this temperature) when the test is made in the presence of the alcoholic content provided herein.

(e) Dessert Wine (including appetizer wine) is wine containing more than 14 percent alcohol by volume, and not to exceed ((20.87)) 24 percent alcohol by volume. Angelica, Madeira, Malaga, Marsala, Muscatel, Port, White Port, Sherry, and Tokay are types of dessert wine containing added grape brandy or other spirits derived from grapes or grape products, possessing the taste, aroma and other characteristics generally attributed to these products, and having an alcoholic content of not less than 17 percent by volume in the case of Sherry, and not less than 18 percent in the case of all other types named in this paragraph.

(f) **Aperitif Wine** is grape wine, containing added grape brandy or other spirits derived from grapes or grape products and having an alcoholic content of not less than 15 percent by volume flavored with herbs and other natural aromatic flavoring materials and possessing the taste, aroma and other characteristics generally attributed to wine of this class.

(g) **Vermouth** is a type of aperitif wine made from grape wine and possessing the taste, aroma and other characteristics generally attributed to vermouth.

(h) The term **vintage wine** means a wine produced wholly from (i) grapes gathered and (ii) the juice therefrom fermented, in the same calendar year and in the same viticultural area (e.g., county, state, department, province, or equivalent geographic area, or subdivision thereof), as identified on the label of such wine.

(i) **Sacramental Wine**. Wine used solely for sacramental purposes may possess such alcoholic content not exceeding ((20:87)) 24 percent by volume as required by ecclesiastical codes.

(j) **Sparkling Grape Wine** (including sparkling wine, sparkling red wine, and sparkling white wine) is grape wine made effervescent with carbon dioxide resulting solely from the fermentation of the wine within a closed container, tank or bottle.

(k) **Champagne** is a type of sparkling light white wine which derives its effervescence solely from the secondary fermentation of the wine within glass containers of not greater than one gallon capacity, and which possesses the taste, aroma, and other characteristics attributed to champagne as made in the Champagne District of France.

(l) A **Sparkling Light Wine** having the taste, aroma, and characteristics generally attributed to champagne but not otherwise conforming to the standard for champagne may, in addition to but not in lieu of the class designation sparkling wine, be further designated as champagne style, or champagne type or American (or New York State, California, etc.) champagne—bulk process; all the words in such further designation shall appear in lettering of substantially the same size and such lettering shall not be substantially larger than the words "sparkling wine".

(m) **Pink (or Rose) Champagne** is a type of sparkling pink wine otherwise conforming to the definition of champagne, and shall be labeled in the same manner as champagne except that the designation Pink (or Rose) champagne shall be used in lieu of the designation champagne.

(n) **Sparkling Burgundy and Sparkling Moselle** are types of sparkling wine possessing the taste, aroma and characteristics attributed to these products.

(o) **Carbonated Wine** (including carbonated grape wine, carbonated red wine, carbonated pink (or rose) wine and carbonated white wine) is wine made effervescent with carbon dioxide other than that resulting solely from the secondary fermentation of the wine within a closed container, tank, or bottle.

(p) **Fruit Wine** is wine produced by the normal alcoholic fermentation of the juice of sound, ripe fruit (other than grape), including pure condensed fruit must, with or without added fruit brandy or fruit spirits distilled

from the same type of fruit or fruit products as the wine to which such fruit brandy or fruit spirits is added, and containing not to exceed ((20:87)) 24 percent of alcohol by volume but without any other addition or abstraction whatsoever except such as may occur in normal cellar treatment: PROVIDED, That the product may be ameliorated before, during, or after fermentation by the addition of water, pure dry sugar, a combination of water and pure dry sugar, liquid sugar, invert sugar syrup and concentrated and unconcentrated juice of the same fruit, but, only in accordance with federal regulations and the total solids of the wine shall in no case exceed 21 percent by weight.

The maximum volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, shall not be for natural fruit wine, more than 0.14 gram, and for other fruit wine, more than 0.12 gram, per 100 cubic centimeters (20 degrees C.).

(q) **Light Fruit Wine** (including natural fruit wine) is fruit wine containing not to exceed 14 percent alcohol by volume.

(r) **Fruit wine** derived wholly (except for sugar, water, or added fruit brandy or fruit spirits) from one kind of fruit shall be designated by the name of such fruit; e.g., peach wine, orange wine, blackberry wine, etc. Fruit wine not derived wholly from one kind of fruit shall be designated as fruit wine or berry wine, as the case may be, qualified by a truthful and adequate statement of composition appearing in direct conjunction therewith. Fruit wines derived wholly (except for sugar, water, or added fruit brandy or fruit spirits) from apples or pears may if desired be designated cider, and perry, respectively, and shall be so designated if lacking in vinous taste, aroma, and other characteristics. Fruit wine rendered effervescent by carbon dioxide resulting solely from the secondary fermentation of the wine within a closed container, tank, or bottle shall be further designated as sparkling, and fruit wine rendered effervescent by carbon dioxide otherwise derived shall be further designated as carbonated.

(s) **Berry Wine** is fruit wine produced from berries.

(t) **Citrus Wine or Citrus Fruit Wine** is fruit wine produced from citrus.

(u) **Wine from other agricultural products**. Sake is wine produced from rice in accordance with the commonly accepted method of producing such product.

(v) **Other agricultural wines** (such as honey wine), the production or sale of which is not prohibited by these regulations, shall be made in accordance with the commonly accepted standards of such product.

(w) **Specialty Wine** is wine not otherwise herein defined, produced in accordance with commercial standards for such wines. Such wines may bear a fanciful proprietary designation and shall be labeled with a truthful and adequate statement of composition or with any commonly accepted trade designation indicative of such composition.

(x) **Specially Sweetened Natural Wine** (a wine such as Kosher wine) is wine produced in accordance with federal regulation ((26)) 27 CFR part 240.

(y) **High Fermentation Wine** is a grape or fruit wine made within the limitations of Regulation (57)(2)(a) for

grape wine, and Regulation (57)(2)(p) for fruit wine, except that the alcohol content after complete fermentation or complete fermentation and sweetening is more than 14 percent and that wine spirits may not be added, produced in accordance with federal regulation ((26)) 27 CFR part 240.

(z) Special Natural Wine is a flavored wine made on bonded wine cellar premises from a base of natural wine, in conformity with federal regulation ((26)) 27 CFR part 240.

(3) Grape-type designations. A name indicative of variety of grape may be employed as the type designation of a wine if the wine derives its predominate taste, aroma, and other characteristics, and at least 51 percent of its volume, from that variety of grape.

(4) Appellations of origin. A wine shall be entitled to an appellation of origin if:

(a) At least 75 percent of its volume is derived from both fruit or other agricultural products both grown and fermented in the place or region indicated by such appellation;

(b) It has been fully produced and finished within such place or region; and

(c) It conforms to the requirements of the laws and regulations of such place or region governing the composition, method of production and designation of wines for consumption within such place or region of origin.

(5) Conformance to state standards required. Wines of any defined class or type labeled or advertised under appellation of origin such as Spanish, New York, Ohio, Finger Lakes, California, etc., shall meet the requirements of standards herein prescribed applicable to such wines and shall, in addition, contain the minimum percentage of alcohol and conform as to composition in all other respects with all standards of identity, quality and purity applicable to wines of such classes or types marketed for consumption in the place or region of origin.

For example, all grape wines bearing labels showing California as the origin of such wine, shall be derived one hundred percent from grapes grown and wine from such grapes fermented within the state of California, shall contain no sugar or material containing sugar, other than pure condensed grape must; and any type of grape dessert wine (except sherry) shall contain not less than 18 percent of alcohol by volume; any type of sherry shall contain not less than 17 percent alcohol by volume, except as hereinbefore provided. Wines subjected to cellar treatment outside the place or region of origin, and blends of wine of the same origin, blended together outside the place or region of origin (if all the wines, in the blend have a common class, type, or other designation which is employed as the designation of the blend), shall be entitled to the same appellation of origin to which they would be entitled if such cellar treatment of blending took place within the place or region of origin.

(6) Grape-type designations, generic, semi-generic and non-generic designations of geographic significance, are subject to the same requirements as set forth under ((No.)) Title 27, Code of Federal Regulations, Part 4.

AMENDATORY SECTION (Amending Order 5, filed 8/7/69, effective 9/8/69)

WAC 314-24-050 ALCOHOLIC CONTENT ((~~RULE 63~~)). No wine shall exceed ((~~twenty and eighty-seven hundredths percent (20.87%)~~)) twenty-four percent of alcohol by volume at 60 degrees Fahrenheit, calculated from the distillate.

Label Tolerance:

(1) The alcoholic content of wines containing in excess of fourteen percent ((~~14%~~)) of alcohol by volume shall be within one percent ((~~1%~~)) plus or minus of the label claim, but not to exceed the prescribed ((~~20.87%~~)) 24% limitation. In the event a maximum range of two percent ((~~2%~~)) is stated on the label, the alcoholic content must be within the stated range.

(2) The alcoholic content of wines containing less than fourteen percent ((~~14%~~)) of alcohol by volume shall be within one and one-half percent ((~~1 1/2%~~)) plus or minus of the label claim. In the event a maximum range of three percent ((~~3%~~)) is stated on the label, the alcoholic content must be within the stated range.

AMENDATORY SECTION (Amending Order 40, filed 8/21/75)

WAC 314-24-110 DOMESTIC WINERIES, WINE WHOLESALERS, WINE IMPORTERS—MONTHLY REPORTS—BONDS REQUIRED—PAYMENT OF ((GALLONAGE)) TAX ((~~RULE 69~~)). (1) Every domestic winery which is licensed to sell wine of its own production at retail on the winery premises pursuant to chapter 66.24 RCW, and every holder of a wine wholesaler's license must at all times when said license is in force, have in effect and on file with the board a bond executed by any surety authorized to do business in the state of Washington, in form and amount acceptable to the board. The said bond shall be payable to the Washington State Liquor Control Board and conditioned that such domestic winery and wine wholesaler will pay to the board the tax of ((~~seventy-five~~)) twenty and one-fourth cents per ((wine gallon)) liter levied by reason of RCW 66.24.210 (section 24-A of the Washington State Liquor Act).

(2) Every person, firm or corporation holding a license to manufacture or produce wine within the state of Washington shall, on or before the ((~~tenth~~)) twentieth day of each month, submit to the board, upon forms furnished by the board, reports showing all transactions in wine manufactured or produced on the winery premises, including such wine sold at retail on such premises and wine sold to licensees within the state.

(3) At the time of making such monthly reports to the board, the domestic winery shall pay to the board the wine ((~~gallonage~~)) tax of ((~~seventy-five~~)) twenty and one-fourth cents per ((gallon)) liter on wine sold at retail on the winery premises, as provided in RCW 66.28-.010((; and)); on wine sold under a wine wholesaler's license to retail licensees, and on wine furnished as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040: PROVIDED, That such tax shall not apply or be paid on sales to

Washington wine wholesalers, on inter-winery shipments, nor to shipments exported directly by a domestic winery to a point outside the state of Washington, nor on its sales to the Washington State Liquor Control Board.

(4) Every person, firm or corporation holding a wine importer's license or a wine wholesaler's license in the state of Washington shall make a report to the board, upon forms furnished by the board, on or before the ~~((tenth))~~ twentieth day of each month, of all wine that such importer or wholesaler has purchased and received during the preceding calendar month on which the wine ~~((gallonage))~~ tax has not been paid. The tax of ~~((seventy-five))~~ twenty and one-fourth cents per ~~((wine gallon))~~ liter shall be paid by a wine wholesaler upon first acquisition of wine on which such tax has not been previously paid, including wine received and/or furnished as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040, and shall be remitted to the board at the time of filing the monthly report required in this subsection. Such tax shall apply to sales by a wine wholesaler to the Washington State Liquor Control Board. The report method of payment of tax shall be exclusive of any other method. Where a wine importer does not also hold a wine wholesaler's license, the wine importer shall pay the wine tax on any wines received and/or furnished as samples.

(5) Failure to make such report, or pay said tax where required, at the time prescribed will be sufficient cause for the board to forthwith suspend or cancel the license privilege of the delinquent domestic winery, wine importer, or wine wholesaler. A two percent penalty per month, or portion of a month, will be assessed on any tax payments postmarked after the twentieth day following the month of purchase. In addition, in case of any such tax delinquency, the board shall immediately give notice to the surety on such domestic winery or wine wholesaler's bond and shall take such action as is thereafter deemed necessary by the board to collect any of said tax which it finds is due.

(6) Wine wholesalers or wine importers who export wine to a point outside the geographical confines of the state of Washington upon which the ~~((gallonage))~~ tax imposed by RCW 66.24.210 has been paid may claim a refund or tax credit of said tax on forms prescribed and furnished by the board. For the purpose of this regulation, wine sold and delivered to interstate commercial common passenger carriers holding licenses pursuant to chapter 245, Laws of 1975 1st ex. sess., or for use within the confines of any military reservation over which the state does not exercise jurisdiction shall be considered exported from the state. The wine ~~((gallonage))~~ tax shall not be paid on wine being shipped in interstate commerce from one point outside this state directly through the state to another point outside the geographical confines of this state.

AMENDATORY SECTION (Amending Order 26, filed 8/14/73)

WAC 314-24-120 IMPORTER OF FOREIGN WINE—UNITED STATES WINERIES—CERTIFICATE OF APPROVAL REQUIRED—MONTHLY

REPORTS—RECORDS ~~((RULE 71))~~. (1) Foreign Wine. Wine manufactured outside of the United States may be imported by a wine importer under the following conditions:

(a) The wine importer must be the holder of a certificate of approval.

(b) The wine importer (certificate of approval holder) importing such wine must obtain label approval in accordance with WAC 314-24-040. Such wine shall be imported and delivered directly to either the warehouse of the importer (certificate of approval holder) or to some other warehouse previously designated by the importer and approved by the board.

(c) On or before the ~~((tenth))~~ twentieth day of the month following such importation the importer (certificate of approval holder) shall report such importation to the board upon forms prescribed and furnished by the board.

(d) All matters pertaining to the importation, transportation, storage, keeping of records, and all other matters pertaining to the importation of wine manufactured outside the United States shall be subject at all times to such orders, rules and regulations as the board may from time to time prescribe, and the board reserves the right to make orders applicable to individual and particular cases in addition to general orders, rules and regulations applicable generally.

(e) Any wine importer (certificate of approval holder) holding a wine wholesaler's license should refer to Regulation (69) for requirements on surety bond and payment of wine ~~((gallonage))~~ tax.

(2) Holders of certificate of approval—United States wineries, located outside of Washington state. Each winery holding a certificate of approval may ship wine to licensed wine importers only. As required by section 10, chapter 21, Laws of 1969 ex. sess., and by the written agreement embodied in the application for certificate of approval, each winery holding a certificate of approval shall, on or before the tenth day of each month, furnish to the board a report of such shipments.

(a) Such report shall show the quantity of wine sold or delivered to each licensed wine importer during the preceding month, together with such other information as the board may require.

(b) All reports shall be made upon forms prescribed and furnished by the Washington State Liquor Control Board.

(3) Failure to make such a report at the time and in the manner as prescribed will be sufficient cause for the board to forthwith suspend or revoke the certificate of the certificate of approval holder.

AMENDATORY SECTION (Amending Order 62, filed 1/20/78, effective 7/1/78)

WAC 314-24-190 WINE WHOLESALE PRICE POSTING ~~((RULE 81))~~. (1) Every wine wholesaler shall file with the board at its office in Olympia a wine price posting, showing the wholesale prices at which any and all brands of wine offered for sale by such wine wholesaler shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the fifteenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of a price posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the twentieth day of the month in order to become effective on the first day of the next calendar month.

(3) Filing Date Exception—Whenever the fifteenth day of any month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a wine wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding calendar month until a revised or amended schedule is filed and approved, as provided herein.

(5) Postings shall be submitted upon forms prescribed and furnished by the board, and shall set forth:

(a) All brands, types and sizes of packages or containers of wine offered for sale in this state by such wine wholesaler, which packages or containers shall be limited to the sizes permitted in WAC 314-24-080 (Rule 66).

(b) The wholesale prices thereof within the state, which prices shall include the state wine ((gallonage)) tax of ((~~seventy-five~~) twenty and one-fourth cents per ((gallon)) liter imposed under RCW 66.24.210.

(6) No wine wholesaler shall sell or offer for sale any package or container of wine at a price differing from the price of such item as shown in the price posting then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(8) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.

(9) If an existing written contract or memorandum of oral agreement between a domestic winery, certificate of approval holder, wine importer, or wine wholesaler and a wine wholesaler, as filed in accordance with WAC 314-24-200 (Rule 82), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another wine wholesaler in the affected trade area, the board, after receiving such new written contract or memorandum of oral agreement, and a corresponding wholesale price posting from the newly designated wine wholesaler, may put such filings into effect immediately: PROVIDED, That prices and other conditions of any such filings which are in effect at

the time of such termination shall not be changed prior to the next applicable filing period.

(10) When a new wine wholesaler's license is issued for the first time by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-24-200 (Rule 82).

(11) The board may reject any price posting or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that the posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting or portion thereof is rejected the last effective posting shall remain in effect until such time as an amended posting is filed and approved in accordance with the provisions of this regulation.

(12) Any wine wholesaler or employee authorized by his wholesaler-employer may sell wine at the wholesaler's posted prices to any Class C, F, H, or J licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class C, F, H, or J licensee, upon purchasing any wine from a wholesaler, shall immediately cause such wine to be delivered to his licensed premises, and he shall not thereafter permit such wine to be disposed of in any manner except as authorized by his license.

(b) Wine sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed premises or directly to such retailer at the wholesaler's licensed premises: PROVIDED, HOWEVER, That a wholesaler's prices to retail licensees shall be the same at both places of delivery.

(13) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

**AMENDATORY SECTION** (Amending Order 54, filed 5/24/77, effective 7/1/77)

**WAC 314-24-200 WINE SUPPLIERS' PRICE FILINGS, CONTRACTS AND MEMORANDA** ((~~RULE 82~~)). (1) Every domestic winery shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such winery may have with any wine wholesaler, which contracts or memoranda shall contain a schedule of the prices charged to wholesalers for all items. Requirements for including or omitting from such prices the wine ((gallonage)) tax of ((~~seventy-five~~) twenty and one-fourth cents per ((gallon)) liter, imposed under RCW 66.24.210, are set forth in subsection (8) of this regulation. Contracts and memoranda required to be

filed under this subsection must list all terms of sale, including all regular and special discounts, all advertising, sales and trade allowances, and all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified such revised prices, contracts or memoranda shall be filed with the board, as provided in this regulation.

(2) **Filing Date**—All written contracts and memoranda of oral agreements must be received by the board not later than the twenty-fifth day of the month, and if approved will become effective on the first day of the second calendar month following the date of such filing. An additional period will be allowed for revision of such filings to correct errors and omissions, or to meet competitive prices, filed during the current posting period, but a revised contract or memorandum of oral agreement must be on file with the board not later than the first day of the month in order to become effective on the first day of the next calendar month.

(3) **Filing Date Exception**—Whenever the twenty-fifth day of any month falls on Saturday, Sunday, or a legal holiday, an original contract or memorandum of oral agreement may be filed not later than the close of business the next business day.

(4) **Exceptions for changes in wholesalers and newly licensed wholesalers** are set forth in subsections (9) and (10) in WAC 314-24-190.

(5) In the event that a domestic winery determines to make no changes in any contracts or memoranda last filed and then in effect, such contracts or memoranda shall remain in effect for each succeeding calendar month until revised or amended contracts or memoranda are filed and placed into effect as provided herein.

(6) **Prices** filed by a domestic winery shall be uniform prices to all wholesalers on a statewide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed which is below "cost," or below "cost of doing business," or a "loss leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such Act.

(7) The provisions set forth in subsections (1), (2), (3), (4), (5) and (6) shall also apply to written contracts and memoranda of oral agreements which must be filed with the board by certificate of approval holders who sell wine to wine importers; wine importers who sell to wine wholesalers; and wine wholesalers who sell to other wine wholesalers.

(8) The wine ((gallonage)) tax, imposed under RCW 66.24.210, is not to be included in the prices filed as required by subsection (1) of this regulation by (a) a domestic winery, nor (b) by a certificate of approval holder who is not licensed as a wine wholesaler, nor (c) a wine importer who is not licensed as a wine wholesaler.

Every wine wholesaler who sells wine to another wine wholesaler shall include such gallonage tax in the prices posted on such required schedules.

(9) No domestic wineries, certificate of approval holders, wine importers, or wine wholesalers shall sell any wine to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

(10) Certificate of approval holders may ship wine into this state when the same has been sold and consigned to the holder of an importer's license at his licensed premises. The bill of lading covering such consignment shall not be changed or the wine diverted unless such diversion is to another importer, and the board so notified immediately.

(11) The board may reject any supplier's price filing, contract or memorandum of oral agreement or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any such price filing, contract or memorandum of oral agreement the licensee submitting said price filing, contract or memorandum may be heard by the board and shall have the burden of showing that the said price filing, contract or memorandum is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said price filing, contract or memorandum is accepted it shall become effective at a time fixed by the board. If said price filing, contract or memorandum or portion thereof is rejected the last effective price filing, contract or memorandum shall remain in effect until such time as an amended price filing, contract or memorandum is filed and approved, in accordance with the provisions of this regulation.

(12) All prices, contracts and memoranda filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

## WSR 81-20-028

### ADOPTED RULES

### ENERGY FACILITY SITE EVALUATION COUNCIL

[Order 81-4—Filed September 30, 1981]

Be it resolved by the Energy Facility Site Evaluation Council, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to:

|     |                |                                |
|-----|----------------|--------------------------------|
| Amd | WAC 463-06-030 | Council office—Business hours. |
| New | WAC 463-14-080 | EFSEC deliberative process.    |
| Amd | WAC 463-30-400 | Intervention.                  |

This action is taken pursuant to Notice No. WSR 81-17-021 filed with the code reviser on August 11, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 80.50.040(1) which directs that the Energy Facility Site Evaluation Council has authority to implement the provisions of chapter 80.50 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 28, 1981.  
By William L. Fitch  
Executive Secretary

When such a date has been established, the council will assure that adequate public notice is given.

AMENDATORY SECTION (Amending Order 103, filed 11/4/76)

WAC 463-06-030 COUNCIL OFFICE—BUSINESS HOURS. The council office is located at (~~(820 East Fifth Avenue)~~) Rowesix, 4224 - 6th Avenue 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.

NEW SECTION

WAC 463-14-080 EFSEC DELIBERATIVE PROCESS. RCW 80.50.100 requires the council to report to the governor its recommendation as to the 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 contract for an independent consultant study of the application. An environmental impact statement also will be adopted.

The council during the deliberative process will conduct an extensive public hearing as a contested case for the presentation of evidence on the application. The council will conduct sessions for the taking of public testimony concerning the proposed project. The council will evaluate public comments received as part of the environmental review. The council throughout all of the deliberative process will 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 will consider and by majority decision will act on the question of approval or rejection of an application.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-400 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.

**WSR 81-20-029**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**

[Order 81-163—Filed September 30, 1981]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use angling rules.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order consolidates several existing rules affecting personal use fishing in the Columbia River and tributaries which were adopted to protect upriver fall chinook salmon while allowing a fishery on hatchery salmon in the lower Columbia and tributaries. Additionally, the Kalama River is restricted to protect chinook salmon in the upper river. The Toutle River closure clarifies that recreational fishing is not lawful inside the Mt. St. Helens restricted zone. The Cowlitz River restriction provides a clear boundary for protection of adult chinook salmon in the upper river.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 30, 1981.  
By Rolland A. Schmitt  
Director

NEW SECTION

WAC 220-57-16000P COLUMBIA RIVER. (1) *Effective immediately until further notice the personal use salmon bag limit in that portion of the Columbia River upstream from the Hood River Bridge shall be BAG LIMIT C.*

(2) *Effective immediately until further notice the personal use salmon bag limit in that portion of the Columbia River downstream from the Hood River Bridge to a line projected true north and south through Buoy 10 shall be six salmon not less than 10 inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of*

fresh salmon. Additional salmon may be possessed in a frozen or processed form.

#### NEW SECTION

**WAC 220-57-17500H COWLITZ RIVER.** Notwithstanding the provisions of WAC 220-57-175:

(1) Effective October 1, 1981 until further notice, it is unlawful to retain chinook salmon over 28 inches in length taken for personal use in that portion of the Cowlitz River upstream from the upstream bank of the Toutle River.

(2) Effective immediately until further notice, the personal use salmon bag limit in the Cowlitz River is six salmon not less than 10 inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

#### NEW SECTION

**WAC 220-57-23500B ELOCHOMAN (ELOKOMIN) RIVER.** Notwithstanding the provisions of WAC 220-57-235, effective immediately until further notice, the personal use salmon bag limit in the Elochoman (Elokomin) River is six salmon not less than 10 inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

#### NEW SECTION

**WAC 220-57-25000B GRAYS RIVER.** Notwithstanding the provisions of WAC 220-57-250, effective immediately until further notice, the personal use salmon bag limit in that portion of the Grays River downstream from the 7000-line bridge is six salmon not less than 10 inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

#### NEW SECTION

**WAC 220-57-31000E KALAMA RIVER.** Notwithstanding the provisions of WAC 220-57-310:

(1) That portion of the Kalama River from the Modrow bridge to a point 200 feet above the temporary Department of Fisheries rack is open to personal use fishing.

(2) Effective immediately through November 30, 1981, chinook salmon over 24 inches must be released if caught in that portion of the Kalama River downstream from a point 1,000 feet below the fishway at the upper salmon hatchery to the location of the temporary rack just below the Modrow bridge.

(3) Effective immediately until further notice, the personal use bag limit in the Kalama River is six salmon not less than 10 inches in length, not more than three of which may exceed 24 inches in length. The possession

limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

#### NEW SECTION

**WAC 220-57-31500C KLICKITAT RIVER.** Notwithstanding the provisions of WAC 220-57-315, effective immediately until further notice, the personal use salmon bag limit in that portion of the Klickitat River downstream from the Fisher Hill bridge is six salmon not less than 10 inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

#### NEW SECTION

**WAC 220-57-32000A LEWIS RIVER.** Notwithstanding the provisions of WAC 220-57-320, effective immediately until further notice, the personal use salmon bag limit in the mainstem and north and east forks of the Lewis River is six salmon not less than 10 inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

#### NEW SECTION

**WAC 220-57-48000B TOUTLE RIVER.** Notwithstanding the provisions of WAC 220-57-255:

(1) Effective immediately until further notice it is unlawful to take, fish for or possess salmon for personal use in that portion of the Toutle River within the Blue or Red Zone surrounding Mount Saint Helens, as defined by WAC 118-03-030.

(2) Effective immediately until further notice, the personal use salmon bag limit in the Toutle River is six salmon not less than 10 inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

#### NEW SECTION

**WAC 220-57-49500D WASHOUGAL RIVER.** Notwithstanding the provisions of WAC 220-57-495, effective immediately until further notice, the personal use salmon bag limit in the Washougal River is six salmon not less than 10 inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

#### NEW SECTION

**WAC 220-57-50500F WHITE SALMON RIVER.** Notwithstanding the provisions of WAC 220-57-505, effective immediately until further notice, the personal use salmon bag limit in the open portions of the

*White Salmon and Little White Salmon River (Drano Lake) is six salmon not less than 10 inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.*

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-57-16000M COLUMBIA RIVER AND TRIBUTARIES. (81-113)

WAC 220-57-31000D KALAMA RIVER. (81-140)

WAC 220-57-48000A TOUTLE RIVER. (81-127)

#### WSR 81-20-030

##### EMERGENCY RULES

##### DEPARTMENT OF FISHERIES

[Order 81-164—Filed September 30, 1981]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Areas 4B, 5, 6C, 7 and 7A are restricted to protect Fraser River-Harrison chinook salmon. Area 6 and 6A are closed to protect Fraser coho and naturally-spawning Skagit salmon runs. Area 7C and the Samish River are closed to protect escapement of Samish Hatchery fall chinook salmon. Area 8 and the Skagit River are closed to protect pink and coho salmon. Areas 10C, 10D and the Cedar River are closed to protect Lake Washington sockeye and fall chinook. Portions of Area 12C are closed to protect Hoodspout and Dewatto fall chinook. Budd Inlet is restricted to protect chinook salmon. Hammersley and Case Inlets are closed to protect early timing chum salmon. Strait of Juan de Fuca tributaries are in coho management period. Test fishing shows pink salmon have cleared in the Nisqually River and chinook have cleared the lower Duwamish/Green River.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 30, 1981.

Rolland A. Schmitt

Director

#### NEW SECTION

WAC 220-28-123 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. Effective immediately until further notice, it is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

4B - Troll-caught chinook under 24 inches in length and troll-caught coho under 16 inches in length must be released. Drift gill nets restricted to 6-1/2-inch maximum mesh when open.

Area 5 - Drift gill nets restricted to 6-1/2-inch maximum mesh when open.

Areas 6 and 6A - Closed to all commercial fishing.

Area 6C - Drift gill nets restricted to 6-1/2-inch maximum mesh when open.

Areas 7 and 7A - Closed to gill nets and purse seines. Reef nets must release chinook salmon over 28 inches.

Area 7C - Closed to all commercial fishing.

Area 8 - Closed to all commercial fishing.

Areas 10C and 10D - Closed to all commercial fishing.

Areas 12C - Closed to all commercial fishing within 1,000 feet of western shore between Hoodspout Marina Dock and Glen Ayr Trailer Park, and within 1/4 mile of a line connecting the outermost points of Dewatto Bay and Dewatto Bay.

Area 13B - (1) In that portion south of a line projected from Doffelmeyer Point to Cooper Point (Budd Inlet), closed to gill net gear. All other gear must immediately release female chinook salmon over 24 inches in length when open. (2) In that portion westerly of a line projected from the flashing light (Fl 4 sec) at Arcadia to Hungerford Point (Hammersley Inlet), closed to all commercial fishing. (3) In that portion northerly of a true east-west line projected through the southernmost point on Stretch Island and intersecting with the eastern and western shores of Case Inlet (Case Inlet), closed to all commercial fishing.

Cedar River - Closed to all commercial fishing.

Duwamish/Green River - Closed to all commercial fishing upstream of the First Avenue South Bridge and in the East Waterway.

Samish River - Closed to all commercial fishing.

Skagit River, including all tributaries - Closed to all commercial fishing.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-28-122 Puget Sound Commercial Fishery Restrictions (81-160)

**WSR 81-20-031**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 81-165—Filed September 30, 1981]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use angling rules.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order protects summer coho salmon and allocates fall coho salmon.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provision of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 30, 1981.

By Rolland A. Schmitt  
 Director

**NEW SECTION**

**WAC 220-57-27000I HOH RIVER.** Notwithstanding the provisions of WAC 220-57-270, effective immediately until further notice, the personal use salmon bag limit in that portion of the Hoh River downstream from a marker approximately a quarter mile above Highway 101 Bridge to the National Park Boundary at Oil City is **BAG LIMIT A: PROVIDED, That, it is unlawful to retain coho salmon over 24 inches in length in that portion of the Hoh River described in this section.**

**WSR 81-20-032**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 81-166—Filed September 30, 1981]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at

Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is coho are present in sufficient numbers to allow additional fishing effort.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 30, 1981.

By Rolland A. Schmitt  
 Director

**NEW SECTION**

**WAC 220-40-02100M WILLAPA HARBOR—GILL NET** Notwithstanding the provisions of WAC 220-40-021 and 220-40-022, it is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in Willapa Harbor Fishing Areas 2G and 2H except from 6:00 p.m. Sunday, September 27 through 6:00 p.m. Friday, October 9, 1981.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-40-02100L WILLAPA HARBOR—CLOSED AREA. (81-116)

**WSR 81-20-033**  
**NOTICE OF PUBLIC MEETINGS**  
**URBAN ARTERIAL BOARD**  
 [Memorandum—October 1, 1981]

Beginning at 9:30 a.m. Thursday, October 15, 1981

1. Minutes from UAB Meeting on August 27, 1981.
2. Report of chairman.
3. Apportionment of funds deposited into the urban arterial trust account for the 3rd quarter 1981.
4. Allocation of urban arterial trust funds to active projects for the 4th quarter 1981.
5. Review proposed projects for authorization of urban arterial trust funds for the preliminary phase.

6. Review proposed projects for authorization of urban arterial trust funds for the construction phase.
7. Review appeal on audit exceptions taken on the City of White Salmon, Snohomish Avenue project.
8. Report on changes in project scope approved by chairman.
9. Report on completed audits.
10. Report on urban arterial trust fund increases to projects approved by chairman.

**WSR 81-20-034**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 81-22—Filed October 1, 1981]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at General Administration Building, Olympia, Washington 98504, the annexed rules relating to self-insured medical only claims giving the self-insured employers the right to close industrial insurance claims which do not involve payment of temporary disability compensation.

I, Sam Kinville, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is by adopting new [amending] WAC 296-15-070 on an emergency basis the self-insurer will be given enough time to have new forms and pamphlets printed for distribution by the effective date of the law.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 51.04.020 which directs that the Director of Labor and Industries has authority to implement the provisions of Title 51 RCW, Industrial Insurance Law.

This rule is promulgated under the general rule-making authority of the Department of Labor and Industries as authorized in Title 51 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By Sam Kinville  
 Director

AMENDATORY SECTION (Amending Order 77-19, filed 9/26/77)

WAC 296-15-070 ACCIDENT REPORTS AND CLAIMS PROCEDURES. (1) Reporting of accidents

and applications for compensation based thereon shall be on a form prescribed by the department, entitled the Self-Insurer's Report of Accident (SIF #2), which will be supplied to all self-insurers, and by ~~((the))~~ self-insurers to their employees. Forwarding a completed copy of this form to the department shall satisfy the self-insurer's initial accident reporting responsibility under the law.

~~((Non-compensable (medical-only) claims may be withheld from submission to the department for a period not to exceed thirty (30) calendar days. The delayed filing is permissible where by so doing the request for closure can accompany the original submission of the claim.))~~

(2) A self-insurer, on denying any claim, shall ~~((mail))~~ provide to the claimant, the department, and the attending physician, within seven days after such self-insurer has notice of the claim, a notice of denial of claim, substantially identical to the example SIF #4, incorporated herein by reference. With every such claim denial a self-insurer shall send to the department all information on which the denial was based.

(3) A self-insurer ~~((must file))~~ shall file ~~((in all claims))~~ a supplemental or final report on injury or occupational disease, on a form substantially identical to the example SIF #5, incorporated herein by reference, at the following times:

(a) On the date the first time loss compensation is paid.

(b) On the date the time loss compensation is terminated or the rate thereof changed.

(c) On the date a determination is requested.

All medical reports and other pertinent information in the self-insurer's possession must be submitted with the request for all determinations ~~((except in noncompensable claims (medical-only)))~~.

Self-insurers shall not unreasonably delay action on a claim nor fail to keep the department informed of the existence of an extended or continuing claim.

(4) A self-insurer, upon accepting a claim which involves only medical treatment and which does not involve payment of temporary disability or permanent partial disability compensation, shall issue a claim number from S-numbers to be assigned to all self-insurers.

(a) When a worker files a claim the self-insurer shall advise the worker of his claim number, rights and responsibilities, in nontechnical language in a timely manner on a form approved by the department.

(b) A self-insurer, upon closure of a medical only claim, shall issue an order on a form prescribed by the department entitled self-insurer's claim closure order and notice (LI-207-20), which will be supplied to all self-insurers, and by the self-insurers to their employees, in compliance with reporting responsibilities under the law, a copy of which shall be sent to the attending physician.

(c) The self-insurer shall submit monthly statistical information to the department on closed claims, on a form prescribed by the department entitled medical only statistical report (LI-207-19) which will be supplied to all self-insurers by the department.

(d) When a written protest is received by the department, the department may require a self-insurer to submit within ten (10) working days from the date of mailing by the department, all information in the self-insurer's possession which is pertinent to the protest.

**WSR 81-20-035**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 81-23—Filed October 1, 1981]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at General Administration Building, Olympia, Washington 98504, the annexed rules relating to cash or bond alternative for death or permanent total disability gives the self-insured employers the option of a cash or bond alternative to ensure their obligation on permanent partial disability or death resulting from an industrial injury.

I, Sam Kinville, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is by adopting WAC 296-15-215 on an emergency basis the self-insurer will be given enough time to establish and utilize the new forms necessary for implementation by the effective date of the law.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 51.04.020 which directs that the Director of the Department of Labor and Industries has authority to implement the provisions of Title 51 RCW, Industrial Insurance.

This rule is promulgated under the general rule-making authority of the Department of Labor and Industries as authorized in Title 51 RCW, Industrial Insurance.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By Sam Kinville  
 Director

**NEW SECTION**

**WAC 296-15-215 CASH OR BOND ALTERNATIVE FOR DEATH OR PERMANENT TOTAL DISABILITY.** Upon establishment of a death or permanent total disability obligation, the self-insured employer may elect to pursue the bond alternative outlined in RCW 51-44-070(2). In all such cases, cash or bond,

the department shall commence to pay due benefits immediately upon issuance of an order establishing such obligation, and the self-insured employer elects to pursue RCW 51-44-070(2), this payment shall be included with the required cash deposit. All further obligations paid by the department shall be reimbursed to the department by the self-insured through the quarterly report system in accordance with RCW 51-44-070(2).

Upon election of RCW 51-44-070(2) the self-insured employer shall submit a bond in the amount deemed by the insurance commissioner to be reasonably sufficient to insure payment of the death or permanent total disability benefits provided by law. Such bond shall be filed with the self-insurance section no later than sixty (60) days after establishment of the death or permanent total disability obligation.

The bond alternative as prescribed by RCW 51-44-070(2) shall only be allowed once on any given claim elected at the time of the establishment of such obligation. An appropriate cash "reserve fund" may be substituted for a bond as set forth by RCW 51-44-070(1) at any time after election of the bond alternative upon reasonable written notice to the department.

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

**WSR 81-20-036**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 81-24—Filed October 1, 1981]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at the Department of Labor and Industries Offices, General Administration Building, Olympia, Washington, the annexed rules relating to assumed hours to be reported for persons employed as defined under WAC 296-17-739 and coverage for juvenile community service workers, and risk classification for preferred workers as defined under WAC 296-16-010.

I, Sam Kinville, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is under existing rules, rates for risk classification 67-8 have reached a magnitude which cannot be processed in available data processing systems and records. The revised basis for reporting hours and a corresponding adjustment in rates being revised basis for reporting hours and a corresponding adjustment in rates being adopted will not materially affect total classification premiums, but will produce a numerical rate which is compatible with available data systems in the department. Juvenile community service workers' coverage under the workers' compensation act, as mandated by

Senate Bill 3191, requires establishment of a risk classification and rate. Administrative procedures related to premium relief and other incentives to employ injured workers mandated by RCW 51.16.120(3) have been established, and require adoption of a risk classification and rate for reporting of exposure and losses on such workers.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 51.04.020 which directs that the Director of the Department of Labor and Industries has authority to implement the provisions of Title 51 RCW, Industrial Insurance.

This rule is promulgated under the general rule-making authority of the Department of Labor and Industries as authorized in Title 51 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By Sam Kinville  
Director

**AMENDATORY SECTION** (Amending Order 78-23, filed 11/27/78, effective 1/1/79)

**WAC 296-17-350 MINIMUM PREMIUMS—ASSUMED WORKMAN HOURS.** A minimum premium is the lowest amount of premium to be paid by an employer and is also the basis for determining premium computation for workmen for whom an assumed number of workmen hours must be, and hereby, is established:

(1) **Minimum premium.** Except as otherwise provided in this chapter, every employer shall be liable for a premium not less than ten dollars for any calendar quarter regardless of number of workman hours reported.

(2) **Minimum premium for elective adoption.** Any employer having in his employ any person exempt from mandatory coverage under the provisions of RCW 51.12.020 and whose application for coverage under the elective adoption provisions of RCW 51.12.110 is accepted by the director, shall have a minimum premium rate for such employer's applicable class based upon not less than 40 workman hours for each month, until such time as elective adoption coverage is cancelled: **PROVIDED**, That the minimum premium rate as specified above shall not apply to agricultural workers obtaining coverage under this rule and the elective adoption provisions of RCW 51.12.110.

(3) **Apartment house, apartment hotel, motor court and similar operations.** Resident managers, caretakers or other similar occupations who are employed for irregular periods and whose compensation is for a stipulated sum in money or a substitute for money shall be reported for the purpose of calculation of premiums, each three dollars of compensation in money or a substitute for money shall represent one workman hour: **PROVIDED**, That the employer shall not be required to report in excess of 40 hours per week for each person so employed.

(4) **Commission salesman.** Commission salesmen are to be reported for premium purposes at a minimum of assumed workman hours of not less than eight workman hours a day for part-time employment, or not less than 40 workman hours per week for full-time employment: **PROVIDED**, That the assumed eight workman hours daily for part-time employment will apply only if the employer's books and records are maintained so as to show separately such person's actual record of employment.

(5) **Salaried personnel.** Salaried personnel for the purposes of this chapter means persons whose compensation is not governed by the number of hours devoted to employment for his employer. Employers having salaried personnel in their employ shall for the purpose of premium calculation report assumed workman hours based upon 40 workman hours for each week in which any duties of salaried personnel are performed: **PROVIDED**, That salaried personnel, as defined by the foregoing, who are not regularly and continuously employed by the employer may for the purpose of premium calculation compute premiums in accordance with the piece worker rule, subsection (6) of this section: **PROVIDED FURTHER**, The 40 hours per week may be substituted on behalf of all salaried employees by assuming 160 hours per month for each month in which employees are on salary.

(6) **Piece workers.** Employees whose compensation is based upon the accomplishment of a number of individual tasks whether computed on the number of pounds, items, pieces, or otherwise, the employer shall for the purpose of premium calculation assume each two dollars of earnings of each employee as representing one workman hour: **PROVIDED**, That if the average rate of compensation for the applicable classification is at least \$3.00 but less than \$3.50 per workman hour the assumed amount shall be \$3.00 of earnings as representing one workman hour, and on a progressive basis, if the average compensation is at least \$3.50 but less than \$4.00 the assumed amount shall be \$3.50 of earnings as representing one workman hour, etc. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average rate of compensation for each classification: **PROVIDED FURTHER**, That if the employer maintains books and records to show separately the hours employed for each workman in his employ engaged in piece work then such actual workman hours shall be reported for the purpose of premium calculation.

(7) **Noncontact sports teams.** All employers having personnel in their employ as defined under WAC 296-17-745 shall for the purpose of premium calculations, report assumed workman hours based upon 40 workman hours for each week in which any duties are performed.

(8) **All employers having personnel in their employ as defined under WAC 296-17-739 shall, for the purpose of premium calculations, report assumed workman hours based upon ~~((one-hour))~~ two hours for each mount in each horse race; professional drivers shall report workman hours based upon ~~((one-hour))~~ two hours for each heat or race of any racing event; provided, that any day**

such personnel do not ride or drive in a race, the premium calculation shall be made by assuming (3) 6 work hours for any day in which duties are performed.

Rates Effective  
January 1, 1981

**NEW SECTION**

**WAC 296-17-765 CLASSIFICATION 72-3. Juvenile community service workers.**

This class to include all community service workers performing work for counties under the provisions of chapter 13.40 RCW.

**NEW SECTION**

**WAC 296-17-766 CLASSIFICATION 72-4. Preferred workers.**

This class to include all preferred workers in accordance with the provisions of RCW 51.16.120(3) and WAC 296-16-010.

**AMENDATORY SECTION (Amending Order 81-02, filed 1/30/81)**

**WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund base rates and medical aid rates by class of industry shall be as set forth below.**

Rates Effective  
January 1, 1981

| Class | Accident Fund Base Rate | Medical Aid Fund Rate |
|-------|-------------------------|-----------------------|
| 1-1   | .4392                   | .1985                 |
| 1-2   | .4241                   | .1923                 |
| 1-3   | .5207                   | .2688                 |
| 1-4   | .4365                   | .1899                 |
| 1-5   | .4054                   | .2082                 |
| 1-6   | .7381                   | .2806                 |
| 1-7   | .3614                   | .1633                 |
| 1-8   | .4182                   | .1890                 |
| 1-9   | .5610                   | .2501                 |
| 2-1   | 1.0791                  | .4841                 |
| 2-2   | .9518                   | .4063                 |
| 3-1   | .2087                   | .1458                 |
| 3-2   | .5890                   | .2116                 |
| 3-6   | .3028                   | .1805                 |
| 3-7   | .2287                   | .1447                 |
| 4-1   | .7750                   | .3387                 |
| 4-2   | .7750                   | .3387                 |
| 4-3   | .5617                   | .2826                 |
| 5-2   | .3953                   | .1759                 |
| 5-3   | .2193                   | .1783                 |
| 5-4   | .4822                   | .3021                 |
| 5-5   | .5136                   | .2935                 |
| 5-8   | .7532                   | .3373                 |
| 6-1   | .1803                   | .1261                 |
| 6-2   | .1848                   | .1277                 |
| 6-3   | .2836                   | .1545                 |
| 6-4   | .4939                   | .2745                 |
| 6-6   | .1157                   | .0865                 |

| Class | Accident Fund Base Rate | Medical Aid Fund Rate |
|-------|-------------------------|-----------------------|
| 6-7   | .1342                   | .0740                 |
| 7-1   | .4541                   | .1604                 |
| 8-3   | .2026                   | .1109                 |
| 8-4   | .3361                   | .2414                 |
| 9-1   | .8345                   | .2043                 |
| 10-2  | .7344                   | .3720                 |
| 10-3  | .2968                   | .1545                 |
| 10-4  | .7344                   | .3720                 |
| 11-1  | .3353                   | .1417                 |
| 11-2  | .3988                   | .2063                 |
| 11-3  | .1651                   | .1294                 |
| 13-1  | .1497                   | .1047                 |
| 13-3  | .0945                   | .0554                 |
| 13-4  | .0053                   | .0064                 |
| 14-1  | .2776                   | .1726                 |
| 14-3  | .1854                   | .0752                 |
| 14-4  | .1854                   | .0752                 |
| 15-1  | .1553                   | .0993                 |
| 15-7  | .1327                   | .0831                 |
| 17-1  | .7534                   | .3609                 |
| 17-2  | .7534                   | .3609                 |
| 17-3  | .3697                   | .1711                 |
| 17-4  | .1726                   | .1349                 |
| 18-1  | .3565                   | .1613                 |
| 20-2  | .1805                   | .1107                 |
| 20-3  | .1716                   | .1185                 |
| 20-4  | .2169                   | .1681                 |
| 20-5  | .1381                   | .1134                 |
| 20-7  | .1642                   | .1039                 |
| 20-8  | .1331                   | .0846                 |
| 21-1  | .1666                   | .1321                 |
| 21-2  | .1716                   | .1185                 |
| 21-4  | .1010                   | .0884                 |
| 22-1  | .1102                   | .0573                 |
| 22-2  | .1284                   | .0815                 |
| 24-1  | .2654                   | .1650                 |
| 29-3  | .2572                   | .1888                 |
| 29-4  | .3019                   | .1836                 |
| 29-6  | .2139                   | .1674                 |
| 31-1  | .2300                   | .1458                 |
| 31-2  | .2156                   | .1133                 |
| 31-3  | .2156                   | .1133                 |
| 31-4  | .2300                   | .1458                 |
| 31-5  | .4021                   | .1787                 |
| 33-1  | .2577                   | .1996                 |
| 33-2  | .2124                   | .1645                 |
| 33-3  | .1407                   | .1090                 |
| 33-9  | .1314                   | .1026                 |
| 34-1  | .1700                   | .1117                 |
| 34-2  | .2524                   | .1669                 |
| 34-3  | .0410                   | .0152                 |
| 34-4  | .1945                   | .1537                 |
| 34-5  | .0737                   | .0273                 |
| 34-6  | .0952                   | .0781                 |
| 34-7  | .1193                   | .0856                 |

| Rates Effective<br>January 1, 1981 |                               |                             | Rates Effective<br>January 1, 1981 |                               |                             |
|------------------------------------|-------------------------------|-----------------------------|------------------------------------|-------------------------------|-----------------------------|
| Class                              | Accident<br>Fund Base<br>Rate | Medical<br>Aid Fund<br>Rate | Class                              | Accident<br>Fund Base<br>Rate | Medical<br>Aid Fund<br>Rate |
| 34-8                               | .0493                         | .0408                       | 48-3                               | .2062                         | .1606                       |
| 34-9                               | .0835                         | .0684                       | 48-4                               | .2057                         | .1307                       |
| 35-1                               | .1588                         | .1241                       | 48-5                               | .1174                         | .0784                       |
| 35-3                               | .1159                         | .1009                       | 48-6                               | .0248                         | .0218                       |
| 35-6                               | .3705                         | .1644                       | 48-7                               | .5136                         | .2935                       |
| 35-8                               | .1671                         | .1644                       | 48-8                               | .1506                         | .1085                       |
| 36-1                               | .1945                         | .1537                       | 48-9                               | .0800                         | .0534                       |
| 36-2                               | .0435                         | .0418                       | 49-1                               | .0333                         | .0265                       |
| 36-3                               | .1846                         | .1360                       | 49-2                               | .0777                         | .0446                       |
| 36-4                               | .3758                         | .2088                       | 49-3                               | .0333                         | .0265                       |
| 36-5                               | .1268                         | .0913                       | 49-4                               | .0074                         | .0048                       |
| 36-6                               | .2240                         | .1863                       | 49-5                               | .1206                         | .0846                       |
| 37-1                               | .1056                         | .0816                       | 49-6                               | .0243                         | .0180                       |
| 37-2                               | .2154                         | .1329                       | 49-7                               | .0513                         | .0309                       |
| 37-3                               | .1056                         | .0816                       | 49-8                               | .1133                         | .0619                       |
| 37-7                               | .1188                         | .0747                       | 49-9                               | .1133                         | .0619                       |
| 37-8                               | .1005                         | .0665                       | 50-1                               | 1.5891                        | .6662                       |
| 38-1                               | .1005                         | .0665                       | 50-2                               | .1754                         | .1435                       |
| 38-2                               | .0685                         | .0526                       | 50-3                               | .6653                         | .2789                       |
| 38-3                               | .0685                         | .0526                       | 51-1                               | .2656                         | .1757                       |
| 38-4                               | .0685                         | .0526                       | 51-2                               | .5257                         | .3298                       |
| 38-5                               | .0685                         | .0526                       | 51-3                               | .4254                         | .2982                       |
| 38-6                               | .0685                         | .0526                       | 51-4                               | .2524                         | .1669                       |
| 38-8                               | .0703                         | .0540                       | 51-5                               | .2524                         | .1669                       |
| 38-9                               | .0685                         | .0526                       | 51-6                               | .2524                         | .1669                       |
| 39-1                               | .1702                         | .1036                       | 51-7                               | .2022                         | .1481                       |
| 39-2                               | .2794                         | .1542                       | 51-8                               | .2524                         | .1669                       |
| 39-3                               | .3582                         | .2559                       | 51-9                               | .1765                         | .1162                       |
| 39-4                               | .2794                         | .1542                       | 52-1                               | .1959                         | .1291                       |
| 39-5                               | .0619                         | .0605                       | 52-2                               | .2524                         | .1669                       |
| 39-6                               | .1700                         | .1035                       | 52-3                               | .2524                         | .1669                       |
| 40-2                               | .2662                         | .1226                       | 52-4                               | .4365                         | .1553                       |
| 41-1                               | .0436                         | .0428                       | 52-5                               | .2524                         | .1669                       |
| 41-2                               | .0435                         | .0418                       | 52-6                               | .1704                         | .1221                       |
| 41-3                               | .0771                         | .0579                       | 52-7                               | .0605                         | .0560                       |
| 41-4                               | .0436                         | .0428                       | 53-1                               | .0074                         | .0048                       |
| 41-5                               | .0436                         | .0428                       | 53-5                               | .0118                         | .0098                       |
| 41-6                               | .0435                         | .0418                       | 53-6                               | .0121                         | .0098                       |
| 41-7                               | .0329                         | .0282                       | 53-7                               | .0777                         | .0446                       |
| 41-8                               | .0436                         | .0428                       | 61-3                               | .0137                         | .0154                       |
| 41-9                               | .0436                         | .0428                       | 61-4                               | .1691                         | .0967                       |
| 42-1                               | .2815                         | .1925                       | 61-5                               | .0798                         | .0615                       |
| 43-1                               | .3500                         | .2711                       | 61-7                               | .0661                         | .0499                       |
| 43-2                               | .2855                         | .1801                       | 61-8                               | .1533                         | .1164                       |
| 43-3                               | .3177                         | .1783                       | 61-9                               | .0176                         | .0117                       |
| 43-4                               | .3387                         | .1960                       | 62-1                               | .0702                         | .0543                       |
| 43-5                               | .6017                         | .2742                       | 62-2                               | .2269                         | .1211                       |
| 44-1                               | .2124                         | .1016                       | 62-3                               | .0522                         | .0339                       |
| 44-4                               | .1716                         | .1185                       | 62-4                               | .0631                         | .0526                       |
| 45-1                               | .0580                         | .0426                       | 62-5                               | .0631                         | .0526                       |
| 45-2                               | .0252                         | .0146                       | 62-6                               | .0631                         | .0526                       |
| 45-3                               | .0740                         | .0460                       | 62-7                               | .3294                         | .3747                       |
| 45-4                               | .0291                         | .0294                       | 62-8                               | .1372                         | .0838                       |
| 46-1                               | .1421                         | .2126                       | 62-9                               | .0752                         | .0847                       |
| 48-2                               | .1053                         | .0584                       | 63-1                               | .0779                         | .0325                       |

Rates Effective  
January 1, 1981

Rates Effective  
January 1, 1981

| Class | Accident Fund Base Rate       | Medical Aid Fund Rate         |
|-------|-------------------------------|-------------------------------|
| 63-2  | .0842                         | .0445                         |
| 63-3  | .0304                         | .0199                         |
| 63-4  | .0465                         | .0366                         |
| 63-5  | .0214                         | .0241                         |
| 63-6  | .0720                         | .0715                         |
| 63-8  | .0213                         | .0110                         |
| 63-9  | .0360                         | .0420                         |
| 64-2  | .1078                         | .0690                         |
| 64-3  | .0597                         | .0488                         |
| 64-4  | .0210                         | .0182                         |
| 64-5  | .1644                         | .1213                         |
| 64-6  | .0306                         | .0318                         |
| 64-7  | .0591                         | .0609                         |
| 64-8  | .1538                         | .1125                         |
| 64-9  | .1624                         | .1136                         |
| 65-1  | .0183                         | .0136                         |
| 65-2  | .0065                         | .0052                         |
| 65-3  | .0480                         | .0180                         |
| 65-4  | .0667                         | .0688                         |
| 65-5  | .0572                         | .0499                         |
| 65-6  | .0176                         | .0126                         |
| 65-7  | .1219                         | .0850                         |
| 65-8  | .0948                         | .0699                         |
| 65-9  | .0750                         | .0584                         |
| 66-1  | .0856                         | .0722                         |
| 66-2  | .1787                         | .0899                         |
| 66-3  | .0997                         | .0635                         |
| 66-4  | .0307                         | .0215                         |
| 66-5  | .0960                         | .0567                         |
| 66-7  | .0605                         | .0560                         |
| 66-8  | .1362                         | .0656                         |
| 66-9  | .4983                         | .4077                         |
| 67-4  | .0779                         | .0669                         |
| 67-5  | .2332                         | .2130                         |
| 67-6  | .1106                         | .0696                         |
| 67-7  | 5.59*                         | 10.78*                        |
| 67-8  | <del>(7.3995)</del><br>3.6997 | <del>(2.9474)</del><br>1.4737 |
| 67-9  | .0619                         | .0571                         |
| 68-1  | .3380                         | .1934                         |
| 68-2  | .2056                         | .1547                         |
| 68-3  | 1.4168                        | .5342                         |
| 68-4  | .1172                         | .0770                         |
| 68-9  | .6156                         | 1.0038                        |
| 69-1  | -                             | .0283                         |
| 69-2  | .4077                         | .1439                         |
| 69-3  | 1.8982                        | .9894                         |
| 69-4  | .2856                         | .1548                         |
| 69-5  | .2856                         | .1548                         |
| 69-6  | -                             | .1548                         |
| 69-7  | .5055                         | .1933                         |
| 69-8  | .1594                         | .0748                         |
| 69-9  | .0437                         | .0337                         |
| 71-1  | .0304                         | .0199                         |
| 71-2  | 5.59*                         | 10.78*                        |

| Class | Accident Fund Base Rate | Medical Aid Fund Rate |
|-------|-------------------------|-----------------------|
| 71-3  | .0777                   | .0446                 |
| 71-4  | .0112                   | .0087                 |
| 71-5  | .0902                   | .0842                 |
| 71-6  | .1509                   | .1063                 |
| 71-7  | .2234                   | .1399                 |
| 71-8  | .5170                   | .2695                 |
| 71-9  | 1.5891                  | .6662                 |
| 72-1  | .0777                   | .0446                 |
| 72-2  | .0252                   | .0165                 |
| 72-3  | -                       | .0283                 |
| 72-4  | -                       | .0283                 |

\*Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

**WSR 81-20-037**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Order 1749—Filed October 1, 1981]

I, M. Keith Ellis, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to grain inspection and weighing fees, chapter 16-212 WAC.

I, M. Keith Ellis, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the Federal Grain Inspection Service, effective October 1, 1981, will be assessing delegated/designated agencies supervision and administration fees. The increase in fees allows adjustments to pass these user fees onto the grain industry served. Without this fee adjustment, fiscal impact on grain inspection fund could impair the department's ability to provide timely service to the grain industry. Supervision and administration fees were published in the Federal Register, Wednesday, September 23, 1981, pages 47042 through 47045.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 22.09.460 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By M. Keith Ellis

STATEMENT OF PURPOSE

WAC 16-212-020 Grain and commodity inspection points; 16-212-030 General provisions for hourly charges; 16-212-050 Certificates; 16-212-060 Inspection and/or weighing fees; 16-212-065 Sampling, testing, and certification of wheat for sedimentation values; 16-212-070 Inspection of miscellaneous commodities; 16-212-080 Miscellaneous; and 16-212-120 Grades and standards.

The Federal Grain Inspection Service, effective October 1, 1981, will be assessing delegated/designated agencies supervision and administration fees. The increase will allow adjustments to pass these user fees onto the grain industry served.

RCW 22.09.460.

To increase fees for weighing and inspection services provided to the grain industry.

Without this increase, the fiscal impact on the grain inspection fund would impair the department's ability to provide timely service to the grain industry.

Drafting, Implementation and Enforcement: J. Allen Stine, Chief, Grain Branch, Washington State Department of Agriculture, 406 General Administration Building, Olympia, Washington 98504.

Washington State Department of Agriculture.

No.

Yes - Federal Register, Wednesday, September 23, 1981, pages 47042 through 47045.

AMENDATORY SECTION (Amending Order No. 1404, filed 6/30/75)

WAC 16-212-020 GRAIN AND COMMODITY INSPECTION POINTS. ((+)) The following cities in the state of Washington are hereby designated as inspection points for the purpose of inspecting and weighing ((grain)) standardized grains, hay, beans, peas, lentils and other commodities: Colfax, Kalama, Longview, Pasco, Seattle, Spokane, Tacoma and Vancouver.

AMENDATORY SECTION (Amending Order No. 1705, filed 5/30/80)

WAC 16-212-030 GENERAL PROVISIONS FOR HOURLY CHARGES.

(1) Straight Time, rate per hour ..... \$16.00 This hourly rate may be applied on any job where the fee is not sufficient to provide revenue of \$16.00 per hour per man.

(2) Overtime, and night shift rate per hour:

(a) Whenever overtime is required for the performance of any requested service, a maximum overtime rate of \$12.00 per hour per man may be charged in addition to the regular fees (i.e. weighing, inspection, etc.).

(b) For shifts from 3:00 a.m. until 8:00 a.m., a fee of \$12.00 per hour per man shall be charged in addition to the regular inspection and weighing fees.

(c) Whenever a service is requested before or after working hours, Monday through Friday, or anytime on Saturdays, Sundays or holidays, a fee of \$8.00 per hour per man shall be charged in addition to the regular inspection and weighing fees((-)) : PROVIDED, That whenever an employee is called from his home after regular working hours, or on Saturday, Sundays or holidays, a minimum of four (4) hours shall be charged at the rate of \$8.00 per hour.

(d) Whenever a night shift (6:00 p.m. to 3:00 a.m.) is requested later than 3:00 p.m. the day prior to the start of the requested shift, a fee of \$12.00 per hour per man shall be charged in addition to the regular ((fee)) fees.

(e) Whenever a night shift (6:00 p.m. to 3:00 a.m.) is requested by 3:00 p.m. the day prior to the start of the requested shift, a fee of \$4.00 per hour per man may be charged in addition to the regular fee.

(f) Whenever a night shift (6:00 p.m. to 3:00 a.m.) is requested the day prior to the start of the requested night shift and is not cancelled by 5:00 p.m. the day prior to the start of the requested night shift, and the service cannot be performed for that shift through no fault of the department, a fee of \$20.00 per hour per man shall be charged for a minimum of four (4) hours.

(g) At the Seattle, Tacoma, Longview, Kalama and Vancouver grain elevators, for night shifts, Monday through Friday (usually from 6:00 p.m. to 3:00 a.m.) that are, or will be, continuous for a period of one (1) month or longer, with only an occasional work stoppage, additional fees per hour will not apply: PROVIDED, That the workload is sufficient in size so that inspection and weighing fees generated that shift will defray the department's cost (((approximately))) \$16.00 per hour per man).

(3) Standby rate per hour ..... \$20.00

Whenever a service is requested before or after working hours, Monday through Friday or anytime on Saturdays, Sundays or holidays, and service cannot be performed through no fault of the department, a Standby rate of \$20.00 per hour per man shall be charged. Before or after regular working hours, Monday through Friday, a minimum of two (2) hours will be charged, and anytime on Saturdays, Sundays or holidays a minimum of four (4) hours will be charged.

AMENDATORY SECTION (Amending Order No. 1705, filed 5/30/80)

WAC 16-212-050 CERTIFICATES.

(1) Copies of Certificates, Export, after original issuance, each run ..... \$2.00 (The above shall apply to "Divided Original Export Certificate". Each numbered set of certificates shall constitute a "run").

(2) Extra copies of inspection, protein or weight certificates ..... \$1.00 per copy.

**AMENDATORY SECTION** (Amending Order No. 1705, filed 5/30/80)

**WAC 16-212-060 INSPECTION AND/OR WEIGHING FEES.** (1) **Combination Inspection and Weighing Fees.** Ships, barges and transfers of bulk grain.

- (a) From vessel to elevator . . . . . per ton . (~~(\$ 0.11)~~)  
\$ 0.12
- (b) Bin transfers . . . . . per ton . . . . . (~~(\$ 0.11)~~)  
\$ 0.12
- (c) From elevator to vessel . . . . . per ton . (~~(\$ 0.11)~~)  
\$ 0.12

(Inspection - (~~(\$0.06)~~)\$0.065 per ton)  
(Weighing - (~~(\$0.05)~~)\$0.055 per ton)

(2) **Inspection (only).** (Sample, Inspect, Grade and Certificate).

(a) Railroad boxcars or open hopper-type cars at designated hold tracks or at plants for original and all subsequent original inspections . . . . . per car . . . . . (~~(\$8.00)~~)  
\$10.40

(b) Covered hopper-type cars which are sampled by USDA approved mechanical belt, spout, or leg-type samplers at plants . . . . . per car . . . . . (~~(\$10.00)~~)  
\$12.60

(c) Covered hopper-type cars sampled by (~~other~~) methods other than by (b) above for original and all subsequent original inspections . . . . . per car . . . . . (~~(\$15.00)~~)  
\$17.60

(d) Additional factors requested (that do not affect the grade)(~~..... \$ 2.00)~~

- (i) added to existing certifications . per factor . \$ 2.00
- (ii) factor certification only . . per certificate . . \$ 2.45

(e) Reinspection of rail boxcars and covered hopper-type cars on the basis of file sample . . . . . per reinspection . . . . . (~~(\$ 6.00)~~)  
\$ 6.75

(In case of a material error in grade, a corrected certificate will be issued without a fee.)

(f) If a new sample is requested . . . . . (refer to above inspection only fee).

(3) **Weigh (only)**

(a) From railroad boxcars, covered hopper-type cars, or vessels to elevator . . . . . per ton (grain only) . . . . . (~~(\$ 0.08)~~)  
\$ 0.09

(b) From elevator to railroad boxcars, covered hopper-type cars or vessels . . . . . per ton (grain only) . . . . . (~~(\$ 0.08)~~)  
\$ 0.09

(c) Bin transfers . . . . . per ton (grain only) . . . . . (~~(\$ 0.08)~~)  
\$ 0.09

(d) Weighing only (other than grain) . . . . . per ton . . . . . \$ 0.11

(e) Weigh (grain by-products into maximum 30 ton portable containers, fitness inspection of container, weigh by-product and sample) . . . . . per container . . . . . \$ 8.00

(4) Submitted samples(;;); (~~inspections~~) inspection, factor information only (~~.....~~) and file review . . . . . (~~(\$4.00)~~)  
\$ 4.75

(Example of factor information only—where the submitted sample is less than 1,000 grams in size, factor information may be provided on request for the above fee.)

(5) **Inspection of Ships as to Condition**

(a) Per hold and/or tank . . . . . (~~(\$20.00)~~)  
\$21.60

(b) Minimum charge . . . . . (~~(\$100.00)~~)  
\$108.00

(c) Ships holds and/or tank condition inspections will be made on ships at anchor in midstream when requested.

(i) A minimum of two (2) hours of regular time at \$16.00 per hour (one man) for general cargo vessels and a minimum of four (4) hours of regular time at \$16.00 per hour (two men) will be charged for tankers in addition to the established fee.

(ii) These inspections can only be made at the convenience of the office during daylight hours, under safe working conditions, and when weather conditions permit.

(iii) These inspections can only be made within the area of the designated tidewater grain inspection office.

(iv) A ship's officer or company agent shall accompany the (~~grain inspector/s~~) licensed shiphold inspector/s.

(6) **Trucks**

(a) Inspect only . . . . . per truck . . . . . (~~(\$ 5.00)~~)  
\$ 6.00

(b) Weight only . . . . . per truck . . . . . (~~(\$ 3.00)~~)  
\$ 3.25

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order No. 1490, filed 3/1/77)

**WAC 16-212-065 SAMPLING, TESTING, AND CERTIFICATION OF WHEAT FOR SEDIMENTATION VALUES.** (1) **SAMPLING AND CERTIFICATION OF IDENTIFIABLE LOTS** . . . per sample . . . . . \$ 5.00

(2) **REINSPECTION** (file sample or lot) . . . . . \$ 5.00

(3) **SUBMITTED SAMPLE CERTIFICATION** . . . . . per sample . . . . . \$ 5.00

- (4) FOR SAMPLING SERVICE ONLY, TO PROVIDE A SEDIMENTATION SAMPLE (minimum charge (+))  
one (1) hour per hour ..... \$16.00
- (5) PROTEIN ANALYSIS (per certificate) ..... (~~(\$ 3.00)~~)  
\$ 3.25
- (6) FALLING NUMBER TEST (per certificate) ..... \$ 3.00

AMENDATORY SECTION (Amending Order No. 1490, filed 3/1/77)

WAC 16-212-070 INSPECTION OF MISCELLANEOUS COMMODITIES. (1) HAY INSPECTION

- (a) Complete inspection (minimum charge \$10.00) ..... per ton ..... \$ 1.00
- (b) Partial inspection (minimum charge \$5.00) ..... per ton ..... \$ 1.00
- (c) Submitted sample inspection per sample ..... \$ 2.00
- (2) INSPECTION OF BEANS, PEAS, LENTILS, AND SIMILAR COMMODITIES (minimum charge) ..... \$15.00
  - (a) Inspection of bags at inspection points ..... per cwt ..... \$ 0.04
  - (b) Commodity inspection point, bulk per ton ..... \$ 0.20
  - (c) Submitted sample inspection ..... per sample ..... \$10.00

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order No. 1490, filed 3/1/77)

WAC 16-212-080 MISCELLANEOUS. (1) WEIGHING, CHECKING AND/OR SAMPLING COMMODITIES IF NOT COVERED BY WAC 16-212-060(3)(a),

- (b) and (c) minimum charge per hour ..... \$16.00
- (2) MAILING SAMPLES (minimum charge) ..... \$ 1.00
- (3) SAMPLING ONLY, BULK COMMODITIES
  - (a) Minimum charge ..... \$ 4.00
  - (b) Covered hopper-type cars ..... \$11.00
  - (c) Sample only, unofficial (any railcar, open throated probe) ..... \$ 4.00
- (4) FEE FOR PICKUP SAMPLES ON ROUTES ESTABLISHED BY THE DEPARTMENT ..... per sample ..... \$ 0.50
- (5) Car mileage ..... per mile ..... \$ 0.15
- (6) IN ALL CASES WHERE NO FEE HAS BEEN ESTABLISHED FOR SERVICES, the charge for such service shall be provided as in WAC 16-212-030, hourly charges.

(7) Any charges made in addition to the basic fees provided for in WAC 16-212-040 through WAC 16-212-070 shall be classified as additional charges.

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

AMENDATORY SECTION (Amending Order No. 1490, filed 3/1/77)

WAC 16-212-120 GRADES AND STANDARDS. The grades and standards established by the United States Department of Agriculture as of (~~April 1, 1977~~) October 1, 1981, for all grains and commodities included within the provisions of this chapter are hereby adopted as the grades and standards for such grains and commodities in this state.

Reviser's Note: RCW 34.04.058 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 81-20-038**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1696—Filed October 1, 1981]

I, David A. Hogan, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to incapacity, amending WAC 388-37-035.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is substantially improved services to clients will result.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By David A. Hogan  
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

WAC 388-37-035 INCAPACITY. (1) The term "incapacity" refers to the existence of a physiological, emotional and/or mental impairment which renders the person incapable of gainful employment.

(a) Such incapacity must be verified by medical evidence.

(b) The person must be substantially prevented by reason of the impairment from engaging in a useful occupation. Reasons for unemployment other than incapacity, such as individual employer preferences, business and economic conditions, social handicaps, etc., are not factors to be considered in determining his inability to obtain and continue in employment.

(2) The source of evidence for physiological incapacity will be a written report from a physician or chiropractor; for a mental incapacity, the source may be a report from a psychiatrist or clinical psychologist. Medical evidence may be obtained from other DSHS institutions and agencies from which the individual is receiving or has received services. Such reports must include a diagnosis and prognosis for the incapacitating condition and the effect of the condition on the individual's ability to function.

(3) The determination of incapacity will be made on the facts of each case. This requires evaluation of the severity of the impairment and its effect on the individual, and consideration of the individual's abilities so that it can be determined whether there remains a capacity to engage in a useful occupation.

(4) Incapacity due to mental disorders shall be determined on the basis of actual and specific impairment of faculties necessary for the person to be able to engage in gainful employment. The fact that an individual may be receiving treatment for a mental health problem is not in itself evidence that incapacity exists.

~~((a) Such persons must be diagnosed as psychotic or psychotic in remission, or~~

~~(b) Mentally retarded as evidenced by a score of:~~

~~(i) Eighty-four or less on the Wechsler Adult Intelligence Scale or on the Vineland Social Maturity Scale, or~~

~~(ii) Eighty-three or less on the Stanford-Binet Intelligence Scale.~~

~~((c)) (5) Such incapacity will be determined on the basis of evidence that the individual:~~

~~((i)) (a) Is unable to exercise judgment and make decisions necessary to obtain and maintain employment.~~

~~((ii)) (b) Is unable to sustain an adequate attention span.~~

~~((iii)) (c) Manifests bizarre or inappropriate behavior patterns beyond his capability to control.~~

~~((iv)) (d) Does not have the degree of physical and motor control required to sustain employment.~~

~~((v)) (e) Does not have perception and memory to the degree necessary to obtain and sustain employment.~~

~~((vi)) (f) Is unable to follow directions or to learn to the degree necessary to obtain and sustain employment.~~

~~((vii)) (g) Is under medication which impairs functioning.~~

~~((viii)) (h) Any one or a combination of the conditions in ~~((items-i))~~ subdivisions (a) through ~~((vii))~~ (h) may be sufficient to establish incapacity.~~

~~((f5)) (6) Incapacity will be considered to be established for a period of sixty days without an incapacity review team decision ((for applicants for and recipients of services in a congregate care facility)) when the person:~~

~~(a) Deleted;~~

~~(b) Has been determined to be eligible for any benefits ~~((including FAMCO))~~ based on social security administration disability criteria ~~((except for persons with mental or emotional illness));~~~~

~~(c) Is eligible for services from the bureau of developmental disabilities;~~

~~(d) Is being released from inpatient psychiatric treatment.~~

~~((f6)) (7) Incapacity due to alcoholism will be considered to be established when an individual is admitted as a resident into either intensive or long-term treatment at an alcoholism treatment center as defined in WAC 275-19-020.~~

~~((f7)) (8) Incapacity due to abuse of drugs other than alcohol will be considered to be established for a designated period when an individual is admitted as a resident into a certified residential drug treatment program, or certified detoxification program or is accepted into a certified methadone (or approved substitute) maintenance program.~~

~~(a) In accordance with the above criteria, incapacity will be considered to be established for the following maximum periods of time:~~

~~(i) Detoxification—thirty days.~~

~~(ii) Maintenance—sixty days.~~

~~(iii) Residential treatment—sixty days.~~

~~(b) Assistance shall not be continued beyond the initial period of time described in subdivision ~~((f7)(a))~~ (8)(a) of this section without an incapacity review team decision.~~

~~((f8)) (9) If the person claiming incapacity due to alcoholism or drug abuse does not meet the criteria in subsections ~~((f6))~~ (7) or ~~((f7))~~ (8) of this section, incapacity will be determined by evidence that:~~

~~(a) Pathological or demonstrable organic damage has resulted from chronic alcoholism or drug abuse, or~~

~~(b) The individual, as a result of the addiction, has his judgment so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment and constitutes a danger to himself, to any other person, or to property.~~

~~((f9)) (10) Individuals who are found to be incapacitated due to alcoholism or drug abuse must be participating in an approved alcoholism or certified drug treatment program.~~

~~((f10)) (11) An individual who refuses to accept and follow through on available treatment when such treatment is recommended shall not be eligible.~~

~~((f11)) (12) The use of drugs or alcohol of itself is not evidence that an incapacitating condition exists.~~

**WSR 81-20-039**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1707—Filed October 1, 1981]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 388-82-115 Special categories eligible for medical assistance.
- Amd WAC 388-83-130 Eligibility determination—Noninstitutional.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is amendments to WAC 388-82-115 are necessary to permit certain persons to remain eligible for medical coverage. Amendments to WAC 388-83-130 are necessary to implement PL 97-35 and chapter 6, Laws of 1981 1st ex. sess.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By David A. Hogan  
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-82-115 SPECIAL CATEGORIES ELIGIBLE FOR MEDICAL ASSISTANCE. (1) Persons who, in August, 1972, received OAA, AB, AFDC, or APTD, and also received RSDI benefits, and who became ineligible for OAA, AB, AFDC or APTD solely because of the twenty percent increase in social security benefits under Public Law 92-336, shall be eligible for medicaid as categorically needy. The provision applies to both current cash applicants and recipients.

(2) Applicants for SSI or AFDC who were entitled to RSDI benefits in August, 1972, and would have been ineligible solely because of the social security benefits under Public Law 92-336 shall have the twenty percent increase disregarded in determining financial eligibility.

(3) An AFDC family unit which becomes ineligible solely because of increased hours or increased income from employment shall remain categorically eligible for

medical assistance (MA) for four calendar months beginning with the month of ineligibility provided that:

(a) The family received AFDC in at least three of the six months immediately preceding the month of ineligibility.

(b) A member of such family continues to be employed, and

(c) The family is otherwise eligible for AFDC except for increased hours or increased income from employment.

(4) Current recipients who become ineligible for SSI benefits and/or state supplementary payments after April 1, 1977, solely because of OASDI cost-of-living benefit increases under ~~((PL))~~ Public Law 94-566, section 503, shall remain categorically eligible for medical assistance (MA). Any subsequent OASDI cost-of-living benefit including cost-of-living benefits of a financially responsible spouse must be considered available income. This disregard does not apply to:

(a) New applicants (i.e., who were not receiving SSI/SSP prior to increase).

(b) Persons who were not actually receiving SSI/SSP payments for some other reason.

(c) Persons who would have received SSI/SSP if they had applied.

(d) Persons who would have received SSI/SSP if they were not living in a medical or intermediate care facility.

(5) Certain recipients of SSI, after January 1, 1981, will continue to be eligible for medical assistance (MA) under Public Law 96-265.

(6) Pregnant women, with no other eligible children, ineligible for AFDC cash assistance solely because they have not reached the sixth month of pregnancy shall be eligible for Medicaid as categorically needy.

AMENDATORY SECTION (Amending Order 1685, filed 7/29/81)

WAC 388-83-130 ELIGIBILITY DETERMINATION—NONINSTITUTIONAL. (1) Eligibility determination for AFDC shall be as follows:

~~(a) ((Applicants who are eligible for but not receiving cash assistance shall be determined as for the appropriate cash assistance category.~~

~~(b))~~ Individuals under age ~~((twenty-one))~~ eighteen shall have eligibility ~~((determined))~~ determination based on the AFDC one-person standard if they are:

(i) Not SSI related.

(ii) Not AFDC related (dependent child).

(iii) When an under ~~((twenty-one))~~ eighteen person resides in the same family unit with parents, the parents' income is considered available whether or not actually contributed.

~~((iv))~~ (b) The AFDC earned income exemption of thirty dollars plus one-third of remainder does not apply to individuals applying solely for medical assistance.

~~((v))~~ (c) Families applying for medical assistance who received AFDC in any of the four preceding months shall be allowed the thirty dollars plus one-third disregard.

~~((c))~~ Individuals under twenty-one who are AFDC related but are ineligible solely because of AFDC age or school attendance requirements are eligible for medicaid

~~while living in the home with a relative of specified degree on the same basis as the dependent children in that home. Individuals eligible under this provision include:~~

~~(i)) (d) AFDC children age sixteen or seventeen who are terminated from AFDC cash assistance unit because they have ceased to attend school and have refused to register for WIN((:)) are eligible for medicaid while living in the home with a relative of specified degree on the same basis as a dependent child.~~

~~((ii) AFDC children who are terminated from AFDC cash assistance unit because they have reached age eighteen, but have not yet reached age twenty-one.))~~

(2) Eligibility for special categories shall be determined as for the appropriate cash assistance category. See chapter 388-92 WAC.

**WSR 81-20-040**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1705—Filed October 1, 1981]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamps, amending chapter 388-54 WAC.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to comply with federal requirements which become effective on this date.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By David A. Hogan  
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

WAC 388-54-640 APPLICATION AND PARTICIPATION—OPPORTUNITY TO PARTICIPATE. (1) An eligible household shall be provided an opportunity to participate as soon as possible but not later than 30 days after the application was filed. An

application is considered filed the day the department receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative.

(2) An opportunity to participate consists of providing households with an Authorization to Purchase (ATP) card or other authorization and having an issuance facility open and available for the household to obtain its allotment.

(3) For a household subject to and found eligible under the one hundred thirty percent gross income test, the department shall:

(a) Certify into suspended status that household determined to receive zero prorated allotment during the initial month of eligibility, but determined to receive an allotment in the subsequent month(s); the household shall be converted to participant status the month the allotment is received;

(b) convert to suspended status from participant status that household whose fluctuating income results in zero allotment during the month of receipt; the household will be returned to participant status when the net income level is not exceeded;

(c) deny a household whose allotment is determined to be zero for the initial and subsequent month;

(d) not refer a household in suspended status for work registration and job search until that household is converted to participant status.

(4) Households that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than 30 days following the date the application was filed.

~~((4))~~ (5) If the department does not determine a household's eligibility and provide an opportunity to participate within 30 days of the application, the department shall take the following action:

(a) Determine whether the delay was the fault of the household. A delay shall be considered the fault of the household if:

(i) The household has failed to complete the application form even though the department offered, or attempted to offer assistance in its completion and this assistance is documented;

(ii) One or more members of the household has failed to register for work and the department informed the household of the need to register and gave the household at least 10 days from the date of notification to register these members, and the notice was documented;

(iii) In cases where verification is incomplete, the department provided assistance when required and allowed the household sufficient time to provide the missing verification which is at least 10 days from the date of the department's initial request for the particular verification that was missing, and this 10-day period was documented;

(iv) For households that failed to appear for an interview, the department attempted to reschedule the initial interview within 30 days of the date the application was filed.

(A) If a household failed to appear for the first interview and a subsequent interview is postponed at the household's request or cannot otherwise be rescheduled

until after the 20th day but before the 30th day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the 30th day.

(B) If the household failed to appear for the first interview and a subsequent interview is postponed at the household's request until after the 30th day following the date the application was filed, the delay shall be the fault of the household.

(C) If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household.

(b) If the delay is the fault of the household, the household shall lose its entitlement to benefits for the month of application and a denial notice shall be sent. However, the household shall be given an additional 30 days to take the required action.

(i) After a notice of denial is sent and the household takes the required action within 60 days of the date the application was filed, the department shall reopen the case without requiring a new application.

(c) Determine if the delay is the fault of the department.

(i) Delays that are the fault of the department include, but are not limited to, those cases where the department failed to take the action described in subsection ~~((4))~~ (5) (a) of this section.

(d) If the delay is the fault of the department, the department shall take immediate corrective action. The department shall not deny the application but send a notice of pending action, complete with an explanation to the household of any action it must take to complete the application process.

If the household is given an additional 30 days period to provide verifications that were missing and the household is determined eligible in this second 30-day period, the household shall be entitled to benefits retroactive to the month of application.

~~((5))~~ (6) In cases of delays beyond 60 days.

(a) If the department is at fault for not completing the application process by the end of the second 30-day period and the case file is otherwise complete, the original application will be processed until completed.

(i) If the department was at fault in the first 30 days period, the household shall receive benefits retroactive to the month of application.

(ii) If the household was at fault in the first 30 days, the household shall receive benefits retroactive only to the month following the month of application.

(b) If the department is at fault for not completing the application process by the end of the second 30-day period, but information is not complete enough to reach an eligibility determination, the case shall be denied and a notice sent.

(i) If the department was also at fault for the delay in the initial 30 days, the amount of benefits lost would be calculated from the month of application.

(ii) If the household was at fault for the initial delay, the amount of benefits lost would be calculated from the month following the month of application.

(c) If the household is at fault for not completing the application process by the end of the second 30-day period, the department shall deny the application and require the household to file a new application.

**AMENDATORY SECTION** (Amending Order 1653, filed 5/20/81)

**WAC 388-54-645 APPLICATION AND PARTICIPATION—EXPEDITED SERVICE.** The department ~~((must))~~ shall screen applicants at the time of application to determine which households are eligible for expedited service.

(1) If otherwise eligible, the following households are entitled to expedited service.

(a) Households with zero net monthly income;

(b) Households who are destitute as defined in WAC 388-54-655.

(2) For households eligible for expedited service.

(a) The department shall mail the ATP card or coupons no later than the close of business of the second working day following the date the application was filed; unless the household opts to pick up the ATP or coupons no later than the start of business of the third working day following the date the application was filed.

(b) For residents of drug or alcoholic treatment and rehabilitation centers who are eligible, the department shall make the ATP and coupons available within seven working days following the date the application was filed.

(3) When expediting certification and issuance the department shall:

(a) Postpone the verification usually required. The household's identity and residency shall be verified, however, through a collateral contact or readily available documentary evidence.

(b) Require the applicant to register for work unless exempt or unless the household has designated an authorized representative to apply on its behalf, postpone work registration of other members of the household if it cannot be accomplished within the expedited service time frames.

(c) Benefits shall not be delayed beyond the delivery standard described in subsection (2) of this section solely because income has not been verified.

(d) The CSO shall promptly contact the collateral contact or otherwise assist the household in obtaining the necessary verification.

(4) Households that are certified on an expedited basis and have provided all necessary verification required prior to certification shall be assigned a normal certification period. When social security numbers are the only mandatory items not verified, the household shall be certified for a three-month period. Individuals required to provide SSNs for verification ~~((must))~~ shall do so at, or prior to, recertification unless able to show good cause for not meeting this requirement. If good cause is established, the participant may continue to participate provided the individual has documentation indicating he/she has applied for an SSN. If all necessary verification was postponed the household will be certified for one month only unless the household has applied after the fifteenth of the month. Then the department shall

certify the household for the month of application and the subsequent month. When this household has provided the postponed verification, the department shall issue the subsequent month's allotment within five working days from receipt of the verification.

(a) ~~((Benefits will))~~ The allotment shall not be ~~((continued))~~ issued past the month of application if verification ~~((continues to be))~~ which was postponed is not completed. If the postponed verification is not completed within thirty days of the date of application, the household shall be terminated and no additional allotment issued.

(b) At the time of reapplication, the household ~~((must))~~ shall complete the verification requirements which were postponed.

(c) There is no limit to the number of times a household can be certified under expedited procedures, so long as prior to each expedited certification, the household either completes the verification requirements postponed at the last expedited certification, or was certified under normal processing standards since the last expedited certification.

(5) A household entitled both to expedited service and waiver of office interview shall be interviewed by the first working day following the date the application was filed. If the application is not complete and a telephone interview is conducted, the department shall complete the application for the household during the interview and mail the completed application the same day to the household for signature. Time limits shall be calculated from the date a completed and signed application is received rather than the date the application was filed.

AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

WAC 388-54-650 APPLICATION AND PARTICIPATION—PARTICIPATION OF PUBLIC ASSISTANCE HOUSEHOLDS. (1) The department shall conduct a single interview at initial application for both public assistance (PA) and food stamp purposes.

(2) Based upon a thirty-day month the department shall issue a coupon allotment valued in direct proportion to the number of days remaining from the date of application to the end of the initial month of eligibility.

(3) The department shall not delay the household's food stamp benefits pending verification of the PA eligibility provided food stamp eligibility has been established.

AMENDATORY SECTION (Amending Order 1558, filed 10/20/80)

WAC 388-54-665 HOUSEHOLD DETERMINATION. (1) The following individuals or groups of individuals may make up a household provided that such individuals or groups are not residents of an institution, residents of a commercial boarding house, and provided that separate household status shall not be granted to a spouse of a member of the household, or to children under eighteen years of age under parental control of a member of the household((-));

(a) An individual living alone.

(b) An individual, living with others, but who customarily purchases food and prepares meals for home consumption separate and apart from the others.

(c) ~~((An individual who is a boarder, living with others and paying reasonable compensation to the others for meals for home consumption.~~

(~~d~~)) A group of individuals, living together, for whom food is customarily purchased in common and for whom meals are prepared together for home consumption, except that parents and children who live together shall be treated as a group of individuals who customarily purchase and prepare meals together for home consumption even if they do not do so, unless one of the parents is sixty years of age or older.

(d) A household with which a boarder or boarders paying reasonable compensation for meals reside may participate in the program, excluding the boarder(s) and their income and resources from consideration as available, provided the household meets all the eligibility requirements for program participation. The amount of payment for boarding shall be treated as self-employment income. Boarders are ineligible to participate in the program.

(e) ~~((A group of individuals who are boarders living with others and paying reasonable compensation to the others for meals for home consumption.~~

(~~f~~)) Residents of federally subsidized housing for the elderly and residents of Food and Nutrition Service approved drug or alcoholic treatment centers or group living arrangements serving no more than sixteen residents, those being blind or disabled and receiving Title II or XVI benefits.

(2) The following individuals residing with a household shall not be considered household members in determining eligibility or allotment((-)) and are termed nonhousehold members. Nonhousehold members may, if otherwise eligible, qualify as separate households:

(a) Roomers. Individuals to whom a household furnishes lodging, but not meals, for compensation.

(b) ~~((Boarders. Individuals to whom a household furnishes lodging and meals with the following restrictions:~~

~~Boarder status shall not be extended to the spouse of a member of the household, children under eighteen under parental control of a member of the household, or persons paying less than a reasonable monthly payment for meals. Boarders whose board arrangement is for more than two meals per day shall pay an amount which equals or exceeds the thrifty food plan for the appropriate size of the boarder household. Boarders whose board arrangement is for two meals or less per day shall pay an amount which equals or exceeds two-thirds of the thrifty food plan for the appropriate size of the boarder household.~~

(~~c~~)) Live-in attendants. Individuals who reside with a household to provide medical, housekeeping, child care or other similar personal services.

(~~(d)~~) (c) Ineligible aliens. Individuals who do not meet the citizenship or eligible alien status.

(~~(e)~~ Students enrolled in higher education.)

(d) Students age eighteen or older enrolled in high school who do not meet the requirements of WAC 388-54-670(1)(c).

~~((f))~~ (e) Disqualified individuals. Individuals disqualified for fraud or failure to provide required social security numbers without good cause or students in higher education disqualified for failure to meet the requirements of WAC 388-54-670(2).

~~((g))~~ (f) Other individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household.

(3) ~~((Nonhousehold members who are otherwise eligible may participate as separate households provided that separate household status not be granted to:~~

~~(a) A spouse.~~

~~(b) Children under eighteen years of age under the parental control of a member of the household.)~~ Boarders in private homes are not eligible for program benefits. Boarder status (a boarder is an individual to whom a household furnishes lodging and meals for a reasonable monthly payment) shall not be extended to the spouse of a member of a food stamp household, children under eighteen under parental control of a member of the household, children living with parents if at least one parent is less than sixty years of age even if purchasing or preparing meals separately, or persons paying less than a reasonable monthly payment for meals. Boarders whose board arrangement is for more than two meals per day shall pay an amount which equals or exceeds the thrifty food plan for the appropriate size of the boarder household. Boarders whose board arrangement is for two meals or less per day shall pay an amount which equals or exceeds two-thirds of the thrifty food plan for the appropriate size of the boarder household.

(4) Residents of commercial boarding houses are not eligible for program benefits. A boarding house shall be defined as:

(a) An establishment which is licensed as a commercial enterprise which offers meals and lodging for compensation.

(b) In project areas without licensing requirements, a boarding house is a commercial establishment which offers meals and lodging for compensation with the intention of making a profit.

(c) The household of the proprietor of a boarding house may participate separate and apart from the residents if otherwise eligible.

**AMENDATORY SECTION** (Amending Order 1653, filed 5/20/81)

**WAC 388-54-675 WORK REGISTRATION REQUIREMENT.** (1) Each individual between the ages of eighteen and sixty is required to register for employment prior to certification, and once every six months after initial registration, except:

(a) A person physically or mentally unfit for employment;

(b) A parent, or other member of the household, who has responsibility for the care of a dependent child under twelve years of age, or of an incapacitated person;

If the child has its twelfth birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the individual qualifies for another exemption.

(c) A parent, or other caretaker, of a child under eighteen years of age in a household where another able-bodied parent is registered for work or is exempt as a result of employment;

(d) A person receiving unemployment compensation, or a person who has applied for, but not yet begun to receive unemployment compensation, but has registered for work as a requirement for receiving unemployment compensation;

(e) A household member subject to and participating in the WIN program;

Household members(;) who are required to register for work under WIN or unemployment compensation and fail to comply with the work registration requirements of those programs, shall not be denied food stamp benefits solely for this failure. These members lose their exemption and must register for work if they fail to qualify for WIN exemption under other conditions in subsection (1) of this section.

(f) A person who is employed, or self-employed, at least thirty hours per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty hours;

(g) A student enrolled at least half time in any recognized school, training program or institution of higher education provided that those students have met the eligibility conditions in WAC 388-54-670;

(h) A regular participant in a drug addiction or alcohol treatment and rehabilitation program;

(i) A child who has its eighteenth birthday within the certification period. This child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the child qualifies for another exemption;

(j) A person who is complying with work requirements imposed as a participant in any refugee resettlement program including but not limited to the Indochinese refugee assistance program, or the E&T program when approved by FNS. The program must demonstrate that work registration requirements are at least equivalent to food stamp requirements, activities are monitored, and that all other household members who are not exempt are registered for work;

(k) A migrant or seasonal farmworker who is under contract or similar agreement with an employer to begin employment within thirty days;

(l) The department shall verify any claim for exemption which it determines to be questionable.

(2) The department shall provide work registration forms to the applicant for each household member who is required to register for employment. Household members are registered when a completed work registration form is submitted to the department. The department shall forward the completed form to the state employment service.

(3) The applicant's statement concerning the employability of each member of the household shall be accepted unless the information is questionable.

(4) Each member required to register for employment shall also be required to:

(a) Report for an interview to the office where he is registered upon reasonable request;

(b) Respond to a request from the employment service office requiring supplemental information regarding employment status or availability for work;

(c) Report to an employer to whom he has been referred by such office, if the potential employment is suitable;

(d) Accept a bona fide offer of suitable employment to which he is referred by such office;

(e) Continue suitable employment to which the registrant was referred by such office until the employment is no longer considered suitable, the registrant becomes exempt, or is terminated from employment due to circumstances beyond the registrant's control.

(5) If the department finds that a household member refused or failed to comply with the work registration requirement without good cause, the household shall be ineligible for participation in the program, until the member complies, becomes exempt, or, for two months, whichever is earlier.

(6) In determining whether good cause existed for failure to comply, facts and circumstances shall be considered including information submitted by the employment office, the household member and the employer. "Good cause" includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member sufficiently serious to require the presence of the household member, unavailability of transportation, and unanticipated emergency. Problems caused by inability of the work registrant to speak or write English could constitute good cause.

(7) Employment will be considered unsuitable if:

(a) The wages offered are less than the highest amount of the standard following:

(i) The applicable state or federal minimum wage,

(ii) Eighty percent of the federal minimum wage.

(b) The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably be expected to earn is less than the hourly wages specified in subsection (7)(a) of this section;

(c) The registrant, as a condition of employment, or continuing employment, is required to join, resign from, or refrain from joining any legitimate labor organization; or

(d) The work offered is at a site subject to a strike or a lockout at the time of the offer, unless the strike has been enjoined under section 208 of the labor-management relations act (commonly known as the Taft-Hartley act) or unless an injunction has been issued under section 10 of the railway labor act.

(8) Employment shall be considered suitable unless the household member can demonstrate, or the department otherwise becomes aware that:

(a) The degree of risk to the registrant's health and safety is unreasonable.

(b) The registrant is not physically or mentally fit to perform the employment offered, as documented by medical evidence or reliable information obtained from other sources.

(c) The employment offered is outside the registrant's major field of experience unless, after a period of thirty days ((from)) following registration, job opportunities in his major field have not been offered.

(d) The distance from the member's home to the place of employment is unreasonable considering the expected wages and the time and cost of commuting.

(e) If daily commuting time, not including the transporting of a child to and from a child care facility, exceeds two hours, or if the place of employment is too far to walk to and neither private nor public transportation is available to the client.

(f) The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs.

(g) In case of students, the employment is offered during class hours or is more than twenty hours a week.

(9) No household shall be denied participation solely on the grounds that a member of the household is not working because of a strike ((or a lockout)) at his or her place of employment unless the strike has been enjoined under paragraph 208 of the labor-management relations act (commonly known as the Taft-Hartley act), or unless an injunction has been issued under section 10 of the railway labor act. Households with members involved in a strike or concerted work stoppage by employees including any stoppage by reason of the expiration of a collective bargaining agreement and any concerted slow-down or interruption of operation by employees shall be ineligible to participate in the food stamp program unless the household was eligible prior to the strike. However, such households shall not receive an increased allotment as a result of a decrease in the income of the striking member or members of the household. That member's monthly income attributable to the job on which the strike occurred shall be deemed to remain the same as if he/she were still working.

(10) At the end of the two-month disqualification period, a household may apply to reestablish eligibility. Eligibility may be reestablished during the disqualification period if the reason for disqualification is corrected.

(11) A registrant who moves out of the jurisdiction of the department of employment security (DES) office with which he/she is registered must reregister at his/her new location.

(12) Persons losing exemption status due to any change of circumstance:

(a) Subject to reporting requirements shall register for work, the work registration report form shall be completed and returned within ten calendar days of the date the department hands or mails the form to the household member reporting the change. Failure to complete and return the form within that period shall result in termination of the household;

(b) Not subject to reporting requirements shall register for employment at the household's next recertification.

(13) The household shall be held liable for any over-issuances which result from erroneous information given by the household member or the household's authorized representative.

AMENDATORY SECTION (Amending Order 1543, filed 9/17/80)

WAC 388-54-730 INCOME—((ALLOWABLE MAXIMUMS)) ELIGIBILITY STANDARDS. The

combined monthly net food stamp income of all members of a household shall not exceed ((the following standards)):

(1) Except as provided in subsection (2) of this section, the gross income eligibility standards shall be one hundred thirty percent of the office of management and budget's (OMB) nonfarm income poverty guidelines for the forty-eight states and the District of Columbia divided by twelve and rounding the results upward as necessary to calculate the monthly standards:

Gross Monthly Income Eligibility Standards Table

| <u>Household Size</u>  | <u>Monthly Standards</u> |
|------------------------|--------------------------|
| 1                      | \$ 467                   |
| 2                      | 617                      |
| 3                      | 766                      |
| 4                      | 916                      |
| 5                      | 1,065                    |
| 6                      | 1,215                    |
| 7                      | 1,364                    |
| 8                      | 1,514                    |
| Each additional person | +150                     |

(2) For households which contain a member who is sixty years of age or over, or a member who receives SSI benefits under Title XIV of the social security act, or disability and blindness payments under Titles I, II, X, XIV, or XVI of the social security act, eligibility shall be determined on the net income standards as follows:

| <u>Household Size</u>  | <u>Maximum Allowable Net Income</u> |
|------------------------|-------------------------------------|
| 1                      | \$ ((36)) 360                       |
| 2                      | ((48)) 475                          |
| 3                      | ((50)) 590                          |
| 4                      | ((62)) 705                          |
| 5                      | ((72)) 820                          |
| 6                      | ((82)) 935                          |
| 7                      | ((92)) 1,050                        |
| 8                      | ((102)) 1,165                       |
| 9                      | ((110)) 1,280                       |
| 10                     | ((122)) 1,395                       |
| Each additional member | ((102)) +115                        |

AMENDATORY SECTION (Amending Order 1625, filed 3/25/81)

WAC 388-54-740 INCOME-DEDUCTIONS. In computing net income, only the following deductions shall be allowed:

(1) A standard deduction of ((85)) eighty-five dollars per household per month.

(2) An earned income deduction of ((twenty)) eighteen percent of gross earned income. Earnings which are excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.

(3) Payments for the care of a child or other dependent when necessary for a household member to accept or continue employment, seek employment, or attend training or education preparatory to employment.

The amount to be deducted for child care shall be the amount actually paid not to exceed ((15)) one hundred and fifteen dollars. The dependent care deduction in combination with the shelter deduction shall not exceed ((15)) one hundred and fifteen dollars.

(4) Shelter costs in excess of fifty percent of the household's income after the above deductions. The

shelter deductions alone or in combination with the dependent care deduction, shall not exceed ((15)) one hundred and fifteen dollars.

(a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated, assessments, and utility costs such as heat and cooking fuel, electricity, water, garbage, sewage disposal and basic service fee for one telephone (plus tax) and initial installation fees for utility services. One time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(b) Shelter costs for a home not occupied because of employment, training away from home, illness or abandonment caused by casualty loss or natural disaster shall be allowed if:

- (i) The household intends to return to the house;
- (ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes;
- (iii) The home is not being leased or rented during the household's absence.

(c) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.

(d) Standardized amounts shall be used to compute the shelter costs for utilities such as heat and cooking fuel, electricity, water, garbage, sewage disposal, and telephone ((and shall be effective November 1, 1980)).

|            | November 1, ((+980))1981       | May 1, ((+980))1982              |
|------------|--------------------------------|----------------------------------|
|            | thru<br>April 30, ((+980))1982 | thru<br>October 31, ((+980))1982 |
| 1          | \$((+28.00)) 136.00            | \$ ((81.00)) 86.00               |
| 2          | ((+37.00)) 146.00              | ((86.00)) 92.00                  |
| 3          | ((+48.00)) 158.00              | ((90.00)) 96.00                  |
| 4          | ((+58.00)) 168.00              | ((94.00)) 100.00                 |
| 5          | ((+66.00)) 177.00              | ((97.00)) 108.00                 |
| 6          | ((+77.00)) 189.00              | ((106.00)) 113.00                |
| 7          | ((+84.00)) 196.00              | ((111.00)) 118.00                |
| 8          | ((+90.00)) 203.00              | ((114.00)) 121.00                |
| 9          | ((+98.00)) 213.00              | ((118.00)) 126.00                |
| 10 or more | ((+208.00)) 222.00             | ((124.00)) 132.00                |

(e) Households which do not incur any separate utility charges or which are billed separately for only telephone costs, water, sewage, and garbage collection fees shall not be entitled to claim the standard utility allowance.

(f) If a household is not entitled to the standard utility allowance, it may claim actual utility expenses for any utility which it does pay separately, except the telephone.

(g) If a household requests and can verify that its utility bills are higher than the standards, the actual utility costs shall be used.

(i) The telephone standard, for families incurring telephone costs, but not entitled to claim the single standard, is ten dollars.

(ii) A household shall be allowed to switch to or from the standard during its certification period.

(h) The telephone allowance applies to households which are not entitled to claim the overall standard, but which have telephone expenses.

(5) Households which contain one or more members who are sixty years of age or older, receive supplemental security income (SSI), or receive social security disability payments under Title II of the Social Security Act shall be authorized, effective January 1, 1980:

(a) A dependent care deduction up to ~~((\\$15))~~ one hundred and fifteen dollars as specified in WAC 388-54-740(3) and

(b) An excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount that exceeds fifty percent of the household's monthly income after all applicable deductions have been made.

(6) An individual who is sixty years of age or older, or receives supplemental security income (SSI), or receives social security disability, or has received emergency SSI from the social security administration shall be authorized effective January 1, 1980, a deduction for unreimbursable monthly medical expenses over ~~((\\$35))~~ thirty-five dollars.

(a) Allowable medical expenses are:

(i) The cost of maintaining an attendant, homemaker, home health aide, housekeeper and/or child care service. These expenses, which could be claimed either as a medical or child care expense must be considered as medical expenses;

(ii) The cost of medical insurance;

(iii) Medicare premiums related to coverage under Title XVIII of the Social Security Act;

(iv) Any cost-sharing on spend down expenses incurred by medicaid (medical only) recipients;

(v) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;

(vi) Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;

(vii) The cost of medical supplies, sick-room equipment (including rental) or other prescribed equipment;

(viii) Dentures, hearing aids, prosthetics, and eye glasses prescribed by an optometrist or physician skilled in eye disease;

(ix) Securing and maintaining a seeing eye dog including the cost of dog food and veterinarian bills;

(x) Reasonable cost of transportation and lodging to obtain medical treatment or services.

(b) Nonallowable expenses are:

(i) The cost of health and hospital insurance which pays in lump sum settlements or which continue mortgage or loan payments while the beneficiary is disabled;

(ii) The cost of special diets.

AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)

WAC 388-54-750 INCOME—SELF-EMPLOYMENT. (1) A household whose primary source of income is from self-employment, including self-employed farmers, shall be certified according to this section.

Self-employment income which is received on a monthly basis but which represents a household's annual support shall normally be averaged over a ~~((+2))~~ twelve-month period. If, however, the averaged amount does not accurately reflect the household's actual monthly circumstances because the household has experienced a substantial increase or decrease in business, the department shall calculate the self-employment income based on anticipated earnings.

(2) Income which represents annual income and costs of producing that income are to be computed on a yearly basis and averaged evenly over twelve months to determine eligibility even if it is received in only a short period of time.

(a) Self-employment income which represents only a part of a household's annual support shall be averaged over the period of time the income is intended to cover.

(b) If a household's self-employment enterprise has been in existence for less than a year, this income shall be averaged over the period of time the business has been in operation and the monthly amount projected for the coming year.

(3) In determining monthly income from self-employment:

(a) The household may choose to determine the benefit level by using either the same net income which was used to determine eligibility, or by unevenly prorating the household's total net income over the period for which the household's self-employment income was averaged. If income is prorated, the net income assigned in any month cannot exceed the maximum monthly income eligibility standards for the household's size.

(b) For the period of time over which self-employment income is determined the department shall add all gross self-employment income (including capital gains), exclude the cost of producing the self-employment income and divide this income by the number of months over which the income will be averaged.

(c) For those households whose self-employment income is not averaged but is instead calculated on an anticipated basis, the department shall add any capital gains the household anticipates receiving in the next ~~((+2))~~ twelve months, starting with the date the application is filed and divide this amount by ~~((+2))~~ twelve. This amount shall be used in successive certification periods during the next ~~((+2))~~ twelve months, but recalculated should anticipated capital gains amounts change. The anticipated monthly amount of capital gains shall be added to the anticipated monthly self-employment income, and subtract the cost of producing the income. Except for depreciation, the cost of producing the income shall be calculated by anticipating the monthly allowable costs of producing the income.

(d) The monthly net self-employment income shall be added to any other earned income received by the household. The total monthly earned income less the ~~((20))~~ eighteen percent earned income deduction shall then be added to all other monthly income received by the household. The standard deduction, dependent care, and shelter costs shall be computed as for any other household and subtracted to determine the adjusted monthly net income of the household.

(4) In calculating capital gains, the proceeds from the sale of capital goods or equipment shall be calculated in the same manner as a capital gain for federal income tax purposes. The department shall count the full amount of the capital gain as income for food stamp purposes even if only ~~((50))~~ fifty percent of the proceeds from the sale of capital goods or equipment is taxed for federal income tax purposes.

(5) Allowable costs of producing self-employment income include, but are not limited to:

(a) The identifiable costs of labor, stock, raw material, seed and fertilizer, interest paid to purchase income-producing property, insurance premiums, and taxes paid on income-producing property;

(b) Depreciation, which shall be allowed as a cost of producing self-employment income for equipment, machinery or other capital investments necessary to the self-employment enterprise, as documented by a tax return.

(6) The following items shall not be allowed as a cost of producing self-employment income:

(a) Payments on the principal of the purchase price of income producing real estate and capital assets, equipment, machinery and other durable goods;

(b) Net losses from previous periods; and

(c) Federal, state and local income taxes, money set aside for retirement purposes, and other work-related personal expenses, such as transportation to and from work, as these expenses are accounted for by the ~~((20))~~ eighteen percent earned income deduction specified.

(7) In assigning certification periods:

(a) Households that receive their annual support from self-employment and have no other source of income may be certified for up to 12 months;

(b) For those households that receive other sources of income or whose self-employment income is intended to cover a period of time that is less than a year, the department shall assign a certification period appropriate for the household's circumstances;

(c) For businesses which have been in operation for such a short time that there is insufficient data to make a reasonable projection, the household may be certified for less than a year until the business has been in operation long enough to base a longer projection.

(d) For those self-employed households that receive their annual income in a short period of time, the initial certification period shall be assigned to bring the household into the annual cycle.

**AMENDATORY SECTION** (Amending Order 1374, filed 3/1/79)

**WAC 388-54-760 CERTIFICATION PERIODS—DURATION.** (1) Based upon a thirty-day

month, the value of the allotment issued to an eligible household for the initial month shall be pro rated from the date of application through the end of the month in relation to the total number of days in the month.

~~((2))~~ (2) An assistance household shall be assigned a certification period which coincides with the scheduled assistance reviews so that the review of the grant and food stamp basis of issuance can be accomplished simultaneously. ~~((In no case is))~~ The certification period is not to exceed one year unless the Secretary of USDA waives the twelve-month limit to improve the administration of the program.

~~((2))~~ (3) Other households shall be certified for at least three months or assigned the longest certification period possible based on the predictability of the household's circumstances, except as follows:

(a) Certification may be for less than three months when there is a possibility of frequent changes in income or household status.

(i) A household eligible for a certification period of ~~((3))~~ three months or less shall, at the time of certification, have this certification period increased by ~~((1))~~ one month, if the certification process is completed after the ~~((15th))~~ fifteenth day of month of application and the household's circumstances warrant the longer certification period.

(ii) A household with one or more members ~~((subject to lockout or))~~ on strike shall be assigned a certification period of no more than one month if the household is certified before the ~~((15th))~~ fifteenth day of the month; otherwise, the maximum certification period shall be for two months unless the department wishes to assign a longer certification period and the household signs a waiver of notice of adverse action.

(b) In situations in which there is little likelihood of changes in financial situation and household size, the household may be recertified for up to six months.

(c) A household consisting solely of unemployable persons with very stable income solely from retirement, disability payments, or similar sources may be certified up to twelve months, provided that other household circumstances are expected to remain stable.

(d) A household whose primary source of income is from self-employment, farm operations or farm employment may be certified up to twelve months, provided income can be readily predicted and household circumstances are not likely to change. A household with additional income from other sources shall be assigned a certification period in accordance with subsection ~~((2))~~ (3) (a), (b) and (c).

**AMENDATORY SECTION** (Amending Order 1408, filed 6/25/79)

**WAC 388-54-765 CERTIFICATION PERIODS—NOTICES TO HOUSEHOLDS.** (1) The applicant household shall be provided with one of the following written notices as soon as determination is made but no later than thirty days after the date of initial application:

(a) Notice of eligibility. Written notice containing the amount of the allotment, beginning and ending dates of the certification period, the right to a fair hearing, an

information phone number and information regarding free legal representation.

(b) Notice of denial. Written notice explaining basis for denial, right to a fair hearing, information phone number and information about free legal services.

(c) Notice of pending status. Written notice informing the household that its application is still being processed, whether some action by the household is needed to complete the application, what this action is, and that the application will be denied if the household fails to take the required action within sixty days of the date the application was filed.

(2) Notice of adverse action. Prior to any action to reduce or terminate a household's benefits within the certification period the department shall provide notice to the household at least ten days prior to the action.

(a) This notice shall include:

(i) The proposed action and reason for the action;

(ii) The household's right to a fair hearing;

(iii) An information telephone number;

(iv) The availability of continued benefits;

(v) The liability for any overissuances received while awaiting a fair hearing if the decision is adverse to the household;

(vi) Notice of availability of free legal services.

(b) A notice of adverse action is not required when:

(i) Mass changes are made by federal or state government, except as provided for in subdivision (c) of this subsection;

(ii) The department determines that the members of a household have died;

(iii) The household has moved from the project area;

(iv) Restoration of lost benefits is completed and the household was previously notified in writing of when the increased allotment would terminate;

(v) Allotment varies from month to month and the household was notified at the time of certification that these changes would be made;

(vi) If the household experiences reduction in benefits upon approval of a PA grant and was so notified at the time of application;

(vii) A household member is disqualified for fraud or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member;

(viii) The household contains a member subject to a ((lockout or)) strike and signs a waiver of its right to notice of adverse action for purposes of receiving a longer certification period than is otherwise allowed for such households.

(c) A notice of adverse action will be required because of mass changes resulting from the implementation of the Food Stamp Act of 1977. The department shall send an individual notice of adverse action to each household that receives a reduction or termination in benefits during its certification period due to these regulations. The notice of adverse action shall explain to the household:

(i) That the change is the result of changes in federal law;

(ii) That although the household has the right to request a fair hearing, benefits will be continued pending

the fair hearing only if the household believes its eligibility or benefit level was computed incorrectly under the new law, or that the new law is being misapplied or misinterpreted.

(d) Instead of an individual notice, the department shall send a general notice to all or part of the food stamp caseload when new eligibility rules are matched by computer with current history file information.

The general notice shall explain that the cause of the allotment change, if any, is the Food Stamp Act of 1977, and the circumstances for continuing or reinstating the household's former level of benefits as in an individual notice. The general notice shall be sent no later than the allotment of ATP that adjusts the household's benefits to the new program.

**AMENDATORY SECTION** (Amending Order 1653, filed 5/20/81)

**WAC 388-54-770 CERTIFICATION PERIODS-REPORTING CHANGES DURING.** (1) The recipient household is required to report the following changes in circumstances:

(a) All changes in income of more than twenty-five dollars and source of income, except changes in public assistance grants.

(b) All changes in household composition such as addition or loss of a household member.

(c) Changes in residence and the resulting change in shelter costs.

(d) The acquisition of a licensed vehicle not fully exempt under WAC 388-54-717.

(e) When nonexempt liquid resources reach or exceed one thousand ((seven)) five hundred ((fifty)) dollars. (See WAC 388-54-715(1)(a)).

(2) All changes in status must be reported within ten calendar days of the date the change becomes known to the household. Reporting may be by telephone, mail or personal contact.

(3) Changes shall be considered to be reported by the household on the date the report is received by the CSO or if mailed the date the household's report is postmarked.

(4) Individuals shall not be disqualified for failing to report a change, unless the individual is disqualified in accordance with the fraud disqualification procedures.

(5) The client is entitled to receive:

(a) A change report form at the time of initial certification.

(b) Acknowledgment of receipt of a notice of change given by the client to the department pursuant to subsection (2) of this section.

(c) Notification of the amount of change in the allotment if the reported change results in such an adjustment.

(d) Notification of any additional verification requirements brought about by the reported change of circumstances.

(e) Notification that failure to provide required verification within ten days will result in delay of increased benefits.

(f) A new change report form when a change has been reported.

**AMENDATORY SECTION** (Amending Order 1620, filed 3/4/81)

**WAC 388-54-785 ISSUANCE—MONTHLY ALLOTMENTS.** (1) ~~((The maximum allowable income standards for determining eligibility for all households are as follows:~~

| Household Size         | Maximum Allowable Monthly Income Standards<br>48 States and D.C. |
|------------------------|--|
| 1                      | \$ 316   |
| 2                      | 418  |
| 3                      | 520  |
| 4                      | 621  |
| 5                      | 723  |
| 6                      | 825  |
| 7                      | 926  |
| 8                      | 1,028  |
| 9                      | 1,130  |
| 10                     | 1,232  |
| Each additional member | +102)  |

Based upon a thirty-day month, the department shall issue to households making initial application a coupon allotment valued in direct proportion to the number of days remaining from the date of application to the end of the initial month of eligibility.

~~((To))~~ The department shall determine the ((benefit)) value of the allotment a household((s shall receive: (a) Subtract 30)) receives (taking into consideration the requirement within subsection (1) of this section to pro rate the initial month's allotment) by subtracting thirty percent of the household's net monthly income from the thrifty food plan for that household size.

| Household Size         | Thrifty Food Plan Amounts |
|------------------------|---------------------------|
| 1                      | \$ 70                     |
| 2                      | 128                       |
| 3                      | 183                       |
| 4                      | 233                       |
| 5                      | 277                       |
| 6                      | 332                       |
| 7                      | 367                       |
| 8                      | 419                       |
| 9                      | 472                       |
| 10                     | 525                       |
| Each additional member | +53                       |

~~((b))~~ (3) All one and two person households shall receive a minimum monthly allotment of ((\$10.00)) ten dollars except in the initial benefit month wherein a household may receive a pro rata allotment of less than ten dollars.

**AMENDATORY SECTION** (Amending Order 1374, filed 3/1/79)

**WAC 388-54-790 ISSUANCE—USE AND REDEMPTION.** (1) The department ((may)) shall issue food coupons through:

(a) An authorization to participate (ATP) system in which an authorizing document is distributed on a monthly basis to the household and surrendered prior to its expiration date to the coupon issuer ((when coupons are obtained)), or,

(b) A direct coupon mailout system.  
(2) For ATP's issued after the twenty-fifth of the month, the department shall either:

(a) Issue an ATP which shall not expire for a period of not less than twenty calendar days or until the end of the following month; or

(b) Issue an ATP valid only until the end of the month and issue a valid replacement ATP if the household is unable to transact the ATP before its expiration date. The household shall be informed of this possibility at the time the first ATP is issued.

(3) In the use or redemption of coupons by eligible households:

(a) A household member should sign each coupon book issued to the household. The coupons may be used only by the household or other persons the household selects to purchase eligible food for the household.

(b) Uncanceled and unendorsed coupons of ((\$1)) one dollar denomination, returned as change by authorized retail food stores, may be presented as payment for eligible food. All other detached coupons may be accepted only if accompanied by the coupon book which bears the same serial number as the detached coupons. It is the right of the household or the authorized representative to detach the coupons from the book.

(c) When change in an amount less than ((\$1)) one dollar is required in a coupon transaction, the household shall receive the change in cash not to exceed ((99)) ninety-nine cents.

(d) Upon request, the household or the authorized representative shall present the household's ID card to the retail food store or meal service when exchanging food coupons for eligible food.

(e) Coupons shall not be used to pay for any eligible food purchased prior to the time at which the coupons are presented to authorized retail food stores or meal service. Neither shall coupons be used to pay for any eligible food in advance of the receipt of food, except when prior payment is for food purchased from a non-profit cooperative food purchasing venture.

~~((3))~~ (4) Where the direct mail system is used to issue coupons:

(a) After two consecutive reported mail losses by a household, the department shall consider other means to deliver program benefits to the household.

(b) To minimize mail theft exposure, direct mail issuances shall be staggered through the ((10th)) tenth of the month, and may be staggered through the ((15th)) fifteenth day provided that each household will likely receive its coupons on the same date every month.

(c) When a household reports the nondelivery of coupons issued through the mail, the department shall issue replacement coupons to the household within ((5)) five working days after the report of nondelivery has been received.

~~((4))~~ (5) In case of lost or stolen ATPs:

(a) The department shall issue an emergency replacement ATP only if the original is reported lost or stolen in the period for which it was intended;

(b) The participant must sign an affidavit stating that the original ATP will be returned to the department if recovered by the household.

~~((5))~~ (6) The department shall maintain issuance records for a period of three years from the month of origin. This period may be extended at the written request of FNS.

~~((6))~~ (7) In returning coupons, the following shall apply:

(a) In the event of voluntary termination of participation in the program by a household or death of the head of the household, properly issued coupons may be returned to FNS for a refund on the same ratio of cash to coupons as was applied by the department in the issuance of the coupons to the household.

(b) A request for a refund shall be submitted to the department. The request shall be in ink or typed, contain the claimant's address, be dated and signed. The unused coupons shall be attached. The department shall then provide a copy of the refund request to the household as a receipt for the coupons.

(c) The department shall forward claims to FNS for payment. The claimant's request for a refund, Request for Reimbursement or Notification of Return of Unused Food Coupons for Refund, and the unused coupons shall be forwarded to FNS by the department.

(d) ~~((Six months after elimination of the purchase requirement.))~~ No refunds shall be paid for coupons returned to FNS.

(e) Households which still have old series coupons shall be entitled to a dollar for dollar exchange of old series coupons for new series coupons.

#### AMENDATORY SECTION (Amending Order 1492, filed 3/7/80)

WAC 388-54-805 ISSUANCE—RESTORATION OF LOST BENEFITS. (1) Whenever a household receives fewer benefits than it is entitled to receive as a result of error by the department, the department shall restore those benefits which were lost within ~~((12))~~ twelve months of:

(a) The month the department was notified by the household or by another person or agency in writing or orally of the possible loss;

(b) The month the department discovers that a loss to a specific household has occurred;

(c) The date the household requested a fair hearing to contest the adverse action which resulted in the loss.

(2) Benefits shall be restored even if the household is currently ineligible.

(3) The ~~((12))~~ twelve-month limitation does not apply to benefits which are to be restored when:

(a) A fraud disqualification penalty is reversed;

(b) Amounts deducted from SSI benefits to repay SSI overpayments, since January 1976, were counted as food stamp income (households may apply for this benefit until 5-1-80);

(c) The household, previously determined by the department to be entitled to benefits as a result of the household winning a fair hearing or an error being made in determining the household's eligibility, was denied restoration of benefits because the household was not currently participating.

(4) The department shall notify the household of its entitlement, the amount of benefits to be restored, the

method of restoration and the right to appeal, and any offsetting that was done.

(5) If the department determines that a household is entitled to restoration of lost benefits, but the household does not agree with the amount to be restored or with any other action taken by the department, the household may request a fair hearing within ~~((90))~~ ninety days of the date the household is notified of its entitlement to restoration of lost benefits, as specified in WAC 388-54-805(3)(c). Households previously notified they were due benefits but who could not receive them because they were not currently participating may request a fair hearing ninety days from the date the CSO makes a decision on the request to restore benefits.

(a) If a fair hearing is requested prior to or during the time lost benefits are being restored, the household shall continue to receive the lost benefits, as determined by the department, pending the result of the fair hearing.

(b) If the fair hearing decision is favorable to the household, the department shall restore the lost benefits in accordance with that decision.

(c) If a household and the department disagree about the household's entitlement to restoration of lost benefits, the household has ~~((90))~~ ninety days from the date of the department determination to request a fair hearing. The department shall restore lost benefits to the household only if the fair hearing decision is favorable to the household. Benefits lost more than ~~((12))~~ twelve months prior to the date the department was initially informed of the household's possible entitlement shall not be restored unless the household was previously notified they were due benefits but could not receive them because they were not currently participating. In these cases, the twelve-month limitation does not apply.

(6) Individuals disqualified for fraud are entitled to restoration of benefits lost during the months they were disqualified only if the decision which resulted in disqualification is subsequently reversed. Benefits shall be restored regardless of the length of time that has elapsed since the household member was disqualified.

(7) The department shall restore lost benefits to a household whether or not it is currently eligible or ineligible, by issuing an allotment equal to the amount of benefits that were lost.

(8) The department shall restore lost benefits that occurred prior to elimination of the purchase requirement. Households assigned a purchase requirement that was too high or assigned an incorrect household size shall be entitled to restoration of their lost benefits. The amount shall be equal to the difference between the ~~((bonus stamps))~~ allotment the household received and the correct amount the household should have received.

(9) Whenever lost benefits are due a household and the household's membership has changed, the department shall restore the lost benefits to the household containing a majority of the individuals who were household members at the time the loss occurred. If the department cannot locate or determine the household which contains this majority, it shall restore the lost benefits to the household containing the head of the household at the time the loss occurred.

(10) The department shall honor reasonable requests by households to restore lost benefits in monthly installments if, for example, the household fears the excess coupons may be stolen, or that the amount to be restored is more than it can use in a reasonable period of time.

(11) Households described in WAC 388-54-805(3)(c) shall provide the CSO with a copy of the notice they received if it was within the past three years. If it has been more than three years, the household may complete an affidavit stating they received notice that they were due an amount of stamps or were overcharged for the stamps they received. The affidavit shall also include an explanation by the household of their entitlement. The affidavit is not necessary if the amount due can be verified through case records or accounts payable ledgers.

**AMENDATORY SECTION (Amending Order 1529, filed 8/6/80)**

**WAC 388-54-826 FRAUD DISQUALIFICATION—ADMINISTRATIVE**

**FRAUD HEARING DETERMINED.** (1) Fraud disqualification penalties. These rules are effective July 1, 1979. Individuals found to have committed fraud through an administrative fraud hearing shall be ineligible to participate in the program for three months. Individuals found guilty of criminal or civil fraud by a court of appropriate jurisdiction shall be ineligible for not less than six months and not more than twenty-four months as determined by the court. The department shall disqualify only the individual and not the entire household. If the court fails to address or specify a disqualification period for the fraudulent act, the department shall impose a six month disqualification period unless it is contrary to the court order.

(2) Definition of fraud. For purpose of determining at an administrative fraud hearing whether or not fraud was committed, fraud shall consist of any action by an individual to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the state agency, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous non-food items;

(e) Use or possess improperly obtained coupons or authorization cards;

(f) Trade or sell coupons or authorization cards.

(3) Administrative disqualification. The department's procedures for conducting fraud hearings are outlined in this section. An administrative fraud hearing shall be initiated by the department whenever the department has documented evidence to substantiate that a (~~currently certified~~) household member has committed one or more acts of fraud as defined in subsection (2) of this section. Fraud hearings shall not be conducted if the amount the department suspects has been fraudulently

obtained is less than ((~~\$35~~)) thirty-five dollars or if the value of the ineligible items that have been purchased with food stamps is under ((~~\$35~~)) thirty-five dollars. The burden of proving fraud is on the department. The department may initiate an administrative fraud hearing regardless of the current eligibility of the individual. It may still be conducted regardless of whether other legal action is planned against the household member.

(a) Consolidation of administrative fraud hearing with fair hearing. The office of hearings may combine a fair hearing and an administrative fraud hearing into a single hearing if the factual issues arise out of the same, or related, circumstances and the household receives prior notice that the hearings will be combined. If the fraud hearing and fair hearing are combined, the department shall follow the timeliness standards for conducting fraud hearings.

(b) Fraud hearing procedures.

(i) The department provides state level administrative fraud hearings. The procedure for decision rendering is described in WAC 388-54-827.

(ii) The following provisions apply to administrative fraud hearings:

(A) Hearing official. Hearings shall be conducted and decisions rendered by impartial examiners who: do not have any personal stake or involvement in the case; were not directly involved in the initial determination of the action which is being contested; and were not the immediate supervisor of the eligibility worker who took the action. The hearing official shall:

(I) Administer oaths or affirmations if required by the state;

(II) Ensure that all relevant issues are considered;

(III) Request, receive and make part of the record all evidence determined necessary to decide the issues being raised;

(IV) Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing;

(V) Order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the department;

(B) Attendance at hearing. The hearing shall be attended by a representative of the department and by the household and/or its representative. The hearing may also be attended by friends or relatives of the household if the household so chooses. The hearing examiner shall have the authority to limit the number of persons in attendance at the hearing if space limitations exist.

(C) Household rights during hearing. The household may not be familiar with the rules of order and it may be necessary to make particular efforts to arrive at the facts of the case in a way that makes the household feel most at ease. The household or its representative must be given adequate opportunity to:

(I) Examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing. The contents of the case file including the application form and documents of verification used by the department to establish the household's ineligibility or eligibility, and allotment

shall be made available, provided that confidential information, such as the names of individuals who have disclosed information about the household without its knowledge or the nature or status of pending criminal prosecutions, is protected from release. If requested by the household or its representative, the department shall provide a free copy of the portions of the case file that are relevant to the hearing. Confidential information that is protected from release and other documents or records which the household will not otherwise have an opportunity to contest or challenge shall not be introduced at the hearing or affect the hearing official's decision.

(II) Present the case or have it presented by a legal counsel or other person.

(III) Bring witnesses.

(IV) Advance arguments without undue interference.

(V) Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses.

(VI) Submit evidence to establish all pertinent facts and circumstances in the case.

(D) Hearing decisions.

(I) Decisions of the hearing authority shall comply with department regulations and shall be based on the hearing record. This record shall be available to the household or its representative at any reasonable time for copying and inspection.

(II) At the fraud hearing the hearing examiner shall advise the household member or representative that the household member may refuse to answer questions during the hearing.

(III) Within ninety days of the date the household member is notified in writing that a hearing initiated by the department has been scheduled the department shall conduct the hearing, arrive at a decision, and initiate administrative action which will make the decision effective. The household member or representative is entitled to a postponement of up to thirty days. If the hearing is postponed, the above time limits shall be extended for as many days as the hearing is postponed.

(c) Advance notice of hearing.

(i) The department shall provide written notice to the household member suspected of fraud at least thirty days in advance of the date a fraud hearing initiated by the department has been scheduled. The notice shall be mailed certified mail return receipt requested, and shall contain, at a minimum:

(A) The date, time, and place of the hearing;

(B) The charge(s) against the household member;

(C) A summary of the evidence, and how and where the evidence can be examined;

(D) A warning that the decision will be based solely on information provided by the food stamp office if the household member fails to appear at the hearing;

(E) A warning that a determination of fraud will result in a three-month disqualification;

(F) A listing of the household member's rights as contained in WAC 388-54-826(3)(b)(ii)(C).

(G) A statement that the hearing does not preclude the state or federal government from prosecuting the

household member for fraud in a civil or criminal court action, or from collecting the overissuance;

(H) A statement that the individual can call the food stamp office to get the name and phone number of someone who can give free legal advice. If free legal advice is not available, the food stamp office shall provide, when called, the phone number of a lawyer referral service of the local bar association.

(ii) A copy of the department's published hearing procedures shall be attached to the thirty-day advance notice;

(d) Scheduling of hearing. The time and place of the hearing shall be arranged so that the hearing is accessible to the household member suspected of fraud.

If the household member or its representative cannot be located or fails to appear at a hearing initiated by the department without good cause, the hearing shall be conducted without the household member represented. Even though the household member is not represented, the hearing official is required to carefully consider the evidence and determine if fraud was committed based on clear and convincing evidence. If the household member is found to have committed fraud but a hearing official later determines that the household member or representative had good cause for not appearing, the previous decision shall no longer remain valid and the office of hearings shall conduct a new hearing. The household member has ten days from receipt of the notice of the fraud decision to present reasons indicating a good cause for failure to appear. A hearing official must enter the good cause decision into the record.

(e) Participation while awaiting a hearing. A pending fraud hearing shall not affect the individual's or the household's right to be certified and participate in the program. Since the department cannot disqualify a household member for fraud until the hearing authority finds that the individual has committed fraud, the department shall determine the eligibility and benefit level of the household in the same manner it would be determined for any other household. The department shall also reduce or terminate the household's benefits if the department has documentation which substantiates that the household is ineligible or eligible for fewer benefits (even if these facts led to the suspicion of fraud and the resulting fraud hearing) and the household fails to request a fair hearing and continuation of benefits pending the hearing.

(f) Criteria for determining fraud. The hearing authority shall base the determination of fraud on clear and convincing evidence which demonstrates that the household member knowingly, willfully, and with deceitful intent committed fraud, as defined in subsection (2) of this section.

(g) Decision format. The hearing authority's decision shall specify the reasons for the decision, identify the supporting evidence, identify the pertinent regulation, and respond to reasoned arguments made by the household member or representative.

(h) Appeal rights of the household member. If the hearing authority rules that the household member has committed fraud, the household member may appeal the decision to court. After a household member has been

found to have committed fraud by the hearing authority, the household member shall be disqualified for three months beginning with the first month which follows the date the household member has received the hearing decision. The disqualification period shall be three months, without regard to the amount of food stamps fraudulently obtained or the number of fraudulent acts the hearing finds the individual has committed. No further administrative appeal procedure exists after an adverse department hearing. The determination of fraud made by a fraud hearing official cannot be reversed by a subsequent fair hearing decision. The household member, however, is entitled to seek relief in a court having appropriate jurisdiction. The period of disqualification may be subject to stay or other injunctive remedy.

(i) Notification of hearing decision.

(ii) If the hearing authority finds that the household member did not commit fraud, the hearing authority shall provide a written notice which informs the household member of the decision.

(iii) If the administrative fraud hearing authority finds that the household member committed fraud, the department shall mail a written notice to the household member prior to disqualification. The notice shall inform the household member of the decision and the reason for the decision. The notice shall also advise the remaining household members, if any, of either the allotment they will receive during the period of disqualification or that they must reapply because the certification period has expired. The decision shall inform the household member of the date disqualification will take effect.

**AMENDATORY SECTION** (Amending Order 1374, filed 3/1/79)

**WAC 388-54-830 TREATMENT OF INCOME AND RESOURCES OF DISQUALIFIED MEMBERS.** During the period of time a household member is disqualified:

(1) The resources of the disqualified member shall continue to count in their entirety to the remaining eligible household members.

(2) A pro rata share of the income of the disqualified member less allowable exclusions shall be counted as income to the remaining members. The ((20%)) eighteen percent earned income deduction shall apply.

(3) That portion of the household's allowable shelter and dependent care expenses which are either paid by or billed to the disqualified member shall be divided evenly among the household members including the disqualified member. All but the disqualified member's share is counted as a deductible shelter expense for the remaining household members.

(4) The disqualified member shall not be included when determining the household size for purposes of assigning a benefit level, or for purposes of comparing the household's net monthly income with the income eligibility standards.

(5) Whenever an individual is disqualified within the household's certification period, the department shall determine the eligibility or ineligibility of the remaining household members based on information in the case file and shall take the following action:

(a) *Fraud disqualification.* If the household's benefits are reduced or terminated because one of its members has been disqualified for fraud, no notice of adverse action is required. However, a written notice shall be sent at the same time the notice of disqualification is sent, informing the household of its revised eligibility and benefits levels.

**WSR 81-20-041**

**ADOPTED RULES**

**DEPARTMENT OF ECOLOGY**

[Order DE 81-30—Filed October 1, 1981]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to the amending of WAC 173-530-940, Declaration of withdrawal. This section is part of chapter 173-530 WAC, Water Resources Program in the Klickitat River Basin, WRIA-30.

This action is taken pursuant to Notice No. WSR 81-17-072 filed with the code reviser on August 19, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.54.050 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 30, 1981.

By Donald W. Moos  
Director

**AMENDATORY SECTION** (Amending Order DE 78-18, filed 10/17/78)

**WAC 173-530-940 DECLARATION OF WITHDRAWAL.** The department declares that, after the effective date hereof, the public waters of the Little Klickitat River Basin are withdrawn from further appropriation until November 1, ((1981)) 1983 or until a state water resources management program has been adopted for the Little Klickitat River Basin as provided in chapter 173-500 WAC, whichever occurs first. After the effective date of the regulation for the withdrawal, the department will continue to accept applications for water rights in the basin, as provided in RCW 90.03.250 and 90.44.060; however, no actions of approval or disapproval of these application shall be made by the department during the time the withdrawal is in effect except as provided for in WAC 173-530-960.

**Reviser's Note:** RCW 34.04.058 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 81-20-042****ADOPTED RULES****DEPARTMENT OF ECOLOGY**

[Order DE 81-27—Filed October 1, 1981]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Chelan County, amending WAC 173-19-120.

This action is taken pursuant to Notice No. WSR 81-17-073 filed with the code reviser on August 19, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By Donald W. Moos  
Director

**AMENDATORY SECTION** (Amending Order DE 81-23, filed 7/20/81)

WAC 173-19-120 CHELAN COUNTY. Chelan County master program approved April 22, 1975. Revision approved June 26, 1980. Revision approved July 15, 1981. Revision approved October 1, 1981.

**WSR 81-20-043****ADOPTED RULES****DEPARTMENT OF ECOLOGY**

[Order DE 81-28—Filed October 1, 1981]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Seattle, amending WAC 173-19-2521.

This action is taken pursuant to Notice No. WSR 81-17-073 filed with the code reviser on August 19, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By Donald W. Moos  
Director

**AMENDATORY SECTION** (Amending Order DE 81-12, filed 5/15/81)

WAC 173-19-2521 SEATTLE, CITY OF. City of Seattle master program approved June 30, 1976. Revision approved March 11, 1977. ~~Revision approved August 12, 1980.~~ Revision approved September 10, 1980. Revision approved February 24, 1981. Revision approved May 14, 1981. Revision approved October 1, 1981.

**WSR 81-20-044****ADOPTED RULES****DEPARTMENT OF ECOLOGY**

[Order DE 81-29—Filed October 1, 1981]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Yakima County, amending WAC 173-19-470.

This action is taken pursuant to Notice No. WSR 81-17-073 filed with the code reviser on August 19, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By Donald W. Moos  
Director

**AMENDATORY SECTION** (Amending Order DE 81-1, filed 2/27/81)

WAC 173-19-470 YAKIMA COUNTY. Yakima County master program approved September 5, 1974. Revision approved September 8, 1977. Revision approved February 24, 1981. Revision approved October 1, 1981.

**WSR 81-20-045****EMERGENCY RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Order 1706—Filed October 1, 1981]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to income assistance, amending chapters 388-24, 388-28, 388-29, 388-33 and 388-44 WAC.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement PL 97-35 which becomes effective on this date.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By David A. Hogan  
Director, Division of Administration

**AMENDATORY SECTION** (Amending Order 1644, filed 4/27/81)

**WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY CONDITIONS.** AFDC shall be granted in behalf of a needy child:

(1) Who is under the age of eighteen years;

(a) Effective October 1, 1981, AFDC may be granted on behalf of an unborn child(~~Medical confirmation of pregnancy is required~~) provided there is medical confirmation that the mother is in the third trimester of pregnancy. The third trimester is defined as the three calendar months preceding the expected month of birth. Acceptable source of medical confirmation is a written statement from a licensed medical practitioner that confirms pregnancy and the expected date of birth;

(b) AFDC shall be continued through the month in which the child reaches the maximum age;

(2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington – see WAC 388-26-050 through 388-26-105;

(3) Who is deprived of parental care and support because of death, continued absence, or incapacity of a parent or stepparent – see WAC 388-24-055 through 388-24-070;

(4) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC 388-24-065(6);

(5)(a) Who is living in the home of a relative of specified degree, except for a temporary period, as provided in WAC 388-24-125; or

(b) Who, as a result of judicial action, was removed from his home and placed in foster care after April 30, 1961, and who meets the conditions specified in WAC 388-24-207;

(6) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States as described in WAC 388-26-120;

(7) Whose parent or stepparent has not transferred property contrary to law or DSHS rules in WAC 388-28-457 through 388-28-465;

(8) Who is in financial need – see chapters 388-28 and 388-33 WAC;

(9) The applicant's written statement of application for AFDC must include all children under eighteen years of age living in the home who are full or half brothers or sisters or stepbrothers or stepsisters whether or not financial assistance is being requested for all of the children. Total resources and income available for all such children and their parents or stepparents in the home must be declared by the person applying in behalf of the children;

(10) For persons to be included in the AFDC assistance unit, see WAC 388-24-050.

**NEW SECTION**

**WAC 388-24-042 AID TO FAMILIES WITH DEPENDENT CHILDREN—ELIGIBILITY OF STRIKERS.** (1) Eligibility for AFDC or refugee assistance does not exist when any caretaker relative with whom the child lives is, on the last day of the month, participating in a strike.

(2) Eligibility for AFDC or refugee assistance does not exist when the only child or all children in an AFDC assistance unit is/are, on the last day of the month, participating in a strike.

(3) Eligibility for the eligible caretaker and siblings will be determined without regard to the needs of a child in the home who, on the last of the month, is participating in a strike.

**AMENDATORY SECTION** (Amending Order 1501, filed 5/22/80)

**WAC 388-24-052 PROVISION OF SOCIAL SECURITY NUMBERS.** (1) As a condition of eligibility each applicant for or recipient of assistance shall be required to

(a) Furnish a social security number for all persons whose needs are considered in determining the amount of assistance, or

(b) Apply for social security numbers if they are unknown or have not been issued.

(2) The applicant/recipient has the responsibility to report promptly and accurately any new social security number (~~within twenty days of its receipt per WAC 388-38-255~~).

(3) Assistance will not be denied, delayed or terminated pending issuance of social security numbers if the applicant/recipient provides verification that he/she has met the requirement in subdivision (1)(b) or that he/she has attempted to apply, but the application was refused because he/she could not furnish the verification required by the social security administration or recipient.

(4) If the applicant or recipient fails or refuses to comply with the requirement to furnish or apply for social security numbers for each person included in the assistance unit, eligibility for such person(s) cannot be determined and they shall be excluded from the assistance unit.

(5) The department shall assist the applicant in obtaining a social security number by referring him or her to the nearest social security office and by furnishing to the client from department records any verification requested by the social security administration.

(6) These rules shall be effective April 1, 1980.

**AMENDATORY SECTION** (Amending Order 1644, filed 4/27/81)

**WAC 388-24-107 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC—REGISTRATION FOR WIN/EMPLOYMENT AND TRAINING.** (1) As a condition of eligibility for AFDC, every individual shall register for the WIN or employment and training (E&T) program unless such individual is:

(a) Under age sixteen or age sixteen but not yet eighteen who is enrolled as, or has been accepted for enrollment as, a full-time student for the next school term, in a secondary school, or the equivalent level of vocational or technical training,

(b) A person who is ill, incapacitated, or sixty-five years of age or older. Cost of a physical or psychiatric examination is authorized when the examination is to determine employability for registration or participation in the WIN/E&T program,

(i) Temporary illness or incapacity (a condition lasting not more than ninety days) provides WIN/E&T exemption only for the period of a documented condition of unemployability. Exemption terminates when the condition ceases.

(ii) Persons who have been determined to be exempt from registration on the basis of permanent incapacity shall be referred for services under the vocational rehabilitation program.

(c) A person residing outside a WIN/E&T area or at a location so remote from a WIN/E&T project that his/her effective participation is precluded,

(d) A person whose presence in the home is required because of illness or incapacity of another member of the household,

(e) A parent or other needy caretaker relative of a child under the age of six who is ((caring)) personally providing care for the child, with only brief and infrequent absences from the child,

(f) A mother of an unborn child.

(2) Any applicant or recipient has a right to a fair hearing to contest a determination of nonexempt status and shall be considered as exempt until his/her status is finally determined. (See WAC 388-57-090).

(3) The requirements of any individual who fails to register as required under subsection (1) of this section shall not be taken into account in determining the requirements of the assistance unit and the amount of assistance, and assistance will be granted to the eligible members of the assistance unit.

(4) An exempt parent caretaker of a child or unborn child under the age of six shall be advised of her/his option to register if she/he so desires, and of the fact that child care will be provided if needed. Other exempted individuals may volunteer to register, subject to acceptance of such registration by DES.

(5) ~~((Effective January 1, 1980))~~ When an AFDC recipient who has been classified as exempt from WIN/E&T registration reports any change which affects the exempt status, he/she shall be registered within thirty days after the report. If a change is not reported, exempt or nonexempt status will be determined at the next review unless the department becomes aware that an AFDC recipient's exempt status has changed. Then the recipient shall be notified that he/she shall be registered within thirty days.

(6) The department's income maintenance unit (IMU) shall determine which AFDC applicants/recipients are exempt from registration and which are required to register as a condition of eligibility.

(7) For the employment and training (E&T) program only, persons who are employed at least thirty hours per week are exempt from registration.

**AMENDATORY SECTION** (Amending Order 1644, filed 4/27/81)

**WAC 388-24-137 CONTINUATION OF ASSISTANCE WHEN DEPRIVATION CEASES.** (1) When deprivation due to incapacity or absence ceases and the family remains in need, the CSO shall determine if any other basis for deprivation exists.

(2) If there is no deprivation due to death or incapacity after deprivation due to absence ceases, ~~((and the family remains in need and otherwise eligible, assistance may be continued for a temporary period as follows:~~

~~((a)) assistance will be discontinued at the end of the ((next)) calendar month ((after)) in which deprivation due to absence ceases ((unless some other type of deprivation exists)).~~

~~((b) Assistance will be continued only when the change in circumstances has been reported as specified in WAC 388-38-255.~~

~~(3) If there is no other basis for deprivation after incapacity ceases and the family remains in need and otherwise eligible for AFDC, assistance may be continued until the end of the month following the month in which the parent's or stepparent's incapacity ceases to exist.))~~

**AMENDATORY SECTION** (Amending Order 1241, filed 9/23/77)

**WAC 388-28-005 FINANCIAL NEED—RULES AND PROCEDURES.** (1) To be eligible for public assistance an applicant must be in financial need.

(2) Financial need exists when ~~((the))~~ a general assistance applicant's requirements as hereinafter specified and adjusted for the maximum grant limitations exceed the value of nonexempt resources currently possessed

and the amount of his nonexempt recurrent and nonrecurrent income. The difference thus computed represents the extent of need which exists.

Financial need exists when an AFDC or refugee assistance applicant's requirements, as hereinafter specified and adjusted for the maximum grant limitations, exceed the amount of his nonexempt recurrent and nonrecurrent income. The difference thus computed represents the extent of need which exists.

~~((2))~~ (3) The rules in chapter 388-28 WAC governing determination of an applicant's financial need for assistance also govern the determination of the continuing need of a recipient unless specifically stated otherwise.

~~((3))~~ (4) Need is subject to change whenever the recipient's financial circumstances change in such a way that the cost of his requirements or his income is increased or decreased in relation to the standards for assistance.

**AMENDATORY SECTION** (Amending Order 1659, filed 6/2/81)

**WAC 388-28-430 EFFECT OF RESOURCES AND INCOME ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES.** (1) Personal property without ceiling value. The following personal property is an exempt resource. There is no ceiling value on such property.

(a) Used and useful household furnishings and personal clothing. Household furnishings and personal clothing which are in storage shall be presumed to be not used and useful, but all other household furnishings and personal clothing shall be presumed to be used and useful and both presumptions stand in the absence of evidence to the contrary.

(b) Personal property of "great sentimental value" may be exempted when the applicant establishes the circumstances and conditions which give it this value. When the intrinsic value is relatively high (stamp or coin collections, etc.) there may be need to review it carefully.

(c) Livestock or any other similar property owned by a child for the sole purpose of participating in an organized group or school activity, such as 4-H Club or FFA, shall be exempt, providing any net profit derived from the use of such property is reserved for future educational purposes.

(d) Other personal property, such as tools, farm machinery, livestock, business equipment, and inventory, can be declared an exempt resource by the CSO on the basis of an agreed plan. The following conditions apply:

(i) The exempted property must either produce income which reduces the applicant/recipient's need for public assistance, or aid in rehabilitating him or his dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(ii) If stock, raw materials, or inventory of a business are exempted, any increase in their value must be examined to determine whether the increase is necessary to the health of the enterprise. Such increase shall not be

used as a means of diverting funds which might reasonably constitute income to the recipient.

(iii) The plan shall be reviewed at least once every six months.

(e) One cemetery plot for each member of an assistance household is exempt personal property. Any additional plots are nonexempt.

(f) Effective June 12, 1980, term and/or burial insurance for the use of the applicant or recipient.

(2) Exempt personal property with ceiling value. Property holdings in the form of cash and marketable securities, life insurance, real estate or chattel mortgages, sales contracts and used and useful automobiles are exempt resources to the extent that the values of such items are within the maxima or "ceiling" values specified in the following paragraph:

(a) Ceiling values on combinations of individual items. Effective July 1, 1981, for general assistance, the total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, and any excess of values exempted under (2)(d) and (e) of this section shall not exceed \$1,500.00 for a single person, or \$2,250.00 for a family of two or more.

Effective July 1, 1981, for general assistance, the following are the resource limits for the total of cash, marketable securities, and any excess of values exempted under (2)~~((d))~~(h) and ~~((e))~~ (k) of this section:

| Family Size |          |
|-------------|----------|
| 1           | \$ 1,500 |
| 2 or more   | 2,250    |

(b) Effective October 1, 1981, for federally funded assistance the total value of net income (before application of the thirty dollar and one-third remainder disregard), cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, and cash surrender value of life insurance shall not exceed one thousand dollars regardless of family size.

~~((f))~~ (c) Funds represented by values within the ceiling values are not used to determine financial need ~~((and))~~ or to compute grants.

~~((f))~~ (d) Funds represented by values in excess of the maxima or ceilings are nonexempt; that is, they are used to determine financial need and to compute grants.

~~((b))~~ ~~Cash and marketable securities—ceiling.~~

~~((f))~~ (e) ~~((Cash.))~~ All cash savings held by the applicant or held jointly with any other person shall be considered. Any funds on deposit, in hand or in any place from which cash may be drawn by the applicant is a cash fund. A cash fund includes a bank account, savings, funds held in trust for future use (when applicant can make withdrawals), savings bonds, advance insurance premium payments, interest, etc.

~~((f))~~ (f) A joint account shall be considered the property of the applicant/recipient since the entire amount is at his/her disposal, except when the applicant/recipient can show that all or a portion of the funds deposited within the joint account is derived from funds exclusively the other joint holder's and held/utilized solely for the benefit of that joint account

holder. All funds within the joint account so verified shall not be considered actually available to the applicant/recipient.

~~((c))~~ (g) Real estate or chattel mortgages and sales contracts.

(i) Real estate or chattel mortgages or sales contracts held by the applicant will be considered exempt resources in combination with the value of other exempt personal property, within the limitation allowed in subsection (2).

(ii) The cash discount value of a mortgage or contract represents the value of the resource.

(iii) Any payments on mortgages or contracts received by an applicant or recipient shall be considered income as specified in WAC 388-28-580.

~~((d) Life insurance.)~~

~~((f))~~ (h) ~~((Cash surrender ceiling value.))~~ Effective July 1, 1981, for general assistance, life insurance may have a separate cash surrender value not to exceed \$1,500.00 considered as an exempt resource.

~~((ii) Other considerations.)~~

~~((A))~~ (i) ~~((Net value of unassignable policy.))~~

When the equity of another person in an unassignable policy held by an applicant can be established, the amount of such equity may be deducted in determining the applicant's holdings in insurance, provided that person holding the equity is named as beneficiary of the proceeds to the extent of such equity and without power or revocation by the insured.

~~((B))~~ (j) Assignment of policy. An insurance policy legally assigned belongs to the assignee and may not be regarded as the property of the insured. However, the assignment of a policy within two years prior to application or by a recipient must be evaluated as the transfer of a resource.

~~((c))~~ (k) Used and useful vehicles.

(i) Effective June 12, 1980, used and useful vehicles with an equity value of \$1500 or less in general assistance are an exempt resource.

(ii) Effective October 1, 1981, for AFDC and refugee assistance one used and useful vehicle with an equity value of \$1500 or less or two used and useful vehicles, when one is used for employment, with a combined value of \$1500 or less.

~~((ii) (A))~~ (l) In determining the resource value of automobiles, the national automobile dealers association official used car guide shall be used. For automobiles listed in this guide "average loan" value in the current edition shall be presumed to be the resource value.

~~((B))~~ (m) In determining the resource value of recreational vehicles the Kelley bluebook R.V. guide shall be used. For vehicles listed in this guide "wholesale" value in the current edition shall be presumed to be the resource value.

~~((c))~~ (n) For vehicles not listed in these guides the method of determining the resource value shall be documented in the case record.

~~((D))~~ (o) The values listed in these guides can be overcome by positive evidence to the contrary. Such evidence shall be documented in the case record.

(p) The changes to resource limits for federally funded programs will be phased in by applying them when case actions are taken and/or when eligibility is determined or redetermined.

AMENDATORY SECTION (Amending Order 1547, filed 10/1/80)

WAC 388-28-440 ACCUMULATION AND DEPLETION OF ALLOWABLE CASH RESOURCE RESERVES. (1) Recipients may spend their cash reserves and rebuild them with succeeding public assistance grants, with funds from other exempt sources or other income which has been considered in computing financial need. They may place grants in accounts along with cash reserves and then spend out of those accounts during the month.

(2) Cash on hand may exceed the limits specified in WAC 388-28-430(2)(a) to the extent unexpended money which has been considered in computing financial need and from the public assistance grant is on hand within thirty days after its receipt.

(3) For general assistance only, allowable cash reserves may be accumulated from nonrecurrent cash lump sum sources, including the following:

(a) Income tax refunds.

(b) Inheritances.

(c) Insurance benefits.

(d) Gifts.

(e) Prizes and awards.

(f) Repayment of debts owed the recipient.

(g) Proceeds from the sale of exempt property.

(h) Social Security death benefits.

(i) Indian per capita payments generated by tribally held land or business.

(4) In general assistance only if a lump sum, when added to existing reserves, causes the resources to exceed allowable limits, the excess is newly acquired income to be treated in accordance with WAC 388-28-484.

(5) Recipients may not use the following types of one-time payments to accumulate resource reserves:

(a) Earnings which are accrued over a period of time and received in one payment.

(b) Payments which represent accumulated periodic benefits. Examples are Social Security retirement and disability benefits, Railroad Retirement benefits, Unemployment Insurance benefits, and veterans' benefits.

(6) If a lump sum is placed in trust for a recipient and is not under his or her control, the following rules apply:

(a) Funds kept in trust do not affect public assistance need.

(b) For general assistance only the trustee may release to the recipient an amount up to the allowable resource limit for the assistance unit less any amount of existing cash and marketable securities as of the date the lump sum was received. Such disbursement, if made within thirty days of the date the lump sum was received, is used to accumulate allowable reserves and does not affect public assistance need. This may be done once for each lump sum placed in trust.

AMENDATORY SECTION (Amending Order 1547, filed 10/1/80)

WAC 388-28-474 REPLACEMENT OF EXEMPT PROPERTY. A general assistance recipient may, within sixty days of receipt, reinvest in other exempt property funds acquired from a settlement covering destroyed or stolen exempt property. A recipient may retain cash from the settlement up to the amount of the difference between current resource values and the appropriate resource ceiling for the assistance unit. Any remaining portion of the settlement shall be considered newly acquired nonexempt income.

AMENDATORY SECTION (Amending Order 1628, filed 3/25/81)

WAC 388-28-480 USE OF INCOME AND INCOME POTENTIALS—TYPES OF INCOME—EFFECT ON NEED. (1) The CSO shall determine the income available to the applicant.

(2) An applicant whose ((~~recurrent~~)) nonexempt income for the month exceeds the monthly standards for basic requirements is not eligible to receive assistance whether the income is received weekly, biweekly or monthly, except as specified in WAC 388-24-250 through 388-24-265. Weekly income is multiplied by 4.3 to determine monthly total.

## (3) Treatment of income

(a) Earned and unearned nonexempt net recurrent income and appreciable nonrecurrent income which is received by the applicant between the first day of the month and the date of initial grant authorization shall be taken into account for the month by prorating the income at public assistance standards from the first of the month until the date of grant authorization. The remainder, if any, shall be deducted from the assistance grant for the month.

(b) Income received by the applicant during the month but after the date of initial grant authorization shall be considered available to meet need on the first of the following month providing such income is reported to the CSO by the twenty-first day of the month.

(c) Income received during the month and reported after the twenty-first day of the month shall be taken into account in the grant computation for the second month following the month of receipt.

(d) Unearned nonexempt recurrent income received in regular monthly amounts shall be deducted from requirements in the month of receipt beginning the month of initial grant authorization.

(e) Income not reported until the month following its acquisition and after the twenty-first day of the month in which it is reported shall be treated as an overpayment, unless the CSO can effect a change in the next month's grant.

(4) Irregular income up to five dollars per month received by ((~~an~~)) a general assistance applicant or recipient may be disregarded towards meeting need by the CSO if the probability exists that such future income will not be appreciable.

(5) Earned income credit (EIC) payments ((~~for the tax year beginning January 1, 1980~~)) shall be considered

earned income during the month received, whether received as advance payments or as an income tax refund, in accordance with P.L. 96-222. Such payments shall be considered as an addition to gross income for AFDC and refugee assistance whether actually received or not, providing that the recipient is eligible for such payment.

(6) Any contractually agreed loan acquired by an applicant/recipient which commits all funds for a specific purpose other than current maintenance, and so expended, shall not be taken into account as income. The property used as collateral for the loan shall not be included in determining property reserves. The equity accumulated in the specified property shall be considered toward the resource ceiling.

(7) A gift in-kind, as named below, supplied on condition that it be used only in a manner or for a purpose specified in writing by the donor shall not be considered as a resource or as income which is available to meet need.

(a) Real or personal property, excluding cash and marketable securities, which is exempted for an applicant and which is within the ceiling values. Example: A home or a new furnace.

(b) Any item in the department's standards for additional requirements which is not a requirement for the recipient of such a gift. Example: Telephone service.

(c) Needed goods or services not currently included as additional requirements in the department's standards, for example, repair of house or of household equipment.

(8) WAC 388-28-482 and 388-28-484 cover newly-acquired income received by a recipient.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-481 NONEXEMPT RESOURCES AND INCOME KNOWN AT TIME OF APPLICATION. ((~~+~~)) Net recurrent or nonrecurrent nonexempt income and nonexempt resource values in cash or kind known to the LO at the time of application shall be taken into account in computing need as specified in WAC 388-28-400 through 388-28-650. WAC 388-28-481 through 388-28-484 shall be applicable when determining the continuing need of the recipient. If a general assistance recipient retains a nonexempt resource which has been used to compute his need at the time of application, the policy in WAC 388-28-484(8) shall be applied to compute his continued need.

AMENDATORY SECTION (Amending Order 1547, filed 10/1/80)

WAC 388-28-482 EFFECT OF NEWLY ACQUIRED INCOME AND PROPERTY ON CONTINUING NEED. "Newly acquired income" means any previously unreported or undiscovered income which has come into the possession or control, in whole or part, of a recipient of public assistance, or of a recipient in suspended grant status.

(1) Whenever a recipient shall come into the possession or control of any income, except as modified in subsection (3), (4) and (5), such income shall be deducted from the cost of total requirements beginning with the

effective date specified in WAC 388-28-484. The amount deducted shall equal the following:

(a) The net amount of the income if in cash or its equivalent.

(b) At least his equity in the quick sale value of property other than cash.

(2) When the property is only potentially available for use in meeting the recipient's requirements, WAC 388-28-400(7) applies.

(3) Exceptions. A recipient who comes into the possession and control of property listed in this subsection may retain such property without having the fact of possession or its sale value affect his eligibility or need.

(a) A home used as a residence—see WAC 388-28-420.

(b) Useful and needed clothing, household equipment, food, fuel, and other items included in the requirement standards.

(c) Articles of sentimental value, tools, and 4-H Club or similar project earnings saved for future education costs as provided by WAC 388-24-430(1).

(d) An automobile within the ceiling values in WAC 388-28-430(2).

(4) Recipient with income. The rule in subsection (1) is modified for recipient of AFDC or continuing general assistance with income as follows:

(a) Earned income retained by a child according to WAC 388-28-535(3) shall ~~((not))~~ be considered as the personal property of the family and shall ~~((not))~~ be subject to the ceilings in WAC 388-28-430(2).

(b) Income from the Economic Opportunity Act, Title I of the Elementary and Secondary Education Act, and from WIN, MDTA and CETA is treated according to WAC 388-28-515 and 388-28-570 through 388-28-578.

(c) The possession of any amount of funds from sources listed in subdivisions (a) and (b) in a cash reserve or savings account does not affect the eligibility of a general assistance recipient. However, if such exempted income is converted into other types of property, WAC 388-28-410 through 388-28-455 apply.

(d) Income from interest on exempt savings, dividends from exempt stocks, increase in life insurance cash surrender value, livestock births, etc., affect eligibility only to the extent that the amount causes the total value of the resource possessed to exceed the ceiling values of the resource. The excess is used to determine financial need and is taken into account when the periodic review of eligibility is made.

(e) Payment for funeral expenses for recipient — When a public assistance recipient dies, his (her) surviving spouse or children or parent of a minor child receiving public assistance, may use any of their exempt or nonexempt resources or income, except the home property, to add to available funeral and burial resources in order to pay for the funeral expenses of the deceased person without affecting their eligibility for public assistance: **PROVIDED, HOWEVER,** That if the total funeral expenses for the deceased recipient exceeds the department's maximum cost or the amount provided by

the recipient toward the total cost of the funeral expense, whichever is the lesser, shall be considered available to meet the public assistance need of the surviving recipient in accordance with this section.

(5) Use of grant and cash reserve in relation to income.

(a) No question about eligibility is raised if public assistance grants and other income which has been considered in computing financial need are used to add to the cash reserve up to the legal personal property limitations — see WAC 388-28-430(2). The cash reserve may exceed the maximum only to the extent these unexpended moneys are on hand within thirty days after their receipt, and by exempted amounts as specified in this section.

(b) A recipient always has the right to make a current expenditure out of a cash reserve and replace it from a succeeding grant, just as he might place his whole grant in a bank account, along with his cash reserve, at the beginning of the month and then spend out of the account during the month.

(c) With respect to income other than savings from grant, see WAC 388-28-484(8).

#### AMENDATORY SECTION (Amending Order 1396, filed 5/16/79)

WAC 388-28-484 TREATMENT OF NEWLY ACQUIRED NONEXEMPT INCOME AND RESOURCES. (1) (a) Except as specified in WAC 388-28-482(3) newly acquired income reported by the twenty-first day of the month affects financial need as of the first of the month following the date of its acquisition.

(b) Income received during the month but not reported by the twenty-first day of the month will be taken into account in determining need for the second month following the month of receipt unless such income exceeds the standard for requirements. See WAC 388-33-135.

(2) When the value of the income is taken into account in the assistance payment as specified in subsection (1), the following rules apply:

(a) If the income value plus any other income amounts to less than the cost of one month's requirements and is recurrent or nonrecurrent, assistance is continued in the amount of the difference.

(b) For AFDC and refugee assistance, when the assistance unit's nonrecurrent income after applicable disregards exceeds its basic requirements, the unit shall be ineligible for assistance for the number of full months derived by dividing this total income by the basic requirements starting with the month in which the income is received. Any income remaining after this calculation is treated as income received in the first month following the period of ineligibility.

(c) If the nonrecurrent income equals or exceeds one month's requirements for general assistance, but is less than two months' requirements minus other income, the recipient is ineligible for a grant from the effective date specified in subsection (1) and his grant is suspended. The suspension period is determined exactly, that is, up to the date of the absorption of the income.

~~((c))~~ (d) If the income is recurrent and equal to or in excess of one month's current requirements minus other income the recipient is ineligible from the effective date specified in subsection (1) and the grant is terminated, except for person in institutions other than nursing homes as provided in WAC 388-34-160.

~~((d))~~ (e) For general assistance if the income is recurrent or nonrecurrent and its value is in excess of two months' requirements minus other income, the recipient is ineligible from the effective date specified in subsection (1) and the grant is terminated. Ineligibility shall continue for two months. The period of ineligibility, however, may be reduced if the applicant has verifiable expenses such as medical care, unforeseen disaster or other changes in circumstances which make it impossible for him to live on his resource for the two-month period of ineligibility. The eligibility of a former recipient who reapplies shall be determined on the same basis as a new applicant.

(3) If income is not taken into account in assistance payments but is subsequently discovered, an overpayment shall be established. The effective dates for treatment of income specified in subsection (1) shall be used in establishing the period during which the overpayment occurred.

(a) If the income is recurrent and less than one month's requirements minus other income, the overpayment shall be the amount of the nonexempt portion of the income;

(b) If the income is recurrent and equal to or in excess of one month's requirements minus other income, the overpayment shall be the total assistance received during the period in which the income should have been taken into consideration;

(c) For general assistance if the income is nonrecurrent and less than two months' requirements minus other income, the overpayment shall be the amount of the nonexempt income;

(d) For general assistance if the income is nonrecurrent and the nonexempt portion is in excess of two months' requirements minus other income, the overpayment shall be the total assistance paid for two months.

(4) If a general assistance recipient has been determined to be ineligible for a current or future period of time, and his grant will be suspended or terminated for such period of time, due to either newly acquired income, or transfer of property, and is in need during such period of ineligibility, assistance may be granted within the limits of the rule in WAC 388-28-464.

(5) A person acquiring income during suspended status shall be treated as a recipient in terms of eligibility, not as an applicant.

(6) Rules and procedure in chapter 388-44 WAC are followed in respect to overpayment.

~~((Deleted))~~ (7) An applicant or recipient whose non-exempt gross income exceeds one hundred fifty percent of the basic requirements for the appropriate household size, is not eligible for AFDC or refugee assistance from the date specified in subsection (1). The income of all members of the assistance unit and the income of natural, adoptive, or stepparents of children in the assistance

unit residing in the same household, shall be considered in this test.

(8) For general assistance nonexempt newly acquired income which has been taken into account in computing financial need according to subsection (2) if retained by a recipient does not affect his eligibility unless the amount retained at the time of the next periodic review exceeds the exempt property holdings permitted for an applicant. In this event the rule on nonexempt resources or income pertaining to an applicant are applied.

#### AMENDATORY SECTION (Amending Order 1547, filed 10/1/80)

WAC 388-28-515 NET CASH INCOME—DETERMINATION—EMPLOYMENT OR TRAINING EXPENSES—DEDUCTIONS FROM GROSS INCOME. (1) ~~((This section does not apply to earned income of a child. Specific rules applicable to a child are in WAC 388-28-535(3).~~

~~((2))~~ "Gross income" means the total wages, commissions, salary, bonus, in cash or in-kind, currently earned by an individual or income received for the purpose of obtaining remedial education or vocational training.

(a) The thirty dollars monthly incentive payment made by WSES to any participant in a WIN program of institutional and work experience training is disregarded in AFDC.

(b) The thirty dollars weekly incentive payment received by a CETA participant is disregarded in AFDC. For continuing general assistance such payments are considered available to meet need.

(c) WIN transportation and related expenses (TRE) payments are training incentive payments paid for the first thirty days of employment and are disregarded for AFDC purposes.

(d) A person receiving an MDTA or CETA basic training allowance may not receive an AFDC or continuing general assistance grant concurrently.

~~((3))~~ (2) In determining net income for general assistance from a training allowance, applicable expenses in subdivisions ~~((4)(a))~~ (3)(a) through ~~((6))~~ (5) shall be deducted from the gross training allowance received.

~~((4))~~ (3) For general assistance, personal and non-personal work expenses computed according to subdivisions ~~((4)(a))~~ (3)(a) through ~~((6))~~ (5) shall be deducted from earnings according to the method outlined in WAC 388-28-570(8).

Work related expenses other than child care shall be deducted in accordance with the "percentage method" or the "actual method", whichever is chosen by the client.

(a) If the client chooses the "percentage method", twenty percent of the gross income shall be deducted. Recipients of WIN transportation and related expenses (TRE) payments may choose the "percentage method".

(b) If the client chooses the "actual method", the actual cost of each work related expense shall be deducted. This method shall be used when the client provides written verification of all work related expenses claimed. ~~((Recipients of WIN transportation and related expenses (TRE) payments choosing the "actual method" may not~~

~~receive a deduction for those transportation expenses for which they have received payment.))~~

(c) The client shall have the option to change methods whenever he/she reports income to the CSO.

(d) When the client changes methods, the provisions in WAC 388-33-135 and 388-33-140 shall apply.

~~((5))~~ (4) For general assistance, the following work related expenses shall be deducted when claimed and verified under the actual method.

(a) Payroll deductions required by law or as a condition of employment in the amounts actually withheld.

(b) The necessary cost for transportation of the recipient to and from the place of employment or training ~~((and to and from child care provider))~~ in accordance with the following limitations:

(i) The most economical means of transportation shall be used.

(ii) When public transportation is available near the recipient's regular place of residence and practical for his/her use, the allowance shall be the cost for such transportation from the recipient's home to the stop nearest his employment or training. The amount allowed is the actual cost of common carrier, based upon commuter's book of tickets, bus tokens at reduced quantity rate, etc., when available.

(iii) The term "public transportation" includes scheduled intracity and intercity busses, trains, boats, etc., but not "for hire" vehicles, such as taxis and rental cars unless no other means of public transportation is available.

(iv) When public transportation is not available or not practical for his/her use, a recipient who shows that he/she uses a vehicle to travel to and from employment or the training facility shall be allowed the actual cost of such transportation provided that the recipient furnishes verification of these costs. Shared rides shall be prorated on an equitable basis, depending on the travel plan.

(A) The actual work related cost of operating the vehicle shall be the total operating cost of the vehicle times the percentage obtained from dividing the actual monthly mileage to and from work by the total miles driven during the month.

(B) The total operating cost of a vehicle shall be limited to gas, oil and fluids; necessary service and repairs; replacement of worn items such as tires; registration and licensing fees; and depreciation and interest on automobile loans.

(v) When the client so chooses, eight cents per mile shall be allowed to cover the work-related costs of gas, oil, fluids, and depreciation.

(c) The cost of tolls and parking required for employment shall be deducted as a work related expense.

(d) Expenses of employment necessary for continued employment, such as tools, materials, union dues, fees to employment agencies incurred via a legally binding contract, cost of special uniforms and laundering, and transportation to service customers if not furnished by the employer.

(e) The additional cost of clothing provided that it is verified that such clothing is necessary for continued employment.

~~((6))~~ (5) For ~~((individuals))~~ general assistance applicants and recipients enrolled in a remedial education

or vocational training course, the actual cost of uniforms and/or special clothing, as priced by the CSO, shall be deducted.

~~((7) Expenses of necessary child care shall not be deducted from gross income to compute net income. Expenses of child care for a person in an approved training plan shall be authorized as a service cost as specified in WAC 388-15-170. For child care expenses of participants in the WIN program see WAC 388-57-057. Expense of child care for a person who is employed shall be authorized as an additional requirement, see WAC 388-29-150 and 388-29-155.~~

~~((8) These rules shall be effective March 1, 1979, for income received after that date.))~~

AMENDATORY SECTION (Amending Order 1369, filed 3/15/79)

WAC 388-28-520 SELF-EMPLOYMENT. (1) Earned income from self-employment is the amount left after deducting business expenses from gross business income. The applicable program earnings exemptions, ~~((plus personal and nonpersonal))~~ and work expense(s) allowances, are further deducted from self-employment earned income to determine the net amount available to meet need. See WAC 388-28-515 and 388-28-570(8).

(a) In order to establish eligibility for public assistance, a self-employed person must maintain and make available to the department a record which clearly documents all claimed business expenses and income.

(b) For general assistance, personal work expenses in the form of self-employment taxes (FICA) and income taxes are deductible when paid.

(2) Expenses for the following items are deductible business expenses in a self-employment enterprise:

(a) Rental of business equipment or property.

(b) Utilities.

(c) Postage.

(d) Telephone.

(e) Office supplies.

(f) Advertising.

(g) Insurance.

(h) Legal, accounting, and other professional fees.

(i) The cost of goods sold, including wages paid to employees producing salable goods, raw materials, stock, and replacement or reasonable accumulation of inventory, provided that inventory has been declared exempt on the basis of an agreed plan pursuant to WAC 388-28-430(1)(d). See also subsection (4) of this section.

(j) Interest on business indebtedness.

(k) Wages and salaries paid to employees not producing salable goods.

(l) Commissions paid to agents and independent contractors.

(m) Transportation essential to the business may be computed according to the actual documented work related cost of operating the vehicle.

(i) The total operating cost of a vehicle shall be limited to gas, oil, and fluids; necessary services and repairs; replacement of worn items such as tires; registration and licensing fees; and interest on automobile loans.

(ii) When the client so chooses, eight cents per mile shall be allowed to cover the work related costs of gas, oil and fluids.

(iii) The cost of tolls and parking related to the business shall be deducted as a business expense.

(iv) If a vehicle is needed for both business and private purposes, the mileage and expenses attributable to the business must be documented in a daily log and is subject to verification by the department.

(v) Transportation to and from the place of business is not a business expense, but is a personal work expense to be treated according to WAC 388-28-515(5) in general assistance and is covered by the seventy-five dollars work expense deduction for AFDC and refugee assistance.

(n) Nonpersonal taxes on the business and business property, including the employer's share of federal social security taxes on business employees and state and federal unemployment insurance contributions, if any. The self-employed person's personal income taxes and self-employment taxes (FICA) are not business deductions, but are treated separately according to WAC 388-28-515 and 388-28-570(8).

(o) Repairs to business equipment and property, excluding vehicles. An expenditure which maintains property in its usual working condition is deductible as a repair.

(p) Other expenditures which are reasonable and necessary to the efficient and profitable operation of the self-employment enterprise.

(3) Expenses for the following items are not deductible business expenses in a self-employment enterprise:

(a) Capital expenditures. Capital expenditures are those made to acquire or increase the value of fixed assets. Fixed assets are items normally in use for one year or longer, such as land, buildings, vehicles, boats, machinery, tools, office equipment, furniture, and fixtures.

(b) Payments on the principal of loans to the business.

(c) Amounts claimed as depreciation.

(d) Any amount claimed as a net loss sustained in any prior period.

(e) Entertainment expenses.

(4) The business assets of a self-employment enterprise, including inventory, are nonexempt resources available to the owner in the amount of their sale value less encumbrances, unless they are generally exempt under the provisions of WAC 388-28-430 or specifically exempted on the basis of an agreed plan pursuant to WAC 388-28-430(1)(d). See also WAC 388-28-420(2)(e).

(a) Accounts receivable are resources in the amount of their face value, subject to an offering of proof by the self-employed person that their value is less than face value because efforts to collect them have been unsuccessful. In such case, the department shall require that the accounts be turned over to a collection agency. They then have no value until collection is made.

(b) Good will is an intangible asset. It has no value unless the business is sold, and therefore is not an available resource.

AMENDATORY SECTION (Amending Order 1547, filed 10/1/80)

WAC 388-28-535 NET CASH INCOME—DETERMINATION—DEDUCTIONS FROM GROSS INCOME—INCOME OF CHILD. (1) A child may receive income which is paid in his behalf to the parent(s) or other needy caretaker relative. Such income includes allotments, retirement, survivors and disability insurance, or veterans benefits, court ordered support payments, trust fund payments, or other income which is legally designated for the benefit of an individual child.

(a) When such income meets or exceeds the child's requirements, the family shall have the option to

(i) include the child as a member of the assistance unit with all income considered as available to the assistance unit, or

(ii) exclude the child from the assistance unit. In this instance none of the child's income is available to the assistance unit.

(b) If a child's income includes a portion for his caretaker relative that portion shall be available to meet the need of the assistance unit.

(c) The child's requirements shall be the difference between the requirements of the assistance unit including the child and the requirements of the assistance unit excluding the child.

(d) If a child out of school has earnings which exceed his individual need, the family has the option of including him or excluding him from the assistance unit. If the child is included in the assistance unit, his earnings shall be treated as specified in item (3)(a)(iii). Determination of the child's net income is made with the caretaker relative and with the child when indicated.

(2) If the child is not included in the assistance unit, his eligibility for federal aid medical care only (FAMCO) shall be determined individually.

(3) ~~((Computing earned income—child in assistance unit~~

~~(a))~~ In determining the amount of a child's earned income available to meet the current need of the assistance unit of which he is a member, the following rules apply:

~~((i) Child under 14 years of age. If the child is under 14 years of age, no inquiry shall be made of the amount of his earnings.~~

~~((ii) Child 14 through 17 years of age—full or part time student))~~

(a) All earned income of a child in an assistance unit shall be disregarded when he or she is a full time student or a part time student who is not a full time employee.

(b) A student is one who attends a school, college or university, or a course of vocational or technical training designed to fit him for gainful employment and includes a participant in the job corps program under the Economic Opportunity Act. A full time student must have a school schedule equal to a full time curriculum. A part time student must have a school schedule equal to at least one-half of a full time curriculum. A student who was enrolled during the school term just completed and who plans to return to school when it reopens shall retain his status as a student during the summer vacation.

(c) A child earning income by working in a sheltered workshop or other training facility for handicapped children shall be considered, for purposes of income exemption, as being at least a part time student who is working less than full time.

(d) To be employed full time, a child must be working 35 hours a week or the number of hours considered full time by the industry for which he works, whichever is less.

(e) Summer employment of students shall not be considered as full time employment due to the temporary nature of such employment, even though the hours worked may exceed 35 hours a week.

~~(f) ((See item (3)(a)(iv) for savings which may be accumulated from these earnings.~~

~~(iii) Other AFDC child 14 through 17 years of age (nonstudent).)) In determining the amount of a non-student child's earned income available to meet the current needs of the assistance unit ((when he (she) is not covered by rules in items (3)(a)(ii))), net income shall be computed according to WAC 388-28-570.~~

~~((iv) Earned income disregarded under items (3)(a)(i), (ii) or (iii) may be retained by the child earning the income to cover the cost of special future identifiable needs.~~

~~(A) Such future identifiable needs may include amounts to meet future costs of identified employment training, education, health service or other plans.~~

~~(B) A plan must be developed in order to conserve savings for future identifiable needs. The plan must be documented in the case record. The plan must specify the needs, the amount and the type of income to be conserved and provide that the amount is reasonable for the purpose for which it is being conserved.~~

~~(C) If the plan includes post-high school education or training, the total amount conserved for this purpose shall not exceed the cost of two years of education and may include in this cost a car if approved in the plan.~~

~~(D) Savings accumulated for future identifiable needs shall not be considered as part of the personal property holdings of the family and shall not be subject to the resource ceiling maximum.))~~

(4) Earnings received by any person under Title III, Part C, Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973, Public Law 93-203 shall be disregarded in determining need and the amount of the public assistance payment under any federally assisted programs.

#### AMENDATORY SECTION (Amending Order 1236, filed 8/31/77)

WAC 388-28-570 NET CASH INCOME—EXEMPT EARNED INCOME. (1) For rules on exempting earned income of a full or part time student under age 18, see WAC 388-28-535 (3)(a)(ii). For rules exempting income from training see WAC 388-28-515. For rules on other income see WAC 388-28-580.

(2) ~~((Earned income defined~~

(a)) As used in this section "earned income" shall mean income in cash or kind earned as wages, salary, commissions, or profit from activities in which the individual is engaged as a self-employed person or as an

employee. Earned income may be derived from self-employment (such as business enterprise or farming), or derived from wages or salary received as an employee. It also includes earnings over a period of time for which settlement is made at one time, for example, sale of farm crops, livestock or poultry. Income from rentals is earned income, provided the individual has managerial responsibility for the rental property.

~~((b)) (3) For an AFDC recipient, earned income includes incentive payments under MDTA, earnings under Title I of the Elementary and Secondary Education Act, all earnings received under the Economic Opportunity Act, wages paid under Title I of the Comprehensive Employment and Training Act (CETA), wages from public service employment under CETA, and wages from WIN on-the-job training.~~

~~((f)) (a) For public service employment under the Emergency Assistance Act and CETA the \$30 plus one-third earned income exemption is applicable.~~

~~((ii)) (b) For public service employment under WIN the \$30 plus one-third earned income exemption does not apply. If net income after work expenses are deducted does not meet need according to department standards, a supplemental grant may be paid.~~

~~((c)) (4) The above definition of "earned income" excludes:~~

~~((f)) (a) Returns from capital investment with respect to which the individual is not himself actively engaged, as in a business. For example, under most circumstances, dividends and interest are excluded from "earned income." See WAC 388-28-580.~~

~~((ii)) (b) Benefits accruing as compensation or reward for service, or as compensation for lack of employment, for example, pensions and benefits from labor organizations, veterans' benefits, unemployment compensation, RSDI, etc. See WAC 388-28-580.~~

~~((iii)) (c) Income from WIN or CETA incentive payments, and training related expenses derived from WIN institutional or work experience training and from participation in CETA.~~

~~((d)) (5) In AFDC and refugee assistance when payment of income earned over a period of more than one month is delayed, the exemption applies only to ((the period during which it was earned rather than)) the period of payment. ((For example, an individual spends six months planting, tending, harvesting and marketing a crop. The net income from his labor is \$402. The average monthly earned income is \$67 (\$402 divided by 6) for purposes of computing need.~~

~~(3) Deleted.~~

~~(4) Deleted.~~

~~(5) Deleted.))~~

(6) Aid to families with dependent children

(a) Recipient - The first \$30 plus one-third of the remainder of total gross monthly earned income shall be exempt in determining the continuing eligibility and the amount of assistance for which an AFDC recipient and his dependents are eligible.

(b) The following shall be disregarded sequentially from the monthly gross earned income of each individual member of the assistance unit.

(i) The first \$75 for work expenses.

(ii) The actual cost, not to exceed \$160 per month, for the care of each dependent child or incapacitated adult living in the same home and receiving AFDC or refugee assistance. No deduction shall be made for child care provided by a parent or stepparent or by a sibling residing in the same household.

(iii) For individuals found otherwise eligible to receive assistance or who have received assistance in one of the prior four months, \$30 plus one-third of the remainder not already disregarded.

(iv) The \$30 and one-third disregard shall be applied for a maximum of four consecutive months; it cannot be applied again until he or she is a nonrecipient for twelve consecutive months.

((f)) Total gross monthly earned income for the purpose of this rule means the combined gross earned income of nonstudent dependent children and adults who are included in the AFDC assistance unit.

((g)) (c) The (earned income of any individual included) exemptions and deductions in subsection (6)((a)) (b) will not be (exempt) applied for any month if the individual within a period of 30 days preceding (such) the month in which the income was received:

((A)) (i) Terminated his employment or reduced his earned income without good cause, or

((B)) (ii) Refused without good cause to accept employment in which he is able to engage which is offered through SES, or is otherwise offered by an employer if the offer of such employment is determined by the local office to be a bona fide offer of employment.

((b) Applicant — In determining eligibility of an AFDC applicant the income exemption of \$30 plus one-third is not applied. The disregard for students 14 through 17 years of age is applied:

(i) If eligibility exists without applying the \$30 plus 1/3 exemption, need and the amount of assistance which the applicant is to receive is determined by applying the exemption:

(c) Reapplicant — In determining the eligibility of an AFDC reapplicant whose needs were met by AFDC payment within one of the four preceding months, the income exemption of \$30 plus one-third and the disregard for students 14 through 17 years of age are applied as for a recipient according to subsection (6)(a):

(i) In determining the eligibility of other AFDC reapplicants, income is determined on the same basis as for an applicant according to subsection (6)(b).

(7) Deleted:

(8) Method of computing need — AFDC applicant with earned income

(a) In determining the need of an AFDC applicant with earned income,

(i) Determine the total monthly gross earned income of the assistance unit (excluding earned income for child under 14 and earned income of student 14 through 17 years of age.)

(ii) Deduct expenses of earning the income (see WAC 388-28-515);

(iii) Determine if the total net earned income plus other nonexempt income will meet the total requirements of the unit without allowing the \$30 plus 1/3 exemption of earned income.

(b) Subsection (8)(a) is not used if a reapplicant has received AFDC within the four months preceding reapplication.

(c) When an applicant is determined eligible according to subsection (8)(a) or (8)(b), and is otherwise eligible, need and the amount of grant are determined as follows:

(i) Determine the unit's gross monthly earned income (less earned income of child under 14 or full or part time student);

(ii) From the amount in (c)(i) deduct exempt income of \$30 plus one-third of the balance.

(iii) From the amount in (c)(ii) deduct monthly personal and nonpersonal work expenses as determined according to WAC 388-28-515. (Do not consider child care expense here — See WAC 388-15-170 for a person in training or WAC 388-28-155 for person who is employed.)

(iv) To the sum of (c)(iii) add other nonexempt income (RSDI, VA, UC, etc.).

(v) Deduct the sum of (c)(iv) from the unit's total requirements to determine need.)

(iii) Failed without good cause to report earnings to the department on or before the twenty-first day of the month following the month in which the income was received. Under these circumstances the \$30 and one-third exemption shall be counted in the four-month limit.

(d) If a recipient requests termination in order to break the consecutiveness of the four-month limit for the \$30 plus one-third exemption, and would have been eligible, the months of voluntary nonreceipt of assistance shall be counted toward the four-month limit.

## NEW SECTION

WAC 388-28-590 ALIEN SPONSORSHIP—DEEMING OF INCOME AND RESOURCES—OVERPAYMENTS. (1) The following rules shall apply to an alien who applies for AFDC or refugee assistance for the first time after September 30, 1981, and to his or her sponsor.

(2) A sponsor is defined as any person who executed an affidavit(s) of support or similar agreement on behalf of an alien (who is not the child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States.

(3) For a period of three years following entry into the United States, a sponsored alien shall provide the state agency with any information and documentation necessary to determine the income and resources of the sponsor that can be deemed available to the alien, and obtain any cooperation necessary from the sponsor.

(4) For all sections under this part, the income and resources of a sponsor (and the sponsor's spouse if living with the sponsor) shall be deemed to be the unearned income and resources of an alien for three years following the alien's entry into the United States.

(5) Monthly income deemed available to the alien from the sponsor or the sponsor's spouse not receiving AFDC or SSI shall be:

(a) The sponsor's total monthly unearned income, added to the sponsor's total monthly earned income reduced by twenty percent (not to exceed one hundred seventy-five dollars) of the total of any amounts received by the sponsor in the month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred in producing self-employment income in the month.

(b) The amount described in subdivision (a) reduced by:

(i) The basic requirements standard for a family of the same size and composition as the sponsor and those other people living in the same household as the sponsor who are claimed by the sponsor as dependents to determine his or her federal personal income tax liability but who are not AFDC recipients;

(ii) Any amounts actually paid by the sponsor to people not living in the household who are claimed by the sponsor as dependents to determine his or her federal personal income tax liability; and

(iii) Actual payments of alimony or child support, with respect to individuals not living in the sponsor's household.

(6) Monthly resources deemed available to the alien from the sponsor shall be the total amount of the resources of the sponsor determined as if he or she was applying for AFDC in his state of residence, less one thousand five hundred dollars.

(7) In any case where a person is the sponsor of two or more aliens, the income and resources of the sponsor to the extent they would be deemed the income and resources of any one of the aliens under the provisions of this section shall be divided equally among the aliens.

(8) Income and resources which are deemed to a sponsored alien shall not be considered in determining the need of other unsponsored members of the alien's family except to the extent the income or resources are actually available.

(9) The provisions of this section shall not apply to any alien who is:

(a) Admitted to the United States as a result of the application, prior to April 1, 1980, of the provisions of section 203(a)(7) of the Immigration and Nationality Act as indicated by Form I-94;

(b) Admitted to the United States as a result of the application, after March 31, 1980, of the provisions of section 207(c) of the Immigration and Nationality Act as indicated by Form I-94;

(c) Paroled into the United States as a refugee under section 212(d)(5) of the Immigration and Nationality Act as indicated by Form I-94;

(d) Granted political asylum by the attorney general under section 208 of the Immigration and Nationality Act as indicated by Form I-94;

(e) A Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422) as indicated by Form I-94; or

(f) The dependent child of the sponsor or sponsor's spouse.

(10) Any sponsor of an alien and the alien shall be jointly and individually liable for any overpayment of assistance made to the alien during the three years after the alien's entry into the United States due to the sponsor's failure to provide correct information, except where such sponsors were without fault or where good cause existed.

(a) When a sponsor is found to have good cause or be without fault for not providing information to the agency, the sponsor will not be held liable for the overpayment and recovery will not be made.

(b) Any claims of good cause or no fault made by a sponsor shall be evaluated by the Division of Income Assistance on a case-by-case basis.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 388-29-115 SUPPLEMENTAL PAYMENTS FOR AFDC RECIPIENTS.

(2) WAC 388-29-155 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—CHILD CARE EXPENSES FOR EMPLOYED PERSONS.

AMENDATORY SECTION (Amending Order 534, filed 3/31/71, effective 5/1/71)

WAC 388-33-055 PAYMENT OF GRANT—MINIMUM AMOUNT. Grants shall be in the exact amount determined as payable, except that no grant of less than ~~((one))~~ (1) ten dollars in AFDC and refugee assistance shall be paid except for grants that would have exceeded ten dollars prior to the mandatory deduction for recoupment of an overpayment.

(2) One dollar in general assistance shall be paid.

AMENDATORY SECTION (Amending Order 1398, filed 5/16/79)

WAC 388-33-120 EFFECTIVE DATE OF ELIGIBILITY—EXCEPTIONS. (1) Change of category

The effective date of eligibility of a person receiving continuing assistance and applying for a grant in another program shall be the first regular warrant roll for which he is eligible for payment from the new program and the grant under the old program is terminated.

(2) Special event application - (See WAC 388-38-060 and 388-38-070)

(a) The effective date of a grant to a person (except as provided in subsection (1)) applying prior to the occurrence of an event which will make him eligible, shall be the date upon which the event occurs if eligibility otherwise exists on that date.

(b) When such event occurs on a nonworking day, the authorization shall be completed on the first working day following and dated as of the day the special event occurred. This rule also applies when the effective date of a reinstated grant (see subsection (4)) or the thirtieth day after date of application occurs on a nonworking day.

**(3) Regular grant terminated in error**

(a) A grant terminated because of local or state office error shall be reauthorized (corrected) as a "reopen" action. The effective date is the first of the month in which payment was erroneously discontinued on the regular warrant roll. Reopening shall be authorized promptly.

(b) If the error is discovered within the month in which no payment was made, the individual is not required to complete an eligibility review form. If the termination in error extends for more than thirty days but less than three months, an eligibility review form and other periodic review procedures as appropriate are used. However, if the termination in error extends for more than three months a new application rather than periodic review is required.

**(4) Reinstatement of suspended grant**

(a) Upon receipt of a request for reinstatement of grant, the local office shall determine current eligibility and need using the periodic review process. The review includes consideration of all eligibility factors.

(b) The effective date of reinstating a grant suspended according to WAC 388-28-484 shall be the date determined at the time of suspension.

(c) The effective date of reinstating a grant suspended because the monthly refund deduction resulted in a payment of less than ~~((\\$1))~~ ten dollars for AFDC and refugee assistance or less than one dollar for general assistance, shall be the first of the month following the month in which the overpayment is liquidated.

(d) A reinstated grant shall not be authorized before the date the event occurred which restored eligibility for payment.

(e) The individual who requests reinstatement of suspended grant within thirty days after a change in his circumstances need not complete an application form but shall complete an eligibility review form.

(5) Incapacity redetermined after termination of GAU. See WAC 388-37-040(3).

**AMENDATORY SECTION** (Amending Order 906, filed 2/14/74)

**WAC 388-33-195 EFFECTIVE DATE OF GRANT—UNDERPAYMENT.** (1) A current recipient who received less than the correct amount of an assistance grant or service payment due to departmental error shall be paid the amount due.

(2) ~~((Retroactive corrective payment shall be limited to the twelve months preceding the month in which the underpayment is discovered.~~

~~((3)))~~ The effective date of the corrective payment is the date the payment is authorized.

~~((4)))~~ (3) For purposes of determining continued eligibility and amount of assistance, corrective payments shall not be considered as income or as a resource in the month paid nor in the next following month.

**AMENDATORY SECTION** (Amending Order 906, filed 2/14/74)

**WAC 388-33-355 SUSPENSION OF GRANT.**

(1) A suspension action is taken when

(a) The recipient has income sufficient to meet his maintenance requirements for more than one but not to exceed two months, or

(b) The amount ~~((deducted to make restitution on an overpayment results in a grant of less than one dollar per month))~~ of the monthly grant following the budgeting of income is less than ten dollars per month for AFDC and refugee assistance or less than one dollar for general assistance, or

(c) The recipient has entered or is in an institution and his income is equal to or exceeds his grant requirements but is less than his grant requirements plus medical costs and/or nursing home or intermediate care.

(2) A suspended grant shall be reinstated when the conditions in subsection (1) cease to exist and the recipient is otherwise eligible.

(3) A suspended grant shall be terminated as provided in WAC 388-33-370.

**AMENDATORY SECTION** (Amending Order 1637, filed 4/15/81)

**WAC 388-33-595 ONE-TIME GRANT—AUTHORIZATION—DISBURSEMENT.** (1) See WAC 388-22-030 for definition of "one-time grant."

(2) A one-time grant may be authorized and disbursed in the amount necessary subject to the following rules:

(a) A one-time grant shall be authorized for a recipient of continuing assistance only.

(b) A one-time grant authorization is a single payment procedure. It expires when the warrant is mailed. It does not change the amount of the continuing (regular) grant currently authorized.

(c) A one-time grant shall be authorized when:

(i) An additional requirement recognized by department standards will be needed.

(ii) Income or assistance budgeted as available to the assistance unit or family is not received.

(iii) Supplemental assistance is needed from the date a recipient leaves an institution to the receipt of the regular, adjusting, or reinstated grant.

(iv) The fair hearing decision or the court decision on an appeal requires initiating, reinstating or increasing a grant.

(v) A recipient is to be compensated for an underpayment ~~((due to erroneous monthly deduction(s)))~~.

(vi) Any one-time grant that is approved by the state office under chapter 388-20 WAC for reasons other than those listed in this section.

(vii) A person who is added to an assistance unit requires assistance prior to the effective date of his inclusion in a regular grant.

(viii) A canceled warrant is to be reissued and the recipient cannot wait for payment by adjusting grant.

(ix) A change in the basic requirements which results in an increase in the regular grant occurs.

(x) Assistance is being continued in compliance with the 10-day advance notice rules on reduction, suspension or termination of a grant and a partial month payment is required.

~~((xi))~~ Underpayment due to the departmental error is to be corrected.) Such payment shall be limited to the

amount due for not to exceed twelve months including the month in which the corrective payment is authorized.

(d) Except as provided in items (2)(c)(iv)((;)) and (2)(c)(v), (~~and (2)(c)(xi);~~) a retroactive one-time grant shall not cover a period of more than sixty days before the date of authorization.

(e) The effective date of a one-time grant shall be the date the circumstances change, subject to the limitations and conditions stated in this section.

AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-035 OVERPAYMENT—AMOUNT. (1) The amount of the overpayment to an individual shall be determined as follows:

(a) If assistance is obtained as a result of a willful act of the recipient to deceive the department, the overpayment shall be one hundred twenty-five percent of the amount of assistance, including medical care, to which he/she was not entitled.

(b) If no willful act to deceive is involved, the overpayment shall be the amount of assistance, including medical care, to which he/she was not entitled.

(c) To determine the amount to which he/she was not entitled in (a) and (b) of this subsection the overpayment shall be reduced by:

(i) The amount of assistance that the recipient would have been eligible to receive during the period of ineligibility from any other category of assistance.

(ii) (~~The amount of any child care paid by a recipient while earning unreported wages in the amount which the department would have paid if the employment and child care had been properly reported.~~) When both an overpayment and underpayment were incurred prior to October 1, 1981, any overpayment shall be reduced by the amount of any underpayment.

(iii) The amount of child support, paid by the absent parent for the month of overpayment, in excess of the amount of assistance to which the individual was actually entitled.

(2) (~~Any overpayment in any month prior to the effective date of the latest recomputation of grant shall be reduced by the amount of any underpayment in any month prior to the effective date of the latest recomputation.~~) All underpayments incurred after October 1, 1981 will be paid to the recipient upon discovery.

AMENDATORY SECTION (Amending Order 539, filed 3/31/71, effective 5/1/71)

WAC 388-44-050 OVERPAYMENT—RELATIONSHIP TO UNDERPAYMENT. (~~It is possible to overpay one recipient in an assistance unit while another in the same unit is underpaid, or to overpay in one requirement and underpay in another. The assistance unit's over or under payment is the net amount or difference between the two incorrect payments or computations.~~) After October 1, 1981 when overpayments and underpayments occur in different months the overpayment is established and the underpayment is paid to the recipient unless the recipient voluntarily requests in

writing that the underpayment be credited against the amount of the overpayment.

Over or underpayment in one assistance unit shall not be credited to any other assistance unit.

AMENDATORY SECTION (Amending Order 1547, filed 10/1/80)

WAC 388-44-110 OVERPAYMENT—LIABILITY OF PAYEE. (1) Liability for an overpayment shall follow the payee of the grant as an individual. The overpayment account receivable is established in the name of the payee and all further action (monthly deduction from grant, suspension of grant, claim against estate, etc.) is taken against that individual. The exception to this rule is the individual acting as payee only and deriving no financial benefit from the payment of assistance. In such instance the overpayment account receivable is established in the name of the person who received the financial benefit of the payment of assistance.

(2) Joint liability for an overpayment results when all of the following factors are present: overpayment is the result of fraud, collusion is shown between the payee and another party who received a financial benefit as a result of the overpayment. In these instances the overpayment account receivable is established in the name of both parties. Subsequent action is taken against the parties either jointly or individually.

~~((3) There shall be no liability placed upon recipients of nonfraudulent overpayments when the department determines that the cost of collection exceeds the amount recoverable. The department has determined that the cost of collection exceeds the amount recoverable when the total overpayment being established is fifty dollars or less.))~~

AMENDATORY SECTION (Amending Order 800, filed 5/25/73)

WAC 388-44-115 VERIFICATION OF OVERPAYMENT. (1) When an apparent overpayment has occurred, the department shall attempt to verify all pertinent information in the case. It shall attempt to contact the recipient and request an explanation of the circumstances surrounding the apparent overpayment.

(2) If the recipient does not respond or fails to cooperate, the department shall make an independent determination, based on all available information, that an overpayment either has or has not occurred.

(3) When an overpayment has been verified, the department shall take appropriate action to secure repayment as prescribed by WAC 388-44-125 through WAC 388-44-160. Any such action shall be consistent with departmental rules on notification of suspension, termination, or reduction of grant.

(4) A letter shall be sent to any recipient or payee whose liability for an overpayment has been established. This letter shall include the following information:

- (a) The amount of the overpayment,
- (b) The circumstances which brought about the overpayment,
- (c) The dates on which overpayment occurred,
- (d) A determination that fraud is or is not involved,

- (e) A statement that overpayments and any penalties for fraud are debts due the state,
- (f) A computation of the amount due the state,
- (g) ~~((A request that the person contact the local office to discuss))~~ An explanation of the method of repayment and the amount of future grant payments,
- (h) A statement of the right to a fair hearing.

AMENDATORY SECTION (Amending Order 1596, filed 2/5/81)

WAC 388-44-127 REPAYMENT OF OVERPAYMENT ((RESULTING FROM DEPARTMENT ERROR)). ~~((+))~~ Overpayments whether or not resulting from department error shall ((not)) be ((used as the basis for a)) recouped by mandatory grant deduction. When ((such)) an overpayment is verified, the amount of the overpayment becomes a debt due the state ((only if relief from liability may not be granted to a recipient or former recipient pursuant to this section)).

~~((2))~~ When such an overpayment is discovered, and before liability is imposed, the CSO must first determine that recovery would not be inequitable. Recovery shall be deemed inequitable if:

(a) ~~The department admitted or stated to the recipient or to the recipient's authorized representative that the recipient was entitled in whole or in part to the moneys or services overpaid, or acted in a manner which would reasonably lead that recipient to believe that he or she was eligible to receive in whole or in part the moneys or services overpaid, and~~

(b) ~~The recipient retained or accepted the moneys or services overpaid on the faith of such an admission, statement, act or omission, upon which he or she had a right to rely, and~~

(c) ~~The recipient would suffer an injury if the department were allowed to repudiate its admission, statement, act or omission.~~

<sup>1</sup>~~Injury,~~ as used in this section includes the imposition of liability for repayment of a debt due the state.

(3) ~~If recovery would be inequitable, the recipient shall not be liable for repayment, the overpayment shall not be a debt due the state, and the recipient shall be so informed:~~

(4) ~~If recovery would not be inequitable, the recipient shall be notified that he or she is liable for repayment of the debt. He or she shall also be informed as to the specific reasons why recovery would not be inequitable, including a copy of this rule, and as to his or her right to contest such decision.~~

(5) ~~Department decisions made pursuant to this section shall be subject to fair hearing review in accordance with the procedures set forth in chapter 388-08 WAC and appropriate findings and conclusions shall be made on all of the factors made pertinent in this section.)~~

AMENDATORY SECTION (Amending Order 965, filed 8/29/74)

WAC 388-44-130 VOLUNTARY REPAYMENT OF OVERPAYMENT. (1) Overpayments are debts due the state. Collection of such debts shall be effected by

the department according to established rules and procedures. A former recipient continues to be liable for overpayment debts incurred while he was a recipient, until such time as the debt is paid in full or charged off as uncollectible by the secretary and the attorney general.

Whenever possible, repayment by a recipient or former recipient should be voluntary, resulting from a common understanding between the department and the debtor.

(2) The possibility of immediate repayment shall be discussed, if possible, with the individual at the time the overpayment is discovered. If the individual has sufficient funds available and is willing to repay all or part of the amount due, collection is effected and the situation summarized in the case record.

(3) When an overpayment is the result of departmental error or nonfraudulent recipient action ~~((and)),~~ or alleged or proven fraud the recipient ((desires)) is required to repay the debt from future assistance grants((;)). A ((voluntary)) mandatory grant deduction ((may)) will be used to liquidate the overpayment. ((Before such plan is established, the local office must explain to the recipient that this overpayment is not collectible under the mandatory deduction rules in WAC 388-44-145 and that a voluntary deduction cannot be made unless the recipient so requests in writing specifying the amount of the monthly deduction. Voluntary grant deductions may be discontinued or modified at any time upon written request from the recipient.))

(4) If a former recipient is not able to repay in full immediately but can pay in installments or at some future date, the individual shall be requested to sign a written agreement in duplicate confirming the plan. A copy of the agreement shall be given to the individual. The agreement may be modified at any time if justified by extenuating circumstances. Necessary controls shall be established to insure that repayment plans are complied with.

AMENDATORY SECTION (Amending Order 897, filed 1/11/74)

WAC 388-44-140 INVOLUNTARY REPAYMENT OF OVERPAYMENT. (1) The local office shall be responsible for effecting involuntary repayment of overpayments from current recipients when such repayments are to be made by grant deduction ~~((as specified in WAC 388-44-145)).~~

(2) The ~~((reimbursement section))~~ financial recovery unit and the attorney general shall be responsible for effecting involuntary repayment of overpayments from former recipients.

~~((3))~~ Except in cases involving substantiated fraud, it is the policy of the department not to seek involuntary repayment from a former recipient whose income and resources do not exceed departmental standards for determining public assistance eligibility.)

AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-145 INVOLUNTARY REPAYMENT OF OVERPAYMENT—MANDATORY GRANT DEDUCTION. (1) An overpayment shall be recouped by mandatory deduction from future continuing assistance grants (~~only when the department has made a determination that the overpayment resulted from recipient fraud as defined in WAC 388-44-020~~).

(2) (~~If an overpayment is the result of recipient fraud and~~) If ~~(the)~~ a recipient who has received an overpayment has cash, bank accounts, or marketable securities which he/she refuses to use in full or partial satisfaction of an overpayment, a monthly deduction of up to one hundred percent of future grant(s) shall be established until such time as the amount of the grant(s) the recipient would be otherwise eligible to receive equals the value of the cash, bank accounts, or marketable securities which have been withheld.

(3) When deductions have been made pursuant to subsection (2) of this section and the recipient still owes money, or when subsection (2) of this section does not apply,

(a) ~~The department shall (, on a case-by-case basis, limit the amount of the monthly deduction so as not to cause undue hardship. The deduction shall not exceed ten) reduce future assistance payments so that when added to income and liquid resources the total will not be less than ninety percent of the ((recipient's total monthly requirements)) standard of need for the assistance unit, unless the recipient voluntarily requests a larger deduction in writing.~~

(b) Deleted.

(c) Deleted.

(d) When a recipient is in a nursing home, intermediate care facility, or hospital, a monthly deduction may be made against the clothing and incidental grant to the recipient. A monthly deduction shall not be made against the vendor payment to the nursing home or intermediate care facility.

(e) The grant shall be suspended when the monthly deduction is equal to or more than the grant which would have been paid had no overpayment occurred.

~~((f) A deduction shall not be made from a noncontinuing general assistance-employable grant to liquidate an overpayment.))~~

(4) A letter confirming the repayment plan shall be sent to the recipient. The letter shall state the ~~((percentage))~~ amount of the monthly ~~((requirements to be deducted))~~ deduction. It shall state the amount of the current grant before and after the deduction is made, the date the deduction begins, the total amount of overpayment to be recouped by grant deduction, and the approximate number of months the deduction will be made.

(5) Mandatory deductions from public assistance grants shall recoup no more than one hundred percent of the amount of assistance that the individual was ineligible to receive.

**WSR 81-20-046**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed October 1, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd WAC 388-82-115 Special categories eligible for medical assistance.  
 Amd WAC 388-83-130 Eligibility determination—Noninstitutional.

These rules were adopted on an emergency basis on October 1, 1981.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
 Division of Administration  
 Department of Social and Health Services  
 Mailstop OB-33C  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by October 27, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Tuesday, November 10, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, November 18, 1981, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 10, 1981, and/or orally at 10:00 a.m., Wednesday, November 10, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: October 1, 1981

By: David A. Hogan  
 Director, Division of Administration

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045. Amend WAC 388-82-115 Special categories eligible for medical assistance; and 388-83-130 Eligibility determination—Noninstitutional.

Purpose of the rule or rule change is to bring medical care rules into conformity with law.

The reason(s) these rules are necessary is to implement PL 97-35 and chapter 6, Laws of 1981 1st ex. sess.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: WAC 388-82-115(5) Adds to categorical medicaid coverage certain recipients of SSI under PL 96-265; WAC 388-82-115(6) Adds to categorical medicaid coverage pregnant women, with no other children, ineligible for AFDC cash assistance solely because they have not reached the sixth month of pregnancy; and WAC 388-83-130(1) Removes from mandatory medicaid coverage individuals 18 through 20 years of age who live in AFDC-R households and do not receive an AFDC, SSI or a GA-U grant in their behalf.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: James Sparks, Program Coordinator, Division of Medical Assistance, Mailstop: LK-11, Phone: 3-7313.

These rules are necessary as a result of federal law: 45 CFR Parts 205, 206, 233, 234, 235, 238 and 239.

**AMENDATORY SECTION** (Amending Order 1646, filed 4/27/81)

**WAC 388-82-115 SPECIAL CATEGORIES ELIGIBLE FOR MEDICAL ASSISTANCE.** (1) Persons who, in August, 1972, received OAA, AB, AFDC, or APTD, and also received RSDI benefits, and who became ineligible for OAA, AB, AFDC or APTD solely because of the twenty percent increase in social security benefits under Public Law 92-336, shall be eligible for medicaid as categorically needy. The provision applies to both current cash applicants and recipients.

(2) Applicants for SSI or AFDC who were entitled to RSDI benefits in August, 1972, and would have been ineligible solely because of the social security benefits under Public Law 92-336 shall have the twenty percent increase disregarded in determining financial eligibility.

(3) An AFDC family unit which becomes ineligible solely because of increased hours or increased income from employment shall remain categorically eligible for medical assistance (MA) for four calendar months beginning with the month of ineligibility provided that:

(a) The family received AFDC in at least three of the six months immediately preceding the month of ineligibility.

(b) A member of such family continues to be employed, and

(c) The family is otherwise eligible for AFDC except for increased hours or increased income from employment.

(4) Current recipients who become ineligible for SSI benefits and/or state supplementary payments after April 1, 1977, solely because of OASDI cost-of-living benefit increases under ~~((PE))~~ Public Law 94-566, section 503, shall remain categorically eligible for medical assistance (MA). Any subsequent OASDI cost-of-living benefit including cost-of-living benefits of a financially responsible spouse must be considered available income. This disregard does not apply to:

(a) New applicants (i.e., who were not receiving SSI/SSP prior to increase).

(b) Persons who were not actually receiving SSI/SSP payments for some other reason.

(c) Persons who would have received SSI/SSP if they had applied.

(d) Persons who would have received SSI/SSP if they were not living in a medical or intermediate care facility.

(5) Certain recipients of SSI, after January 1, 1981, will continue to be eligible for medical assistance (MA) under Public Law 96-265.

(6) Pregnant women, with no other eligible children, ineligible for AFDC cash assistance solely because they have not reached the sixth month of pregnancy shall be eligible for Medicaid as categorically needy.

**AMENDATORY SECTION** (Amending Order 1685, filed 7/29/81)

**WAC 388-83-130 ELIGIBILITY DETERMINATION—NONINSTITUTIONAL.** (1) Eligibility determination for AFDC shall be as follows:

~~(a) ((Applicants who are eligible for but not receiving cash assistance shall be determined as for the appropriate cash assistance category:~~

~~(b))~~ Individuals under age ~~((twenty-one))~~ eighteen shall have eligibility ~~((determined))~~ determination based on the AFDC one-person standard if they are:

(i) Not SSI related.

(ii) Not AFDC related (dependent child).

(iii) When an under ~~((twenty-one))~~ eighteen person resides in the same family unit with parents, the parents' income is considered available whether or not actually contributed.

~~((iv))~~ (b) The AFDC earned income exemption of thirty dollars plus one-third of remainder does not apply to individuals applying solely for medical assistance.

~~((v))~~ (c) Families applying for medical assistance who received AFDC in any of the four preceding months shall be allowed the thirty dollars plus one-third disregard.

~~((c))~~ Individuals under twenty-one who are AFDC related but are ineligible solely because of AFDC age or school attendance requirements are eligible for medicaid while living in the home with a relative of specified degree on the same basis as the dependent children in that home. Individuals eligible under this provision include:

~~((iv))~~ (d) AFDC children age sixteen or seventeen who are terminated from AFDC cash assistance unit because they have ceased to attend school and have refused to register for WIN~~((:))~~ are eligible for medicaid while living in the home with a relative of specified degree on the same basis as a dependent child.

~~((ii))~~ AFDC children who are terminated from AFDC cash assistance unit because they have reached age eighteen, but have not yet reached age twenty-one:))

(2) Eligibility for special categories shall be determined as for the appropriate cash assistance category. See chapter 388-92 WAC.

**WSR 81-20-047**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 81-167—Filed October 1, 1981]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order allows a tribal harvest of coho salmon allocation.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By Rolland A. Schmitt  
Director

**NEW SECTION**

**WAC 220-36-02100B GRAYS HARBOR—CLOSED AREA.** (1) Notwithstanding the provisions of WAC 220-36-021 and WAC 220-36-022, effective 12:00 noon October 2, 1981 until further notice, it is

*unlawful to take, fish for or possess salmon for commercial purposes with any type of gear in Grays Harbor Fishing Areas 2A, 2B, 2C, 2D.*

### REPEALER

*The following section of the Washington Administrative Code is repealed effective 12:00 noon October 2, 1981:*

**WAC 220-36-0210AA GRAYS HARBOR—  
CLOSED AREA. (81-157)**

**WSR 81-20-048  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES  
[Order 81-168—Filed October 1, 1981]**

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is scheduled fisheries in Areas 7 and 7A allow harvest of chum salmon for immobile reef net gear with minimal impact on stocks needing protection. Scheduled fishery in Area 7B allows harvest of coho salmon and prevents wastage of coho salmon. Fishery in Area 8A allows harvest of coho allocation. All other Puget Sound areas are closed to all-citizen commercial fishing to prevent overharvest of salmon stocks.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By Rolland A. Schmitt  
Director

### NEW SECTION

**WAC 220-47-619 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY** *Notwithstanding the provisions of WAC 220-47-403, effective immediately through October 9, 1981, it is unlawful to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and*

*Catch Reporting Areas except in accordance with the following restrictions:*

*Areas 4B, 5, 6, 6A, 6B, 6C, and 6D – Closed.*

*\*Areas 7 and 7A – Closed except reef nets only may fish from 5 a.m. to 9 p.m. daily from Sunday, October 4 through Tuesday, October 6 Reef nets required to release all chinook salmon when open.*

*\*Area 7B – Closed except gill nets may fish from 5 p.m.–9 a.m. nightly from Thursday, October 1 through the morning of October 9 with 5-inch minimum mesh, and purse seines may fish from 5 a.m. to 9 p.m. daily from Thursday October 1 through Thursday October 8 and from 5 a.m. to 4 p.m. Friday October 9. The Fidalgo Bay Salmon Preserve is closed as provided in WAC 220-47-307.*

*Area 7C – Closed.*

*Area 7D – Closed.*

*Area 8 – Closed.*

*\*Area 8A – Closed except gill nets may fish from 5 p.m. to 9 a.m. nightly from Monday, October 5 to the morning of Thursday, October 8 with 5-inch minimum mesh and purse seines may fish from 5 a.m. to 9 p.m. daily from Monday, October 5 through Wednesday, October 7. Purse seines are required to have a strip of 5-inch minimum mesh as provided in WAC 220-47-319. The Port Gardner and Port Susan preserves are closed as provided in WAC 220-47-264 and 220-47-265.*

*Areas 9 and 9A – Closed.*

*\*Area 10 – Closed.*

*Area 10A – Closed.*

*Areas 10B, 10C, 10D, 10E – Closed.*

*\*Area 11 – Closed.*

*Areas 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13B, and all freshwater areas – Closed.*

### REPEALER

*The following section of the Washington Administrative Code is repealed:*

**WAC 220-47-618 Puget Sound All-Citizen Commercial Salmon Fishery (81-159)**

**WSR 81-20-049  
ADOPTED RULES  
UNIVERSITY OF WASHINGTON  
[Order 81-2—Filed October 2, 1981]**

Be it resolved by the board of regents of the University of Washington, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to rules and regulations for the University of Washington governing access to public records, chapter 478-276 WAC.

This action is taken pursuant to Notice No. WSR 81-11-031 filed with the code reviser on May 19, 1981. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.20.130(1) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 18, 1981.

By Elsa Kircher Cole  
Assistant Attorney General

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-010 PURPOSE. This chapter is enacted by the Board of Regents of the University of Washington in compliance with the provisions of chapter 1, Laws of 1973 (Initiative 276), "Disclosure-Campaign-Finances-Lobbying-Records"; and in particular with §§ 25-32 of that act dealing with public records.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-040 GENERAL COURSE AND METHOD OF GOVERNMENT. The government of the University of Washington is vested in a board of regents, consisting of seven members appointed by the governor of the state pursuant to RCW 28B.20.100. Regular meetings of the board are held each month (except for the month of July)(;) at a time established by resolution of the board(;) in Room 301 of the Administration Building on the campus in Seattle, or at such other place as the board may direct.

The general course and method of government at the university, including all formal and informal procedures, are subject to the authority, by-laws, and standing orders of the board of regents.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-060 PUBLIC RECORDS OFFICER. For purposes of compliance with chapter 1, Laws of 1973, a public records officer shall be designated by the president of the university. The duties of the public records officer shall be as provided by the president of the university and may include but not be limited to: The implementation of the university's rules and regulations regarding release of public records, coordinating the staff of the Visitors' Information Center in this regard, and generally coordinating compliance by the university with the public records disclosure requirements of chapter 1, Laws of 1973. The person so designated shall be located in the Visitors' Information Center, ((1416 N.E. 41st Street)) 4014 University Way N.E., University of Washington, Seattle, Washington 98105.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-080 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records required to be disclosed by chapter 1, Laws of 1973, may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedures: All requests shall be directed to the public records officer at the address set forth in WAC 478-276-140. The request shall include the following information: (1) The name of the person requesting the records or some other means of identifying that person;

(2) The time of day and calendar date on which the request was made; and

(3) The public record(s) requested.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-090 COMMERCIAL PURPOSES. No provision of any regulation contained in this chapter 478-276 WAC shall be construed as giving authority to any ((officer)) faculty or staff member of the University of Washington to give, sell, or provide access to lists of individuals requested for commercial purposes.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-100 INSPECTION OF PUBLIC RECORDS—COPYING. (1) Public records of the University of Washington required to be disclosed by chapter 1, Laws of 1973, shall be ((provided)) made available for inspection and copying ((by those requesting such records)) at the Visitors' Information Center under the supervision of the public records officer ((and the staff of the Visitors' Information Center. Persons requesting such records may not remove them from that facility)).

(2) No fee shall be charged for the inspection of public records. The university may impose a charge for providing copies of public records. Such charges shall not exceed the amount necessary to reimburse the university for its actual costs incident to such copying.

(3) No person shall be provided a copy of a public record which has been copied by the university at the request of such person until and unless such person has tendered payment for the charge for providing such copying.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-120 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) ((Any)) The person who ((objects to the denial of a request for a)) has been denied access to public records may submit to the public records officer a petition for prompt review of

such decision. The written request shall specifically refer to the written statement by the public records officer or staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the office of the president of the University of Washington. The petition shall be reviewed promptly and the action of the public records officer shall be approved or disapproved. Such approval or disapproval shall constitute final university action for purposes of judicial review.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/29/73)

**WAC 478-276-130 UNIVERSITY RECORDS ((INDEX)).** ~~((The University of Washington shall maintain and make available for public inspection and copying an appropriate index))~~ In accordance with section 26, chapter 1, Laws of 1973, the university has issued a formal order stating why it would be unduly burdensome to comply with the requirement to maintain a current index providing identifying information as to all the university's records issued since June 30, 1972. Instead, the Visitors' Information Center provides for public inspection and copying the indexing devices maintained for the university's use.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/29/73)

**WAC 478-276-140 VISITORS' INFORMATION CENTER—ADDRESS.** All requests for public records to the University of Washington shall be addressed as follows: University of Washington, c/o Public Records Officer, Visitors' Information Center, ~~((Room 104, 1416 N.E. 41st Street, JI-60))~~ 4014 University Way N.E., HI-22, Seattle, Washington ~~((98195))~~ 98105. The telephone number of the Visitors' Information Center is 543-9198.

**WSR 81-20-050  
PROPOSED RULES  
HIGHER EDUCATION  
PERSONNEL BOARD**  
[Filed October 2, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 251-04-020 Definitions (Separation) to delete definition in entirety because language is too limiting regarding types of separation from employment which may occur.
- Amd WAC 251-06-080 Position reallocation—Effect on incumbent to clarify that an employee occupying a position which is reallocated to a

class with a lower salary maximum will be subject to the layoff provisions of the rules.

Amd WAC 251-18-330 Trial service period to clarify that upon reversion during the trial service period, an employee has pre-emptive rights to his/her former position in which he/she last held permanent status;

that such agency will at 10:00 a.m., Thursday, October 15, 1981, in the Old Main Building, Western Washington University, Bellingham, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 15, 1981, and/or orally at 10:00 a.m., Thursday, October 15, 1981, Old Main Building, Western Washington University, Bellingham, Washington.

This notice is connected to and continues the matter in Notice Nos. WSR 81-10-005, 81-15-002, 81-16-064, 81-16-065 and 81-18-040 filed with the code reviser's office on April 2, 1981, July 2, 1981, August 4, 1981 and August 28, 1981.

Dated: October 2, 1981  
By: Douglas E. Sayan  
Director

**WSR 81-20-051  
ADOPTED RULES  
HIGHLINE COMMUNITY COLLEGE**  
[Order 019—Filed October 2, 1981]

I, Edward M. Command, Vice President of the Highline Community College, do promulgate and adopt at Midway, Washington, the annexed rules relating to by-laws of the board of trustees, WAC 132I-104-060. To amend the time, date and location of the meetings of the board of trustees of Community College District 9.

This action is taken pursuant to Notice No. WSR 81-16-075 filed with the code reviser on August 5, 1981. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Highline Community College as authorized in RCW 28B.50.140.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 10, 1981.  
By Edward M. Command  
Vice President

Chapter 132I-104

Periodic increment date—Effect—  
Exceptions.

BYLAWS OF THE BOARD OF TRUSTEES

AMENDATORY SECTION (Amending Order 005, filed February 27, 1974)

WAC 132I-104-060 MEETINGS OF THE BOARD OF TRUSTEES. Normally the ~~((The))~~ Board of Trustees shall hold one regular meeting each month except during the month of August.

~~((1))~~ ~~((Time of regular meeting:))~~ Regular meetings: The regular monthly meeting shall be held on the ~~((third))~~ second Thursday of each month, commencing at ~~((8:30))~~ 8:00 a.m. with a study session. The action session will commence at 10:00 a.m. ~~((Regular meetings may be cancelled with consent of the majority of the Board.))~~

~~((2))~~ ~~Place of regular meeting: )~~ The study session shall be held in the ~~((Board))~~ Conference Room of the Administration Building. ~~((At))~~ The action session and other meetings, both regular and special, shall be held in the ~~((Gold Room of the Performing Arts Center, provided, however, that the place of the meeting may be changed to such location as the Chairman may direct and 24 hours written notice of the change of place of the meeting shall be given to each member of the Board.))~~ Board Room of the Library.

The time and place of the meeting may be changed as the Chairman may direct provided 24 hours written notice of the changes shall be given to each member of the Board.

Regular meetings may be cancelled with consent of the majority of the Board.

~~((3))~~ ~~Special meeting: )~~ (2) Special meetings: Special meetings of the Board may be convened by the Chairman, provided written notice of such meeting is given to each individual Trustee at least 24 hours prior to a special meeting unless notice be waived in writing or by actual attendance at the meeting. Such notice shall specify the date, time, and place of the special meeting and the business to be transacted.

~~((4))~~ ~~Executive sessions: )~~ (3) Executive sessions: The Board may convene executive sessions whenever it is deemed necessary in the interest of the College for the purpose of discussing matters or items for which Executive Sessions are authorized in Chapter 42.30 RCW as it now exists or amended hereafter.

**WSR 81-20-052  
EMERGENCY RULES  
DEPARTMENT OF PERSONNEL  
(Personnel Board)**

[Order 160—Filed October 2, 1981]

Be it resolved by the State Personnel Board, acting at 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to:

- Amd WAC 356-06-010 Definitions.
- Amd WAC 356-18-140 Leave without pay.
- Amd WAC 356-18-220 Leave—Extension of anniversary date—

We, the State Personnel Board, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is due to the immediate need to ease the impact on employees who are facing reduction-in-force situations because of the reduced state revenues that provide for the payroll.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By Leonard Nord  
Secretary

AMENDATORY SECTION (Amending Order 147, filed 9/16/80)

WAC 356-06-010 DEFINITIONS. The following definitions apply throughout these rules unless the context clearly indicates another meaning:

ACTING APPOINTMENT – An appointment of limited duration made from within the classified service to a supervisory or managerial position.

ADMINISTRATIVE PERSONNEL – Employees who regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to management policy; or, (2) work providing direct assistance to executive or administrative personnel.

AGENCY – An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

AGRICULTURAL PERSONNEL – Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

ALLIED REGISTER – A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.

ALLOCATION – The assignment of a position to a job classification.

**ANNIVERSARY DATE** – Original entry date into state service as adjusted by leave without pay or break in service.

**APPOINTING AUTHORITY** – A person or group of persons lawfully authorized to make appointments.

**BARGAINING UNIT** – The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.

**BASIC SALARY RANGE** – The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

**BOARD** – The state personnel board.

**BUMPING** – The replacement of an incumbent by another employee subject to reduction-in-force, who has greater seniority.

**CAREER PLANNING** – A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

**CERTIFICATION** – Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

**CLASS** – Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

**CLASSIFIED SERVICE** – All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

**COLLECTIVE BARGAINING OR COLLECTIVE NEGOTIATION** – The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

**COMPENSATORY TIME** – Time off in lieu of cash payment for overtime.

**COMPETITIVE SERVICE** – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

**DATE OF ELECTION** – The date of election is the date the Director of Personnel certifies the results of the election.

**DEMOTION** – A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

**DESIRABLE QUALIFICATIONS** – The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

**DIRECTOR** – The director of the department of personnel.

**DISABILITY** – An employee's bodily inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.)

**DISMISSAL** – The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

**EDUCATION LEAVE OF ABSENCE** – An authorized leave of absence for educational purposes.

**ELEVATION** – Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

**ELIGIBLE** – An applicant whose name is on a register.

**EMERGENCY APPOINTMENT** – An appointment, for emergency reasons, not to exceed 60 calendar days.

**EMPLOYEE** – Any person employed under the jurisdiction of these rules.

**EMPLOYEE ORGANIZATION** – Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

**EXECUTIVE PERSONNEL** (As used in chapter 15 of these rules) – Employees who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of two or more employees.

**EXEMPT POSITION** – Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

**FULL TIME EMPLOYMENT** – Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 – 40 hours per week shall be considered full time.

**HANDICAPPED** – Persons with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy or surgical means.

**HOLIDAYS** – Paid nonwork days for state employees as established by RCW 1.16.050.

**HOUSED PERSONNEL** – Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time subject to call and not engaged in the performance of active duties.

**HUMAN RESOURCE DEVELOPMENT** – The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

**INTERMITTENT EMPLOYMENT** – Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12-month period.

**INTERVENING SALARY STEPS** – All increment steps in a salary range, except the lowest and highest.

**LAW ENFORCEMENT PERSONNEL** – Employees empowered by statute to enforce laws designed to

maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens.

**MINIMUM QUALIFICATIONS** – The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

**NONCOMPETITIVE POSITIONS** – Positions designated by the board as not requiring a competitive examination.

**ORIENTATION** – An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

**OVERTIME** – Work authorized and performed in accordance with WAC 356-15-030.

**PART TIME EMPLOYMENT** – Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

**PERIODIC INCREMENT DATE** – The date established in accordance with the Merit System Rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the Merit System Rules.

**PERMANENT EMPLOYEE** – An employee who has successfully completed a probationary period and has had no break in service.

**PERSONNEL RECORD** – Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356-46-060(2)A.

**POSITION** – A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full-time or part-time, seasonal, temporary or permanent.

**PREMIUM PAYMENT** – Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

**PROBATIONARY PERIOD** – The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for six months.

**PROFESSIONAL PERSONNEL** – Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

**PROJECT EMPLOYMENT** – A program designated by the Director of Personnel as "Project Employment", that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular Civil Service employees, cannot be facilitated through the regular Civil Service system. Such a program may last upward to two years and beyond, but has an end in sight.

**PROMOTION** – A change of a permanent employee from a position in one class to a position in a class having a higher maximum salary.

**PROVISIONAL APPOINTMENT** – An appointment to a position pending the establishment of a register for that class.

**REDUCTION-IN-FORCE** – A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction-in-force occurs, it is a separation from service without cause on the part of the employee.

**REDUCTION IN SALARY** – Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

**REEMPLOYMENT** – An appointment, made from the reemployment register, of a former employee who had permanent status.

**REGISTER** – A list of eligible names established for employment or reemployment in a class.

**REINSTATEMENT** – Return of an employee to full employment rights by board action following appeal hearing.

**RESIGNATION** – A voluntary separation from employment.

**REVERSION** – Voluntary or involuntary movement of an employee during a six-month trial service period to the lower class which was held prior to the employee's last promotion.

**SALARY RANGE** – A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

**SEASONAL EMPLOYMENT** – Work that is cyclic in nature beginning and ending at approximately the same time every year and lasting for no more than nine months.

**SENIORITY** – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the ((s))State ((p))Personnel ((b))Board. Service in positions brought under the jurisdiction of the ((s))State ((p))Personnel ((b))Board by statute is counted as though it had previously been under the jurisdiction of the ((s))State ((p))Personnel ((b))Board. Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction-in-force is not credited. Leaves without pay granted to reduce the effect of an agency reduction-in-force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC

356-06-055, 356-30-045 and 356-30-330. Time spent under the jurisdiction of the ((h))Higher ((e))Education ((p))Personnel ((b))Board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(4). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

**SERIES** – A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

**SUPERVISOR** – Any individual having substantial responsibility on behalf of management regularly to participate in the performance of all or most of the following functions: Employ, promote, transfer, suspend, discharge or adjudicate grievances of other employees, if in connection with the foregoing, the exercise of such responsibility is not of a merely routine nature but requires the exercise of independent judgment.

**SUSPENSION** – An enforced absence without pay for disciplinary purposes.

**TANDEM EMPLOYMENT** – Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

**TEMPORARY EMPLOYMENT** – Single or multiple periods of employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

**TERMINATION** – Separation from employment for reasons beyond the control of the employee.

**TRAINING** – An organized learning process designed to provide needed changes in the skills, knowledge, attitudes or behaviors of employees.

**TRANSFER** – The change of an employee who has gained permanent status in a class with no break in service from one to another classified position having the same salary range number.

**TRIAL SERVICE PERIOD** – A six-month trial period of employment of a permanent employee beginning with the effective date of the promotion or demotion or appointment from the promotional register.

**TUITION REIMBURSEMENT** – A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

**UNDERFILL** – The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

**UNION SHOP** – A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later.

**UNION SHOP FEE** – The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to

the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs.

**UNION SHOP REPRESENTATIVE** – A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the Director of Personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

**VETERAN** – For the purpose of granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: **PROVIDED**, That the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of \$500 per month.

**VETERAN'S WIDOW** – For the purpose of granting preference during layoffs and subsequent reemployment, the unremarried wife of a deceased veteran as defined in WAC 356-06-010 except that such veteran's one-year minimum length of active military service shall be disregarded.

**VOLUNTEER EXPERIENCE** – Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: Provided such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

**WORK DAY** – A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee.

**WORK PERIOD DESIGNATION** – Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

**WORK SCHEDULE** – A series of workshifts and work days within the workweek.

**WORKSHIFT** – Scheduled working hours within the workday.

**WORKWEEK** – A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

**Y-RATE** – A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class.

**AMENDATORY SECTION** (Amending Order 133, filed 9/18/79)

**WAC 356-18-140 LEAVE WITHOUT PAY.** (1) Leave without pay may be allowed when such leave will not operate to the detriment of the state service.

(2) Leave without pay may be authorized for any reasons applicable to:

(a) Leave with pay.

(b) Educational leave.

(c) Newborn or adoptive child care leave as provided in WAC 356-18-150.

(d) Military and U.S. Public Health Service and Peace Corps leave.

(e) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority and approved by the director of personnel.

(f) Leave taken voluntarily to reduce the effect of an agency reduction-in-force, leaving the employee's standing with regard to the RIF register in tact.

(3) Leave of absence without pay shall not be allowed to an extent aggregating more than 12 months in any consecutive period of five years, except for leaves of absence for military, U.S. Public Health Service, Peace Corps, authorized government leave of no more than two years' duration, for employees receiving time loss compensation or for leaves under provisions of WAC 356-39-120.

**AMENDATORY SECTION** (Amending Order 123, filed 9/26/78)

**WAC 356-18-220 LEAVE—EXTENSION OF ANNIVERSARY DATE—PERIODIC INCREMENT DATE—EFFECT—EXCEPTIONS.** When an employee is on leave of absence without pay for any period in excess of 15 consecutive calendar days, except military and U.S. Public Health Service leave, State service in an exempt position, or from government service which had Director of Personnel approval or on leave following injuries sustained while performing the State-position duties, the anniversary date and periodic increment date of such employees shall be moved forward in amount equal to the entire duration of that leave of absence. A leave of absence without pay of 15 calendar days or less will not affect the anniversary date. The periodic increment date and anniversary date will be continued if the leave of absence was an educational leave of absence in accordance with the provisions of WAC 356-39-120, or if the leave without pay is taken voluntarily by an employee to help reduce the effect of an agency reduction-in-force. When an employee is in a position assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than a 12-month school year, the employing agency may

place the employee on leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary and periodic increment dates.

**WSR 81-20-053**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed October 2, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 356-06-010 Definitions.  
 Amd WAC 356-15-060 Shift differential provisions and compensation.  
 Amd WAC 356-18-090 Vacation leave—Accrual.  
 Amd WAC 356-30-220 Reemployment—Status;

that such agency will at 10:00 a.m., Thursday, November 12, 1981, in the Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 41.06.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 10, 1981, and/or orally at 10:00 a.m., Thursday, November 12, 1981, Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA.

This notice is connected to and continues the matter in Notice No. WSR 81-19-068 filed with the code reviser's office on September 15, 1981.

Dated: October 2, 1981

By: Leonard Nord  
 Secretary

**WSR 81-20-054**  
**PROPOSED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
 [Filed October 2, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning an amendment to WAC 468-58-050, prohibition of non-motorized traffic on fully controlled limited access highways, to allow bicycles to use the right hand shoulder of the following sections of fully controlled limited access highways during daylight hours: SR 90, M.P. 136.43 to 149.79; SR 90, M.P. 174.60 to 179.45; and SR 405, M.P. 7.47 to 10.22, and, to allow bicycles to use the right hand shoulders of SR 90, M.P. 34.70 to 83.00 during daylight hours, from May 1 through September 30;

that such agency will at 10:00 a.m., Monday, November 16, 1981, in the Board Room, Highway Administration Building, Olympia, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 47.52.025 and 46.61.160.

Interested persons may submit date, views, or arguments to this agency in writing to be received by this agency prior to November 16, 1981, and/or orally at 10:00 a.m., Monday, November 16, 1981, Board Room, Highway Administration Building, Olympia, Washington.

Dated: October 2, 1981

By: A. D. Andreas

Assistant Secretary for Highways

### STATEMENT OF PURPOSE

Title: Amendment to WAC 468-58-050 to allow bicycles to use the right hand shoulders of the selected sections of fully controlled limited access highways.

Result of Federal Law or Federal or State Court Action: Not applicable.

Statutory Authority: RCW 47.52.025 and 46.61.160.

Summary of Rule: Permits bicycles to use the right hand shoulder of the following sections of fully controlled limited access highways during daylight hours: SR 90 Vantage to George, MP 136.43 to 149.79; SR 90 Moses Lake Vicinity, MP 174.60 to 179.45; and SR 405 May Creek Interchange to Newport Beach Interchange, MP 7.47 to 10.22.

Also permits bicycles to use the right hand shoulder of SR 90 North Bend to Cle Elum, MP 34.70 to 83.00 during daylight hours from May 1 through September 30.

Reason for Rule: To encourage the use of energy efficient transportation.

For Further Information: Mr. Donald Anderson, State Maintenance and Operations Engineer for the Department of Transportation, Room 1C8, Transportation Building, Phone 753-6014, is responsible for the drafting and implementation of this rule. The Washington State Patrol is responsible for enforcement of the rule.

Proponents of Rule: The Washington State Department of Transportation is the proponent of the rule.

Agency Comments and Recommendations: This action encourages the use of energy efficient transportation.

### AMENDATORY SECTION (Amending Order 53, filed 4/15/80)

WAC 468-58-050 PROHIBITION OF NONMOTORIZED TRAFFIC ON FULLY CONTROLLED LIMITED ACCESS HIGHWAYS. (1) All nonmotorized traffic shall be prohibited on state highways which have been established and constructed as fully controlled limited access facilities, and signs giving notice of such prohibition shall be posted upon all such highways.

(2) This prohibition of nonmotorized traffic on fully controlled limited access highways shall not apply to pedestrian overcrossings and undercrossings or other facilities provided specifically for the use of such traffic.

(3) This prohibition of nonmotorized traffic shall not apply to the following sections of established and operating fully controlled limited access highways with regard to pedestrians and bicycles:

- (a) State Route 2, Mile Post 0.00 to Mile Post 2.50;
- (b) State Route 410, Mile Post 0.30 to Mile Post 11.60;
- (c) State Route 526, Mile Post 0.80 to Mile Post 4.57;
- (d) State Route 5, Mile Post 165.40 to Mile Post 172.40, Reversible Lanes, from 9:00 a.m. to 6:00 p.m. on June 18, 1978.

(4) This prohibition shall not apply to the shoulders of the following sections of an established and operating fully controlled limited access highway with regard to bicycles during daylight hours only:

- (a) State Route 5, Mile Post 23.01 to Mile Post 27.42;
- (b) State Route 5, Mile Post 116.70 to Mile Post 119.01; ((and))
- (c) State Route 90, Mile Post 18.31 to Mile Post 20.16;
- (d) State Route 90, Mile Post 136.43 to Mile Post 149.79;
- (e) State Route 90, Mile Post 174.60 to Mile Post 179.45; and
- (f) State Route 405, Mile Post 7.47 to Mile Post 10.22.

Signs giving notice of such permission shall be posted upon these highway routes.

(5) This prohibition shall not apply to the shoulders of the following section of an established and operating fully controlled limited access highway with regard to bicycles during daylight hours only from May 1 through September 30:

- (a) State Route 90, Mile Post 34.70 to Mile Post 83.00; and
- (b) State Route 90, Mile Post 254.02 to Mile Post 257.69.

Signs giving notice of such permission shall be posted upon these highway routes.

### WSR 81-20-055

#### EMERGENCY RULES

#### DEPARTMENT OF TRANSPORTATION

[Order 67—Filed October 2, 1981]

I, Duane Berentson, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington, the annexed rules relating to an amendment to WAC 468-58-050, prohibition of non-motorized traffic on fully controlled limited access highways to allow bicycles to use the right hand shoulder of the following sections of fully controlled limited access highways during daylight hours: SR 90, M.P. 136.43 to 149.79; SR 90, M.P. 174.60 to 179.45; and SR 405, M.P. 7.47 to 10.22 and, to allow bicycles to use the right hand shoulder of SR 90, M.P. 34.70 to 83.00 during daylight hours from May 1 through September 30.

I, Duane Berentson, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is immediate action is necessary to provide the bicycling community as much time as possible to use these facilities prior to the winter season.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Transportation as authorized in RCW 47.52.025 and 46.61.160.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 2, 1981.

By A. D. Andreas  
Assistant Secretary for Highways

AMENDATORY SECTION (Amending Order 53,  
filed 4/15/80)

WAC 468-58-050 PROHIBITION OF NONMOTORIZED TRAFFIC ON FULLY CONTROLLED LIMITED ACCESS HIGHWAYS. (1) All nonmotorized traffic shall be prohibited on state highways which have been established and constructed as fully controlled limited access facilities, and signs giving notice of such prohibition shall be posted upon all such highways.

(2) This prohibition of nonmotorized traffic on fully controlled limited access highways shall not apply to pedestrian overcrossings and undercrossings or other facilities provided specifically for the use of such traffic.

(3) This prohibition of nonmotorized traffic shall not apply to the following sections of established and operating fully controlled limited access highways with regard to pedestrians and bicycles:

(a) State Route 2, Mile Post 0.00 to Mile Post 2.50;

(b) State Route 410, Mile Post 0.30 to Mile Post 11.60;

(c) State Route 526, Mile Post 0.80 to Mile Post 4.57;

(d) State Route 5, Mile Post 165.40 to Mile Post 172.40, Reversible Lanes, from 9:00 a.m. to 6:00 p.m. on June 18, 1978.

(4) This prohibition shall not apply to the shoulders of the following sections of an established and operating fully controlled limited access highway with regard to bicycles during daylight hours only:

(a) State Route 5, Mile Post 23.01 to Mile Post 27.42;

(b) State Route 5, Mile Post 116.70 to Mile Post 119.01; ((and))

(c) State Route 90, Mile Post 18.31 to Mile Post 20.16;

(d) State Route 90, Mile Post 136.43 to Mile Post 149.79;

(e) State Route 90, Mile Post 174.60 to Mile Post 179.45; and

(f) State Route 405, Mile Post 7.47 to Mile Post 10.22.

Signs giving notice of such permission shall be posted upon these highway routes.

(5) This prohibition shall not apply to the shoulders of the following section of an established and operating fully controlled limited access highway with regard to bicycles during daylight hours only from May 1 through September 30:

(a) State Route 90, Mile Post 34.70 to Mile Post 83.00; and

(b) State Route 90, Mile Post 254.02 to Mile Post 257.69.

Signs giving notice of such permission shall be posted upon these highway routes.

WSR 81-20-056

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 81-169—Filed October 2, 1981]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Areas 4B, 5, 6C, 7 and 7A are restricted to protect Fraser River-Harrison chinook salmon. Area 6 and 6A are closed to protect Fraser chum and naturally-spawning Skagit salmon runs. Area 7C and the Samish River are closed to protect escapement of Samish Hatchery fall chinook salmon. Area 8 and the Skagit River are closed to protect coho salmon. Areas 10C, 10D and the Cedar River are closed to protect Lake Washington sockeye and fall chinook. Portions of Area 12C are closed to protect chinook salmon. Hammersley and Case Inlets are closed to protect early timing chum salmon. Budd Inlet and the Green/Duwamish River are closed to protect chinook salmon.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 2, 1981.

By William R. Wilkerson  
for Rolland A. Schmitten  
Director

NEW SECTION

WAC 220-28-124 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. Effective immediately until further notice, it is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

4B - Troll-caught chinook under 24 inches in length and troll-caught coho under 16 inches in length must be released. Drift gill nets restricted to 6-1/2-inch maximum mesh when open.

Area 5 - Drift gill nets restricted to 6-1/2-inch maximum mesh when open.

Areas 6 and 6A -- Closed to all commercial fishing.

Areas 6C -- Drift gill nets restricted to 6-1/2-inch maximum mesh when open.

Areas 7 and 7A -- Closed to gill nets and purse seines. Reef nets must release chinook salmon over 28 inches.

Area 7C -- Closed to all commercial fishing.

Area 8 -- Closed to all commercial fishing.

Areas 10C and 10D -- Closed to all commercial fishing.

Areas 12C -- Closed to all commercial fishing within 1,000 feet of western shore between Hoodport Marina Dock and Glen Ayr Trailer Park, and within 1/4 mile of a line connecting the outermost points of Dewatto Bay and Dewatto Bay.

\* Area 13B -- (1) In that portion south of a line projected true west from Priest Point to the opposite shore (Budd Inlet), closed to gill net gear. All other gear must immediately release female chinook salmon over 24 inches in length when open. (2) In that portion westerly of a line projected from the flashing light (Fl 4 sec) at Arcadia to Hungerford Point (Hammersley Inlet), closed to all commercial fishing. (3) In that portion northerly of a true east-west line projected through the southernmost point on Stretch Island and intersecting with the eastern and western shores of Case Inlet (Case Inlet), closed to all commercial fishing.

Cedar River -- Closed to all commercial fishing.

Duwamish/Green River -- Closed to all commercial fishing upstream of the First Avenue South Bridge and in the East Waterway.

Samish River -- Closed to all commercial fishing.

Skagit River, including all tributaries -- Closed to all commercial fishing.

#### REPEALER (Amending Order 53, filed 4/15/80)

The following section of the Washington Administrative Code is repealed:

WAC 220-28-123 Puget Sound Commercial Fishery Restrictions (81-164)

**WSR 81-20-057**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
[Order 370—Filed October 2, 1981]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule terminating the summer burning rules on outdoor

burning and changing the ending date of the closed season for 1981 from October 15, 1981 to October 2, 1981 on forest lands under the protection of the Department of Natural Resources in western Washington.

I, Brian J. Boyle, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is changing the ending date of the summer burning rules regulating outdoor burning and the closed season governing use of spark emitting equipment on or near forest lands in western Washington from October 15, 1981 to October 2, 1981 due to reduced fire danger resulting from sufficient recent precipitation.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.020, 76.04.150, 76.04.170, 76.04.251 and 76.04.252 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 2, 1981.

By Brian J. Boyle  
Commissioner of Public Lands

#### AMENDATORY SECTION (Administrative Order 169, filed 8/7/73)

WAC 332-24-090 SMALL OUTDOOR FIRES FOR RECREATION AND YARD DEBRIS DISPOSAL — REQUIREMENTS — FAILURE TO COMPLY: (1) The fire must not include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints or any other similar materials that emit dense smoke or create offensive odors when burned.

(2) A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.

(3) A serviceable shovel and, at least, five gallons of water must be within the immediate vicinity of the fire during the period March 15 through October 15 in Western Washington and April 15 through June 30 in Eastern Washington.

(4) No fires are to be within fifty (50) feet of structures.

(5) For the period March 15 through ~~October 15~~ October 2 in Western Washington and April 15 through June 30 in Eastern Washington, the material to be burned shall be in hand built piles no more than four (4) feet in diameter and three (3) feet in height.

(6) For the period October 16 through April 14 in Eastern Washington, the material to be burned shall be in piles no more than ten (10) feet in diameter.

(7) Only one pile at a time may be burned and each pile must be extinguished before lighting another.

(8) *The material to be burned must be placed on bare soil, gravel, bars, beaches, green fields, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of the fire.*

(9) *Burning must be done during periods of very calm to very light winds. Burning when the wind will scatter loose flammable materials, such as dry leaves and clippings, is prohibited.*

(10) *If the fire creates a nuisance from smoke or fly ash, it must be extinguished.*

(11) *Persons not able to meet the requirements (1-10) must apply for a written burning permit through the area office of the State of Washington, Department of Natural Resources.*

*A bucket may be substituted for the water requirement, if the burning is adjacent to an accessible body of water. A charged garden hose line or other adequate water supply capable of extinguishment of the fire may be substituted for the five gallon water requirement.*

*Failure to comply with these rules voids permission to burn and the person burning is in violation of RCW 76.04.150 and subject to the penalties therein.*

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**NEW SECTION**

**WAC 332-26-523 CLOSED SEASON.** *The period of April 15 through October 2, 1981 inclusive, shall be known as the closed season for 1981 on forest lands protected by the Department of Natural Resources in Western Washington.*

**WSR 81-20-058  
WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF TRANSPORTATION  
[Filed October 2, 1981]**

The Department of Transportation wishes to withdraw Notice WSR 81-20-054, filed with your office October 2, 1981.

A. D. Andreas  
Assistant Secretary for Highways

**WSR 81-20-059  
EMERGENCY RULES  
DEPARTMENT OF TRANSPORTATION  
[Order 68—Filed October 2, 1981]**

I, Duane Berentson, Secretary of Transportation, to promulgate and adopt at Olympia, Washington, the annexed rules relating to the repeal of Order No. 67, previously filed with the Code Reviser October 2, 1981.

I, Duane Berentson, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that

observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Administrative Order No. 67 was inadvertently filed when it did not accurately reflect approved policy of the Department of Transportation. It is the intent of the department to restore WAC 468-58-050 to its original form.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

The rule is promulgated under the general rule-making authority of the Department of Transportation as authorized in RCW 47.52.025 and 46.61.160.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 2, 1981.

By A. D. Andreas  
Assistant Secretary of Highways

**WSR 18-20-060  
ADOPTED RULES  
DEPARTMENT OF PERSONNEL  
(Personnel Board)  
[Order 161—Filed October 5, 1981]**

Be it resolved by the State Personnel Board, acting at 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to:

- Amd WAC 356-15-080 Standby provisions and compensation.
- Amd WAC 356-18-140 Leave without pay.
- Amd WAC 356-18-220 Leave—Extension of anniversary date—Periodic increment date—Effect—Exceptions.
- Amd WAC 356-26-030 Register designation.
- Amd WAC 356-26-060 Certification—General Methods.
- Amd WAC 356-26-070 Certification—Registers—Order of rank—Exception.
- Amd WAC 356-30-330 Reduction-in-force—Rules.
- Amd WAC 356-35-010 Disability—Separation—Appeals—Procedures.
- Amd WAC 356-46-130 State Housing Committee—Responsibilities.

This action is taken pursuant to Notice Nos. WSR 81-19-067 and 81-19-068 filed with the code reviser on September 15, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By Leonard Nord  
Secretary

AMENDATORY SECTION (Amending Order 98, filed 1/13/77)

WAC 356-15-080 STANDBY PROVISIONS AND COMPENSATION. (1) Requirements :

(a) An employee is in standby status when she/he is required to put in time (outside her/his normal working hours) during which both of the following conditions exist:

(i) She/He is required by her/his agency to remain in a specified duty station or predetermined location during specified hours.

(ii) She/He is required by her/his agency to be prepared to do full time work if the need arises, although the need for her/him to work might not arise.

NOTE : Standing by must include restriction to a specific location. When the nature of a duty station confines an employee during her/his off duty hours (e.g., a ship), and that duty station is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status (b) (outside her/his normal working hours) when required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

Standby status (b) shall not be considered time worked for any employee.

(2) Payment : Any scheduled or non scheduled work period employee required by her/his agency to stand by shall be paid the hourly standby rate as shown in the Standby Pay Schedule. Standby pay may be authorized for exceptions work period employees if the appointing authority deems it appropriate. Overtime pay and standby pay shall not be paid for the same hours. Shift differential premium and standby pay shall not be paid for the same hours.

(3) In cases where standby hours are scheduled over a number of months, agencies may pay standby pay at a monthly rate which is equal for all months in which an employee stands by. Such monthly rates shall be calculated by dividing the number of months containing standby time into the total amount of standby pay the employee would earn during those months if the hourly standby pay schedule identified in subsection (2) of this Rule was applied. This option is granted to simplify bookkeeping and is not authorization to establish standby rates higher or lower than those set by the Personnel Board.

AMENDATORY SECTION (Amending Order 133, filed 9/18/79)

WAC 356-18-140 LEAVE WITHOUT PAY. (1) Leave without pay may be allowed when such leave will not operate to the detriment of the State service.

(2) Leave without pay may be authorized for any reasons applicable to:

(a) Leave with pay.

(b) Educational leave.

(c) Newborn or adoptive child care leave as provided in WAC 356-18-150.

(d) Military and U.S. Public Health Service and Peace Corps leave.

(e) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority and approved by the director of personnel.

(f) Leave taken voluntarily to reduce the effect of an agency reduction-in-force, leaving the employee's standing with regard to the RIF register in tact.

(3) Leave ((of absence)) without pay shall not ((be allowed to an extent aggregating)) total more than 12 months in any consecutive ((period of)) five-year((s)) period, except for: ((leaves of absence for military, U.S. Public Health Service, Peace Corps, authorized government leave of no more than two years' duration, for employees receiving time loss compensation or for leaves under provisions of WAC 356-39-120:))

(a) Leaves without pay for military, U.S. Public Health Service or Peace Corps;

(b) Authorized government leave not exceeding two years;

(c) Employees receiving time loss compensation; or

(d) Educational leaves under provisions of WAC 356-39-120.

AMENDATORY SECTION (Amending Order 123, filed 9/26/78)

WAC 356-18-220 LEAVE—EXTENSION OF ANNIVERSARY DATE—PERIODIC INCREMENT DATE—EFFECT—EXCEPTIONS. When an employee is on leave of absence without pay for any period in excess of 15 consecutive calendar days, except military and U.S. Public Health Service leave, State service in an exempt position, or from government service which had Director of Personnel approval or on leave following injuries sustained while performing the State-position duties, the anniversary date and periodic increment date of such employees shall be moved forward in amount equal to the entire duration of that leave of absence. A leave of absence without pay of 15 calendar days or less will not affect the anniversary date. The periodic increment date and anniversary date will be continued if the leave of absence was an educational leave of absence in accordance with the provisions of WAC 356-39-120, or if the leave without pay is taken voluntarily by an employee to help reduce the effect of an agency reduction-in-force. When an employee is in a position assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than

a 12-month school year, the employing agency may place the employee on leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary and periodic increment dates.

**AMENDATORY SECTION** (Amending Order 147, filed 9/16/80)

**WAC 356-26-030 REGISTER DESIGNATION.**

**(1) Agency Reduction-in-Force.**

**(a) Composition.**

(i) The departmental reduction-in-force register will consist of appropriate classes and the names of all employees who have permanent status and have been notified they are scheduled for reduction-in-force; or held permanent status prior to separation due to a reduction-in-force; or who have accepted a voluntary demotion in a class in lieu of a reduction-in-force; or were in a trial service period with another department and separated due to reduction-in-force; or who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the Director of Personnel a current physician's statement that they are physically able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the State Personnel Board at the time.

**(b) Method of Ranking.**

(i) This register will be ranked according to seniority.

**(c) Life of Register.**

(i) An eligible's name will normally remain on this register for three years.

**(d) Special Provisions.**

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

**(2) Service-Wide Reduction-in-Force.**

**(a) Composition.**

(i) This register will consist of the same names as the agency reduction-in-force register.

**(b) Method of Ranking.**

(i) This register will be ranked according to seniority.

**(c) Life of Register.**

(i) An eligible's name will normally remain on this register for two years.

**(d) Special Provisions.**

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

**(3) Dual-Agency Reversion.**

**(a) Composition.**

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class (~~(in which they held permanent)~~) and status.

**(b) Method of Ranking.**

(i) This register will be ranked according to total unbroken classified service.

**(c) Life of Register.**

(i) An eligible's name will normally remain on this register for two years.

**(d) Special Provisions.**

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

**(4) Agency Promotional.**

**(a) Composition.**

(i) This register will be established by appropriate classes and shall include the names of those permanent employees, or past permanent employees who have been separated due to reduction-in-force within the last year who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the Director of Personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

**(b) Method of Ranking.**

(i) This register shall be ranked according to final score from the highest to the lowest.

**(c) Life of Register.**

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

**(d) Special Provisions.**

(i) An employee may convert any current open competitive rating to this register upon achieving permanent status.

**(5) Service-Wide Reversion.**

**(a) Composition.**

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class (~~(in which they held permanent)~~) and status.

**(b) Method of Ranking.**

(i) This register will be ranked according to total unbroken classified service.

**(c) Life of Register.**

(i) An eligible's name will normally remain on this register for two years.

**(d) Special Provisions.**

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction.

Persons on this register will indicate the geographic areas and agencies for which they are available.

(6) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of Ranking.

(i) This register will be unranked.

(c) Life of Register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special Provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(7) Voluntary Demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of Ranking.

(i) This register shall be unranked. However, employees subject to reduction-in-force shall have priority.

(c) Life of Register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special Provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(8) Service-Wide Promotional.

(a) Composition.

(i) This register shall contain the names of those permanent employees or past permanent employees who have been separated due to reduction-in-force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the Director of Personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of Ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special Provisions.

(i) An employee may convert any current open competitive rating to this register upon achieving permanent

status. Persons on this register will indicate the geographic areas and agencies for which they are available.

(9) Reemployment.

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within two years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction-in-force status and have been offered and declined employment. The Director of Personnel may extend the time during which an employee may apply for reemployment if the Director of Personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of Ranking.

(i) This register shall be unranked.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

(10) Open Competitive.

(a) Composition.

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of Ranking.

(i) This register shall be ranked by the final score.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for one year unless changed by the Director of Personnel.

(d) Special Provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

AMENDATORY SECTION (Amending Order 151, filed 1/12/81)

WAC 356-26-060 CERTIFICATION—GENERAL METHODS. Upon receipt of a request for certification, the Director of Personnel shall normally certify to the appointing authority a list of names equal in number to two more than there are vacancies to be filled from the ranked registers except:

(1) One name will constitute a complete certification when referrals are made from the agency reduction-in-force register; the service-wide reduction-in-force register; or the dual agency reversion register provided such eligible candidate meets a selective certification requirement that was approved by the Department of Personnel based upon special qualifications as intended by the first paragraph in ((MSR)) WAC 356-26-130 when the position was established, reallocated or last filled.

(2) Where all names are certified exclusively from an open competitive register, the Director of Personnel may

certify in ranked order up to all of the names from the open competitive register: PROVIDED, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute three names per vacancy to be filled.

(3) When more than one candidate has the same examination rating, three names shall be certified as determined by lot.

(4) Additional names may be referred from the unranked registers when completing a certification. When an unranked register is used to complete a certification, all names appearing on that register shall be certified; however, if a complete certification is possible when an unranked register is used, then the next register shall not be utilized.

(5) The Director of Personnel, upon request and after consultation with the employing department and employee representatives, may declare positions, groups of positions or classes of positions as training positions. Such positions may be filled from the next lower level register in the class series as designated by the Director of Personnel with employees being automatically advanced after completion of one year's service in the lower level class.

(6) When the vacancy to be filled is identified as part of an agency's Affirmative Action goals as established by their approved Affirmative Action Plan, the Director of Personnel may, except where there are employees on the reduction-in-force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups under Title VII of the 1964 Civil Rights Act and chapter 49.60 RCW, State Law Against Discrimination, or for Federal Contract Compliance Purposes, veterans and disabled veterans as defined in the Vietnam Era Veteran's Readjustment Act of 1974, Title 41, CFR, Chapter 60, Part 60-250, "Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era." This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Agencies shall request from the Department of Personnel a determination prior to the utilization of this rule as to whether there are members of the protected groups on existing registers. If there are no such members on the registers, active recruitment will be initiated.

(7) The Director of Personnel or his/her designee may refer, for the following classes, a sufficient number of names to assure that requesting agencies have not less than three names available to fill the position:

Messenger Clerk  
 Receptionist  
 Clerk 1  
 Clerk 2  
 Clerk-Steno 1 Visually Handicapped  
 Clerk-Steno 2 Visually Handicapped  
 Clerk-Typist 1  
 Clerk-Typist 2  
 Dictating Machine Transcriber  
 Word Processing Operator 1

Word Processing Operator 2  
 Clerk-Steno 1  
 Clerk-Steno 2  
 PBX Operator  
 Data Entry Operator 1  
 Data Entry Operator 2

If such certification contains three or more available promotional candidates, agencies shall appoint from the promotional candidates.

(8) Permanent employees certified from a ranked register for consideration of appointment(;) shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified(;) but not appointed of the action taken.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### AMENDATORY SECTION (Amending Order 138, filed 11/30/79)

WAC 356-26-070 CERTIFICATION—REGISTERS—ORDER OF RANK—EXCEPTION. The Director of Personnel will normally certify names from the registers in the following order:

- (1) Agency reduction-in-force register.
- (2) Service-wide reduction-in-force register.
- (3) Dual-agency reversion register.
- (4) Agency promotional register.
- (5) Service-wide reversion register.
- (6) Transfer register.
- (7) Voluntary demotion register.
- (8) Service-wide promotional register.
- (9) Reemployment unranked register.
- (10) Open competitive register.

However, if the Director of Personnel and appointing authority establish that it is in the best interest of the State to broaden the competition (~~the initial certification may be made from those names standing highest when registers (4), (8), and (10) are considered as one.~~ A written request from the appointing authority must be submitted prior to recruitment), agencies may request the Director of Personnel to certify names combined from registers (4), (8), and (10) provided:

(1) That the written request to the Director shall be evidence of assurance that:

(a) Such a request will not harmfully affect utilization of protected group members who are applicants for this class.

(b) If the position is within a collective bargaining unit, the exclusive representative will be provided copy of the request.

(c) That the request is in the best interest of the State and not solely intended to circumvent the policy of promotion from within the State as provided in 356-30-150.

(2) Request for combined registers must be made on a position-by position or a class basis and prior to recruitment.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule

published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order 112, filed 11/7/77)

**WAC 356-30-330 REDUCTION-IN-FORCE—RULES((=)), REGULATIONS—PROCEDURE.** (1) Employees may be separated in accordance with the statutes and the agencies' approved reduction-in-force procedures after fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes.

Incumbents of positions reclaimed by previously exempted employees will have the rights and options of the approved procedures developed as prescribed below when the positions are being reclaimed in accordance with RCW 41.06.070(22), 41.06.100, and WAC 356-30-045.

(2) The agencies shall develop a reduction-in-force procedure which shall include:

(a) The definition of "seniority" as defined in WAC 356-06-010.

(b) Clearly defined layoff limits, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not so small as to unduly restrict the options available to employees with greater seniority.

(c) "Bumping" by employees with greater seniority will be limited to the same layoff unit.

(i) Classifications in which the "bumping" employee previously held permanent status.

(ii) Position at the current salary range of the employee doing the bumping, or lower.

(iii) Employees with the least seniority.

(iv) Competition at one progressively lower classification at a time.

(d) Offers of options in lieu of separation by reduction-in-force by an agency only (~~then~~) when such options are in accordance with the agency's procedure which has been approved by the Director of Personnel.

(e) The rights for employees who have been scheduled for reduction-in-force to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the Director of Personnel. This right to be exercised according to the seniority of those desiring the same vacancy.

(f) Rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction-in-force.

(g) The right to actually "bump" only after the employee to be "bumped" has received fifteen calendar days' notice of the scheduled action.

(h) The statement that, "No permanent employee shall lose a position through reduction-in-force without being offered those positions within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, provisional, or probationary employees; but only within fifteen calendar days prior to what would be the permanent employee's effective separation."

(i) That ties in seniority will be broken by first measuring the employees' last continuous time within their

current classification; if the tie still exists, by measuring the employees' last continuous time in their current agency; if the tie still exists by measuring the employees' total accumulative service within the State; and if the tie still exists by lot.

(j) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(3) The agency shall file the procedure with the Director of Personnel for approval.

(4) Vacancies will not be filled either by local list procedures or on a provisional, temporary, or seasonal basis without contacting the Department of Personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction-in-force.

(5) When a majority of the positions in a reduction-in-force unit is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers.

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the Director of Personnel.

(6) In order to exercise an option to a position for which selective criteria were approved when the position was established, reallocated or last filled, and when such specialized qualifications as determined by the Director of Personnel or designee to be still essential for successful job performance, an employee must possess the specialized qualifications established for the position.

**AMENDATORY SECTION** (Amending order 58, filed 9/10/73)

**WAC 356-35-010 DISABILITY—SEPARATION—APPEALS—PROCEDURES.** (1) When a permanent employee becomes disabled, (~~his~~) employment may be terminated by the appointing authority after a minimum of 60 calendar days written notice, provided that the employee shall be allowed to exhaust (~~his~~) accrued sick leave before separation if (~~his~~) the disability prevents (~~his~~) attendance at work. When a disabled employee chooses to receive time loss compensation as provided in WAC 356-18-080, (~~he~~) the employee shall not be separated due to disability until all (~~of his~~) accrued sick leave is exhausted. Separations due to disability shall not be considered disciplinary actions and shall be appealable to the Personnel Board on grounds

that a disability does not exist. The 60 calendar days notice shall not be required when the employee request and the appointing authority approves a shorter notice period.

(2) For purposes of this Rule, determinations of disability shall be made by an appointing authority only at the employee's written request or after obtaining a physician's written statement. The appointing authority may require an employee to obtain a medical examination at agency expense from a physician of the agency's choice. In such cases, the agency shall provide the physician with the specification for the employee's class and a description of the employee's position. Evidence may be requested from the physician regarding the employee's physical ability to perform the specified duties.

(3) At the time of notification that his/her employment will be terminated because of disability, the employee shall be informed by the appointing authority of ~~((his))~~ the right to appeal. The appeal must be filed in writing at the office of the Director~~((s-office))~~ of Personnel within 30 days after notice of separation is given. The Director shall forward the written notice of appeal to the Personnel Board and the agency concerned and shall aid in arranging an appeal hearing before the separation becomes effective, if possible.

(4) During the notice period required by paragraph (1) an employee being separated due to disability shall be counseled by the agency regarding benefits for which ~~((he))~~ the employee may be eligible through employees' insurance plans, social security, ~~((workmen's))~~ worker's compensation, veteran's benefits, public assistance, disability retirement, vocational rehabilitation, and such other related programs as may be available ~~((to him))~~.

(5) The names of permanent employees who have been separated because of disability shall be placed on reduction-in-force and promotional registers by the Director of Personnel as provided in WAC 356-26-030 upon submission of a physician's statement that they are physically able to perform the duties of the class(es) for which the registers are established.

AMENDATORY SECTION (Amending Order 121, filed 6/12/78)

WAC 356-46-130 STATE HOUSING COMMITTEE—RESPONSIBILITIES. (1) To assist the Personnel Board in determining policy and establishing rental and utility charges and allowances for employees residing in agency-supplied housing, there is hereby created a State Housing Committee consisting of:

(a) A chairperson appointed by the Director of Personnel and from the staff of the Department of Personnel.

(b) A representative from:

- (i) Department of Social and Health Services
- (ii) Department of Transportation
- (iii) Department of Natural Resources
- (iv) Department of Fisheries
- (v) Department of Game
- (vi) Parks and Recreation Commission
- (vii) Department of Veterans Affairs~~((and))~~
- (viii) Department of Corrections, and

~~((viii))~~ (ix) Any employee organization representing affected employees of the above listed agencies.

Each agency shall appoint as its representative an employee who has knowledge of on-site housing conditions.

(2) It shall be the responsibility of the committee to:

(a) Establish procedures for

(i) conducting committee business on a scheduled basis,

(ii) reviewing problems concerning rent, utilities, and housing maintenance, and

(iii) facilitating communications between affected agencies and employees; and

(b) Recommend to the Personnel Board for approval guidelines for determining rental rates, utility rates, and other incidences of agency-supplied housing.

(3) Any agency supplying housing shall determine the rental and utility rates to charge employees according to the guidelines and the findings approved by the Personnel Board.

(4) Within thirty days of the determination of such charges as rental or utility rates, the affected employee may request in writing a hearing before the committee to challenge the determination. If the challenge cannot be satisfactorily resolved by the committee, then either the affected agency or the employee may appeal to the Personnel Board for a decision which shall be final and binding upon all parties.

(5) All public meetings of the committee shall be held in compliance with the Open Public Meetings Act.

**WSR 81-20-061**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
**(Forest Fire Advisory Board)**  
 [Memorandum—October 1, 1981]

This is to advise that a meeting of the Forest Fire Advisory Board is scheduled at 10:00 a.m., on Tuesday, November 17, 1981, in the Forest Sciences Laboratory conference room, 3625 93rd Avenue S.W., Tumwater, Washington.

**WSR 81-20-062**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1702—Filed October 5, 1981]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, to promulgate and adopt at Olympia, Washington, the annexed rules relating to Food stamps—Application and participation—Applications processed by the Social Security Administration district offices, amending WAC 388-54-615.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement federal requirements which become effective on this date.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 5, 1981.

By David A. Hogan  
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1548, filed 10/1/80)

WAC 388-54-615 APPLICATION AND PARTICIPATION—APPLICATIONS PROCESSED BY THE SOCIAL SECURITY ADMINISTRATION DISTRICT OFFICES (SSADO). (1) The department shall complete the certification of applications for food stamps processed by SSADO without requiring additional personal interviews with the SSI household to present verification.

(2) The department shall not initiate personal contact with the SSI household whose food stamp application is processed by SSADO unless the application is improperly completed, mandatory verification is missing or certain information on the form is questionable. In no event shall an SSI household be required to appear to finalize an eligibility determination on such an application.

(3) The department shall prescreen all SSI/SSADO processed food stamp applications for expedited services on the day the application is received at the correct CSO.

(4) The department shall:

(a) Begin the three day time limit for expedited services on the date the correct CSO receives the application;

(b) Complete the certification of the SSI household application no later than thirty days after the date a completed application is filed at SSADO.

(5) The department ~~((must))~~ shall reassess those households for work registration eligibility if their pending SSI financial application is rejected by SSA.

(6) Effective October 5, 1981, the department shall complete recertification of pure SSI households when such has been requested in a timely manner through, and transmitted by SSADO. The department shall inform any food stamp household consisting only of SSI eligible members that recertification may be requested

through SSADO. Subsection (2) of this section applies to the recertification process.

**WSR 81-20-063**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1708—Filed October 5, 1981]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-15-010 Definition of service goals.  
Rep WAC 388-15-290 Juvenile delinquency prevention services.  
Amd WAC 388-15-570 Family reconciliation services.

This action is taken pursuant to Notice No. WSR 81-17-032 filed with the code reviser on August 12, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 30, 1981.

By David A. Hogan  
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1335, filed 9/1/78)

WAC 388-15-010 DEFINITION OF SERVICE GOALS. (1) The objectives of services for families, children and adults are to offer services to eligible individuals to help them achieve one or more of the following goals:

(a) Achieving or maintaining economic self-support to prevent, reduce or eliminate dependency.

(b) Achieving or maintaining self-sufficiency, including reduction or prevention of dependency.

(c) Preventing or remedying neglect, abuse or exploitation of children and adults unable to protect their own interests, providing ~~((crisis intervention))~~ family reconciliation services to families in conflict and runaways or preserving, rehabilitating or reuniting families.

(d) Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care.

(e) Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to ~~((individuals in institutions.))~~ individuals in institutions.

(2) Only one goal shall be pursued at any one time in the provision of services; however several services may be given to achieve the selected goal.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-15-570 ((SERVICES TO CHILDREN IN THEIR OWN HOME)) FAMILY RECONCILIATION SERVICES. (1) Families who are in conflict may request family reconciliation services from the department. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible.

(2) Family reconciliation services shall be designed to develop skills and supports within families to resolve family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family.

(3) It is the purpose of this service to achieve a reconciliation between the parent and child, to reunify the family and to maintain and strengthen the family unit and thereby avoid the necessity of out-of-home placement of children.

((2)) (4) Under this program services are provided to runaways and families in conflict. These populations are defined as follows:

(a) Runaways: The department provides ((crisis intervention)) family reconciliation services to actual runaways, and does not provide ((intervention)) reconciliation services to threatened runaways - unless the threatened runaways meet the definition of families in conflict.

(b) Families in conflict: The department provides ((crisis intervention)) family reconciliation services to families to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family.

((3)) (5) Services are provided as follows:

(a) Intake/assessment services: IAS are short-term counseling sessions limited to a total of four hours within twenty-four hours directed toward defusing the immediate potential for violence, assessing problems and exploring options leading to problem resolution.

(b) Crisis ((intervention)) counseling services: ((This service is directed toward defusing immediate potential for violence, assessment of problems and exploration of options which could lead to problems resolution, referral)) CCS are time-limited counseling sessions limited to fifteen hours within thirty days and are directed toward developing skills and supports within the family to resolve conflicts or to refer to appropriate resources including medical, legal, ongoing counseling, and child protective services((- and provision of short-term family counseling sessions)) for problem(s) resolution.

((b) Family support) (c) Supporting counseling services: ((These services)) SCS are provided to children and their families only following crisis ((intervention)) counseling services. This service is authorized when it is apparent that the conditions which necessitated crisis

((intervention)) counseling services have not been adequately remedied.

((c)) (d) These services are not provided for ((habitual truants, expelled students and marital disputes not directly involving conflict between children and parents, for)) chronic or long-term multiproblem situations, custody and marital disputes, ((and for)) cases receiving ((similar)) counseling services from other agencies, child abuse and neglect cases, foster family or group care services in need of follow-up services and post adoption cases still under supervision of an agency.

((4)) (6) Goals for family reconciliation services ((to children in own home)) shall be limited to those specified in WAC 388-15-010(1)((b);) (c)((-d)). Also see WAC 388-15-010(2).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-15-290 JUVENILE DELINQUENCY PREVENTION SERVICES.

**WSR 81-20-064**

**EMERGENCY RULES**

**DEPARTMENT OF**

**NATURAL RESOURCES**

[Order 371—Filed October 5, 1981]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule terminating the summer burning rules on outdoor burning and changing the ending date of the closed season for 1981 from October 16, 1981 to October 5, 1981 on forest lands under the protection of the Department of Natural Resources in eastern Washington.

I, Brian J. Boyle, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is changing the ending date of the summer burning rules regulating outdoor burning and the closed season governing use of spark emitting equipment on or near forest lands in eastern Washington from October 16, 1981 to October 5, 1981 due to reduced fire danger resulting from sufficient recent precipitation.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.020, 76.04.150, 76.04.170, 76.04.251 and 76.04.252 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 5, 1981.

By Brian J. Boyle  
Commissioner of Public Lands

AMENDATORY SECTION (Administrative Order 169, filed 8/7/73)

WAC 332-24-090 SMALL OUTDOOR FIRES FOR RECREATION AND YARD DEBRIS DISPOSAL — REQUIREMENTS — FAILURE TO COMPLY. (1) The fire must not include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints or any similar materials that emit dense smoke or create offensive odors when burned.

(2) A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.

(3) A serviceable shovel and, at least, five gallons of water must be within the immediate vicinity of the fire during the period March 15 through October 15 in Western Washington and April 15 through June 30 in Eastern Washington.

(4) No fires are to be within fifty (50) feet of structures.

(5) For the period March 15 through ~~(October 15)~~ October 2 in Western Washington and April 15 through June 30 in Eastern Washington, the material to be burned shall be in hand built piles no more than four (4) feet in diameter and three (3) feet in height.

(6) For the period ~~(October 16)~~ October 5 through April 14 in Eastern Washington, the material to be burned shall be in piles no more than ten (10) feet in diameter.

(7) Only one pile at a time may be burned and each pile must be extinguished before lighting another.

(8) The material to be burned must be placed on bare soil, gravel, bars, beaches, green fields, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of the fire.

(9) Burning must be done during periods of very calm to very light winds. Burning when the wind will scatter loose flammable materials, such as dry leaves and clippings, is prohibited.

(10) If the fire creates a nuisance from smoke or fly ash, it must be extinguished.

(11) Persons not able to meet the requirements (1-10) must apply for a written burning permit through the area office of the State of Washington, Department of Natural Resources.

A bucket may be substituted for the water requirement, if the burning is adjacent to an accessible body of water. A charged garden hose line or other adequate water supply capable of extinguishment of the fire may be substituted for the five gallon water requirement.

Failure to comply with these rules voids permission to burn and the person burning is in violation of RCW 76.04.150 and subject to the penalties therein.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 332-26-524 CLOSED SEASON. The period of April 15 through October 5, 1981 inclusive shall be known as the closed season for 1981 on forest lands protected by the Department of Natural Resources in Eastern Washington.

AMENDATORY SECTION (Administrative Order 169, filed 8/7/73)

WAC 332-24-070 GENERAL RULES: (1) The Department of Natural Resources reserves the right to restrict and/or regulate the burning under RCW 76.04.150, 76.04.170, 76.04.180, and 70.94 due to extreme fire weather or to prevent restriction of visibility and excessive air pollution.

(2) The Yacolt Burn area (Zone D), located in portions of Clark and Skamania Counties, is exempt from these rules, and that area requires a written burning permit throughout the year.

(3) These rules do not apply within incorporated city limits or where the Department of Natural Resources has contracted protection areas to the fire district except where such fire districts have incorporated these rules into their regulations, or in fire districts which have their own fire permit requirements on improved land, or where air pollution authorities have prohibited fires that fall under these regulations.

(4) Persons burning under these rules are responsible for any claims arising out of activities performed, including claims resulting from fire, smoke or water.

(5) In Eastern Washington these rules apply ~~(October 16)~~ October 5 through June 30, inclusive, and in Western Washington, year round, unless other dates are promulgated by the Supervisor of the Department of Natural Resources. Written burning permits are required in Eastern Washington for all outdoor fires, including recreation and yard debris disposal fires from July 1 through ~~(October 15)~~ October 5, inclusive. No written permit is required for fires contained in approved camp stoves and burning barrels in safe locations.

(6) No fire is permitted in or within 500 feet of logging slash without a written permit.

Reviser's Note: RCW 34.04.058 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 81-20-065**

**NOTICE OF PUBLIC MEETINGS  
OLYMPIC COMMUNITY COLLEGE**

[Memorandum—October 2, 1981]

Consistent with RCW 42.30.075, the following information is included for your information from Olympic College Board of Trustees By-Laws and Standing Orders as follows.

"Regular Meetings. One regular meeting of the board of trustees shall be held each month. This meeting shall be held on the

fourth Tuesday of each month and begin at 7:30 p.m., in the Art Lecture Room A-103, Olympic College Campus, Chester Street, Bremerton, Washington, or at such other time and place as the board may direct from time to time and as published in the State Register. The location of each meeting is available in the Office of the President, Olympic College, 16th and Chester Streets, Bremerton, Washington. The chairman of the board, with the concurrence of a majority of the members of the board, may cancel any regular meeting. All such regular meetings will be conducted in conformance with the laws of the state of Washington governing such meetings."

The regular meeting date schedule for Olympic College for 1982 is as follows:

January 26  
 February 23  
 March 23  
 April 27  
 May 25  
 June 22  
 July 27  
 August 24  
 September 28  
 October 26  
 November 23  
 December 28

**WSR 81-20-066**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 81-170—Filed October 5, 1981]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Areas 4B, 5, 6C, 7 and 7A are restricted to protect Fraser River-Harrison chinook salmon. Area 6 and 6A are closed to protect Fraser chum and naturally-spawning Skagit salmon runs. Area 7C and the Samish River are closed to protect escapement of Samish Hatchery fall chinook salmon. Area 8 and the Skagit River are closed to protect coho salmon. Areas 10C, 10D and the Cedar River are closed to protect Lake Washington sockeye and fall chinook. Portions of Area 12C are closed to protect chinook

salmon. Hammersley and Case Inlets are closed to protect early timing chum salmon. Budd Inlet and the upper Green/Duwamish River are closed to protect chinook salmon.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 5, 1981.

By Rolland A. Schmitt  
 Director

NEW SECTION

WAC 220-28-125 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. *Effective immediately until further notice, it is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

*4B - Troll-caught chinook under 24 inches in length and troll-caught coho under 16 inches in length must be released. Drift gill nets restricted to 6-1/2-inch maximum mesh when open.*

*Area 5 - Drift gill nets restricted to 6-1/2-inch maximum mesh when open.*

*Areas 6 and 6A - - Closed to all commercial fishing.*

*Area 6C - Drift gill nets restricted to 6-1/2-inch maximum mesh when open.*

*Areas 7 and 7A - Closed to gill nets and purse seines. Reef nets must release chinook salmon over 28 inches.*

*Area 7C - Closed to all commercial fishing.*

*Area 8 - Closed to all commercial fishing.*

*Areas 10C and 10D - Closed to all commercial fishing.*

*Areas 12C - Closed to all commercial fishing within 1,000 feet of western shore between Hoodspout Marina Dock and Glen Ayr Trailer Park, and within 1/4 mile of a line connecting the outermost points of Dewatto Bay and Dewatto Bay.*

*Area 13B - (1) In that portion south of a line projected true west from Priest Point to the opposite shore (Budd Inlet), closed to gill net gear. All other gear must immediately release female chinook salmon over 24 inches in length when open. (2) In that portion westerly of a line projected from the flashing light (Fl 4 sec) at Arcadia to Hungerford Point (Hammersley Inlet), closed to all commercial fishing. (3) In that*

portion northerly of a true east-west line projected through the southernmost point on Stretch Island and intersecting with the eastern and western shores of Case Inlet (Case Inlet), closed to all commercial fishing.

Cedar River - Closed to all commercial fishing.

\*Duwamish/Green River - Closed to all commercial fishing upstream of the Sixteenth Avenue Bridge and in the East Waterway.

Samish River - Closed to all commercial fishing.

Skagit River, including all tributaries - Closed to all commercial fishing.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-124 Puget Sound Commercial Fishery Restrictions (81-169)

### WSR 81-20-067

#### PROPOSED RULES

#### FOREST PRACTICES BOARD

[Filed October 6, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Forest Practices Board of the State of Washington intends to adopt, amend, or repeal rules concerning Title 222 WAC, which regulates the conduct of forest practices.

A Draft Environmental Impact Statement concerning these proposed regulations will be issued on or about October 1, 1981. The review period for this impact statement will be from the date of issue until November 25, 1981. After the review period, a final impact statement will be prepared prior to adoption of the proposed regulations;

that such agency will at 7:00 p.m. to 10:00 p.m., Tuesday, November 17, 1981, in the General Administration Building Auditorium, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, February 27, 1982, in Conference Room 301, Department of Natural Resources, Public Lands Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 76.09.040 and 76.09.050 directs that the Forest Practices Board has the authority to implement the provisions of chapter 76.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 25, 1981, and orally at the above scheduled hearing.

Dated: October 5, 1981

By: Eugene P. Nielsen  
Executive Secretary

### STATEMENT OF PURPOSE

Purpose: The purpose of the proposed regulations is to provide increased environmental protection for water quality, soils, public parks, threatened and endangered species, archaeological and historic sites, wildlife, flora, human health and to expedite the reforestation of harvested forest lands.

Adopting Agency: Forest Practices Board of the State of Washington.

Implementation: The forest practices regulations are administered primarily by the Department of Natural Resources.

Statutory Authority: RCW 76.09.040 and 76.09.050.

Summary of Rules: The proposed rules will modify numerous sections of the forest practices regulations. The proposed modifications can be divided into the following categories: (1) Regulations changing the classification of forest practices to afford greater environmental protection for some of the elements listed in the "Purpose" section above; (2) Regulations strengthening the operating regulations which establish minimum standards for the conduct of forest practices; (3) Regulations changing certain definitions and administrative procedures to implement the above changes and to provide clarification of certain regulations; and (4) Regulations reorganizing the structure of certain existing regulations to provide clarification and greater ease of use of the regulations.

Agency Personnel Involved: Eugene P. Nielsen, (Executive Secretary for the Forest Practices Board), Division Manager, Division of Private Forestry, Dept. of Natural Resources, Public Lands Building, Olympia, Washington 98504, Telephone: (206) 753-5315; and James R. Johnston, Assistant Attorney General, 310 Public Lands Building, Olympia, Washington 98504, Telephone: (206) 753-5318.

Proponent of Rules: The rules are proposed by the Forest Practices Board.

Agency Comments: None.

Court Action: Part of the rules are proposed as a result of the invalidation of WAC 222-16-050(1) in Nole v. Cole, Island County Superior Court Cause No. 9806.

### AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-12-090 FOREST PRACTICES BOARD MANUAL. When approved by the board the manual serves as an advisory technical supplement to these Forest Practices Regulations. The department, in cooperation with the Departments of Fisheries, Game, Agriculture, Ecology, and such other agencies as may have appropriate expertise, is directed to prepare, and submit to the board for approval, a Forest Practices Board Manual. The manual shall include((:)):

(1) Temperature sensitive determinations needed for use with WAC 222-16-040.

(2) Procedures for leaving the required ((fifty-))50((%)) percent or ((seventy-five-))75((%)) percent shade as required in WAC 222-30-040.

(3) A list of "key wildlife habitats" as established under WAC 222-16-010(23).

(4) The standard methods for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.

(5) A chart for establishing recommended permanent culvert sizes and associated data.

(6) Guidelines for clearing slash and debris from Type 4 Waters.

(7) Guidelines for landing location and construction.

(8) Aerial chemical application guidelines for requiring untreated strips on Type 4 Waters.AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-16-010 GENERAL DEFINITIONS. Unless otherwise required by context, as used in these regulations:

- (1) "Act" means the Forest Practices Act, chapter 76.09 RCW.
- (2) "Appeals Board" means the Forest Practices Appeals Board established in the act.
- (3) "Board" means the Forest Practices Board established by the act.
- (4) "Borrow pit" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.
- (5) "Chemicals" means substances applied to forest lands or timber to accomplish specific purposes and includes pesticides, insecticides, rodenticides, plant-growth regulators, fungicides, fertilizers, (~~desiccants~~) desiccants, fire retardants when used in controlled burning, repellents, oil, dust-control agents (other than water), salt and other materials that may present hazards to the environment.
- (6) "Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.
- (7) "Completion of harvest" means the latest of:
  - (a) Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas, or
  - (b) Scheduled completion of any slash disposal operations where the department and the applicant agree within (~~six~~)6(3) months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal, or
  - (c) Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification(3); PROVIDED, That delay of reforestation under this subsection (c) is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.
- (8) "Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.
- (9) "Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.
- (10) "Debris" means woody vegetative residue less than (~~three~~)3(3) cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.
- (11) "Department" means the Department of Natural Resources.
- (12) "End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.
- (13) "Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.
- (14) "Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.
- (15) "Flood Level - (~~Fifty~~)50(3) Year." For purposes of field interpretation of these regulations, the (~~fifty~~)50(3) year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed (~~two~~)2(3) times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a (~~two~~)2(3) percent chance of occurring in any given year. The (~~fifty~~)50(3) year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

(16) "Flood Level (~~Twenty-Five~~) - (~~25~~)25(3) Year." For purposes of field interpretation of these regulations the (~~twenty-five~~)25(3) year flood level shall be considered to be a vertical elevation which is the same height measured from the ordinary high-water mark as the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed (~~two~~)2(3) times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a (~~four~~)4(3) percent chance of occurring in any given year. The (~~twenty-five~~)25(3) year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

(17) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

(18) "Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: PROVIDED, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(19) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- (a) Road and trail construction,
- (b) Harvesting, final and intermediate,
- (c) Precommercial thinning,
- (d) Reforestation,
- (e) Fertilization,
- (f) Prevention and suppression of diseases and insects,
- (g) Salvage of trees, and
- (h) Brush control.

"Forest practice" shall not include: Preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

(20) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

(21) "Historic site" includes:

(a) Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality, or

(b) Places associated with a personality important in history, or

(c) Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

(22) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusks.

(23) "Key wildlife habitat" means the habitat of any threatened or endangered species, as such habitat is established by the board in the Forest Practices Board Manual, or other situations as identified by the board, after consultation with the Department of Game, where specific management practices are needed to prevent critical wildlife habitat destruction.

(24) "Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

(25) "Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

(26) "Major tractor road" is one which involves extensive sidelaying or similar disturbance of soil which may cause material damage to a public resource or would destroy the integrity of a Streamside Management Zone.

(27) "Merchantable stand of timber" means a stand of trees that will yield logs and/or fibre:

(a) Suitable in size and quality for the production of lumber, plywood, pulp or other forest products.

(b) Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

(28) "Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

(29) "Operator" shall mean any person engaging in forest practices except an employee with wages as his sole compensation.

(30) "Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation(-); PROVIDED, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

(31) "Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2).

(32) "Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave a well-distributed stand of residual, healthy trees that will reasonably utilize the productivity of the soil.

(33) "Pesticide" means any insecticide, herbicide or rodenticide but does not include nontoxic repellents or other chemicals.

(34) "Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of Streamside Management Zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

(35) "Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

(36) "Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

(37) "Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

(38) "Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

(39) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, or mitigate rodents or any other vertebrate animal which the Director of the State Department of Agriculture may declare by regulation to be a pest.

(40) "Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

(41) "Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

(42) "Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

(43) "Shorelines of the state" means all of the water areas of the state, including reservoirs, and their associated wetlands together with the lands underlying them, except:

(a) Shorelines on segments of streams upstream of a point where the mean annual flow is ((~~twenty~~))20((~~0~~)) cubic feet per second or less and the wetlands associated with such upstream segments, and

(b) Shorelines on lakes less than ((~~twenty~~))20((~~0~~)) acres in size and wetlands associated with such small lakes.

"Wetlands" means those lands extending landward from ((~~two hundred~~))200((~~0~~)) feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward ((~~two hundred~~))200((~~0~~)) feet from such floodways; and means all marshes, bogs and swamps associated with the streams, lakes and tidal waters which are included in the waters defined as "Shorelines of the state" in these rules.

"Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood

waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, such floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands which can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

((~~43~~)) (44) "Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

((~~44~~)) (45) "Slash" means pieces of woody material containing more than ((~~three~~))3((~~0~~)) cubic feet resulting from forest practice activities.

((~~45~~)) (46) "Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

((~~46~~)) (47) "Stop Work Order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the Forest Practices Chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

((~~47~~)) (48) "Streamside Management Zone" means a specified area alongside natural waters where specific attention must be given to the measures, that can be taken to protect water quality. These zones shall be measured from the ordinary high-water mark of the body of water and measure:

(a) ((~~Fifty~~))50((~~0~~)) feet in width on each side of a Type 1 and 2 Water.

(b) ((~~Twenty-five~~))25((~~0~~)) feet in width on each side of a Type 3 Water.

(49) "Threatened or endangered species" applies to all species of wildlife listed as "threatened" or "endangered" by the United States Fish and Wildlife Service, except any species which the Washington Department of Game determines does not require special protection under the Forest Practices Act because conservation of the species is reasonably assured through a recovery and enhancement program or existence of an adequate population on lands where commercial forestry and land development are prohibited, or through other means. For this purpose, "wildlife" means all members of the animal kingdom except insects and benthic organisms.

((~~48~~)) (50) "Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

((~~49~~)) (51) "Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

((~~50~~)) (52) "Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

((~~51~~)) (53) "Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

#### AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-16-050 CLASSES OF FOREST PRACTICES. There are four ((~~4~~)) classes of forest practices created by the act. These classes are listed below in the order most convenient for the applicant's use in determining into which class his operations fall. All forest practices (including those in Classes I and II) must be conducted in accordance with the Forest Practices Regulations.

(1) "Class IV - Special." Application to conduct forest practices involving the following circumstances ((~~may~~)) requires ((~~submission of additional information~~)) an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA Guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

(a) Harvesting, road construction, site preparation or aerial application of pesticides ((~~on lands known to contain the nest or breeding grounds of any threatened or endangered species of wildlife as designated by the Department of Game in accordance with federal criteria and procedure, and approved by the Board~~));

(i) On lands known to contain a breeding pair or the nest or breeding grounds of any threatened or endangered species; or

(ii) Within the critical habitat designated for such species by the United States Fish and Wildlife Service.

(b) Widespread use of DDT or a similar persistent insecticide.

(c) ~~Harvesting ((or)), road construction ((on-landlocked-parcels within the boundaries of any national park, state park or any park of a local governmental entity)), aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except park managed salvage of merchantable forest products.~~

(d) Utilization of an alternate plan except those involving field evaluation of a new forest practice technology or any reforestation practice.

(2) "Class IV - General." Applications involving the following circumstances are "Class IV - General" forest practices unless they are listed in "Class IV - Special." Such applications will not require an environmental evaluation but are subject to a ~~((thirty-day-))~~30-day~~(-))~~ period for approval.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-34-050.)

~~((c) Harvesting, road construction, site preparation, or aerial application of pesticides on lands known to the Department or applicant to contain active nest trees of the American bald eagle or osprey, or archaeological or historic sites.))~~

(3) "Class I." Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special~~(-))~~" ~~((or subparagraph (c) of "Class IV - General"))~~ are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

(b) Road maintenance except: ~~((+))~~ (i) Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or ~~((-))~~ (ii) movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(c) Construction of landings less than ~~((one-))~~1~~(-))~~ acre in size, if not within a shoreline area of a Type 1 Water, the Streamside Management Zone of a Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(d) Construction of less than ~~((six-hundred-))~~600~~(-))~~ feet of road on a sideslope of ~~((forty-))~~40~~(-))~~ percent or less if the limits of construction are not within the shoreline area of a Type 1 Water, the Streamside Management Zone of a Type 2 or Type 3 Water, or the ordinary high-water mark of a Type 4 Water.

(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulics permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Pre-commercial thinning and pruning.

(j) Tree planting and seeding.

(k) Removal of less than ~~((five-thousand-))~~5,000~~(-))~~ board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any twelve-month ~~((+2-month))~~ period.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 70.94.660).

(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding ~~((forty-))~~40~~(-))~~ percent or off-road use of tractors within the shorelines of a Type 1 Water, the Streamside Management Zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(o) Ground application of chemicals. (See WAC 222-38-020.)

(p) Aerial application of chemicals (except insecticides) when applied to not more than ~~((forty-))~~40~~(-))~~ contiguous acres and beyond 50 feet of a Type 1 or 2 Water, beyond 25 feet of a Type 3 Water or beyond 25 feet of the ordinary high water mark of a flowing Type 4 Water and where the application does not take place within ~~((one-hundred-))~~100~~(-))~~ feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. (See WAC 222-38-020.)

(q) Forestry research studies and evaluation tests by an established research organization.

(4) "Class II." Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and

may be conducted as Class II forest practices~~(-))~~; PROVIDED, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a Hydraulics Project Approval (RCW 79.20.100) or is within a "Shorelines of the State," or involves a bond in lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed, and

(ii) No Notices to Comply, Stop Work Orders or other enforcement actions are outstanding with respect to the prior application.

(c) Any of the following if none of the operation or limits of construction takes place within the Streamside Management Zone of a Type 2 or 3 Water, or within the ordinary highwater mark of a Type 4 Water:

~~((i))~~ (i) Construction of advance fire trails.

~~((d))~~ ~~Aerial application of chemicals (except insecticides) on more than forty (40) acres but not more than one hundred sixty (160) acres of forest land. Such aerial application shall not take place within one hundred (100) feet of lands used for farming unless such farmland is owned by the forest landowner.~~

~~((e))~~ ~~Any of the following, if none of the operation takes place within the Streamside Management Zone of a Type 2 or 3 Water or within the ordinary high-water mark of a Type 4 Water:~~

~~((ii))~~ (ii) Opening a new pit of, or extending an existing pit by, less than ~~((one-))~~1~~(-))~~ acre.

~~((iii))~~ (iii) The following ~~((harvests where not))~~ operations except those involving off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

~~((aa))~~ (A) Salvage of logging residue.

~~((bb))~~ (B) Salvage of dead, down or dying timber if less than ~~((forty-))~~40~~(-))~~ percent of the total timber volume is removed in any ~~((twelve-month-))~~12-month~~(-))~~ period.

~~((cc))~~ (C) West of the Cascade Summit, partial cutting of ~~((forty-))~~40~~(-))~~ percent or less of the live timber volume.

~~((dd))~~ (D) East of the Cascade Summit, partial cutting of ~~((five-thousand-))~~5,000~~(-))~~ board feet per acre or less.

~~((ee))~~ (E) Any harvest on less than ~~((forty-))~~40~~(-))~~ acres.

~~((ff))~~ ~~Any of the following, if none of the operation or limits of construction take place within the Streamside Management Zone of a Type 2 or 3 Water or within the ordinary high-water mark of a Type 4 Water and the operation takes place on a sideslope of forty (40) percent or less:~~

~~((i))~~ ~~The following harvest involving off-road use of tractor or wheeled skidding systems:~~

~~((aa))~~ Salvage of logging residue.

~~((bb))~~ Salvage of dead, down or dying timber, if less than forty (40) percent of the total timber volume is removed in any twelve-month ~~((+2-month))~~ period.

~~((cc))~~ West of the Cascade Summit, partial cutting of forty (40) percent or less of the live timber volume.

~~((dd))~~ East of the Cascade Summit, partial cutting of five thousand (5,000) board feet per acre or less.

~~((ee))~~ Any harvest on less than forty (40) acres.

~~((ii))~~ (F) Construction of ~~((six-hundred-))~~600~~(-))~~ or more feet of road, provided that the department shall be renotified at least two ~~((-))~~ business days before commencement of the construction.

(5) "Class III" forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring Hydraulic Project Approval (RCW 75.20.100).

(b) Those within the shorelines of the state other than those in a Class I forest practice.

(c) Aerial application of insecticides, except where classified as a Class IV forest practice.

(d) Aerial application of chemicals (except insecticides) ~~((on over one hundred sixty (160) acres or within one hundred (100) feet of lands used for farming)),~~ except where classified as Class I or IV forest practices.

(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

(f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over ~~((one))~~ acre.

(h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain historic or archeological resources which, at the time the application or notification is filed, are on or are eligible for listing on the National Register of Historic Places.

(6) Continuing review of forest practices classification~~(:)~~.

(a) RCW 76.09.050 directs the Forest Practices Board to establish by rule which forest practices shall be included in each of the four ~~((+))~~ classes, and directs that these rules:

(i) Not include in Class I any categories of forest practice which the board finds to have a direct potential for damage to a public resource,

(ii) Exclude from Class II all categories of forest practice which the board finds to have an ordinary or greater than ordinary potential for damage to a public resource, and

(iii) Include in "Class IV - Special" all categories of forest practice which the board finds to have potential for a substantial impact on the environment of the type justifying an evaluation as to whether or not a detailed statement must be prepared pursuant to chapter 43.21C RCW (SEPA).

(b) The board finds that the regulations contained in subsections (1) through (5) of this section meet those criteria to the maximum extent feasible in light of the limited information now available, but that further refinement of these subsections may be necessary as additional experience develops under the Forest Practices Act. Therefore, the department is requested to report to the Forest Practices Advisory Committee and the board at least annually on any categories of forest practice which, in the opinion of the department, should be reclassified:

(i) To make the classifications better conform to these criteria, and

(ii) To provide greater clarity and certainty for potential applicants and others as to which forest practice activities are in Classes I, II, III or IV forest practices.

#### AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-20-010 APPLICATIONS AND NOTIFICATIONS—POLICY. (1) No Class II, III or IV forest practices shall be commenced or continued unless the department has received a notification for Class II forest practices, or approved an application for Class III or IV forest practices pursuant to the act. Where the time limit for the department to act on the application has expired, and none of the conditions in WAC 222-20-020(1) exist, the operation may commence. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

(2) At the option of the applicant, applications or notifications may be submitted to cover a single forest practice or any number of forest practices within reasonable geographic or political boundaries as specified by the department. Long range plans may be submitted to the department for review and consultation.

(3) The department shall prescribe the form and contents of the notification and application, which shall specify what information is needed for a notification, and the information required for the department to approve or disapprove the application.

(4) Applications and notifications for operations not converting to another use shall be signed by the landowner, the timber owner and the operator; or the operator and accompanied by a consent form signed by the timber owner and the landowner. A consent form may be another document if it is signed by the landowner(s) and it contains a statement acknowledging that he is familiar with the Forest Practices Act, including the provisions dealing with conversion to another use (RCW 76.09.060(3)). Where the application is not signed by the landowner, the department shall, provided all the other requirements contained in chapter 222-20 WAC are met, approve the application without the signature of the landowner if:

(a) The operator or timber owner provides legal evidence of timber rights, ownership, or other legal rights;

(b) The timber owner or operator posts a bond, in an amount determined by and a form acceptable to the department, securing compliance with the requirements of the Forest Practices Regulations ~~((as determined necessary by the Department));~~ and

(c) The operator or timber owner provides evidence of reasonably advance notification to the landowner of the proposed forest practice and that the landowner has been requested to sign the application, a copy of which has been made available to the landowner~~(:)~~; PROVIDED, That in lieu of such evidence the applicant may submit a sworn statement indicating inability to locate the landowner after a reasonable good faith attempt to locate and notify the landowner of the proposed forest practice.

(5) Where an application for a conversion is not signed by the landowner or accompanied by a consent form, as outlined in (4) above, the department shall not approve the application.

(6) Transfer of the approved application or notification to a new landowner, timber owner or operator requires written notice by the original landowner or applicant to the department and should include the original application or notification number. This written notice shall be in a form acceptable to the department and shall contain an affirmation signed by the new land owner, timber owner, or operator, as applicable, that he agrees to be bound by all conditions on the approved application or notification. In the case of a transfer of an application previously approved without the landowner's signature the new timber owner or operator must submit a bond securing compliance with the requirements of the Forest Practices Regulations as determined necessary by the department. If an application or notification indicates that the landowner or timber owner is also the operator, or an operator signed the application, no notice need be given regarding any change in subcontractors or similar independent contractors working under the supervision of the operator of record.

(7) Applications and notifications must be delivered to the department at the appropriate area office. Delivery should be in person or by registered or certified mail.

(8) Applications and notifications shall be considered received on the date and time shown on any registered or certified mail receipt, or the written receipt given at the time of personal delivery, or at the time of receipt by general mail delivery. Applications or notifications that are not complete, or are inaccurate will not be considered officially received until the applicant furnishes the necessary information to complete the application. If a notification or application is delivered in person to the department by the operator or his authorized agent, the department shall immediately provide a dated receipt. In all other cases, the department shall immediately mail a dated receipt to the applicant.

#### AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-20-020 APPLICATION TIME LIMITS. (1) A properly completed application shall be approved or disapproved within ~~((fourteen-))~~14~~(:))~~ calendar days for Class III and ~~((thirty))~~30~~(:))~~ calendar days for Class IV forest practices, except:

(a) To the extent the department is prohibited from approving the application by the act.

(b) For "Class IV-Special" applications when the department has within ~~((ten-))~~10~~(:))~~ days of the receipt of an acceptable application and environmental checklist (WAC 197-10-310) determined that a detailed environmental statement must be made, the application must be approved or disapproved within ~~((sixty-))~~60~~(:))~~ days, unless the Commissioner of Public Lands promulgates a formal order specifying a later date for completion of the detailed environmental statement and final action on the application. At least ~~((ten-))~~10~~(:))~~ days before promulgation of such an order extending the time, the applicant shall be given written notice that the department is requesting such extension; giving the reasons the process cannot be completed within such period; and stating that the applicant may comment in writing to the Commissioner of Public Lands or obtain an informal conference with the department regarding the proposed extension.

(c) When they involve lands platted after January 1, 1960 or lands to be converted, the applicable time limit shall be ~~((fourteen-))~~14~~(:))~~ business days from transmittal to the county unless the county has waived its right to object or has consented to approval of the application.

(2) Unless the county has waived its rights under the act or consents to approval, the department shall not approve portions of an application involving lands platted after January 1, 1960, in the process of being platted or proposed to be converted to another use until at least

~~((fourteen-))14((3))~~ business days ~~((for Class IV applications;))~~ from the date of transmittal to the county.

(3) Where an application covers both Class III and Class IV forest practices, the department shall have ~~((thirty-))30((3))~~ calendar days to respond, except more time may be required as in (1) above.

(4) If the application indicates that it covers only Class III forest practices, and the department determines it involves some Class IV forest practices, within ~~((fourteen-))14((3))~~ calendar days the department shall either so indicate or approve or disapprove the application.

(5) Where a notification is submitted for operations which the department determines involve Class III or IV forest practices, the department shall issue a Stop Work Order or take other appropriate action. If the operations were otherwise in compliance with the act and Forest Practices Regulations, no penalty should be imposed for those operations which occurred prior to the enforcement action~~(;);~~ PROVIDED, That no damage to a public resource resulted from such operations, and the operations commenced more than ~~((five-))5((3))~~ days from receipt by the department of the notification.

(6) If the department fails to approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may commence~~(;);~~ PROVIDED, That this provision shall not apply where:

(a) The county objects and the application involves lands platted after January 1, 1960 or lands to be converted where the ~~((counties))~~ county's right of objection is ~~((fourteen-))14((3))~~ business days which may be longer than the approval time limit.

(b) The department is prohibited from approving the application by the act.

(7) If seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within ~~((sixty-))60((3))~~ days.

**NEW SECTION**

WAC 222-20-100 NOTICE TO PARKS AND OAHF. (1) Notice to parks. The department shall send to the affected agency, within two business days of receipt, a copy of any notification or application for forest practices within five hundred feet of the boundary of any national park, state park, or any park of a local governmental entity.

(2) Parks register. The department shall establish and maintain a parks register which shall list all publicly owned parks as inventoried on the State Comprehensive Outdoor Recreation Plan (SCORP).

(3) DNR to provide information to OAHF. The department shall provide the Office of Archeology and Historic preservation (OAHF) with copies of all applications and notifications for forest practices to be conducted on lands known to contain historic or archeological resources as identified by OAHF.

**AMENDATORY SECTION** (Amending Order 263, filed 6/16/76)

WAC 222-24-010 POLICY. A well designed, located, constructed, and maintained system of forest roads is essential to forest management. This section covers the location, design, construction, maintenance and abandonment of forest roads, bridges; stream crossings, quarries, borrow pits, and disposal sites used for forest road construction. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

~~((The appropriate design standard and the road location should be chosen to best balance economics and environmental objectives, including but not limited to:~~

~~(1) Use the minimum design standard that produces a road sufficient to carry the anticipated traffic load with reasonable safety;~~

~~(2) Fit the road to the topography so that a minimum of alterations to the natural features will occur;~~

~~\*((3) Minimize road locations in narrow canyons, marshes, wet meadows, natural drainage channels, in Streamside Management Zones and nesting sites of key wildlife habitats.~~

~~\*((4) Minimize the number of stream crossings;~~

~~\*((5) Whenever practical, cross streams at right angles to the main channel;~~

~~(6) Avoid duplicative roads by keeping the total amount of construction to a minimum. Use existing roads whenever practical and avoid isolating patches of timber which, when removed, may require unnecessary road construction;~~

~~(7) Avoid locating roads on steep or unstable slopes or known slide prone areas unless approved by the department.))~~

**AMENDATORY SECTION** (Amending Order 263, filed 6/16/76)

WAC 222-24-020 ROAD LOCATION ((AND DESIGN)).

~~((1) Subgrade width should average not more than thirty-two feet for double lane roads and twenty feet for single lane roads, exclusive of ditches, plus any additional width necessary for safe operations on curves and turnouts.~~

~~(2) Balance excavation and embankments so that as much of the excavated material as is practical will be deposited in the roadway fill sections. Where full bench construction is necessary, design suitable embankments so that the excavated material may be end hauled to appropriate deposit areas.~~

~~(3) Design or construct cut and fill slopes to the normal angle of repose for the materials involved, or at a lesser angle whenever practical.~~

~~\*((4) All roads should be outsloped or ditched on the uphill side and appropriate surface drainage should be provided by the use of adequate cross drains, ditches, relief culverts, water bars, or diversion ditches.~~

~~\*((5) Cross drains, relief culverts, and diversion ditches should not discharge onto erodible soils, or over fill slopes unless adequate outfall protection is provided.~~

~~\*((6) Install adequate cross drains, culverts, or diversion ditches on all forest roads to minimize erosion of the road bed and cut bank. These drainage structures shall be installed at all low points in the road gradient and spaced no wider than as follows:~~

| Grade          | Distance Westside | Distance Eastside |
|----------------|-------------------|-------------------|
| 0 to 8%        | 1,000 ft.         | 1,500 ft.         |
| 8% to 15%      | 800 ft.           | 1,000 ft.         |
| 15% to steeper | 600 ft.           | 800 ft.           |

~~Except where parent material (example: rock, gravel), or topography justifies a different spacing approved by the Department:~~

~~\*((7) Relief culverts installed on forest roads shall meet the following minimum specifications:~~

~~(a) Be at least twelve inches in diameter or the equivalent;~~

~~(b) Be installed sloping toward the outside edge of the road at a minimum gradient of three percent.)) (1) Fit the road to the topography so that a minimum of alterations to the natural features will occur.~~

~~\*((2) Minimize road locations in narrow canyons, marshes, wet meadows, natural drainage channels, in Streamside Management Zones and nesting sites of key wildlife habitats.~~

~~\*((3) Minimize the number of stream crossings.~~

~~\*((4) Whenever practical, cross streams at right angles to the main channel.~~

~~(5) Avoid duplicative roads by keeping the total amount of construction to a minimum. Use existing roads whenever practical and avoid isolating patches of timber which, when removed, may require unnecessary road construction.~~

~~(6) Avoid locating roads on steep or unstable slopes or known slide prone areas unless approved by the department. Slopes shall be considered unstable or slide prone where there is physical evidence of geologically recent slumps or slides where the natural slope exceeds the angle of repose for the particular soil types present, or where springs or seeps in or above the construction site would make normal drainage facilities inadequate.~~

**NEW SECTION**

WAC 222-24-025 ROAD DESIGN. (1) Use the minimum design standard that produces a road sufficient to carry the anticipated traffic load with reasonable safety.

(2) Subgrade width should average not more than 32 feet for double lane roads and 20 feet for single lane roads, exclusive of ditches, plus any additional width necessary for safe operations on curves and turnouts.

(3) Balance excavation and embankments so that as much of the excavated material as is practical will be deposited in the roadway fill sections. Where full bench construction is necessary, design suitable embankments so that the excavated material may be end hauled to appropriate deposit areas.

(4) Design or construct cut and fill slopes to the normal angle of repose for the materials involved, or at a lesser angle whenever practical.

\* (5) All roads should be outloped or ditched on the uphill side and appropriate surface drainage should be provided by the use of adequate cross drains, ditches, relief culverts, water bars, or diversion ditches.

\* (6) Cross drains, relief culverts, and diversion ditches should not discharge onto erodible soils, or over fill slopes unless adequate outfall protection is provided.

\* (7) Install adequate cross drains, culverts, or diversion ditches on all forest roads to minimize erosion of the road bed and cut bank. These drainage structures shall be installed at all low points in the road gradient and spaced no wider than as follows:

| Grade          | Distance Westside | Distance Eastside |
|----------------|-------------------|-------------------|
| 0 to 8%        | 1,000 ft.         | 1,500 ft.         |
| 8% to 15%      | 800 ft.           | 1,000 ft.         |
| 15% to steeper | 600 ft.           | 800 ft.           |

The department may require more frequent culvert spacing or other drainage improvements where site specific evidence of soil instability makes additional culverts necessary to avoid unreasonable risk to public resources. On request of the applicant, the department may approve less frequent drainage spacing where parent material (e.g. rock, gravel) or topography justify.

\* (8) Relief culverts installed on forest roads shall meet the following minimum specifications:

- (a) Be at least 12 inches in diameter or equivalent.
- (b) Be installed sloping toward the outside edge of the road at a minimum gradient of 3 percent.

\* (9) Ditch diversion. Where roadside ditches slope toward a Type 1, 2, or 3 Water for more than 300 feet and otherwise would discharge into the stream, divert the ditchwater onto the forest floor by relief culvert or other means at the first practical point more than 50 feet from the stream.

**AMENDATORY SECTION** (Amending Order 263, filed 6/16/76)

**WAC 222-24-030 ROAD CONSTRUCTION.** (1) Right-of-way timber. Merchantable right-of-way timber shall be removed or decked in suitable locations where the decks will not be covered by fill material or act as support for the fill or embankment.

- \* (2) Debris burial.
  - (a) In permanent road construction, do not bury:
    - (i) Loose stumps, logs or chunks containing more than five cubic feet in the load-bearing portion of the road, except as puncheon across swampy ground or for culvert protection.
    - (ii) Any significant amount of organic debris within the top two feet of the load-bearing portion of the road, except as puncheon across swampy ground or for culvert protection.
    - (iii) Excessive accumulation of debris or slash in any part of the load-bearing portion of the road fill, except as puncheon across swampy ground or for culvert protection.
  - (b) In the cases where temporary roads are being constructed across known areas of unstable soils and where possible construction failure would directly impact waters, the requirements in (a), (i), (ii) and (iii) above shall apply. A temporary road is a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.

(3) Compact fills. During road construction, fills or embankments shall be built up by layering. Each layer shall be compacted by operating the tractor or other construction equipment over the entire surface of the layer. Chemical compacting agents may be used in accordance with WAC 222-38-020.

\* (4) Stabilize soils. When soil, exposed by road construction, appears to be unstable or erodible and is so located that slides, slips, slumps, or washing may reasonably be expected to cause damage to a public resource, then such exposed soil areas shall be seeded with grass, clover, or other ground cover, or be treated by other means acceptable to the department.

\* (5) Channel clearance. Clear stream channel of all debris and slash generated during operations prior to the removal of equipment from the vicinity, or the winter season, whichever is first.

- \* (6) Drainage.
  - (a) All required ditches, culverts, cross drains, drainage dips, water bars, and diversion ditches shall be installed concurrently with the construction of the roadway.
  - (b) Uncompleted road construction to be left over the winter season or other extended periods of time shall be drained by outloping or

cross draining. Water bars and/or dispersion ditches may also be used to minimize eroding of the construction area and stream siltation.

~~((7) Temporary Road. Means a roadway which has been constructed or opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.))~~

\* ~~((8))~~ (7) Moisture conditions. Construction should be accomplished when moisture and soil conditions are least likely to result in excessive erosion and/or soil movement.

\* ~~((9))~~ (8) End haul/sidecasts. End haul or overhaul construction is required where significant amounts of sidecast material would rest below the twenty-five year flood level of a Type 1, 2 or 3 Water, below the ordinary high-water mark of Type 4 Water, or where there is a potential for massive soil failure from overloading on unstable slopes or for damage to the public resources as determined by the department.

\* ~~((10))~~ (9) Waste disposal. When spoil, waste and/or other debris is generated during construction, this material may be deposited or wasted in suitable areas or locations and be governed by the following:

- (a) Spoil or other debris shall be deposited above the twenty-five year flood level of Type 1, 2 or 3 Waters.
- (b) Spoil or other debris shall be deposited above the ordinary high-water channel of Type 4 Waters and not in a location from which it will reasonably be expected to ~~((reenter))~~ enter those waters.
- (c) When the spoil or other debris is deposited in appropriate location, embankments so formed shall be compacted by layering as in paragraph (3) above, or so stabilized that the risk of its later entering streams is minimal.

**NEW SECTION**

**WAC 222-24-035 LANDING LOCATION AND CONSTRUCTION.** \* (1) Landing location:

- (a) Locate landings on firm ground above the ordinary high-water mark of any stream. Avoid excessive excavation.
- (b) Landings involving sidecast or fill shall be located where the toe of the sidecast or fill does not lie below the fifty year flood level of a Type 1, 2 or 3 Water or below the ordinary high-water mark of a Type 4 Water.
- (2) Landing construction.
  - (a) Landings requiring sidecast or fill shall be no larger than reasonably necessary for safe operation of the equipment expected to be used.
  - (b) Where the average general slopes exceed sixty-five percent, fill material used in construction of landings shall be free from loose stumps and excessive accumulations of slash and shall be mechanically compacted where necessary and practical in layers by tractor to prevent soil erosion and mass soil movement. Chemical compacting agents may be used in accordance with WAC 222-38-020.

**AMENDATORY SECTION** (Amending Order 263, filed 6/16/76)

**WAC 222-24-040 WATER CROSSING STRUCTURES.** ~~((Bridge construction and culvert installation within the ordinary high-water mark of the streams of this state are subject to the Hydraulic Projects Approval Law (RCW 75.20-100), administered by the Departments of Fisheries and Game. These agencies may specify conditions for construction of stream crossings, in addition to those described below.))~~

- \* (1) Bridge construction.
  - (a) Bridges are required for new crossings of any Type 1 or 2 Waters regularly used for recreational boating.
  - (b) Permanent bridges shall not constrict clearly defined channels and shall be designed to pass the fifty year flood level or the road shall be constructed to provide erosion protection from the fifty year flood waters which exceed the water-carrying capacity of the drainage structure.
  - (c) One end of each new permanent log or wood bridge shall be tied or firmly anchored if any of the bridge structure is within ten vertical feet of the fifty year flood level.
  - (d) Excavation for bridges, placement of sills or abutments, and the placement of stringers or girders shall be accomplished from outside the ordinary high-water mark of all waters, except when such operations are authorized by a hydraulics permit or hydraulics agreement.
  - (e) Earth embankments constructed for use as bridge approaches shall be protected from erosion by high water. Some examples of protection are: Planted or seeded ground cover, bulkheads, rock riprap, or retaining walls.

(f) When earthen materials are used for bridge surfacing, curbs of sufficient size shall be installed to be above the surface material and prevent such surface material from falling into the stream bed.

\*~~(2)~~ Culvert installation: All permanent culverts installed in forest roads shall be of a size that is adequate to carry the ~~((fifty))~~ 50 year flood or the road shall be constructed to provide erosion protection from the fifty year flood waters which exceed the water-carrying capacity of the drainage structure. Refer to Part Five "Recommended Culvert Sizes" in the Forest Practices Board Manual for the size of permanent culverts recommended for use in forest roads. If the department determines that because of unstable slopes the culvert size shown on that table is inadequate to protect public resources, it may require culvert sizes in accordance with the nomograph (chart) contained in Part Five of the Forest Practices Board Manual or with other generally accepted engineering principles.

(a) No permanent culverts shall be installed that are smaller than:

(i) Twenty-four inches in diameter or the equivalent for anadromous fish streams.

(ii) Eighteen inches or the equivalent for the resident game fish streams.

(iii) Twelve inches or the equivalent for all other water crossings.

(b) The alignment and slope of the culvert shall parallel the natural flow of the stream whenever possible.

(c) When fish life is present, construct the bottom of the culvert at or below the natural stream bed at the inlet and outlet.

(d) Terminate culverts on materials that will not readily erode, such as riprap, the original stream bed (if stable), or other suitable materials.

(e) If water is diverted from its natural channel, return this water to its natural stream bed via culvert, flume, spillway, or the equivalent.

(f) When flumes, downspouts, downfall culverts, etc., are used to protect fill slopes or to return water to its natural courses, the discharge point must be protected from erosion by: ~~((+))~~ (i) Reducing the velocity of the water, ~~((+))~~ (ii) use of rock spillways, ~~((+))~~ (iii) riprap, ~~((+))~~ (iv) splash plates.

(g) Stream beds shall be cleared for a distance of ~~((fifty))~~ 50 feet upstream from the culvert inlet of such slash or debris that reasonably may be expected to plug the culvert.

(h) The entrance of all culverts should have adequate catch basins and headwalls to minimize the possibility of erosion or fill failure.

\*~~(3)~~ Culverts in anadromous fish streams. In addition to the requirements of subsection (2) of this section, in streams used by anadromous fish:

(a) Culverts shall be either open bottomed or have the bottom covered with gravel and installed at least six inches below the natural stream bed at the inlet and outlet.

(b) Closed bottom culverts shall not slope more than one-half percent; except as provided in (c) below; open bottom culverts shall not slope more than the natural slope of the stream bed.

(c) Where multiple culverts are used, one culvert shall be at least six inches lower than the other(s).

(d) Culverts shall be set to retain normal stream water depth throughout the culvert length. A downstream control may be required to create pooled water back into the culvert and to insure downstream stream bed stability.

(e) Closed bottom culverts, set at existing stream gradients between one-half percent and three percent slope shall be designed with baffles for water velocity control, or have an approved designed fishway.

(f) The department, after consultation with the Departments of Fisheries and Game, shall impose any necessary limitations on the time of year in which such culverts may be installed to prevent interference with migration or spawning of anadromous fish.

(g) Any of the requirements in (a) through (f) above may be superseded by a Hydraulics Project Approval.

\*~~(4)~~ Temporary water crossings.

(a) Temporary bridges and culverts, adequate to carry the highest anticipated flow in lieu of carrying the fifty year flood, may be used:

(i) In the westside region if installed after June 1 and removed by September 30 of the same year.

(ii) In the eastside region if installed after the spring runoff and removed prior to the snow buildup which could feed a heavy runoff.

(iii) At other times, when the department and applicant can agree to specific dates of installation and removal.

(b) Temporary bridges and culverts shall be promptly removed upon completion of use, and the approaches to the crossing shall be water barred and stabilized at the time of the crossing removal.

(5) Properly prepared and maintained fords may be used during periods of low water providing a hydraulics permit is acquired.

#### AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-24-050 ROAD MAINTENANCE. \*(1) Active roads. An active road is a forest road being actively used for hauling of logs, pulpwood, chips, or other major forest products or rock and other road building materials. To the extent necessary to prevent damage to public resources, the following maintenance shall be conducted on such roads:

(a) Culverts and ditches shall be kept functional.

(b) Road surface shall be maintained as necessary to minimize erosion of the subgrade.

(c) During and on completion of operations, road surface shall be crowned, outsloped, or water barred and berms removed from the outside edge except those intentionally constructed for protection of fills.

\*~~(2)~~ Inactive roads. An inactive road is a forest road the use of which for commercial hauling is discontinued for one or more logging seasons, and the forest landowner desires continuation of access for fire control, forest management activities, Christmas tree growing operations, occasional or incidental use for minor forest products harvesting or similar activities on such inactive roads:

(a) Before the first winter rainy season following termination of active use, nonfunctional ditches and culverts shall be cleared and the road surface shall be crowned, outsloped, water barred or otherwise left in a condition not conducive to accelerated erosion; and

(b) Thereafter, except as provided in (c), the landowner shall clear or repair ditches or culverts which he knows or should know to be nonfunctional and causing or likely to cause material damage to a public resource.

(c) The landowner shall not be liable for penalties or monetary damages, under the act, for damage occurring from a condition brought about by public use, unless he fails to make repairs as directed by a Notice to Comply.

\*~~(3)~~ Additional culverts/maintenance. If the department determines that the above maintenance has been or will be inadequate to protect public resources, it may require the landowner or operator to either elect to:

(a) Install additional or larger culverts or other drainage improvements, or

(b) agree to an additional road maintenance program. Such improvements in drainage or maintenance may be required only after a field inspection and opportunity for an informal conference, and only when there is a demonstrated history of inadequate drainage from road ditches or repeated clogging of stream-crossing culverts.

\*~~(4)~~ Abandoned roads. An abandoned road is a forest road which the forest landowner does not intend to be used again for commercial hauling of forest products. No subsequent maintenance of an abandoned road is required after the following procedures are completed:

(a) Roads are outsloped, water barred, or otherwise left in a condition suitable to control erosion, and

(b) Ditches are cleaned, and

(c) The road is blocked to vehicular traffic or is posted "closed."

(d) The department may request the removal of bridges and culverts on Type 1, 2, 3 and 4 Waters, except where the owner elects to maintain the drainage structures.

\*~~((+))~~ (5) Brush control. Chemical control of roadside brush shall not be done where chemicals will directly enter any Type 1, 2, or 3 or flowing Type 4 Water. Refer to WAC 222-38-020 for additional information.

\*~~((+))~~ (6) Road surface treatment.

(a) Apply oil to the road surface only when the temperature is above fifty-five degrees F and during the season when there is a minimal chance of rain for the next forty-eight hours.

(b) Water the road surface prior to application of oil to assist in penetration.

(c) Construct a temporary berm along the road shoulder wherever needed to control runoff of the applied chemical.

(d) Take extreme care to avoid excess application of road chemicals. Shut off the flow at all bridges.

(e) When cleaning out chemical storage tanks or the application equipment tanks used for storage and application of road treatment materials, dispose of the rinse water fluids on the road surface or in a place safe from potential contamination of water.

(f) The use of dry road chemicals shall be in compliance with WAC 222-38-020.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-30-010 POLICY—TIMBER HARVESTING. This section covers all removal of timber from forest lands in commercial operations, commercial thinning, salvage of timber, relogging merchantable material left after prior harvests, post harvest cleanup, and clearing of merchantable timber from lands being converted to other uses. It does not cover removal of incidental vegetation or removal of firewood for personal use. To the extent practical the department shall coordinate the activities on a multiple disciplinary planning approach. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-30-040 TEMPERATURE CONTROL. (1) (~~Designation of temperature sensitive waters:~~

(a) ~~The waters described in WAC 222-16-040 have been determined not to be temperature sensitive.~~

(b) ~~Other Type 1 Waters are presumed to be temperature sensitive except where the department determines they are not temperature sensitive based on criteria specified in WAC 222-16-040.~~

(c) ~~Other Type 2 or 3 Waters may be designated, prior to the deadline for approval or disapproval of the application to harvest, by the department as temperature sensitive based on field data or criteria set forth in WAC 222-16-040.) Determination of temperature sensitivity for Type 1, 2 and 3 Waters shall be based upon field data or upon criteria set forth in WAC 222-16-040. Any designation as to whether or not waters are temperature sensitive shall be made by the department prior to the deadline for approval or disapproval of the application for harvest.~~

(2) Shade requirements. Within the Streamside Management Zone along those Type 1, 2 and 3 waters designated as temperature sensitive, unless a waiver is granted by the department under (3) below, the operator shall:

(a) Leave all nonmerchantable vegetation which provides mid-summer and mid-day shade of the water surface, and

(b) Leave sufficient merchantable timber, if any, necessary to retain fifty percent of the summer mid-day shade of the water surface, provided that the department shall require leaving seventy-five percent of the shade where it determines that the mean of the maximum summer daily ambient water temperatures, for a seven-day period, exceeds sixty degrees before logging. (See the Forest Practices Board Manual Part 2 for methods of shade determination.)

(3) Waivers. The department may waive or modify the shade requirements where the applicant:

(a) Shows a high probability of windthrow and agrees to replant the streamside management zone within the first planting season after harvest, or

(b) Agrees to a staggered setting program producing equal or greater temperature control, or

(c) Provides alternative means of stream temperature control satisfactory to the department.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-30-050 FELLING AND BUCKING. \*(1) Felling into stream.

(a) No trees will be felled into Type 1, 2 and (~~flowing Type~~) 3 Waters, except trees which cannot practically and safely be felled outside the stream, lake or pond using techniques in general use and these trees must then be removed promptly.

(b) Trees may be felled into (~~nonflowing intermittent Type 3 and into~~) Type 4 Water if logs are removed as soon thereafter as practical.

\* (2) Bucking in streams.

(a) No bucking or limbing shall be done on trees or portions thereof lying between the banks of Type 1, 2 or 3 Water, except as necessary to remove the timber from the stream, lake or pond.

(b) Where bucking or limbing is done between the banks of a Type 4 Water, care shall be taken to minimize accumulation of slash in the stream, lake or pond.

\* (3) Felling in Streamside Management Zones.

(a) Individual trees within a Streamside Management Zone otherwise restricted from cutting may be harvested if reasonably expected to fall into the stream, lake or pond from natural causes.

(b) Care shall be taken to fall any trees cut within the Streamside Management Zone in a manner to prevent damage to the stream, lake or pond and Streamside Management Zone.

\* (4) Felling near Streamside Management Zone and setting boundaries. Reasonable care shall be taken to avoid felling trees into Streamside Management Zones and areas outside the harvest unit.

(5) Felling in selective and partial cuts. Reasonable care shall be taken to fall trees in directions that minimize damage to residual trees.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-30-060 CABLE YARDING. \*(1) Type 1, 2 and (~~flowing Type~~) 3 Water. No timber shall be cable yarded in or across a Type 1, 2 or (~~flowing Type~~) 3 Water except where:

(a) The logs will not materially damage the stream bed, banks or Streamside Management Zone, or

(b) Necessary to remove trees from the stream, or

(c) Part of a stream clearance and improvement project approved by the Departments of Fisheries or Game, or

(d) Approved by the department.

\* (2) (~~Nonflowing Type 3 Water. When cable yarding across non-flowing Type 3 Water, reasonable care shall be taken to minimize disturbance of the stream bed and banks.~~

\* (~~3~~) Deadfalls. Any logs which are firmly embedded in the bed of a Type 1, 2 or 3 Water shall not be removed or unnecessarily disturbed without approval of the Departments of Fisheries and Game.

\* (~~4~~) (3) Yarding in Streamside Management Zone. Where timber is yarded from or across a Streamside Management Zone, reasonable care shall be taken to minimize damage to the vegetation providing shade to the stream. Where practical and consistent with good safety practices, logs shall be yarded in the direction in which they lie until clear of the Streamside Management Zone.

(~~5~~) (4) Direction of yarding.

(a) Uphill yarding is preferred.

(b) Where downhill yarding is used, reasonable care shall be taken to lift the leading end of the log to minimize downhill movement of slash and soils.

\* (c) When yarding parallel to a Type 1, 2 or 3 Water channel below the twenty-five year flood level, reasonable care shall be taken to minimize rutting and to prevent logs from rolling into the stream, lake or pond or Streamside Management Zone.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-30-070 TRACTOR AND WHEELED SKIDDING SYSTEMS. \*(1) Streams.

(a) Tractor and wheeled skidders shall not be used in Type 1, 2 or (~~flowing Type~~) 3 Water, except with the approval of the department.

(b) Skidding across any flowing Type 4 Water (~~or nonflowing Type 3 Water~~) shall be minimized and when done, temporary stream crossings shall be used, if necessary, to maintain stream bed integrity.

(c) Whenever skidding in or across any type water, the direction of log movement between stream banks shall be as close to right angles to the stream channel as is practical.

\* (2) Streamside Management Zone.

(a) Logging will be permitted within the zone, provided that tractors and wheeled skidders may not be used within the zone unless approved by the department.

(b) Where skidding in or through the Streamside Management Zone is necessary, the number of skidding routes through the management zone shall be minimized.

(c) Logs shall be skidded in the direction in which they lie until clear of the Streamside Management Zone, to the extent practical and consistent with good safety practices.

(3) Deadfalls. Any logs which are firmly embedded in the bed of a Type 1, 2 or 3 Water shall not be removed or unnecessarily disturbed without approval of the Departments of Fisheries and Game.

\* (4) Moisture conditions. Tractor and wheeled skidders shall not be used on exposed erodible soils when soil moisture content is so high that unreasonable rutting, or stream, lake or pond siltation would result.

(5) Protection of residual timber. Reasonable care shall be taken to minimize damage from skidding to the stems and root systems of residual timber and to young reproduction.

\* (6) Skid trail construction.

(a) Skid trails shall be kept to the minimum feasible width.

(b) Reasonable care shall be taken to minimize the amount of side-cast required and shall only be permitted above the fifty year flood level.

(c) Skid trails shall be outsloped where practical, but be insloped where necessary to prevent logs from sliding or rolling downhill off the skid trail.

\* (7) Skid trail maintenance. Upon completion of use and termination of seasonal use, skid trails on slopes in exposed soils shall be water barred where necessary to prevent soil erosion.

\* (8) Slope restrictions. Tractor and wheeled skidders shall not be used on slopes where in the opinion of the department this method of operation would cause unnecessary or material damage to a public resource.

#### AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

##### WAC 222-30-090 POST-HARVEST SITE PREPARATION.

Unless the application or notification indicates that the landowner or forest landowner specifically agrees to assume responsibility for compliance with this section, the operator shall leave the site in a condition suitable for reforestation following any clear cutting, or any partial cutting west of the summit of the Cascades where eighty percent or more of the cubic volume is removed within any five consecutive years unless the department determines that the live trees remaining will reasonably utilize the timber growing capacity of the soils. Lands being converted to another use or classified as urban development lands under WAC 222-34-050 are exempt.

(1) The following site preparation is required when necessary to establish a condition suitable for reforestation (-):

(a) Cutting ((or)), slashing, or other treatment of all noncommercial tree species ((or)), other competing vegetation, and nonmerchantable size trees commonly known as "whips" which will not reasonably utilize the growing capacity of the soil except in the Streamside Management Zone.

(b) Pile or windrow slash, or

(c) Mechanically scatter slash, or

(d) Leave the cutover area in a condition for controlled broadcast burning, and subsequently burn.

(2) Streamside Management Zones may require special treatment to establish conditions suitable for reforestation.

#### AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-30-100 SLASH DISPOSAL. (1) Slash disposal techniques:

(a) Except on sites where the department determines that a particular method would cause unreasonable risk to public resources, any conventional method of slash disposal may be used, such as: Controlled broadcast burning; pile or windrow and burn; pile or windrow without burning; mechanical scatter and compaction; scarification; chip, mulch or lop and scatter; burying; and physical removal from the forest lands.

(b) All slash burning requires a burning permit from the department which provides for compliance with the Smoke Management Plan and reasonable care to prevent damage to Streamside Management Zones, soil, residual timber, public resources, and other property.

\* (c) Location of slash piles. Except where burning will be completed before the next ordinary high-water season, slash shall not be piled or windrowed below the twenty-five year flood level of any Type 1 or 2 Water, or below the ordinary high-water mark of any Type 3 or 4 Water, or in locations from which it could be expected to enter any stream, lake or pond.

(2) Slash disposal is required when abatement of extreme fire hazard is required by law (see WAC 332-24-360).

(3) Slash disposal is required where the forest landowner has applied for and been granted an extension of time for reforestation on the grounds that slash disposal is necessary or desirable before reforestation.

\* (4) Removing slash and debris from streams.

(a) "Slash" or "debris" which can reasonably be expected to cause significant damage to the public resource shall be removed from Type 1, 2 or 3 Waters, to above the twenty-five year flood level and left in a location or manner minimizing risk of re-entry into the stream, lake or pond and if substantial accumulations of slash exist below the twenty-five year flood level of Type 1 or 2 Waters, slash disposal is required.

(b) "Slash" and "debris" shall be removed from below the ordinary high-water mark of Type 4 Waters, when the department issues written notice for removal of the slash or debris because of potential damage to public resources. See part six of the Forest Practices Board

manual for guidelines for clearing slash and debris from Type 4 waters.

\* (5) Fire trails.

(a) Construct dips, water bars, cross drainage and ditches as needed to control erosion.

(b) Reasonable care shall be taken to minimize excavation during fire trail construction and sidecast shall only be permitted above the fifty year flood level.

#### AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-34-010 REQUIRED REFORESTATION—WEST OF CASCADES SUMMIT. (1) Reforestation – where required.

(a) Unless the harvest application indicates that the land will be converted to another use, or the lands are identified in WAC 222-34-050 as having a likelihood of conversion to urban uses, reforestation is required for forest lands harvested after January 1, 1975 in the following instances:

(i) Clearcutting, or

(ii) Partial cutting where fifty percent or more of the timber volume is removed within any five year period, unless the department determines that the live trees remaining will reasonably utilize the timber growing capacity of the soils.

(b) Reforestation is not required where:

(i) Individual dead, dying, down or windthrown trees are salvaged, or

(ii) A tree or trees not constituting a merchantable stand are removed from lands in actual use for other purposes; for example, removal of individual trees from lands used for farming or grazing, or

(iii) Trees are removed under a thinning program reasonably expected to maximize the long-term production of commercial timber, or

(iv) A minimum of three hundred vigorous, undamaged seedlings, saplings, or merchantable trees per acre remain after logging, or combinations thereof, well-distributed on the area harvested.

~~(2) ((Satisfactory reforestation – clearcuts. Satisfactory reforestation of a clearcut harvest occurs if within three years of completion of harvest, or a period of from one to five years as determined by the department in the case of a natural regeneration plan, the site is restocked to at least the acceptable stocking levels described in paragraph (4) of this subsection. PROVIDED, That regeneration failures from causes beyond the applicant's control will not result in violation of this section, but supplemental planting may be required (See WAC 222-34-030(4)).~~

~~The department may grant an extension of time for planting or seeding if suitable seedlings or seeds are unavailable, or if weather conditions or other circumstances beyond the forest landowner's control require delay in planting or seeding.) Acceptable stocking. Stocking levels are acceptable if three hundred well-distributed, vigorous seedlings per acre of commercial tree species or such lesser number as the department determines will fully utilize the timber growing capacity of the site, have survived on the site at least one growing season. "Well-distributed" shall mean that no significant plantable area contains fewer than the equivalent of three hundred trees per acre.~~

~~(3) ((Reforestation Species. Where the species proposed for reforestation after timber harvesting differs from the removed stand, the department may approve use of the proposed species where the reforestation plan reveals that the proposed species is preferable from any of the following standpoints:~~

~~(a) Site data indicates better potential production for the proposed species than the existing species;~~

~~(b) Control of forest insects or diseases;~~

~~(c) Greater economic return.) Competing vegetation. Competing vegetation shall be controlled to the extent necessary to allow survival and growth by commercial species.~~

~~(4) ((Acceptable stocking. Stocking levels are acceptable if three hundred well-distributed, vigorous seedlings per acre of commercial tree species or such lesser number as the department determines will fully utilize the timber growing capacity of the site, have survived on the site at least one growing season. "Well-distributed" shall mean that no significant plantable area contains fewer than the equivalent of three hundred trees per acre.) Artificial regeneration standards.~~

~~(a) Satisfactory reforestation – clearcuts. Satisfactory reforestation of a clearcut harvest occurs if within three years of completion of harvest, or a period of from one to five years as determined by the department in the case of a natural regeneration plan, the site is restocked to at least the acceptable stocking levels described in subsection (2): PROVIDED, That regeneration failures from causes beyond~~

the applicant's control will not result in violation of this section, but supplemental planting may be required (see WAC 222-34-030(4)).

The department may grant an extension of time for planting or seeding if suitable seedlings or seeds are unavailable, or if weather conditions or other circumstances beyond the forest land owner's control require delay in planting or seeding.

(i) Reforestation species. Where the species proposed for reforestation after timber harvesting differs from the removed stand, the department may approve use of the proposed species where the reforestation plan reveals that the proposed species is preferable from any of the following standpoints:

(A) Site data indicates better potential production for the proposed species than the existing species.

(B) Control of forest insects or diseases.

(C) Greater economic return.

(ii) Seedling or seeding standards. Except as approved by the department to qualify as acceptable reforestation, the seedlings or seeds must be from an appropriate seed source zone. The department shall establish seed zones and guidelines for their use.

(b) Satisfactory reforestation - partial cuts. Where reforestation is required in connection with a partial cut, the harvest application shall include a plan for stocking improvement. The plan shall be approved unless the department determines that it will not reasonably utilize the timber growing capacity of the site to the extent practical.

(5) ((Seedling or seeding standards. Except as approved by the department to qualify as acceptable reforestation:

(a) The seedlings or seeds must be from an appropriate seed source zone. The department shall establish seed zones and guidelines for their use:

(b) Competing vegetation shall be controlled to the extent necessary to allow survival and growth of commercial species.

(6)) Natural regeneration standards. A natural regeneration plan may be approved as acceptable reforestation if:

(a) A seed source of well formed trees of commercial tree species, capable of seed production is available.

(b) The owner of the seed source agrees in writing not to harvest the seed source for the time period specified in the plan, or until issuance of a satisfactory reforestation inspection report.

(c) The seed source must consist of:

(i) Seed blocks of sizes and locations shown on the plan and satisfactory to the department, or

(ii) An average of at least eight individually marked, well-distributed, undamaged, vigorous, windfirm seed trees per acre of plantable area and no inadequately stocked area is more than four hundred feet from the nearest seed tree, and

(iii) Competing vegetation shall be controlled to the extent necessary to allow survival and growth by commercial species.

((7) Satisfactory reforestation - partial cuts. Where reforestation is required in connection with a partial cut, the harvest application shall include a plan for stocking improvement. The plan shall be approved unless the department determines that it will not reasonably utilize the timber growing capacity of the site to the extent practical:

(8)) (6) Any alternate plan for natural reforestation may be approved if it provides a practical method of achieving acceptable stocking levels as described in ((4)) (2) above within a period of one to five years.

#### AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

#### WAC 222-34-020 REQUIRED REFORESTATION—EAST OF CASCADES SUMMIT. (i) Reforestation - where required.

(a) Unless the harvest application indicates that the land will be converted to another use, or the lands are identified in WAC 222-34-050 as having a likelihood of conversion to urban use, reforestation is required for forest lands harvested after January 1, 1975 in the following instances:

(i) Clearcutting, or

(ii) Partial cutting where fifty percent or more of the timber volume is removed within any five-year period, unless the department determines that the live trees remaining will reasonably utilize the timber growing capacity of the soils.

(b) Reforestation is not required where:

(i) Individual dead, dying, down or windthrown trees are salvaged, or

(ii) A tree or trees not constituting a merchantable stand are removed from lands in actual use for other purposes, for example, removal of individual trees from lands used exclusively for farming or cultivated pasture, or

(iii) Trees are removed under a thinning program reasonably expected to maximize the long-term production of commercial timber, or

(iv) A minimum of one hundred vigorous undamaged seedlings, saplings or merchantable trees per acre of a commercial tree species remain after logging, or combinations thereof, well-distributed on the area harvested.

(2) Acceptable stocking. Stocking levels are acceptable if one hundred fifty well-distributed, vigorous seedlings per acre of commercial tree species have survived on the site at least one growing season. "Well-distributed" means that no significant plantable area contains fewer than the equivalent of one hundred fifty trees per acre. Lesser numbers of trees per acre may be acceptable if the department determines that the timber growing capacity of the site will be fully utilized.

(3) Competing vegetation. Competing vegetation shall be controlled to the extent necessary to allow survival and growth by commercial species.

(4) Artificial regeneration standards.

(a) Satisfactory reforestation - clearcuts. Satisfactory reforestation of a clearcut harvest occurs if within three years of completion of harvest or a period of from one to five years as determined by the department in the case of a natural regeneration plan, the site is restocked to at least the acceptable stocking levels described in ((paragraph (4) of this)) subsection (2): PROVIDED, That regeneration failures from causes beyond the applicant's control will not result in a violation of this section, but supplemental planting may be required (see WAC 222-34-030(4)).

The department may grant an extension of time for planting or seeding if suitable seedlings or seeds are unavailable, or if weather conditions or other circumstances beyond the forest landowner's control require delay in planting or seeding.

((3)) (i) Reforestation species. Where the species proposed for reforestation after timber harvesting differs from the removed stand, the department may approve use of the proposed species where the reforestation plan reveals that the proposed species is preferable from any of the following standpoints:

((a)) (A) Site data indicates better potential production for the proposed species than the existing species.

((b)) (B) Control of forest insects or diseases.

((c)) (C) Greater economic return.

((4) Acceptable stocking. Stocking levels are acceptable if one hundred fifty well-distributed, vigorous seedlings per acre of commercial tree species have survived on the site at least one growing season. "Well-distributed" means that no significant plantable area contains fewer than the equivalent of one hundred fifty trees per acre. Lesser numbers of trees per acre may be acceptable if the department determines that the timber growing capacity of the site will be fully utilized:

(5)) (ii) Seedling and seed standards. Except as approved by the department to qualify as acceptable reforestation((:

(a) The), the seedlings and seed must be from an appropriate seed source zone. The department shall establish seed zones and guidelines for their use.

(b) ((Competing vegetation shall be controlled to the extent necessary to allow survival and growth of commercial tree species:)) Satisfactory reforestation - partial cuts. Partial cuts not meeting the specifications of (1)(b)(iv) shall have a seed source as required in (5)(c)(ii).

((6)) (5) Natural regeneration standards. A natural regeneration plan may be approved by the department as acceptable reforestation if:

(a) A seed source of well-formed, vigorous trees of commercial tree species capable of seed production is available.

(b) The owner of the seed source agrees in writing not to harvest the seed source for the time period specified in the plan or until issuance of a satisfactory reforestation inspection report.

(c) The seed source consists of one of the following, or combinations thereof:

(i) Seed blocks which total a minimum of five percent of the area of each forty acre subdivision or portion thereof harvested: PROVIDED, That the seed block should be reasonably windfirm, at least one-half acre in size, and reserved in locations shown on the plan and approved by the department, or

(ii) A minimum of four undamaged seed trees per acre, well distributed over each forty acre subdivision or portion thereof harvested: PROVIDED, That the distance from seed trees of harvested areas that are not adequately stocked should not be more than two hundred feet. Seed trees shall be of commercial tree species, vigorous and of seed-bearing age and size.

~~((7)) Satisfactory reforestation—partial cuts. Partial cuts not meeting the specifications of (1)(b)(iv) shall have a seed source as required in (6)(c)(iii) above.~~

~~(8))~~ (6) Any alternate plan for natural reforestation may be approved if it provides a practical method of achieving acceptable stocking levels as described in ~~((4))~~ (2) above within a period of one to five years.

**AMENDATORY SECTION** (Amending Order 263, filed 6/16/76)

**WAC 222-34-030 REFORESTATION—PLANS—REPORTS—INSPECTIONS.** (1) Reforestation plans. Reforestation plans must be submitted with the application or notification except where no reforestation is required. The department shall designate difficult regeneration areas utilizing silvicultural information and shall require that a detailed reforestation plan be submitted with the application or notification.

(2) Reforestation reports. The landowner, forest landowner or his designee shall file a report with the department either at the time of completion of planting or at the end of the normal planting season. When artificial seeding is used the report shall be filed two growing seasons after seeding.

(3) The reports in (2) above must contain at least the following:

- (a) The original Forest Practice application or notification number.
- (b) Species planted or seeded.
- (c) Age of stock planted or seed source zone.
- (d) Description of actual area planted or seeded.
- (4) Inspection; supplemental planting directives.

(a) Within twelve months after a reforestation report is received, the department shall inspect the reforested lands.

(b) If the inspection shows that acceptable stocking levels have not been achieved, the department shall direct the forest landowner to perform supplemental planting in accordance with the planting standards of WAC 222-34-010(5) and WAC 222-34-020(5): PROVIDED, That:

(i) In lieu of such supplemental planting, the department and the forest landowner may agree on a supplemental reforestation plan.

(ii) Supplemental planting shall not be required in the eastside region where in the opinion of the department planting is not feasible due to rocky ground, dry conditions or other adverse site factors.

(iii) Supplemental planting shall not be required if the department determines that there is little probability of significantly increasing the stocking level.

(iv) Except where stocking improvement is necessary to protect public resources and is feasible, further supplementary planting shall not be required where acceptable stocking levels have not been achieved after two properly performed supplemental plantings.

(c) Evidence of compliance. If the department determines on inspection that acceptable reforestation has been achieved, on the request of the forest landowner the department shall confirm in writing that no further reforestation obligations remain. If no supplemental planting directive has been issued within thirty days after the deadline for the inspection, reforestation shall be deemed satisfactory unless the department has informed the landowner prior to the deadline that further inspections by the department on the area are needed.

(d) Where a natural regeneration plan has been approved by the department, the department may allow up to five years to achieve acceptable stocking levels.

**AMENDATORY SECTION** (Amending Order 263, filed 6/16/76)

**WAC 222-34-040 SITE PREPARATION AND REHABILITATION.** \*(1) Heavy equipment. Heavy equipment shall not be used in connection with site preparation or rehabilitation work:

(a) When, because of soil moisture conditions or the type of soils, undue compaction or erosion would result, or

(b) In Type 1, 2 or 3 Water, except as approved by the Departments of Fisheries and Game.

(c) In Streamside Management Zones except as permitted in WAC 222-30-020(4) Streamside Management Zone or WAC 222-30-030 Stream Bank Integrity.

(2) Surface water drainage. Where site preparation or rehabilitation involves contouring or terracing of slopes, drainage ditches, or similar work:

(a) The gradient of ditches or other artificial water courses in erodible soils shall not cause significant stream, lake or pond siltation.

(b) Ditches and other artificial water courses shall not discharge onto any road, landing or fill.

(c) Ditches and other artificial water courses shall not be constructed to discharge onto the property of other parties without their consent.

(3) Stream channel alignment. Where work involves deepening, widening, straightening or relocating the channel; or bulkheading, riprapping or otherwise stabilizing the banks of a Type 1, 2 or 3 Water, the work shall be done only:

(a) ~~((In compliance with the Hydraulics Act and the Shoreline Management Act in cases of Type 1 Water.~~

~~(b))~~ After consultation with any party having an appropriation permit or registered right to appropriate waters from the affected stream segment in cases of streams used for domestic water supplies.

~~((c))~~ (b) Where not significant adverse affects on either the peak or minimum water levels or flows downstream can be expected.

~~((d))~~ (c) In a manner not expected to result in long-term damage to public resources or to adjacent or downstream property. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

**AMENDATORY SECTION** (Amending Order 263, filed 6/16/76)

**WAC 222-34-040 SITE PREPARATION AND REHABILITATION.** \*(1) Heavy equipment. Heavy equipment shall not be used in connection with site preparation or rehabilitation work:

(a) When, because of soil moisture conditions or the type of soils, undue compaction or erosion would result, or

(b) In Type 1, 2 or 3 Water, except as approved by the Departments of Fisheries and Game.

(c) In Streamside Management Zones except as permitted in WAC 222-30-020(4) Streamside Management Zone or WAC 222-30-030 Stream Bank Integrity.

(2) Surface water drainage. Where site preparation or rehabilitation involves contouring or terracing of slopes, drainage ditches, or similar work:

(a) The gradient of ditches or other artificial water courses in erodible soils shall not cause significant stream, lake or pond siltation.

(b) Ditches and other artificial water courses shall not discharge onto any road, landing or fill.

(c) Ditches and other artificial water courses shall not be constructed to discharge onto the property of other parties without their consent.

(3) Stream channel alignment. Where work involves deepening, widening, straightening or relocating the channel; or bulkheading, riprapping or otherwise stabilizing the banks of a Type 1, 2 or 3 Water, the work shall be done only:

(a) ~~In compliance with the Hydraulic Act and the Shoreline Management Act in cases of Type 1 Water)~~ Approval Law; and in cases of Type 1 water, in compliance with the Shoreline Management Act.

(b) After consultation with any party having an appropriation permit or registered right to appropriate waters from the affected stream segment in cases of streams used for domestic water supplies.

(c) Where not significant adverse affects on either the peak or minimum water levels or flows downstream can be expected.

(d) In a manner not expected to result in long-term damage to public resources or to adjacent or downstream property.

**AMENDATORY SECTION** (Amending Order 263, filed 6/16/76)

**WAC 222-38-010 POLICY—FOREST CHEMICALS.** Chemicals perform important functions in forest management. The purpose of these regulations is to regulate the handling, storage and application of chemicals in such a way that the public health, soils, wildlife and aquatic habitat will not be endangered by contamination. This section in no way modifies the State Department of Agriculture regulations governing chemicals. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

**AMENDATORY SECTION** (Amending Order 263, filed 6/16/76)

**WAC 222-38-020 HANDLING, STORAGE, APPLICATION.** \*(1) Leakage.

(a) No significant leakage of chemicals into water or soil is permitted from any equipment used for their transportation, storage, mixing or application.

(b) The department or the Department of Agriculture may suspend further use of any equipment responsible for significant chemical leakage, until the deficiency has been corrected to the satisfaction of the department suspending its usage.

\* (2) Mixing. When water is used in mixing of chemicals:

(a) Provide an air gap or reservoir between the water source and the mixing tank.

(b) Use uncontaminated pumps, hoses and screens.

\* (3) Mixing and landing areas.

(a) Mix chemicals and clean tanks and equipment only where any spills would not enter any water types.

(b) Landing areas should be located where spillage of chemicals will not cause them to become a contaminate. If any chemical is spilled, immediate appropriate procedures should be taken to contain or neutralize it.

\* (4) Aerial application.

(a) Leave at least ~~((fifty-))~~50((+)) feet untreated on each side of all Type 1 and 2 Water and other areas of open water, such as ponds or sloughs or leave ~~((twenty-five-))~~25((+)) feet untreated on each side of Type 3 Waters.

(b) Leave at least 25 feet untreated on each side of flowing Type 4 Waters when required by the department. The department may so require when there is a likelihood of unreasonable impact on:

(i) Water intakes authorized by permit or certificate pursuant to chapter 90.03 RCW or duly registered pursuant to chapter 90.14 RCW, known to the applicant or the department, or

(ii) Streams or segments of streams which have been identified by the Department of Game or the Department of Fisheries as serving artificial fish rearing or incubation facilities.

See part eight of the Forest Practices Board Manual for guidelines for requiring untreated strips on Type 4 Waters.

(c) Where practical, apply the initial swath parallel to the untreated zones in (a) above on Type 1, 2 or 3 Waters and other areas of open water, such as ponds or sloughs.

~~((c))~~ (d) Use a bucket or spray device capable of immediate shutoff.

~~((d))~~ (e) Shut off chemical application during turns and over open water.

~~((e))~~ (f) Avoid direct entry of chemicals into any Type 1 or flowing Type 2 or 3 Waters or those Type 4 Waters identified in (b) above.

(g) The landowner shall identify for the operator the units to be sprayed and the untreated areas within the units so they are visible from the air. Before application of the chemical an over-flight of the area shall be made by the pilot and a responsible agent of the landowner.

\* (5) Stream protection - ground application with power equipment.

(a) Leave at least ~~((ten-))~~10((+)) feet untreated on each side of every Type 1 and 2 Water and each flowing Type 3 Water.

(b) Avoid direct entry of chemicals into any water.

(c) Avoid exceeding intended or allowable dosages.

\* (6) Stream protection - hand application.

(a) Apply only to specific targets, such as a stump, burrow, bait or trap.

(b) Keep chemicals out of all water.

(7) Limitations on application. Chemicals shall be applied only in accordance with all limitations:

(a) Printed on the United States Environmental Protection Agency container registration label, and/or

(b) Established by regulation of the State Department of Agriculture.

(c) Established by state and local health departments (in municipal watersheds).

(d) Established by the Federal Occupational Safety and Health Administration, or the State Department of Labor and Industries, as they relate to safety and health of operating personnel and the public.

(8) Container disposal. Chemical containers shall be either:

(a) Removed from the forest and disposed of in the manner described by the State Department of Agriculture, or

(b) Removed and cleaned for reuse in a manner not inconsistent with any applicable regulations of the State Department of Agriculture or the state or local health departments, or

(c) Buried in a manner approved by the department.

(9) Daily records - aerial application of pesticides. On all aerial applications of pesticides, the operator shall maintain for three ~~((3))~~

years daily records of spray operations as required by the State Department of Agriculture WAC 16-235-030.

\* (10) Reporting of spills. All potentially damaging chemical spills shall be immediately reported to the department and the Departments of Agriculture and Ecology.

#### AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

##### WAC 222-50-020 OTHER AGENCY REQUIREMENTS.

~~((Compliance with certain additional laws and regulations is required.))~~ (1) Many other laws and regulations apply to the conduct of forest practices. Other agencies administer some of these other regulatory programs. Permits may be required by such agencies prior to the conduct of certain forest practices. The department will maintain a list for distribution of state, regional and local regulatory programs that apply to forest practice operations. Affected parties are urged to consult with the specified agencies and independent experts with respect to the regulatory requirements shown on the list.

~~((Hydraulics Project Approval Law, RCW 75.20.100 requires all persons, corporations, and governmental entities to obtain an approval from the director of the Departments of Fisheries or Game before doing any work in stream beds of this State. Compliance with the Shoreline Management Act is required, however, within the shorelines as defined in chapter 90.58 RCW the Forest Practices Regulations shall be the sole rules applicable to the performance of forest practices and enforcement thereof shall be solely as provided in the act. As to that road construction which constitutes a substantial development, no permit shall be required under chapter 90.58 RCW for the construction of up to five hundred (500) feet of one and only one road or segment of a road provided such road does not enter the shoreline more than once. Such exemption from said permit requirements shall be limited to a single road or road segment for each forest practice and such road construction shall be subject to the requirements of chapter 76.09 RCW and regulations adopted pursuant thereto and to the prohibitions or restrictions of any master program in effect under the provisions of chapter 90.58 RCW. Nothing in this subsection shall add to or diminish the authority of the Shoreline Management Act regarding road construction except as specifically provided herein. The provisions of this subsection shall not relate to any road which crosses over or through a stream, lake, or other water body subject to chapter 90.58 RCW.))~~

(2) Hydraulics project approval law, RCW 75.20.100. A hydraulics project approval must be obtained from the Department of Fisheries and the Department of Game prior to constructing any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds. See RCW 75.20.100 and WAC 232-12-655.

(3) Compliance with the Shoreline Management Act, chapter 90.58 RCW, is required. The Shoreline Management Act is implemented by the Department of Ecology and the applicable local governmental entity. A substantial development permit must be obtained prior to conducting forest practices which are "substantial developments" within the "shoreline" area as those terms are defined by the Shoreline Management Act.

(4) Nothing in these regulations is intended to interfere with any authority of the Department of Game to protect wildlife under any other statutes or regulations, or under any agreements with landowners.

#### AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

##### WAC 222-50-060 OTHER REGULATORY PROGRAMS ADMINISTERED BY THE DEPARTMENT.

The board recommends that, to the extent permitted by law and when necessary the department adopt regulations and policies under which approved applications and notifications can serve to eliminate or reduce the need for separate permits and approvals under regulatory programs administered by the department (such as the Power Driven Machinery Permits, RCW ~~((76.64.275))~~ 76.04.275, Dumping Mill Waste and Forest Debris Permit, RCW 76.04.242, and Surface Mining Permits, chapter 78.44 RCW) as applied to forest practices. The department is directed to notify the public of the existence of such regulations and policies.

**WSR 81-20-068**  
**ADOPTED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Order 162—Filed October 6, 1981]

Be it resolved by the State Personnel Board, acting at 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to:

- New WAC 356-47-010 Career Executive Program—Purpose.
- New WAC 356-47-020 Career Executive Program—Application of rules.
- New WAC 356-47-030 Career Executive Program—General provisions.
- New WAC 356-47-040 Career Executive Program—Position nomination—Approval—Procedures.
- New WAC 356-47-050 Career Executive Program—Nomination of position and incumbent.
- New WAC 356-47-051 Career Executive Program—Recruitment—Procedures.
- New WAC 356-47-052 Career Executive Program—Appointments—Candidate lists—Procedures—Probationary period.
- New WAC 356-47-060 Career Executive Program—Position removal—Incumbent removal—Return rights—Procedures.
- New WAC 356-47-070 Career Executive Program—Agreement of participation.
- New WAC 356-47-080 Career Executive Program—Performance appraisal—Performance recognition.
- New WAC 356-47-090 Career Executive Program—Development and training.
- New WAC 356-47-100 Career Executive Program—Classification—Allocation.
- New WAC 356-47-110 Career Executive Program—Inter-agency transfers—Intra-agency transfers.
- New WAC 356-47-120 Career Executive Program—Appeals.

This action is taken pursuant to Notice No. WSR 81-19-067 filed with the code reviser on September 15, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 1, 1981.

By Leonard Nord  
 Secretary

Chapter 356-47  
**CAREER EXECUTIVE PROGRAM**

- WAC
- 356-47-010 Career Executive Program—Purpose.
- 356-47-020 Career Executive Program—Application of rules.
- 356-47-030 Career Executive Program—General provisions.
- 356-47-040 Career Executive Program—Position nomination—Approval—Procedures.

- 356-47-050 Career Executive Program—Nomination of Position and incumbent.
- 356-47-051 Career Executive Program—Recruitment—Procedures.
- 356-47-052 Career Executive Program—Appointments—Candidate list—Procedures—Probationary period.
- 356-47-060 Career Executive Program—Position removal—Incumbent removal—Return rights—Procedures.
- 356-47-070 Career Executive Program—Agreement of participation.
- 356-47-080 Career Executive Program—Performance appraisal—Performance recognition.
- 356-47-090 Career Executive Program—Development and training.
- 356-47-100 Career Executive Program—Classification—Allocation.
- 356-47-110 Career Executive Program—Inter-agency transfers—Intra-agency transfers.
- 356-47-120 Career Executive Program—Appeals.

NEW SECTION

WAC 356-47-010 CAREER EXECUTIVE PROGRAM—PURPOSE. The purpose of the Career Executive Program is to recognize the profession of management and to recognize excellence in managerial skills in order to identify, attract and retain highly qualified executive candidates, to provide outstanding employees a broad opportunity to career development, and to provide for the mobility of such employees among agencies.

NEW SECTION

WAC 356-47-020 CAREER EXECUTIVE PROGRAM—APPLICATION OF RULES. Insofar as they do not conflict with the provisions of Chapter 356-47, the remainder of the Merit System Rules shall apply. If there is an apparent conflict between Chapter 356-47 and the remainder of the Merit System Rules, the provisions of Chapter 356-47 shall apply.

NEW SECTION

WAC 356-47-030 CAREER EXECUTIVE PROGRAM—GENERAL PROVISIONS. No more than one percent of employees covered by 41.06 RCW, the State Civil Service Law, may be placed in the Career Executive Program at one time. Employees shall not be placed in positions in the Career Executive Program without their prior written agreement.

NEW SECTION

WAC 356-47-040 CAREER EXECUTIVE PROGRAM—POSITION NOMINATION—APPROVAL—PROCEDURES. (1) The Personnel Board shall approve appropriate positions for inclusion in the Career Executive Program. Only positions assigned management responsibility will be placed in the program. Such

positions are usually assigned at range 47 (October, 1980 schedule) or above and equivalent ranges following that date.

(2) Agency directors may nominate classified and exempt positions meeting the requirements of paragraph (1) and WAC 356-47-030 for inclusion in the Program. Position nominations shall be filed with the Director of Personnel, or designee, in accordance with procedures published by the Department of Personnel. Nominations shall be published on the 20-Day notice for consideration at regular Personnel Board meetings. The 20-Day Notice shall include the following information:

- (a) Requesting Agency
- (b) Class title and number of the position proposed for inclusion
- (c) Description of the major duties and responsibilities of the position

#### NEW SECTION

WAC 356-47-050 CAREER EXECUTIVE PROGRAM—NOMINATION OF POSITION AND INCUMBENT. A permanent employee of a classified position that is nominated for inclusion in the Career Executive Program shall automatically move with the position into the Program when the position is approved by the Personnel Board.

#### NEW SECTION

WAC 356-47-051 CAREER EXECUTIVE PROGRAM—RECRUITMENT—PROCEDURES. (1) Recruitment shall be conducted to fill vacant positions in the Career Executive Program if the agency director intends to consider persons who are not permanent state employees, unless those persons are already on the candidate list described in WAC 356-47-052.

(2) When filling vacant positions, if the agency director wishes to limit consideration to permanent state employees, recruitment shall be optional. The agency director will decide whether recruitment shall be conducted.

(3) The recruitment plan for any individual vacancy or group of vacancies shall be developed by the Department of Personnel in consultation with the appointing agency.

(4) Candidate nominations shall be submitted to the Director of Personnel, or designee. Nominations may be submitted by either the agency director or the nominees if recruitment for a vacancy is conducted. If recruitment is not conducted, nominations may be submitted only by the appointing agency director.

#### NEW SECTION

WAC 356-47-052 CAREER EXECUTIVE PROGRAM—APPOINTMENTS—CANDIDATE LIST—PROCEDURES—PROBATIONARY PERIOD. (1) Appointment of individuals in the Career Executive Program shall be the responsibility of the agency director. Appointments shall be made with due regard to agency affirmative action plans. Appointments may be made without regard to established minimum qualifications.

(2) The registers and procedures described in Chapter 356-26 shall not apply to the Career Executive Program.

(3) Except as provided in WAC 356-47-050, all appointments shall be made from a list of candidates maintained by the Department of Personnel. The candidate list shall be composed of:

(a) All candidates who have successfully undergone an evaluation of managerial qualifications developed and administered by the Department of Personnel;

(b) Permanent employees in Career Executive positions who indicate a willingness to be considered for other Career Executive positions; and

(c) All employees who were separated from the Career Executive Program for reasons other than cause who wish to be considered for available Career Executive positions.

(4) The agency director may consider the names of all candidates when filling vacant positions in the Program.

(5) Appointing agencies shall notify the Director of Personnel, or designee, of appointments to Career Executive positions within 15 days after the appointment. Such notification shall include:

- (a) Appointing agency
- (b) Effective date of appointment
- (c) Starting salary
- (d) Class title of the position
- (e) Position number

(6) Positions in the Career Executive Program may be filled by more than one incumbent only for the purpose of orienting the new appointee to the responsibilities of the position. Such occupancy shall not exceed a period of 30 days.

(7) Employees without permanent status who receive appointments to classified Career Executive positions shall serve a probationary period of eighteen months.

#### NEW SECTION

WAC 356-47-060 CAREER EXECUTIVE PROGRAM—POSITION REMOVAL—INCUMBENT REMOVAL—RETURN RIGHTS—PROCEDURES.

(1) Agencies may remove positions from the Career Executive Program upon written notice from the agency director to the Director of Personnel, or designee.

(2) The Personnel Board may remove a position from the Career Executive Program if the nature or use of the position is found to be inconsistent with the purposes of the Program.

(3) When a classified position is removed from the Program, the agency director may allow the incumbent to remain in the position: PROVIDED, That the incumbent has permanent status.

(4) A Career Executive employee may voluntarily leave the Program at any time.

(5) The agency director may impose a limit on the duration of an employee's participation in the Career Executive Program: PROVIDED, That the employee is informed in writing of that limitation upon entry into a position in the Program. The agency director may remove the employee from the Program at the end of the pre-determined period. The decision of the agency director is final.

(6) An agency director may remove an incumbent from a position in the Career Executive Program for cause; or may remove an incumbent from the Program if the position is abolished for reasons of lack of funds, good faith reorganization, or lack of work. The decision of the agency director is final.

(7) Agencies shall notify the Director of Personnel, or designee, of Career Executive position vacancies within 30 days after the position is vacated.

(8a) Any permanent classified state employee, upon entering a position in the Career Executive Program, shall be entitled subsequently to return to any class or position previously held with permanent status, or, if such position is not available, return to a position similar in nature and salary to the position previously held. The priority of the return rights shall be as follows:

(i) The employee returns within the employing agency to the same or similar position and class held immediately prior to entering the Program; or, if unavailable,

(ii) The employee returns to the same or similar position and class held immediately prior to entering the Program within the agency that he or she was then employed; or, if unavailable,

(iii) If the employee entered the Program with his or her position, then the position must be removed from the Program with the employee; or, if inapplicable,

(iv) The employee returns to an existing lower position that is most similar in nature and salary to the position held immediately prior to entering the Program.

(b) For purposes of paragraph (8a) above, a position is unavailable if:

(i) The position has been abolished;

(ii) The duties for the position have been substantially changed and the position is allocated to a different class; or,

(iii) The present incumbent of the position has greater seniority than the returning employee.

(9) Employees have no bumping rights into or within the Career Executive Program.

(10) Employees who promote into Career Executive positions and who are subsequently removed from the positions shall not have their names placed in the reduction-in-force register for the higher level class.

#### NEW SECTION

**WAC 356-47-070 CAREER EXECUTIVE PROGRAM—AGREEMENT OF PARTICIPATION.** (1) Upon appointment in the Career Executive Program, the employee and the appointing agency shall enter into an agreement specifying the conditions of participation in the program. Such agreement shall include the following items:

(a) A specific description of that for which the employee is accountable, including objectives to be achieved during the annual evaluation period prescribed by WAC 356-47-080 (1) and (2).

(b) The employee development and training plan prescribed in WAC 356-47-090.

(c) A statement of whatever pre-established limits on participant duration in the Program that are imposed by the agency, as allowed in WAC 356-47-060 (4).

(2) A copy of the agreement of participation must be filed with the Director of Personnel, or designee, within 45 calendar days after the effective date of the employee's inclusion in the Career Executive Program.

#### NEW SECTION

**WAC 356-47-080 CAREER EXECUTIVE PROGRAM—PERFORMANCE APPRAISAL—PERFORMANCE RECOGNITION.** (1) Appointing authorities shall evaluate the performance of each Career Executive employee on the basis of results achieved and the manner in which they were achieved. Performance evaluations shall be conducted at least an annual basis.

(2) The performance appraisal process shall be conducted in accordance with procedures and forms developed by the Department of Personnel.

(3) Agencies and the Director of Personnel, or designee, shall develop specific non-monetary means of recognizing superior performance.

(4) The Director of Personnel shall monitor the performance appraisal and reward process for timeliness, effectiveness and standardization.

#### NEW SECTION

**WAC 356-47-090 CAREER EXECUTIVE PROGRAM—DEVELOPMENT AND TRAINING.** (1) Career Executive employees shall be afforded development and training opportunities specifically designed to develop exceptional managerial knowledge, skills, and abilities.

(2) Each agency shall prepare a development and training plan for a 12-month period for each of its Career Executive employees. Each plan shall:

(a) Be based on an assessment of the individual's developmental needs insofar as they relate to managerial responsibilities.

(b) Wherever possible, include a plan for short-term mobility assignments within the agency, within other agencies, within other governmental entities, and/or in private organizations.

(c) Contain an evaluation process to determine the effectiveness of developmental activities.

(d) Be filed with the Director of Personnel, or designee, in accordance with WAC 356-47-070 (2) and, subsequently, within 30 days after each annual evaluation period.

(3) Upon request, the Department of Personnel shall provide agencies with guidelines and assistance in the preparation of development and training plans for Career Executive employees.

#### NEW SECTION

**WAC 356-47-100 CAREER EXECUTIVE PROGRAM—CLASSIFICATION—ALLOCATION.** (1) All classified positions in the Career Executive program shall be allocated to Board-approved classes.

(2) Agencies with approved positions in the Career Executive Program may be authorized by the Director of Personnel, or designee, to reallocate such positions to

appropriate classes when and if changes in duties or responsibilities occur: PROVIDED, That a new classification questionnaire shall be provided to the Director of Personnel, or designee, within 30 calendar days after each decentralized reallocation.

#### NEW SECTION

**WAC 356-47-110 CAREER EXECUTIVE PROGRAM—INTER-AGENCY TRANSFERS—INTRA-AGENCY TRANSFERS.** (1) Incumbents in the Career Executive Program, with their concurrence, may be transferred between agencies at any time with the agreement of the two agency directors. Such transfers shall be reported to the Director of Personnel, or designee, not later than 30 days after the transfer.

(2) Positions and/or incumbents in the Career Executive Program may be transferred within an agency at any time: PROVIDED, That such moves are within a reasonable commuting distance for the employee. Such transfers shall be reported to the Director of Personnel, or designee, within 30 days after the transfer.

#### NEW SECTION

**WAC 356-47-120 CAREER EXECUTIVE PROGRAM—APPEALS.** The provisions of WAC 356-34-090 shall not apply to the Career Executive Program.

**WSR 81-20-069**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 [Order 372—Filed October 6, 1981]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule terminating the summer burning rules on outdoor burning and changing the ending date of the closed season for 1981 from October 15, 1981 to October 2, 1981 on forest lands under the protection of the Department of Natural Resources in western Washington.

I, Brian J. Boyle, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such an emergency is changing the ending date of the summer burning rules regulating outdoor burning and the closed season governing use of spark emitting equipment on or near forest lands in western Washington from October 15, 1981 to October 2, 1981 due to reduced fire danger resulting from sufficient recent precipitation.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.020, 76.04.150, 76.04.170, 76.04.251 and 76.04.252 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 6, 1981.

By Brian J. Boyle  
 Commissioner of Public Lands

#### AMENDATORY SECTION (Administrative Order 169, filed 8/7/73)

**WAC 332-24-090 SMALL OUTDOOR FIRES FOR RECREATION AND YARD DEBRIS DISPOSAL — REQUIREMENTS — FAILURE TO COMPLY.** (1) *The fire must not include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints or any other similar materials that emit dense smoke or create offensive odors when burned.*

(2) *A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.*

(3) *A serviceable shovel and, at least, five gallons of water must be within the immediate vicinity of the fire during the period March 15 through ~~(October 15)~~ October 2 in Western Washington and April 15 through June 30 in Eastern Washington.*

(4) *No fires are to be within fifty (50) feet of structures.*

(5) *For the period March 15 through ~~(October 15)~~ October 2 in Western Washington and April 15 through June 30 in Eastern Washington, the material to be burned shall be in hand built piles no more than four (4) feet in diameter and three (3) feet in height.*

(6) *For the period ~~(October 16)~~ October 3 through April 14 in Western Washington and October 16 through April 14 in Eastern Washington, the material to be burned shall be in piles no more than ten (10) feet in diameter.*

(7) *Only one pile at a time may be burned and each pile must be extinguished before lighting another.*

(8) *The material to be burned must be placed on bare soil, gravel, bars, beaches, green fields, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of the fire.*

(9) *Burning must be done during periods of very calm to very light winds. Burning when the wind will scatter loose flammable materials, such as dry leaves and clippings, is prohibited.*

(10) *If the fire creates a nuisance from smoke or fly ash, it must be extinguished.*

(11) *Persons not able to meet the requirements (1-10) must apply for a written burning permit through the area office of the State of Washington, Department of Natural Resources.*

*A bucket may be substituted for the water requirement, if the burning is adjacent to an accessible body of water. A charged garden hose line or other adequate water supply capable of extinguishment of the fire may be substituted for the five-gallon water requirement.*

*Failure to comply with these rules voids permission to burn and the person burning is in violation of RCW 76.04.150 and subject to the penalties therein.*

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

### NEW SECTION

**WAC 332-26-523 CLOSED SEASON.** *The period of April 15 through October 2, 1981 inclusive, shall be known as the closed season for 1981 on forest lands protected by the Department of Natural Resources in Western Washington.*

### **WSR 81-20-070**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 81-171—Filed October 6, 1981]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Areas 4B, 5, 6C, 7 and 7A are restricted to protect Fraser River-Harrison chinook salmon. Area 6 and 6A are closed to protect Fraser chum and naturally-spawning Skagit salmon runs. Area 7C and the Samish River are closed to protect escapement of Samish Hatchery fall chinook salmon. Area 8 and the Skagit River are closed to protect coho salmon. Areas 10C, 10D and the Cedar River are closed to protect Lake Washington sockeye and fall chinook. Portions of Area 12C are closed to protect chinook salmon. Hammersley and Case Inlets are closed to protect early timing chum salmon. Budd Inlet is closed to protect chinook salmon. Coho management needs prevail in the Green/Duwamish River.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 6, 1981.

By W. R. Wilkerson  
for Rolland A. Schmitt  
Director

### NEW SECTION

**WAC 220-28-126 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS.** *Effective immediately until further notice, it is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

**4B** – Troll-caught chinook under 24 inches in length and troll-caught coho under 16 inches in length must be released. Drift gill nets restricted to 6-1/2-inch maximum mesh when open.

**Area 5** – Drift gill nets restricted to 6-1/2-inch maximum mesh when open.

**Areas 6 and 6A** – Closed to all commercial fishing.

**Area 6C** – Drift gill nets restricted to 6-1/2-inch maximum mesh when open.

**Areas 7 and 7A** – Closed to gill nets and purse seines. Reef nets must release chinook salmon over 28 inches.

**Area 7C** – Closed to all commercial fishing.

**Area 8** – Closed to all commercial fishing.

**Areas 10C and 10D** – Closed to all commercial fishing.

**Areas 12C** – Closed to all commercial fishing within 1,000 feet of western shore between Hoodspout Marina Dock and Glen Ayr Trailer Park, and within 1/4 mile of a line connecting the outermost points of Dewatto Bay and Dewatto Bay.

**Area 13B** – (1) In that portion south of a line projected true west from Priest Point to the opposite shore (Budd Inlet), closed to gill net gear. All other gear must immediately release female chinook salmon over 24 inches in length when open. (2) In that portion westerly of a line projected from the flashing light (Fl 4 sec) at Arcadia to Hungerford Point (Hammersley Inlet), closed to all commercial fishing. (3) In that portion northerly of a true east-west line projected through the southernmost point on Stretch Island and intersecting with the eastern and western shores of Case Inlet (Case Inlet), closed to all commercial fishing.

**Cedar River** – Closed to all commercial fishing.

**Samish River** – Closed to all commercial fishing.

**Skagit River, including all tributaries** – Closed to all commercial fishing.

### REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 220-28-125 Puget Sound Commercial Fishery Restrictions (81-170)**

**WSR 81-20-071**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Order 81-15—Filed October 6, 1981]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—General apportionment, amending chapter 392-121 WAC.

This action is taken pursuant to Notice No. WSR 81-15-078 filed with the code reviser on July 21, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.41-.170 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 4, 1981.

By Frank B. Brouillet  
 Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 80-29, filed 7/28/80)

WAC 392-121-105 DEFINITIONS—ENROLLED AND FULL-TIME-EQUIVALENT STUDENT. As used in this chapter, the terms:

(1) "Enrolled" shall mean that, after the close of the prior school year, a student has presented himself or herself, or has been presented, to the appropriate school official to be entered on the rolls for the purpose of attending school and has actually attended school on a school day during the current school year.

(2) "Full-time-equivalent student" shall mean each student who is enrolled in the school district as of the fourth school day following the commencement of the school year (September 1 through August 31) and/or as of the first school day of any of the subsequent eight months for the number of hours set forth below, inclusive of class periods and normal class change passing time, but exclusive of noon intermissions: PROVIDED, That the hours set forth below shall be construed as annual average hours for the purposes of compliance with this chapter: PROVIDED FURTHER, That for districts commencing basic education programs prior to September first, the first month enrollment count shall be made on the fourth school day in September:

(a) Kindergarten (full-day): 20 hours each week, or 4 hours (240 minutes) for 90 scheduled school days;

(b) Kindergarten (half-day): 10 hours each week, or 2 hours (120 minutes) each scheduled school day;

(c) Primary (grades 1 through 3): 20 hours each week, or 4 hours (240 minutes) each scheduled school day;

(d) Elementary (grades 4 through 6): 25 hours each week, or 5 hours (300 minutes) each scheduled school day;

(e) Secondary (grades 7 through 12): 25 hours each week, or 5 hours (300 minutes) each scheduled school day.

(3) "Average annual full-time-equivalent students" shall mean the quotient obtained by dividing the annual total of full-time-equivalent students enrolled and reported to the superintendent of public instruction pursuant to subsection (2) above by nine.

(4) "Enrollment decline" shall mean the number of average annual full-time-equivalent students which is obtained by subtracting the district's average annual full-time-equivalent students in the current school year from the district's average annual full-time-equivalent students in the prior school year as calculated by the superintendent of public instruction not later than August 31 of each school year: PROVIDED, That the enrollment for the current year is less than the enrollment for the prior year.

(5) "Kindergarten" shall mean an instructional program conducted pursuant to RCW 28A.35.010 for students who meet the entry age requirements pursuant to WAC 180-16-166.

(6) The definitions in this section shall apply for apportionment purposes only and shall not apply to program approval standards for basic education entitlement.

(7) No student shall be counted as more than one full-time equivalent for purposes of basic education allocation.

AMENDATORY SECTION (Amending Order 80-29, filed 7/28/80)

WAC 392-121-115 ((OTHER)) DEFINITIONS—CERTIFICATED AND CLASSIFIED EMPLOYEES—FULL-TIME EQUIVALENT. As used in this chapter the terms:

(1) (~~"Certificated employee" shall mean an individual who is contracted to provide services for a school district in a position requiring a certificate issued by the superintendent of public instruction pursuant to chapters 180-75, 180-77, 180-79, 180-80, and 180-84 WAC.~~) "Certificated employee" shall mean a person who holds a certificate issued by the superintendent of public instruction pursuant to chapters 180-75, 180-77, 180-79, 180-80 and 180-84 WAC and who is employed by a school district in a position for which such certificate is required by statute, rule of the state board of education, or written policy or practice of the employing school district: PROVIDED, That in all cases, the school district superintendent shall be deemed to be a certificated employee.

(2) "Full-time-equivalent certificated employee" shall mean each certificated employee of the school district who, as of October 1 of each school year, is contracted to provide services for not less than 180 full work days, the length of such days to be determined by the district. In cases where an employee is contracted to provide services for 180 partial days, the employee shall be counted as a part of a full-time-equivalent employee, such part

to be the quotient to the nearest tenth obtained by dividing that part of the day worked by the full day as determined by the district. In cases where an employee is contracted to provide services for less than 180 full work days, the employee shall be counted as a part of a full-time-equivalent employee, such part to be the quotient obtained by dividing the number of work days contracted for by 180 and rounding to the nearest tenth: PROVIDED, That if the normal annual full-time contract for the position exceeds 180 working days, the greater number of work days normally contracted for shall be used as the divisor. No certificated employee shall be counted as more than one full-time-equivalent employee.

(3) "Classified employee" shall mean a person who is employed by a school district in a position which does not meet any of the requirements set forth in the definition of certificated employee in subsection (1) of this section.

(4) "Full-time-equivalent classified employee" shall mean an employee who is employed in a position which does not require certification for not less than 2,080 hours during a school year. A classified employee who is employed for less than 2,080 hours shall be counted as that part of a full-time employee as the number of hours employed bears to 2,080 hours as determined by the school district and rounded to the nearest tenth. No classified employee shall be counted as more than one full-time-equivalent employee.

((4) "Certificated staff salaries" shall mean those monies which a school district has agreed to pay all certificated employees who are employed on or before October 1 of each school year under terms of basic or regular employment contracts between the district and certificated employees, exclusive of those monies which are to be paid for a certificated employee's summer or extracurricular duties, regardless of whether such duties are a part of the regular employment contract or a supplemental employment contract.

(5) "Classified staff salaries" shall mean monies which a district has agreed to pay to all classified employees who are employed on or before November 1 of each school year for employment services to the district for that school year, exclusive of overtime pay, as reported to the superintendent of public instruction as of the first school day in November of each school year.))

**AMENDATORY SECTION** (Amending Order 80-29, filed 7/28/80)

**WAC 392-121-120 ((ADDITIONAL)) DEFINITION—LEAP DOCUMENT 1.** ((As used in this chapter, the term "staff mix table (LEAP Document 1)" shall mean the list of factors to which incremental values have been assigned in order to provide appropriate recognition of certificated staff salary costs pursuant to RCW 28A.41.140(1) attributable to the various levels of educational training and years of professional experience of certificated employees. The staff mix table is set forth below:

**STAFF MIX FACTOR TABLE DEVELOPED BY LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM (LEAP Table from LEAP Document 1) EDUCATION EXPERIENCE**

| Years of Service | BA    | BA    | BA    | BA    |
|------------------|-------|-------|-------|-------|
|                  | 15    | 30    | 45    | 90    |
| 0                | 1.000 | 1.027 | 1.055 | 1.083 |
| 1                | 1.037 | 1.065 | 1.094 | 1.124 |
| 2                | 1.075 | 1.104 | 1.134 | 1.167 |
| 3                | 1.115 | 1.145 | 1.176 | 1.211 |
| 4                | 1.156 | 1.188 | 1.220 | 1.257 |
| 5                | 1.199 | 1.232 | 1.265 | 1.305 |
| 6                | 1.244 | 1.277 | 1.312 | 1.355 |
| 7                | 1.290 | 1.324 | 1.360 | 1.406 |
| 8                | 1.337 | 1.373 | 1.410 | 1.460 |
| 9                |       | 1.424 | 1.463 | 1.515 |
| 10               |       |       | 1.517 | 1.573 |
| 11               |       |       |       | 1.633 |
| 12               |       |       |       | 1.695 |
| 13               |       |       |       | 1.882 |

| Years of Service | BA    | MA    | PHD   | PHD     |
|------------------|-------|-------|-------|---------|
|                  | 135   | MA    | 45    | MA + 90 |
| 0                | 1.231 | 1.173 | 1.244 | 1.305   |
| 1                | 1.276 | 1.217 | 1.290 | 1.353   |
| 2                | 1.323 | 1.262 | 1.338 | 1.403   |
| 3                | 1.372 | 1.308 | 1.387 | 1.455   |
| 4                | 1.423 | 1.357 | 1.438 | 1.509   |
| 5                | 1.476 | 1.407 | 1.492 | 1.564   |
| 6                | 1.530 | 1.459 | 1.547 | 1.622   |
| 7                | 1.587 | 1.513 | 1.604 | 1.682   |
| 8                | 1.646 | 1.569 | 1.663 | 1.745   |
| 9                | 1.707 | 1.627 | 1.725 | 1.809   |
| 10               | 1.770 | 1.687 | 1.789 | 1.876   |
| 11               | 1.835 | 1.750 | 1.855 | 1.945   |
| 12               | 1.903 | 1.815 | 1.924 | 2.017   |
| 13               | 1.973 | 1.882 | 1.995 | 2.092   |
| 14               | 2.046 | 1.951 | 2.069 | 2.169   |

"LEAP Document 1" shall mean the table of incremental values to three decimal places established to recognize differences in salary costs of basic education certificated staff attributable to the various levels of educational training and years of professional work experience which was developed by the legislative evaluation and accountability program (LEAP) committee on April 20, 1981, at 11:35 a.m.

**NEW SECTION**

**WAC 392-121-121 DEFINITION—STAFF MIX FACTOR.** As used in this chapter, "staff mix factor" shall mean any one of the numbers to three decimal places which appears on LEAP Document 1 dated April 20, 1981, at 11:35 a.m.

**AMENDATORY SECTION** (Amending Order 80-29, filed 7/28/80)

**WAC 392-121-125 ((ADDITIONAL)) DEFINITION—DISTRICT STAFF MIX FACTOR.** As used in this chapter the term "district staff mix factor" shall mean that number calculated to three decimal places as determined by:

(1) Assigning a staff mix factor from ((the staff mix factor table)) LEAP Document 1 dated April 20, 1981, at 11:35 a.m. to each certificated employee of the school

district who is employed in the school district's basic education program as determined by the school district on October 1 of each school year depending upon the employee's placement on the appropriate years of service line and on the appropriate education column. Placement on ~~((the staff mix table))~~ LEAP Document 1 shall be according to the following criteria:

(a) Number of years of experience as defined in WAC 392-121-130: PROVIDED, That the employee shall be placed on the line of fewer years of experience in cases where the employee's years of experience accumulate to less than half of a year or the employee shall be placed on the line of greater years of experience in cases where the employee's years of experience accumulate to one-half ~~((of a))~~ year or more; and

(b) The highest degree level as defined in WAC 392-121-135 and credits earned after that degree as defined in WAC 392-121-140 at the highest placement level for each employee: PROVIDED, That in cases where the number of credits earned after a degree by an employee falls between the education columns, that employee shall be placed on the lower column except in cases where the credit equivalency is one-half a quarter hour or less below the next highest education column, that person shall be placed on the higher column;

(2) Multiplying the number of full-time ~~((=equiva-  
lent))~~ employees as of October 1 with assigned staff mix factors by those ~~((mix))~~ factors;

(3) For part-time employees, multiplying the fraction of each employee's basic education full-time equivalency rounded to three decimal places by the respective mix factors;

(4) Adding the products obtained in (2) and (3) above; and

~~((4))~~ (5) Dividing the total obtained in ~~((3))~~ (4) above by the district's total number of full-time-equivalent certificated employees in basic education as of October 1 with assigned staff mix factors.

#### NEW SECTION

WAC 392-121-126 DEFINITION—SYSTEM-WIDE STAFF MIX FACTOR. As used in this chapter, the term "system-wide staff mix factor" shall mean the composite staff mix factor for all full-time-equivalent certificated staff in the state-wide basic education program as of October 1 of each school year. The factor shall be calculated as follows:

(1) The superintendent of public instruction shall first total the products obtained by (a) multiplying the number of full-time basic education certificated employees by their respective and appropriate staff mix factors and (b) for part-time basic education certificated employees, multiplying the fraction of each employee's basic education full-time equivalency rounded to three decimal places by the respective and appropriate mix factors. Rounding shall be accomplished by increasing the last required digit to the next highest number when the next digit to the right of the last required digit has a numeric value of five or more. The last required digit shall remain constant when the next digit to the right is less than five.

(2) The superintendent shall then divide the sum obtained in subsection (1) of this section by the total number of full-time-equivalent employees in the state-wide basic education program and round to four decimal places using the rounding process set forth in subsection (1) of this section.

(3) The quotient obtained in subsection (2) of this section shall be the system-wide staff mix factor.

#### NEW SECTION

WAC 392-121-127 PRORATION OF SCHOOL DISTRICT STAFF MIX FACTOR. If the system-wide staff mix factor exceeds 1.6182 in 1981-82 and 1982-83, each district's staff mix factor shall be prorated down by a uniform percentage to the extent necessary to bring the system-wide staff mix factor to 1.6182 in each of those years. The superintendent shall make the initial calculation of the system-wide staff mix factor no later than the last business day in January of each year. The superintendent shall incorporate the revised district staff mix factor into the calculations governing the February payment of basic education allocation funds. If school districts submit revised staff data which would change the district's staff mix factor, the superintendent will accept such revisions until the last business day in March of each year. The superintendent shall make a final determination of the system-wide staff mix factor and uniform percentage rate for reducing each district's staff mix factor pursuant to this section and incorporate that uniform percentage rate in the calculation of each district's basic education allocation.

AMENDATORY SECTION (Amending Order 80-29, filed 7/28/80)

WAC 392-121-145 PLACEMENT OF NONDEGREE CERTIFICATED PERSONNEL ON ~~((STAFF MIX TABLE))~~ LEAP DOCUMENT 1. Certificated employees without college degrees shall be placed on ~~((the staff mix table))~~ LEAP Document 1 as follows:

(1) Persons holding a valid initial or provisional certificate as a school nurse, a life teaching certificate, or a valid certificate as a special elementary or secondary consultant, or special crafts teacher shall be placed on the BA column.

(2) Persons holding a valid continuing or standard school nurse certificate shall be placed on the BA + 30 credits column.

(3) Persons holding valid vocational certificates as provided for in chapter 180-77 WAC shall be placed ~~((upon the staff mix factor table))~~ on LEAP Document 1 as follows:

(a) Persons meeting the minimum certification requirements shall be placed on the BA column; and

(b) Additional quarter credit hours earned shall be recognized on the basis of one quarter hour for each ten clock hours of approved teacher training and/or one quarter hour for each 100 clock hours of occupational experience as defined in chapter 180-77 WAC each earned after meeting the minimal vocational certification requirements. Persons reaching the BA + 135 credits

column with this process shall be placed on the MA column.

**AMENDATORY SECTION** (Amending Order 80-29, filed 7/28/80)

**WAC 392-121-155 PLACEMENT ON STAFF MIX TABLE—DOCUMENTATION REQUIRED.** School districts shall have documentation on file and available for review which substantiates each certificated employee's placement on ~~((the staff mix table))~~ LEAP Document 1.

Districts shall document the date of awarding or conferring of the degree. Documentation shall include the date upon which the degree was awarded or conferred as recorded on the diploma or official transcript: **PROVIDED,** That if the degree was awarded by an institution which does not confer degrees after each term, and all degree requirements were completed at a time other than the date recorded on the diploma or transcript, an official notarized statement from the institution verifying a prior completion date shall be adequate documentation.

For certificated employees having no degree of ~~((bachelor's))~~ bachelor's level or higher, no credits earned beyond degree may be reported: **PROVIDED,** That if a person has no degree and has current vocational certification, districts may count and should report as quarter hour credits earned the following:

(1) Approved vocational teacher training at the rate of one quarter hour credit for each ten clock hours of training received after meeting minimum vocational certification requirements;

(2) Occupational experience at the rate of one quarter hour credit for each 100 clock hours of occupational experience gained after meeting minimal vocational certification requirements.

**AMENDATORY SECTION** (Amending Order 80-29, filed 7/28/80)

**WAC 392-121-170 BASIC EDUCATION ALLOCATION—RESIDENT AND NONRESIDENT STUDENTS.** (1) State basic education allocation funds shall be paid for students enrolled in grades kindergarten through twelve who are under twenty-one years of age at the beginning of the school year.

(2) State basic education allocation funds shall be ~~((granted))~~ paid to each school district for resident students and nonresident students who are enrolled pursuant to chapter 392-135 WAC (interdistrict cooperation) or chapter 392-137 WAC (nonresident attendance)~~((;)).~~ Such funds shall be paid to the school district in which the student attends school.

**AMENDATORY SECTION** (Amending Order 80-36, filed 10/8/80)

**WAC 392-121-175 BASIC EDUCATION ALLOCATION—DEDUCTIBLE REVENUES.** In addition to those funds appropriated by the legislature for basic education allocation purposes, the deductible revenues expressly identified in RCW 28A.41.130 and the following deductible general fund revenues shall be included in

the computation of the total annual basic education allocation of each school district pursuant to RCW 28A.41.130 and 28A.41.140:

(1) Proceeds from the sale of tax title real property managed by a county or of property rights appurtenant thereto;

(2) Proceeds from the sale, rental or lease of stone, minerals, timber, forest products, other crops and matter, and improvements from or on tax title real property managed by a county;

(3) State forest funds;

(4) Proceeds from the state timber excise tax reserve fund;

(5) Federal in-lieu-of tax payments; and

(6) County in-lieu-of tax payments: **PROVIDED,** That otherwise deductible revenues from any of the foregoing sources received by a school district during the 1979-80 school year and any school year thereafter due solely to the district's levy of a building and capital projects fund or bond interest and redemption fund excess tax levy shall constitute nongeneral fund revenues and shall not be deducted in the computation of the district's annual basic education allocation for that school year.

**NEW SECTION**

**WAC 392-121-186 PROCEDURE FOR CREDITING PORTION OF BASIC EDUCATION ALLOCATION FOR CAPITAL PURPOSES IN SCHOOL DISTRICTS.** If a local school district board of directors wishes to direct a portion of the district's annual basic education allocation to the school district's Building and Capital Projects Fund or Bond Interest and Redemption Fund pursuant to RCW 28A.41.143, the district board shall execute a resolution requesting the superintendent of public instruction to pay a portion of that allocation to the credit of the district's Building and Capital Projects Fund and/or Bond Interest and Redemption Fund. Such board resolutions should specify the justification in detail and the dollar amount to be credited to the Building and Capital Projects Fund and/or Bond Interest and Redemption Fund. Such resolution should be received by the superintendent of public instruction on or before the tenth of the month when payment to the Building and Capital Projects Fund and/or Bond Interest and Redemption Fund is to begin. Without a properly executed resolution, this office shall pay all state apportionment due and apportionable to the credit of the school district's general fund. Such moneys paid to any fund pursuant to this section cannot be subsequently transferred to the credit of another fund.

Resolutions requesting this office to direct a portion of the district's basic education allocation to the Building and Capital Projects Fund and/or the Bond Interest and Redemption Fund will not be approved by this office if the loss of general fund revenue to the district will result in an out-of-balance general fund budget. Any school district that would have an out-of-balance general fund budget after the potential loss of general fund revenue which would result from such a redirection of revenue will need to revise the general fund budget document to the point of being in balance following appropriate budget modification or extension procedures in order for

this office to approve the resolution. A budget modification or extension may be necessary for the Building and Capital Projects Fund and/or Bond Interest and Redemption Fund.

Upon approval of the resolution by this office, payments will commence to the Building and Capital Projects Fund and/or Bond Interest and Redemption Fund in accordance with the apportionment schedule set forth in RCW 28A.48.010. Such payments shall reduce general fund apportionment payments by the full amount of the approved resolution in the month payment begins. If the amount of the approved resolution exceeds the entire monthly apportionment payment in the month payment begins, the entire apportionment payment will be paid to the fund(s) designated in the resolution until the amount of the approved resolution is paid, subject to moneys available in the district's basic education allocation.

### NEW SECTION

**WAC 392-121-195 FIRE DISTRICT ALLOCATION.** In addition to those funds distributed for basic education purposes, school districts are entitled per RCW 52.36.020 to be reimbursed for funds expended for the purchase of fire protection services from fire protection districts. Only school plants located in unincorporated areas shall be eligible for such funds.

Payment to districts shall be made each July as a part of the monthly apportionment allocation. The amount of payment shall be \$1.00 per student for those students enrolled in each eligible school plant.

The enrollment count used to compute each district's reimbursement will be taken each October 1 of the calendar year preceding the month of allocation. The count shall be entered on forms provided to school districts by the superintendent of public instruction.

Any funds allocated to school districts for the purpose stated in this rule and not used for this purpose shall be recovered by the superintendent of public instruction from a district's monthly apportionment allocation.

If the funds appropriated by the legislature for fire protection service reimbursement are insufficient to support the allocation rate of \$1.00 per student, the rate shall be reduced equally for all eligible districts on a pro rata basis.

### **WSR 81-20-072**

#### **WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF CORRECTIONS**

[Filed October 7, 1981]

Notice is hereby given that the Department of Corrections is withdrawing its notice of intention to adopt, amend or repeal rules, which was filed on July 22, 1981 with the Code Reviser's Office, WSR 81-15-092.

Before the adoption of any of these proposed changes, they will be republished in the Washington State Register in accordance with RCW 34.04.025.

Any questions regarding this withdrawal of intent should be addressed to John J. Sinclair, Administrator, Office of Contracts and Regulations, Department of Corrections, FN-61.

### **WSR 81-20-073**

#### **EMERGENCY RULES**

#### **PERSONNEL APPEALS BOARD**

[Order 81-2—Filed October 7, 1981]

Be it resolved by the Personnel Appeals Board, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to subpoenas, WAC 358-30-120.

We, the Personnel Appeals Board, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the legislature enacted chapter 311, Laws of 1981, effective May 19, 1981 and established a three member board to hear appeals of state employees. The Governor appointed the three board members effective July 27, 1981.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 311, Laws of 1981 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 30, 1981.

By K. W. Elfbrandt  
Acting Executive Secretary

### NEW SECTION

**WAC 358-30-120 SUBPOENAS (1)** Any member of the Personnel Appeals Board, the Executive Secretary or the hearings examiner may, and shall at the request of either party, issue subpoenas, including subpoenas duces tecum. The Personnel Appeals Board or the hearings examiner assigned to the appeal shall certify to the Superior Court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and, if the evidence warrants, punish such refusal in the same manner and to the same extent as for contempt committed before or in connection with the proceedings of the court.

(2) Every subpoena shall name the Personnel Appeals Board, the title and case number of the proceedings and shall command the person to whom it is directed to appear at a specified time and place and give testimony or produce designated books, documents, or things under that person's control.

(3) Any representative or party not represented shall prepare subpoenas for issuance, and may present them to a Personnel Appeals Board member, the Executive Secretary or the hearings examiner for signature, and upon return shall make arrangements for service. The service of all subpoenas shall be at the expense of the

party requiring the witness to appear. It is recommended that all subpoenas be submitted at least five days prior to the hearing.

(4) Subpoenas shall be personally served upon the designated individual who upon demand, where entitled to make such a demand, shall be tendered the fees for one day's attendance and the mileage allowed by law. A copy of the subpoena will also be provided to the opposing representative or prose party, agency personnel officer and union representative.

(5) Attorneys of record may issue subpoenas, including subpoenas duces tecum, in the same manner and form as members of the Personnel Appeals Board, the Executive Secretary or the hearings examiner. Any attorney so issuing a subpoena shall report a refusal to obey a subpoena, take the oath, or testify to the Personnel Appeals Board, the Executive Secretary or the hearings examiner who shall then issue a subpoena in accordance with subsections 1 through 4 of this rule.

**WSR 81-20-074**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
[Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning forest land values—1982, amending WAC 458-40-19106;

that such agency will at 10:00 a.m., Tuesday, November 10, 1981, in the Conference Room in Room 301, Evergreen Plaza Building, 711 South Capital Way, Olympia, WA 98501, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Monday, November 30, 1981, in the Director's Office, Room 415, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 84, 120 [RCW 84.33.120] as amended by chapter 148, Laws of 1981.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 10, 1981, and/or orally at 10:00 a.m., Tuesday, November 10, 1981, Conference Room in Room 301, Evergreen Plaza Building, 711 South Capital Way, Olympia, WA 98501.

Dated: October 7, 1981  
By: Trevor W. Thompson  
Director, Property Tax

**STATEMENT OF PURPOSE**

This Statement of Purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: WAC 458-40-19106, Forest Land Values—1982.

Purpose: To establish the forest lands values for each grade of bare forest land on the basis of its use only for growing and harvesting timber.

Statutory Authority: RCW 84.33.120 as amended by chapter 148, Laws of 1981, directs the Department of Revenue prior to January 1, of each year to determine forest land values and to certify such values to the county assessors.

Summary and Reasons for the Rule: The rule sets out the procedure for determining the per acre dollar value of forest land annually and giving consideration to land quality (land quality grades 1 through 8, and operability classes 1 through 4 for each land qualities 1 through 7) with a uniform valuation system throughout the state.

Drafters of the Rule: Bert Hoffmann, Room 307, Evergreen Plaza Building, 711 South Capital Way, Olympia, WA 98401, (206) 753-1359; and Bill Derkland, Room 307, Evergreen Plaza Building, 711 South Capital Way, Olympia, WA 98501, (206) 753-1359.

Rule Implementation and Enforcement: Glenn R. Pascall, Director of Revenue, Room 415, General Administration Building, Olympia, WA 98504, (206) 753-5512.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal laws involved or action required by the courts.

NEW SECTION

WAC 458-40-19106 FOREST LAND VALUES—1982. The forest land values, per acre, for each grade of forest land for the 1982 assessment year are determined to be as follows:

| 1982<br>WASHINGTON FOREST LAND VALUES |                   |                 |
|---------------------------------------|-------------------|-----------------|
| LAND GRADE                            | OPERABILITY CLASS | VALUES PER ACRE |
| 1                                     | 1                 | \$150           |
|                                       | 2                 | 145             |
|                                       | 3                 | 139             |
|                                       | 4                 | 101             |
| 2                                     | 1                 | 125             |
|                                       | 2                 | 121             |
|                                       | 3                 | 117             |
|                                       | 4                 | 85              |
| 3                                     | 1                 | 99              |
|                                       | 2                 | 96              |
|                                       | 3                 | 92              |
|                                       | 4                 | 70              |
| 4                                     | 1                 | 74              |
|                                       | 2                 | 72              |
|                                       | 3                 | 70              |
|                                       | 4                 | 55              |
| 5                                     | 1                 | 54              |
|                                       | 2                 | 51              |
|                                       | 3                 | 49              |
|                                       | 4                 | 33              |
| 6                                     | 1                 | 28              |
|                                       | 2                 | 27              |
|                                       | 3                 | 27              |
|                                       | 4                 | 24              |
| 7                                     | 1                 | 13              |
|                                       | 2                 | 13              |

| 1982<br>WASHINGTON FOREST LAND VALUES |                   |                 |
|---------------------------------------|-------------------|-----------------|
| LAND GRADE                            | OPERABILITY CLASS | VALUES PER ACRE |
|                                       | 3                 | 12              |
|                                       | 4                 | 12              |
| 8                                     |                   | 1               |

**WSR 81-20-075**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning assessments and collection, to change the assessment rate to one-quarter of one percent of the net receipts at the point of sale, amending WAC 16-528-040;

that such agency will at 1:15 p.m., Thursday, November 19, 1981, in the American Legion Hall, Ritzville, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, April 7, 1982, in the Office of the Director of Agriculture, Olympia, Washington.

The authority under which these rules are proposed in chapter 15.66 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 19, 1981, and/or orally at 1:15 p.m., Thursday, November 19, 1981, American Legion Hall, Ritzville, Washington.

Dated: October 7, 1981  
 By: G. David Kile  
 Assistant Director

**STATEMENT OF PURPOSE**

Title: Amend WAC 16-528-040.

Description of Purpose: Establish a new assessment rate at one-quarter of one percent of the net receipts at the point of sale.

Statutory Authority: Chapter 15.66 RCW.

Summary of Rule: Rule changes assessment rate from 1/2 cent per bushel to one-quarter of one percent of the net receipts at the point of sale.

Reasons Supporting Proposed Action: New assessments would vary with the price received. Present assessment does not.

Agency Personnel Responsible for Drafting: Roger L. Roberts, Special Programs Administrator, Agricultural Development Division, Washington State Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504, (206) 753-5046; Implementation and Enforcement: Washington Wheat Commission, 409 Great Western Building, Spokane, WA 99201, (509) 456-2481.

Persons Proposing Rule: Washington wheat growers by petition to the Director of Agriculture as provided for in RCW 15.66.050. Private.

Agency Comments or Recommendations: None.

Rule is not necessary as a result of federal law or federal or state court action.

**AMENDATORY SECTION** (Amending Order 1450, filed 4/3/76)

**WAC 16-528-040 ASSESSMENTS AND COLLECTION.** (1) Assessments. The annual assessment on wheat shall be (~~one-half cent per bushel~~) one-quarter of one percent of the net receipts at the point of sale. The assessment shall be levied and paid by the producer, or deducted, as provided in this section, whether the wheat is sold in this or any other state.

(2) Collection of assessments. The collection of the assessment made and levied by the wheat commission, pursuant to the provisions of the act, shall be paid by the producer thereof upon all commercial quantities of wheat sold, processed, stored or delivered for sale, processing or storage by him, under any or all of the methods of collections set forth in RCW 15.66.150, in accordance with rules and regulations to be promulgated by the wheat commission: **PROVIDED, HOWEVER,** That no assessment shall be levied or collected on wheat grown and used by the producer for feed, seed, or personal consumption.

(3) Funds. All moneys collected by the wheat commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and the wheat marketing order. At the end of each fiscal year, the commission shall credit each producer with any amount paid by such producer in excess of one-half cent per bushel of wheat. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

**WSR 81-20-076**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON COMMUNITY COLLEGE**  
**DISTRICT 17**

[Memorandum—October 6, 1981]

Pursuant to the requirement of section 12, chapter 240, Laws of 1977 1st ex. sess., notice is hereby given that the Board of Trustees of Washington Community College District 17 (Spokane) shall change its regular meeting date to the second Tuesday of each month, beginning November 10, 1981, at 1:30 p.m. in the Board Room of the District Office Building, N. 2000 Greene Street, Spokane, Washington.

**WSR 81-20-077**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning the regulation of securities broker-dealers, salespersons and investment advisers; amending WAC 360-20A-220, salesperson examinations; amending WAC 460-20A-230, broker-dealer examinations; and amending WAC 460-24A-050, investment adviser examinations;

that such agency will at 10:00 a.m., Wednesday, November 18, 1981, in Conference Room A, 4th Floor,

Highways-Licenses Building, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, November 20, 1981 (unless this matter is continued for further comment), in the Securities Division, Department of Licensing, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 21.20.450.

Interested persons may submit data, view, or arguments to this agency in writing to be received by this agency prior to November 18, 1981, and/or orally at 10:00 a.m., Wednesday, November 18, 1981, Conference Room A, 4th Floor, Highways-Licenses Building, Olympia, Washington 98504.

This notice is connected to and continues the matter in Notice No. WSR 81-17-086 filed with the code reviser's office on August 19, 1981.

Dated: October 1981

By: John Gonzalez  
Director

**WSR 81-20-078**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning method of computing workers' compensation premiums, risk classification definitions for workers' compensation insurance, experience rating plan rules and parameters applicable to workers' compensation insurance, basic insurance rates by risk classification, and premium size groups for retrospective rating plans.

The agency reserves the right to modify the text of these proposed rules prior to the public hearing thereon or in response to written or oral comments thereon received prior to or during the public hearing. Written and/or oral submissions may also contain data, views and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW. Correspondence relating to this notice and proposed rules attached should be addressed to:

Mr. Sam Kinville, Director  
Department of Labor and Industries  
General Administration Building  
Olympia, Washington 98504

Written or oral submissions may also contain data, views and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW;

that such agency will at 9:30 a.m., Friday, November 13, 1981, in the Shaw Room, Seattle Center, Seattle, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, November

20, 1981, in the Director's Office, Department of Labor and Industries, Third Floor, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 51.04.020 and 51.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 13, 1981, and/or orally at 9:30 a.m., Friday, November 13, 1981, Shaw Room, Seattle Center, Seattle, Washington.

Dated: October 7, 1981

By: Sam Kinville  
Director

**STATEMENT OF PURPOSE**

Title and WAC Number or Rule(s) or Chapter: The proposed rules attached are amendments and/or additions to chapter 296-17 WAC, which is the administrative code comprising the "Manual of Rules, Classifications, Rates, and Rating System for Washington State Workmen's Compensation Insurance."

Statutory Authority for the Rule(s): The attached rules are proposed under statutory authority provided by RCW 51.04.020 and 51.16.035.

Summary of the Rule(s): The proposed rules govern methods of premium calculation for worker's compensation insurance, risk classification definitions to be used for worker's compensation insurance, basic insurance rates for each such risk classification, experience rating plan rules and parameters applicable to this insurance, and standard premium size ranges pertaining to retrospective rating plans in effect on an optional basis for employers in Washington.

Description of the Purpose of Rule(s): The proposed rules accomplish two fundamental purposes: First, revision of premium calculation methods and basic rates by risk classification serve to maintain the actuarial solvency of the various worker's compensation funds administered by the Department of Labor and Industries. Second, amendments to certain risk classification definitions, revision of basic rates by risk classifications, and changes in experience rating plan rules and parameters serve to equitably distribute the burden of premium payment among industries and employers based on the most recent available experience.

Reasons Supporting the Proposed Rule(s): The proposed rules are supported by the following reasons: Benefit levels and medical prices continue to change, requiring commensurate adjustment of rate levels. The nature of claims being filed with and handled by the Department of Labor and Industries is subject to change as respects duration, intensity and type of treatment, and closing awards. These changes require further adjustment in rates. The Department of Labor and Industries' benefit funds' financial condition, which is composite result of past premium levels, claims experience, investment opportunities and other factors, has implications for rate levels which require periodic adjustment of rates. New underwriting experience which has become available since enactment of the January 1, 1981 rate

revision indicates that certain class definitions and class rates generally should be revised.

The Agency Personnel, Who are Responsible for the Drafting, Implementation and Enforcement of the Rule: Rick Slunaker, Assistant Director of Industrial Insurance, General Administration Building, Olympia, 753-6308.

Name of the Person or Organization, Whether Private, Public, or Governmental That is Proposing the Rule: These rules are proposed by the Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementations, Enforcement and Fiscal Matters Pertaining to the Rule: The proposed rules represent an overall increase in rate levels of approximately 10.3%. Anticipated premium income under the proposed rates for 1982 is \$207 million in the Accident Fund, \$142 million in the Medical Aid Fund, and \$56 million in the Supplemental Pension Fund.

The proposed rule is not necessary to comply with a federal law or a federal or state court decision.

**AMENDATORY SECTION** (Amending Order 78-23, filed 11/27/78, effective 1/1/79)

**WAC 296-17-350 MINIMUM PREMIUMS—ASSUMED WORKMAN HOURS.** A minimum premium is the lowest amount of premium to be paid by an employer and is also the basis for determining premium computation for workmen for whom an assumed number of workmen hours must be, and hereby, is established:

(1) Minimum premium. Except as otherwise provided in this chapter, every employer shall be liable for a premium not less than ten dollars for any calendar quarter regardless of number of workman hours reported.

(2) Minimum premium for elective adoption. Any employer having in his employ any person exempt from mandatory coverage under the provisions of RCW 51.12.020 and whose application for coverage under the elective adoption provisions of RCW 51.12.110 is accepted by the director, shall have a minimum premium rate for such employer's applicable class based upon not less than 40 workman hours for each month, until such time as elective adoption coverage is cancelled: **PROVIDED**, That the minimum premium rate as specified above shall not apply to agricultural workers obtaining coverage under this rule and the elective adoption provisions of RCW 51.12.110.

(3) Apartment house, apartment hotel, motor court and similar operations. Resident managers, caretakers or other similar occupations who are employed for irregular periods and whose compensation is for a stipulated sum in money or a substitute for money shall be reported for the purpose of calculation of premiums, each ~~((three))~~ **four** dollars of compensation in money or a substitute for money shall represent one workman hour: **PROVIDED**, That the employer shall not be required to report in excess of 40 hours per week for each person so employed.

(4) Commission salesman. Commission salesmen are to be reported for premium purposes at a minimum of assumed workman hours of not less than eight workman hours a day for part-time employment, or not less than 40 workman hours per week for full-time employment: **PROVIDED**, That the assumed eight workman hours daily for part-time employment will apply only if the employer's books and records are maintained so as to show separately such person's actual record of employment.

(5) Salaried personnel. Salaried personnel for the purposes of this chapter means persons whose compensation is not governed by the number of hours devoted to employment for his employer. Employers having salaried personnel in their employ shall for the purpose of premium calculation report assumed workman hours based upon 40 workman hours for each week in which any duties of salaried personnel are performed: **PROVIDED**, That salaried personnel, as defined by the foregoing, who are not regularly and continuously employed by the employer may for the purpose of premium calculation compute premiums in accordance with the piece worker rule, subsection (6) of this

section: **PROVIDED FURTHER**, The 40 hours per week may be substituted on behalf of all salaried employees by assuming 160 hours per month for each month in which employees are on salary: **PROVIDED FURTHER**, That the department may, at its discretion, authorize some other method in assuming workers hours for premium calculating purposes in the case of contract teachers employed by schools.

(6) Piece workers. Employees whose compensation is based upon the accomplishment of a number of individual tasks whether computed on the number of pounds, items, pieces, or otherwise, the employer shall for the purpose of premium calculation assume each two dollars of earnings of each employee as representing one workman hour: **PROVIDED**, That if the average rate of compensation for the applicable classification is at least \$3.00 but less than \$3.50 per workman hour the assumed amount shall be \$3.00 of earnings as representing one workman hour, and on a progressive basis, if the average compensation is at least \$3.50 but less than \$4.00 the assumed amount shall be \$3.50 of earnings as representing one workman hour, etc. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average rate of compensation for each classification: **PROVIDED FURTHER**, That if the employer maintains books and records to show separately the hours employed for each workman in his employ engaged in piece work then such actual workman hours shall be reported for the purpose of premium calculation.

(7) Noncontact sports teams. All employers having personnel in their employ as defined under WAC 296-17-745 shall for the purpose of premium calculations, report assumed workman hours based upon 40 workman hours for each week in which any duties are performed.

(8) All employers having personnel in their employ as defined under WAC 296-17-739 shall, for the purpose of premium calculations, report assumed workman hours based upon ~~((one hour))~~ **two hours** for each mount in each horse race; professional drivers shall report workman hours based upon ~~((one hour))~~ **two hours** for each heat or race of any racing event; provided, that any day such personnel do not ride or drive in a race, the premium calculation shall be made by assuming ~~((3))~~ **six** worker hours for any day in which duties are performed.

**AMENDATORY SECTION** (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

**WAC 296-17-514 CLASSIFICATION 4-1.**

Cleaning, washing, sand blasting buildings, ~~((N.O.C.))~~ including shop operations. Excludes portable washing and cleaning operations enumerated under Class 34-2 (WAC 296-17-580).

**AMENDATORY SECTION** (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

**WAC 296-17-534 CLASSIFICATION 10-2.**

Sawmills, operation and maintenance  
~~((Shingle mills, operation and maintenance  
Shake mills, operation and maintenance))~~  
Planing and moulding mills, operation and maintenance  
Lumber inspectors  
Operations conducted in the woods subject to logging, N.O.C.  
See Class 50-1 (WAC 296-17-659).

**NEW SECTION**

**WAC 296-17-53502 CLASSIFICATION 10-5.**

Shingle mills, operations and maintenance  
Shake mills, operations and maintenance  
Operations conducted in the woods  
Subject to logging, N.O.C.  
See Class 50-1 (WAC 296-17-659).

**AMENDATORY SECTION** (Amending Order 77-27, filed 11/30/77, effective 1/1/78)

**WAC 296-17-536 CLASSIFICATION 11-1.**

Automobile delivery drive away, automobile repossessing  
Drivers of sound trucks, street vending vehicles  
Delivery by wholesale, combined wholesale and retail stores and distributors, N.O.C.  
~~((Delivery by beer, ale, wine or soft drink distributors, wholesale or combined wholesale and retail))~~

Delivery companies, deliver parcels and packages, no bulk merchandise  
 Septic tank and cesspool cleaning, excludes installation or repair  
 Street sweeping, parking lot sweeping, portable chemical toilets servicing  
 Anhydrous ammonia delivery  
 News agents or distributors of magazines, periodicals and telephone books, no retail dealer  
 Distribution of sample merchandise by vehicle  
 Armoured car service  
 This class to include all maintenance and repair of firm's equipment by firm's employees.

AMENDATORY SECTION (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

WAC 296-17-563 CLASSIFICATION 21-2.

Warehouses - general merchandise. Wholesale dealers to be separately rated. Drivers will be separately rated under Class 11-2 (WAC 296-17-537) truckmen, N.O.C.  
 Collection and receiving stations, and dealers of rags, bottles, paper and metal containers, N.O.C., no junk dealers. Drivers will be separately rated under Class 11-2 (WAC 296-17-537) truckmen, N.O.C.  
 Grocery, fruit or produce distributors, wholesale or combined wholesale and retail. Drivers will be separately rated under Class 11-1 (WAC 296-17-536) delivery by combined wholesale and retail stores  
 Anhydrous ammonia, fertilizer and agricultural chemical dealers. Drivers will be separately rated under Class 11-1 (WAC 296-17-536) anhydrous ammonia delivery  
 (~~Beer, ale, wine, or soft drink distributors, wholesale or combined wholesale and retail. Drivers will be separately rated under Class 11-1 (WAC 296-17-536) beer and ale delivery~~)  
 Wool or cotton merchants. Drivers will be separately rated under Class 11-2 (WAC 296-17-537) truckmen, N.O.C.  
 All operations, including handling or packaging materials at warehouse.

NEW SECTION

WAC 296-17-56401 CLASSIFICATION 21-5.

Beer, ale, wine or soft drink distributors, wholesale or combined wholesale and retail. All operations.

AMENDATORY SECTION (Amending Order 76-36, filed 11/30/76)

WAC 296-17-568 CLASSIFICATION 29-3.

Excelsior, kindling wood, hog fuel, particle board, lumber re-manufacturing  
 Fishing pole manufacturing, wood, rattan or willow ware manufacturing  
 Coffin or casket manufacturing or assembly - wood  
 Pencil or furniture stock manufacturing  
 Furniture manufacturing, wood - including assembly  
 Sash, door or assembled millwork manufacturing  
 Assembly of other wood products from manufactured parts, N.O.C.  
 Box or shoo, pallet, lath manufacturing, wood  
 Cabinet shop, barrel stock manufacturing and assembly  
 Wood products manufacturing and assembly, N.O.C.  
 Veneer products manufacturing  
 Pipe or tube manufacturing, wood only  
 Door, door frames or sash manufacturing - wood covered with metal  
 Glass merchants, including auto glass installation (~~(in shop)~~) if done by glass merchants, N.O.C.  
 Housing, residential, factory-built shop only  
 Mobile home, campers and travel trailers manufacturing  
 Fibre ware manufacturing, N.O.C.  
 Counter tops manufacturing other than metal  
 Wooden gun stock manufacturing, woodenware manufacturing, N.O.C.  
 Sawmill operations to be separately rated under Class 10-2 (WAC 296-17-534). Veneer manufacture to be separately rated under Class 29-4 (WAC 296-17-569)  
 Physically separated upholstery departments of firms engaged in furniture, coffin or casket manufacturing, assembly, or finishing, may be

separately rated under Class 38-8 (WAC 296-17-612), and in accordance with WAC 296-17-410.

AMENDATORY SECTION (Amending Order 78-23, filed 11/27/78, effective 1/1/79)

WAC 296-17-576 CLASSIFICATION 33-1.

Fish canneries, fish freezing and processing, fish curing  
 Fish trap operation, oystermen, oyster raising, fish rearing  
 Oyster, crab, clam, canning or cold packing  
 Sea foods products, N.O.C., canning or manufacturing  
 Fish oil manufacturing  
 Marine life, nonedible, processing  
 This class excludes diving operations  
 See Class 2-2 (WAC 296-17-509) for divers.

AMENDATORY SECTION (Amending Order 79-18, filed 11/30/79, effective 1/1/80)

WAC 296-17-580 CLASSIFICATION 34-2.

Air compressor manufacturing, elevator manufacturing, gear grinding or manufacturing  
 Printing or bookbinding machinery manufacturing  
 Pump manufacturing, safe manufacturing, scale manufacturing or repair shop, auto jack manufacturing  
 Shoe machinery manufacturing, sprinkler head manufacturing, textile machinery manufacturing  
 Confectioners machinery manufacturing, precision machined parts, N.O.C., manufacturing  
 Machine shops, N.O.C., including mobile shops, tool sharpening  
 Power saw, lawn and garden equipment and small motor repair, N.O.C.  
 Boilermaking, tank building  
 Metal goods manufacturing, N.O.C., from material 9 gauge or heavier  
 Furnace, heater or radiator manufacturing  
 Saw manufacturing  
 Heat treating metal  
 Nut, bolt, screw, nail, tack, rivet, eyelet, spike and needle manufacturing, N.O.C.  
 Iron or steel works, shop, fabricate or assemble structural iron or steel  
 Abrasive wheel manufacturing  
 Welding or cutting, N.O.C.  
 Lead burning, metal spraying - copper  
 Automobile, truck, tractor radiator manufacturing and repair shops  
 Coppersmithing, shop  
 Office machinery manufacturing, N.O.C., cash register and sewing machine manufacturing  
 Small arms, speedometer and carburetor manufacturing  
 Sewing machine, commercial - repair and rebuild  
 Iron works - shop - manufacturing railings, staircases, fire escapes, etc.  
 Brass, bronze, iron - ornamental - shop fabricating, assemble and manufacturing  
 Iron works - shop - fabricate, assemble or manufacturing nonstructural iron or steel  
 Tool manufacturing, not hot forming or stamping, die manufacturing - ferrous  
 Auto body manufacturing - truck, trailer, bus body manufacturing, travel trailer body repair  
 (~~(Steam cleaning portable, N.O.C., no buildings or structures)~~)  
Portable cleaning and washing, N.O.C. - includes auto and truck washing, recreational vehicles and mobile homes. This class will also include washing of single story buildings, but only if the washing is not incidental to painting  
 Tool manufacturing, machine finishing  
 Auto or truck parts, machining or rebuild not in vehicle  
 Auto or truck engine manufacturing, aircraft engine manufacturing or rebuild, N.O.C.  
 Bed spring or wire mattress manufacturing  
 Valve manufacturing.

AMENDATORY SECTION (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

WAC 296-17-582 CLASSIFICATION 34-4.

Cans manufacturing  
 Galvanized iron works, manufacturing - not structural

Hardware manufacturing, N.O.C.  
 Metal stamping, including plating and polishing  
 Sign manufacturing other than wood – no installation  
 Metal goods manufacturing, N.O.C., from material lighter than 9 gauge  
 Aluminum ware manufacturing – from sheet aluminum  
 Coffin-casket manufacturing or assemble, other than wood  
 Awning manufacturing – metal – no installation  
 Furniture, bedstead, shower-door, showcases – not wood – manufacturing  
 Stove manufacturing, water heater assembly  
 Electric or gas lighting fixtures, lampshades or lantern manufacturing – metal  
 Brass or copper goods manufacturing  
 Window, sash or door manufacturing – aluminum  
 Auto parts manufacturing, miscellaneous stamped parts  
 Ski manufacturing and toboggan manufacturing other than wood  
 ((Fishing tackle manufacturing, N.O.C., hand assembly of flies, lures, and spinners may be separately rated under Class 36-2 (WAC 296-17-594) in accordance with WAC 296-17-410)).

AMENDATORY SECTION (Amending Order 78-23, filed 11/27/78, effective 1/1/79)

WAC 296-17-58201 CLASSIFICATION 34-5.

Aircraft parts manufacturing, N.O.C.  
For the purpose of this rule; aircraft parts means the component parts making the aircraft operative and becoming part of the aircraft when being manufactured by the aircraft manufacturing company.

AMENDATORY SECTION (Amending Order 79-18, filed 11/30/79, effective 1/1/80)

WAC 296-17-583 CLASSIFICATION 34-6.

Auto or truck service stations, N.O.C.  
 Auto or truck car washes, Excludes portable washes. See Class 34-2 (WAC 296-17-580)  
 Auto truck storage garages – no repair.

AMENDATORY SECTION (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

WAC 296-17-594 CLASSIFICATION 36-2.

Electronic products manufacturing; resistors, capacitors and relays manufacturing  
 Telephone, telegraph or radio apparatus manufacturing, N.O.C.  
 Dental laboratories  
 Jewelry manufacturing or engraving  
 Electronic parts assembly  
 Electrical cordset radio and ignition assembly  
 Watch manufacturing  
 Motion picture projectors and camera repair  
 ((Hand assembly of fishing flies, lures and spinners)) Fishing tackle manufacturing, N.O.C., including assembly  
 Instrument manufacturing, scientific or professional  
 Sound recording equipment, thermometer and steam gauge manufacturing  
 Incandescent lamp manufacturing, electric tube or transistor manufacturing  
 This class does not apply to the production of raw material for use in the manufacturing of the above articles.  
 All operations.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-595 CLASSIFICATION 36-3.

Metal plating or polishing, rustproofing – acid bath, N.O.C.  
 Electroplating and de-tinning, N.O.C.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-596 CLASSIFICATION 36-4.

Galvanizing or tinning – not electrolytic, N.O.C.

Re-tinning, rustproofing – galvanizing or hot bath, N.O.C.

AMENDATORY SECTION (Amending Order 79-18, filed 11/30/79, effective 1/1/80)

WAC 296-17-620 CLASSIFICATION 41-1.

Printing, lithography, engraving, map printing, N.O.C.  
 Rubber stamp manufacturing and assembling  
 Bookbinding((with printing))  
 Photoengraving.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-627 CLASSIFICATION 41-8.

Letter service shops and mailing or addressing companies, includes clerical office employees and salesmen.

AMENDATORY SECTION (Amending Order 75-38, filed 11/24/75, effective 1/1/76)

WAC 296-17-644 CLASSIFICATION 48-3.

Christmas tree planting, pruning and harvesting  
 Dairy farms  
 Sheep and goat raising  
 Stock farms, N.O.C.  
 Orchards and hop farms  
 ((Free farming. Excludes any operations subject to Class 50-1 (WAC 296-17-659))  
 Sheep and goat raising and stock farms, N.O.C., applies to all acreage devoted to raising of these animals  
 Orchards and hop farms – applies to all tree crops, deciduous and fruits, nuts, and shall include all acreage devoted to the raising of such crops  
 This class includes all operations incidental to the enterprises described above.

AMENDATORY SECTION (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

WAC 296-17-652 CLASSIFICATION 49-3.

Marine ((appraisers)) appraising  
 Boiler inspecting, N.O.C.  
 Elevator inspecting, no service  
 Inspection for insurance or valuation.

AMENDATORY SECTION (Amending Order 76-36, filed 11/30/76)

WAC 296-17-654 CLASSIFICATION 49-5.

Hotels, all operations – excluding restaurant and bar employees  
 Motels, all operations – excluding restaurant and bar employees  
 Apartment houses, all operations  
 Building management – all operations((-))  
Hotel and motel desk clerks with no other duties will be assigned Class 49-4 (WAC 296-17-653).

NEW SECTION

WAC 296-17-66002 CLASSIFICATION 50-4.

Tree planting and pre-commercial tree thinning—forestry type operations  
 Excludes any operations subject to Class 50-1 (WAC 296-17-659).

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-676 CLASSIFICATION 52-7.

Bowling alleys((-all employees, including tavern or restaurant employees))  
 Skating rinks—ice or roller  
All operations including food and beverage operations.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-684 CLASSIFICATION 61-7.

((Veterinaries))  
 Veterinary hospitals or clinics  
 Humane societies  
 Dog pounds  
 Animal shelters  
 Dog grooming parlors  
 All operations including clerical office and salesmen.

AMENDATORY SECTION (Amending Order 75-38, filed 11/24/75, effective 1/1/76)

WAC 296-17-685 CLASSIFICATION 61-8.

Convalescent or nursing homes  
 Rest homes  
 Homes for the aged  
 All operations including clerical office and salesmen  
 This class includes convalescent or nursing homes, rest homes or homes for the aged required to provide nursing care for the residents.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-686 CLASSIFICATION 61-9.

Physicians and surgeons, N.O.C.  
 Dentists, N.O.C.  
 Chiropractors, N.O.C.  
 Osteopaths, N.O.C.  
 Naturopaths, N.O.C.  
 Podiatrists, N.O.C.  
 Medical clinics, N.O.C.  
 Dental clinics, N.O.C.  
 Physical therapists, N.O.C.  
 Optometrists, N.O.C.  
 All operations including clerical office and salesmen.

AMENDATORY SECTION (Amending Order 75-38, filed 11/24/75, effective 1/1/76)

WAC 296-17-689 CLASSIFICATION 62-3.

YMCA/YWCA institutions  
 Boys or girls clubs  
 Excludes camp operations  
 All operations including clerical office and salesmen.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-690 CLASSIFICATION 62-4.

Baths, N.O.C.  
 Health clubs  
 Exercise or health institutes  
 Gymnasiums  
 All operations including clerical office and salesmen.

AMENDATORY SECTION (Amending Order 76-36, filed 11/30/76)

WAC 296-17-694 CLASSIFICATION 62-8.

Amusement parks  
 Ranges - archery, ball, dart, golf  
 Caves or caverns operation for exhibition purposes - including rides, ticket sellers, gate attendants  
 Concessions - boats in parks  
 Fairs  
 Shows - animal  
 Shows - flower, art  
 Miniature golf courses  
 Kiddie rides - permanent locations  
 Race tracks  
 Shooting galleries, air rifle - no firearms  
 ((Skating rinks - ice or roller))  
 Care, custody and maintenance

All operations including food and beverage operations.

AMENDATORY SECTION (Amending Order 76-36, filed 11/30/76)

WAC 296-17-695 CLASSIFICATION 62-9.

Boy/Girl Scout Council Camp employees  
 Trailer/Mobile home parks or camps  
 Resorts or camp grounds  
 Dude ranches - not cattle ranches  
 Bath houses - beach  
 Church camps  
 Swimming pools - public  
 YMCA/YWCA camp employees  
 Camp operations, recreational or educational, N.O.C.  
 All operations including clerical office and salesmen.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-700 CLASSIFICATION 63-5.

Clothing stores - retail  
 Dry goods stores - retail  
 Shoe stores - retail  
 Concessions for hat and coat checking  
 All operations including clerical office and salesmen.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-703 CLASSIFICATION 63-8.

Jewelry stores - wholesale/retail, watch repair  
 Hearing-aid stores - wholesale/retail  
 Optical stores, no lens grinding - wholesale/retail  
 All operations including clerical office and salesmen.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-706 CLASSIFICATION 64-2.

Grocery and meat stores, combined - retail including clerical office and salesmen  
 Lunch counters and restaurant operations to be separately rated.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-707 CLASSIFICATION 64-3.

Grocery stores - retail, no fresh meat cutting  
 Coffee, tea or spice stores - retail  
 Dairy products stores - retail  
 Delicatessens - retail, no fresh meat  
 Fruit or vegetable stores - retail  
 All operations including clerical office and salesmen  
 Lunch counters and restaurant operations to be separately rated.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-708 CLASSIFICATION 64-4.

Florists stores - retail  
 Christmas tree sales - from lot  
 All operations including clerical office and salesmen.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-717 CLASSIFICATION 65-4.

Stores - welfare - all operations including clerical office and salesmen  
 This classification includes collecting, conditioning and resale of used donated articles of the household type  
 (Goodwill - Salvation Army type stores).

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-719 CLASSIFICATION 65-6.

Photograph studios  
Film print shops - including developing and printing  
Film exchanges  
Microfilming  
Includes clerical office salesmen  
Outside photographers to be separately rated  
Drivers to be rated under Class 11-1 (WAC 296-17-536), delivery by combined wholesale and retail stores.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

WAC 296-17-721 CLASSIFICATION 65-8.

((Private residences - inservants)) Domestic servants employed in private residences of homeowners.

AMENDATORY SECTION (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

WAC 296-17-731 CLASSIFICATION 66-9.

Stables, stablemen and exercise boys  
Riding academies or clubs  
Jockeys, ((N.O.C., horseshoers and trainers)) horseshoeing and horse training, N.O.C.  
((Pack trains)).

AMENDATORY SECTION (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

WAC 296-17-736 CLASSIFICATION 67-5.

Ski tows, ski patrols and ski instructors  
Excursions - outdoor recreational N.O.C., includes river rides, pack trains, hiking and mountaineering, and including camping operations incidental thereto  
Athletic officials for amateur sports, N.O.C., such as umpires, and referees  
All operations.

AMENDATORY SECTION (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

WAC 296-17-758 CLASSIFICATION 71-5.

Temporary help companies  
This class applies to employees of Temporary Help Companies, N.O.C., that are referred on a temporary basis to its customers. This class applies if the customer's business is by nature enumerated in this manual as being subject to any of the following classes: 13-3 (WAC 296-17-540), 22-1 (WAC 296-17-565), 22-2 (WAC 296-17-566), 34-3 (WAC 296-17-581), 34-5 (WAC 296-17-58201), 34-6 (WAC 296-17-583), 34-8 (WAC 296-17-585), 36-2 (WAC 296-17-594), 37-1 (WAC 296-17-599), 37-3 (WAC 296-17-601), 37-7 (WAC 296-17-603), 37-8 (WAC 296-17-604), 38-1 (WAC 296-17-605), 38-2 (WAC 296-17-606), 38-3 (WAC 296-17-607), 38-4 (WAC 296-17-608), 38-5 (WAC 296-17-609), 38-6 (WAC 296-17-610), 38-8 (WAC 296-17-612), 38-9 (WAC 296-17-613), 39-5 (WAC 296-17-618), 41-1 (WAC 296-17-620), 41-2 (WAC 296-17-621), 41-3 (WAC 296-17-622), 41-4 (WAC 296-17-623), 41-5 (WAC 296-17-624), 41-6 (WAC 296-17-625), 41-7 (WAC 296-17-626), 41-8 (WAC 296-17-627), 41-9 (WAC 296-17-628), 45-1 (WAC 296-17-637), 45-2 (WAC 296-17-638), 45-3 (WAC 296-17-639), 45-4 (WAC 296-17-640), 49-5 (WAC 296-17-654), 52-7 (WAC 296-17-676), 61-5 (WAC 296-17-682), 61-7 (WAC 296-17-684), 62-1 (WAC 296-17-687), 62-3 (WAC 296-17-689), 62-4 (WAC 296-17-690), 62-5 (WAC 296-17-691), 62-6 (WAC 296-17-692), 62-9 (WAC 296-17-695), 63-1 (WAC 296-17-696), 63-2 (WAC 296-17-697), 63-4 (WAC 296-17-699), 63-5 (WAC 296-17-700), 63-6 (WAC 296-17-701), 63-8 (WAC 296-17-703), 63-9 (WAC 296-17-704), 64-2 (WAC 296-17-706), 64-3 (WAC 296-17-707), 64-4 (WAC 296-17-708), 64-5 (WAC 296-17-709), 64-6 (WAC 296-17-710), 64-7 (WAC 296-17-711), 65-3 (WAC 296-17-716), 65-4 (WAC 296-17-717), 65-5 (WAC 296-17-718), ((65-7

(~~WAC 296-17-720~~);) 65-8 (WAC 296-17-721), 65-9 (WAC 296-17-722), 66- (WAC 296-17-723), 66-3 (WAC 296-17-725), 66-4 (WAC 296-17-726), 66-5 (WAC 296-17-727), 66-7 (WAC 296-17-729), 67-4 (WAC 296-17-735), 67-9 (WAC 296-17-740), 69-9 (WAC 296-17-7530i).

AMENDATORY SECTION (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

WAC 296-17-761 CLASSIFICATION 71-8.

Temporary help companies

This class applies to employees of Temporary Help Companies, N.O.C., that are referred on a temporary basis to its customers. This class applies if the customer's business is by nature enumerated in this manual as being subject to any of the following classes: 1-1 (WAC 296-17-501), 1-2 (WAC 296-17-502), 1-3 (WAC 296-17-503), 1-4 (WAC 296-17-504), 1-5 (WAC 296-17-505), 1-6 (WAC 296-17-506), 1-7 (WAC 296-17-50601), 1-8 (WAC 296-17-50602), 1-9 (WAC 296-17-507), 3-2 (WAC 296-17-511), 4-1 (WAC 296-17-514), 4-2 (WAC 296-17-515), 4-3 (WAC 296-17-516), 5-2 (WAC 296-17-517), 5-4 (WAC 296-17-519), 5-5 (WAC 296-17-520), 5-8 (WAC 296-17-521), 6-4 (WAC 296-17-525), 7-1 (WAC 296-17-528), 8-4 (WAC 296-17-530), 9-1 (WAC 296-17-532), 10-2 (WAC 296-17-534), 10-3 (WAC 296-17-535), 10-4 (WAC 296-17-53501), 11-1 (WAC 296-17-536), 11-2 (WAC 296-17-537), 17-3 (WAC 296-17-550), 17-4 (WAC 296-17-551), 21-5 (WAC 296-17-56401), 35-6 (WAC 296-17-590), 43-5 (WAC 296-17-634), 52-6 (WAC 296-17-675), 62-7 (WAC 296-17-693), 66-9 (WAC 296-17-731), 69-2 (WAC 296-17-747), 69-4 (WAC 296-17-749), 69-5 (WAC 296-17-750), 69-7 (WAC 296-17-752), 71-3 (WAC 296-17-756).

AMENDATORY SECTION (Amending Order 79-18, filed 11/30/79, effective 1/1/80)

WAC 296-17-762 CLASSIFICATION 71-9.

Temporary help companies

This class applies to employees of Temporary Help Companies, N.O.C., that are referred on a temporary basis to its customers. This class applies if the customer's business is by nature enumerated in this manual as being subject to any of the following classes: 2-1 (WAC 296-17-508), 2-2 (WAC 296-17-509), 10-5 (WAC 296-17-53502), 17-1 (WAC 296-17-548), 17-2 (WAC 296-17-549), 50-1 (WAC 296-17-659), 50-2 (WAC 296-17-660), 50-3 (WAC 296-17-66001), 50-4 (WAC 296-17-66002), 68-3 (WAC 296-17-743), 69-3 (WAC 296-17-748).

NEW SECTION

WAC 296-17-765 CLASSIFICATION 72-3.

Juvenile community service workers

This class to include all community service workers performing work for counties under the provisions of chapter 13.40 RCW.

NEW SECTION

WAC 296-17-766 CLASSIFICATION 72-4.

Preferred workers

This class to include all preferred workers in accordance with the provisions of RCW 51.16.120(3) and WAC 296-16-010.

AMENDATORY SECTION (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

WAC 296-17-855 EXPERIENCE MODIFICATION. The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the losses which would be expected for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification shall be calculated from the formula:

$$\text{MODIFICATION} = \frac{\text{Ap} + \text{WAe} + (1-\text{W}) \text{Ee} + \text{B}}{\text{E} + \text{B}}$$

The components Ap, WAe, and (1-W) Ee are values which shall be charged against an employer's experience record. The component, E, shall be the expected value of these charges for an average employer reporting the same exposures in each classification. The meaning and function of each symbol in the formula is specified below.

"Ap" signifies "primary actual losses". For each claim the primary actual loss is defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation at its full value. For each claim in excess of ~~\$(2,394)~~ 2,681, the primary actual loss shall be determined from the formula:

$$\text{Primary loss} = \frac{((5,986)) \text{ 6,702}}{\text{Total loss} + ((3,592)) \text{ 4,021}} \times \text{total loss}$$

Primary actual losses for selected claim values are shown in Table I. For each claim less than ~~\$(2,394)~~ 2,681 the full value of the claim shall be considered a primary loss.

"Ae" signifies "excess actual losses". For each claim the excess actual loss is defined as that portion of the claim which is not considered completely rateable for all employers. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss.

"W" signifies "W value". For each employer, the W value determines the portion of the actual excess losses which shall be included in the calculation of his experience modification, due consideration being given to the volume of his experience. This amount is represented by the symbol "WAe" in the experience modification formula. W values are set forth in Table II.

"E" signifies "expected losses". An employer's expected losses shall be determined by multiplying his reported exposure in each classification during the experience period by the classification expected loss rate. Expected loss rates are set forth in Table III.

"Ee" signifies "expected excess losses". Expected losses in each classification shall be multiplied by the classification "D-Ratio" to obtain "expected primary losses". Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses. Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual losses. This charge is represented by "(1-W) Ee" in the experience modification formula. D-Ratios are set forth in Table III.

"B" signifies "B value" or "ballast". In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element (B value) shall be added to both actual and expected losses. B values are set forth in Table II.

**AMENDATORY SECTION** (Amending Order 78-23, filed 11/27/78, effective 1/1/79)

**WAC 296-17-870 EVALUATION OF ACTUAL LOSSES.** Except as provided in the following subsections of this paragraph, actual losses shall include all payments as of the "valuation date" for each claim arising from an accident occurring during the experience period. Losses for claims open as of the valuation date may also include a reserve for future payments. Actual losses on claims for accidents occurring outside of the experience period shall not be included.

(1) Valuation date. The valuation date shall be on and include December 31, one year and one day immediately preceding the effective date of premium rates as set forth in WAC 296-17-895.

(2) Retroactive adjustments - Revision of losses between valuation dates. No claim value shall be revised between valuation dates and no retroactive adjustment of an experience modification shall be made because of disputation concerning the judgment of the claims examiner or because of subsequent developments except as specifically provided in the following cases:

(a) In cases where loss values are included or excluded through mistake other than error of judgment.

(b) In cases where a third party recovery is made.

(c) In cases where the claim qualifies as a second injury claim under the provisions of RCW 51.16.120.

(d) In cases where a claim is officially closed and is determined to be noncompensable.

In the above specified cases retroactive adjustment of the experience modification shall be made for each rating in which the claim was included.

(3) Average death value. Each (~~fatal claim~~) fatality occurring to a worker included within the mandatory or elective coverage of Title 51 RCW shall be assigned the "average death value", said value to be the average incurred cost for all (~~fatal claims~~) such fatalities occurring during the experience period. The average death value is set forth in Table II.

(4) Third party recovery. In the event of a third party recovery on a claim, the employer shall be charged for a portion of the actual loss amount, gross of such recovery, established on the claim for each year in which the claim's injury date falls within the experience period (see WAC 296-17-850). This portion shall be calculated at the time the recovery is made, and shall be determined by taking the ratio of the total cost of the claim, including attorneys' fees, after recovery, to the total cost of the claim before recovery. If the claim is open at the time the recovery is made, then costs before and after recovery may include an allowance for future claim payment. Both the primary and excess components of the actual loss amount shall be reduced in the same proportion.

actual loss amount shall be reduced in the same proportion.

(5) Second injury claims. The primary and excess values of any claim which becomes eligible for second injury relief under the provisions of RCW 51.16.120, as now or hereafter amended, shall be reduced by the percentage of relief granted.

(6) Occupational disease claims. When a claim results from an employee's exposure to an occupational disease hazard, the "date of injury," for the purposes of experience rating, shall be the date on which the disability was diagnosed, giving rise to the filing of a claim for benefits. The cost of any occupational disease claim, paid from the accident fund and arising from exposure to the disease hazard under two or more employers, shall be prorated to each period of employment involving exposure to the hazard. Each insured employer who had employed the claimant during the experience period, and for at least ten percent of the claimant's exposure to the hazard, shall be charged for his share of the claim based upon the prorated costs.

(7) Maximum claim value. No claim shall enter an employer's experience record at a value greater than the "maximum claim value." The maximum claim value is set forth in Table II.

**AMENDATORY SECTION** (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

**WAC 296-17-875 TABLE I.**

| Primary Losses for Selected Claim Values |              |
|--|--------------|
| CLAIM VALUE                              | PRIMARY LOSS |
| <del>((2,394</del>                       | <u>2,394</u> |
| 3,609                                    | 3,000        |
| 5,057                                    | 3,500        |
| 7,235                                    | 4,000        |
| 10,878                                   | 4,500        |
| 18,215                                   | 5,000        |
| 40,650                                   | 5,500        |
| 56,375*                                  | 5,627        |
| 59,860**                                 | 5,647)       |
| 2,681                                    | 2,681        |
| 3,259                                    | 3,000        |
| 4,395                                    | 3,500        |
| 5,953                                    | 4,000        |
| 8,217                                    | 4,500        |
| 11,813                                   | 5,000        |
| 18,399                                   | 5,500        |
| 62,138*                                  | 6,295        |
| 67,020**                                 | 6,323        |

\* Average death value

\*\* Maximum claim value

**AMENDATORY SECTION** (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

**WAC 296-17-880 TABLE II.**

**"B" and "W" Values**

Maximum Claim Value = \$(59,860) 62,138  
 Average Death Value = \$(56,375) 67,020

| EXPECTED LOSSES | B                      | W   |
|-----------------|------------------------|-----|
| ((+296) & Under | ((+294))               | 0   |
| 1,451           | 12,646                 |     |
| ((2,612)) -     | ((+297)) ((+1,181))    | .01 |
| 2,925           | 1,452 12,520           |     |
| ((2,613)) -     | ((3,948)) ((+1,068))   | .02 |
| 4,421           | 2,926 12,393           |     |
| ((3,949)) -     | ((5,305)) ((+9,955))   | .03 |
| 5,939           | 4,422 12,267           |     |
| ((5,306)) -     | ((6,682)) ((+8,842))   | .04 |
| 7,481           | 5,940 12,140           |     |
| ((6,683)) -     | ((8,080)) ((+6,729))   | .05 |
| 9,046           | 7,482 12,014           |     |
| ((8,081)) -     | ((9,500)) ((+6,616))   | .06 |
| 10,636          | 9,047 11,887           |     |
| ((9,501)) -     | ((+9,942)) ((+6,503))  | .07 |
| 12,251          | 10,637 11,761          |     |
| ((+9,943)) -    | ((+2,407)) ((+10,390)) | .08 |
| 13,891          | 12,252 11,634          |     |
| ((+2,408)) -    | ((+3,896)) ((+10,278)) | .09 |
| 15,558          | 13,892 11,508          |     |
| ((+3,897)) -    | ((+5,408)) ((+10,165)) | .10 |
| 17,252          | 15,559 11,381          |     |
| ((+5,409)) -    | ((+6,946)) ((+10,052)) | .11 |
| 18,974          | 17,253 11,255          |     |
| ((+6,947)) -    | ((+8,509)) ((9,939))   | .12 |
| 20,724          | 18,975 11,128          |     |
| ((+8,510)) -    | ((+10,099)) ((9,826))  | .13 |
| 22,503          | 20,725 11,002          |     |
| ((+10,099)) -   | ((+11,715)) ((9,713))  | .14 |
| 24,313          | 22,504 10,876          |     |
| ((+11,716)) -   | ((+13,359)) ((9,600))  | .15 |
| 26,153          | 24,314 10,749          |     |
| ((+13,360)) -   | ((+15,031)) ((9,487))  | .16 |
| 28,025          | 26,154 10,623          |     |
| ((+15,032)) -   | ((+16,732)) ((9,374))  | .17 |
| 29,929          | 28,026 10,496          |     |
| ((+16,733)) -   | ((+18,463)) ((9,261))  | .18 |
| 31,868          | 29,930 10,370          |     |
| ((+18,464)) -   | ((+20,225)) ((9,148))  | .19 |
| 33,840          | 31,869 10,243          |     |
| ((+20,226)) -   | ((+22,019)) ((9,035))  | .20 |
| 35,848          | 33,841 10,117          |     |
| ((+22,020)) -   | ((+23,845)) ((8,922))  | .21 |
| 37,893          | 35,849 9,990           |     |
| ((+23,846)) -   | ((+25,705)) ((8,809))  | .22 |
| 39,976          | 37,894 9,864           |     |
| ((+25,706)) -   | ((+27,599)) ((8,696))  | .23 |
| 42,097          | 39,977 9,737           |     |
| ((+27,600)) -   | ((+29,529)) ((8,583))  | .24 |
| 44,258          | 42,098 9,611           |     |
| ((+29,530)) -   | ((+31,495)) ((8,471))  | .25 |
| 46,460          | 44,259 9,485           |     |
| ((+31,496)) -   | ((+33,500)) ((8,358))  | .26 |
| 48,704          | 46,461 9,358           |     |
| ((+33,501)) -   | ((+35,544)) ((8,245))  | .27 |
| 50,992          | 48,705 9,232           |     |
| ((+35,545)) -   | ((+37,628)) ((8,132))  | .28 |
| 53,325          | 50,993 9,105           |     |
| ((+37,629)) -   | ((+39,753)) ((8,019))  | .29 |
| 55,706          | 53,326 8,979           |     |
| ((+39,754)) -   | ((+41,922)) ((7,906))  | .30 |
| 58,133          | 55,706 8,852           |     |
| ((+41,923)) -   | ((+44,134)) ((7,793))  | .31 |
| 60,611          | 58,133 8,726           |     |
| ((+44,135)) -   | ((+46,392)) ((7,680))  | .32 |
| 63,139          | 60,611 8,599           |     |
| ((+46,393)) -   | ((+48,697)) ((7,567))  | .33 |
| 65,720          | 63,139 8,473           |     |
| ((+48,698)) -   | ((+51,051)) ((7,454))  | .34 |
| 68,355          | 65,720 8,346           |     |
| ((+51,052)) -   | ((+53,455)) ((7,341))  | .35 |
| 71,047          | 68,355 8,220           |     |
| ((+53,456)) -   | ((+55,912)) ((7,228))  | .36 |
| 73,797          | 71,047 8,093           |     |
| ((+55,913)) -   | ((+58,422)) ((7,115))  | .37 |
| 76,606          | 73,797 7,967           |     |
| ((+58,423)) -   | ((+60,988)) ((7,002))  | .38 |

| EXPECTED LOSSES | B         | W   |
|-----------------|-----------|-----|
| 76,607          | 7,841     |     |
| ((70,989)) -    | ((6,889)) | .39 |
| 79,480          | 7,714     |     |
| ((73,613)) -    | ((6,776)) | .40 |
| 82,418          | 7,588     |     |
| ((76,296)) -    | ((6,663)) | .41 |
| 85,422          | 7,461     |     |
| ((79,041)) -    | ((6,551)) | .42 |
| 88,496          | 7,335     |     |
| ((81,850)) -    | ((6,438)) | .43 |
| 91,642          | 7,208     |     |
| ((84,727)) -    | ((6,325)) | .44 |
| 94,862          | 7,082     |     |
| ((87,672)) -    | ((6,212)) | .45 |
| 98,159          | 6,955     |     |
| ((90,689)) -    | ((6,099)) | .46 |
| 101,537         | 6,829     |     |
| ((93,780)) -    | ((6,048)) | .47 |
| 104,998         | 6,702     |     |
| ((96,949)) -    | ((6,073)) | .48 |
| 108,546         | 6,576     |     |
| ((100,198)) -   | ((6,033)) | .49 |
| 112,184         | 6,449     |     |
| ((103,531)) -   | ((6,047)) | .50 |
| 115,915         | 6,323     |     |
| ((106,951)) -   | ((6,046)) | .51 |
| 119,744         | 6,197     |     |
| ((110,462)) -   | ((6,041)) | .52 |
| 123,675         | 6,070     |     |
| ((114,067)) -   | ((6,070)) | .53 |
| 127,711         | 5,944     |     |
| ((117,770)) -   | ((6,075)) | .54 |
| 131,857         | 5,817     |     |
| ((121,576)) -   | ((6,082)) | .55 |
| 136,118         | 5,691     |     |
| ((125,489)) -   | ((6,099)) | .56 |
| 140,499         | 5,564     |     |
| ((129,513)) -   | ((6,116)) | .57 |
| 145,004         | 5,438     |     |
| ((133,655)) -   | ((6,133)) | .58 |
| 149,641         | 5,311     |     |
| ((137,917)) -   | ((6,150)) | .59 |
| 154,414         | 5,185     |     |
| ((142,308)) -   | ((6,167)) | .60 |
| 159,331         | 5,058     |     |
| ((146,833)) -   | ((6,184)) | .61 |
| 164,397         | 4,932     |     |
| ((151,498)) -   | ((6,201)) | .62 |
| 169,620         | 4,806     |     |
| ((156,310)) -   | ((6,218)) | .63 |
| 175,007         | 4,679     |     |
| ((161,275)) -   | ((6,235)) | .64 |
| 180,567         | 4,553     |     |
| ((166,403)) -   | ((6,252)) | .65 |
| 186,307         | 4,426     |     |
| ((171,701)) -   | ((6,269)) | .66 |
| 192,239         | 4,300     |     |
| ((177,177)) -   | ((6,286)) | .67 |
| 198,370         | 4,173     |     |
| ((182,841)) -   | ((6,303)) | .68 |
| 204,712         | 4,047     |     |
| ((188,704)) -   | ((6,320)) | .69 |
| 211,276         | 3,920     |     |
| ((194,776)) -   | ((6,337)) | .70 |
| 218,074         | 3,794     |     |
| ((201,069)) -   | ((6,354)) | .71 |
| 225,119         | 3,667     |     |
| ((207,594)) -   | ((6,371)) | .72 |
| 232,425         | 3,541     |     |
| ((214,367)) -   | ((6,388)) | .73 |
| 240,008         | 3,414     |     |
| ((221,400)) -   | ((6,405)) | .74 |
| 247,883         | 3,288     |     |
| ((228,710)) -   | ((6,422)) | .75 |
| 256,067         | 3,162     |     |
| ((236,314)) -   | ((6,439)) | .76 |
| 264,581         | 3,035     |     |
| ((244,230)) -   | ((6,456)) | .77 |
| 273,444         | 2,909     |     |
| ((252,479)) -   | ((6,473)) | .78 |
| 282,679         | 2,782     |     |
| ((261,081)) -   | ((6,490)) | .79 |
| 292,310         | 2,656     |     |
| ((270,060)) -   | ((6,507)) | .80 |
| 302,363         | 2,529     |     |
| ((279,442)) -   | ((6,524)) | .81 |
| 312,868         | 2,403     |     |

| EXPECTED LOSSES          | B                      | W                  | CLASS | ((1979<br>1980 | 1978<br>1979      | 1977)<br>1978  | D-RATIO        |                |
|--------------------------|------------------------|--------------------|-------|----------------|-------------------|----------------|----------------|----------------|
| ((289,256)) -<br>323,855 | ((299,530))<br>335,358 | ((2,033))<br>2,276 | .82   | 5-2            | ((-1499)<br>2237  | .1455<br>.1861 | .1485<br>.1749 | (.412)<br>.375 |
| ((299,531)) -<br>335,359 | ((310,301))<br>347,418 | ((1,920))<br>2,150 | .83   | 5-3            | ((-8846)<br>.1126 | .0811<br>.0925 | .0825<br>.0864 | (.427)<br>.434 |
| ((310,302)) -<br>347,419 | ((321,605))<br>360,074 | ((1,807))<br>2,023 | .84   | 5-4            | ((-1819)<br>.3039 | .1773<br>.2544 | .1811<br>.2397 | (.408)<br>.350 |
| ((321,606)) -<br>360,075 | ((333,483))<br>373,372 | ((1,694))<br>1,897 | .85   | 5-5            | ((-2863)<br>.2957 | .1959<br>.2450 | .1992<br>.2298 | (.436)<br>.394 |
| ((333,484)) -<br>373,373 | ((345,980))<br>387,364 | ((1,581))<br>1,770 | .86   | 5-8            | ((-2617)<br>.3744 | .2717<br>.3138 | .2810<br>.2959 | (.338)<br>.343 |
| ((345,981)) -<br>387,365 | ((359,147))<br>402,106 | ((1,468))<br>1,644 | .87   | 6-1            | ((-8687)<br>.0922 | .0664<br>.0757 | .0678<br>.0706 | (.416)<br>.443 |
| ((359,148)) -<br>402,107 | ((373,039))<br>417,659 | ((1,355))<br>1,518 | .88   | 6-2            | ((-8687)<br>.1039 | .0677<br>.0866 | .0693<br>.0814 | (.397)<br>.371 |
| ((373,040)) -<br>417,660 | ((387,718))<br>434,094 | ((1,242))<br>1,391 | .89   | 6-3            | ((-1064)<br>.1588 | .1041<br>.1316 | .1064<br>.1234 | (.403)<br>.395 |
| ((387,719)) -<br>434,095 | ((403,254))<br>451,488 | ((1,129))<br>1,265 | .90   | 6-4            | ((-1891)<br>.2463 | .1822<br>.2036 | .1856<br>.1908 | (.421)<br>.403 |
| ((403,255)) -<br>451,489 | ((419,723))<br>469,929 | ((1,016))<br>1,138 | .91   | 6-6            | ((-8464)<br>.0551 | .0432<br>.0451 | .0436<br>.0421 | (.459)<br>.443 |
| ((419,724)) -<br>469,930 | ((437,217))<br>489,514 | ((904))<br>1,012   | .92   | 6-7            | ((-8508)<br>.0676 | .0493<br>.0561 | .0504<br>.0526 | (.410)<br>.391 |
| ((437,218)) -<br>489,515 | ((455,831))<br>510,355 | ((791))<br>885     | .93   | 7-1            | ((-1532)<br>.2629 | .1628<br>.2207 | .1690<br>.2080 | (.312)<br>.338 |
| ((455,832)) -<br>510,356 | ((475,679))<br>532,576 | ((678))<br>759     | .94   | 8-3            | ((-8756)<br>.1005 | .0743<br>.0837 | .0760<br>.0787 | (.399)<br>.368 |
| ((475,680)) -<br>532,577 | ((496,887))<br>556,322 | ((565))<br>632     | .95   | 8-4            | ((-1202)<br>.1757 | .1220<br>.1468 | .1256<br>.1383 | (.363)<br>.354 |
| ((496,888)) -<br>556,323 | ((519,603))<br>581,754 | ((452))<br>506     | .96   | 9-1            | ((-3017)<br>.4896 | .3037<br>.4105 | .3123<br>.3870 | (.372)<br>.342 |
| ((519,604)) -<br>581,755 | ((543,993))<br>609,061 | ((339))<br>379     | .97   | 9-2            | ((-8908)<br>.1210 | .0838<br>.0981 | .0847<br>.0910 | (.467)<br>.495 |
| ((543,994)) -<br>609,062 | ((570,250))<br>638,459 | ((226))<br>253     | .98   | 10-2           | ((-2881)<br>.2454 | .2724<br>.2017 | .2766<br>.1883 | (.441)<br>.433 |
| ((570,251)) -<br>638,460 | ((598,599))<br>670,199 | ((113))<br>126     | .99   | 10-3           | ((-1195)<br>.1519 | .1109<br>.1247 | .1121<br>.1164 | (.462)<br>.439 |
| ((598,600)) &<br>670,200 | over<br>0              |                    | 1.00  | 10-4           | ((-2881)<br>.1519 | .2724<br>.1247 | .2766<br>.1164 | (.441)<br>.439 |

AMENDATORY SECTION (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

WAC 296-17-885 TABLE III.

Expected Loss Rates and D-Ratios  
Expected Loss Rates in Dollars Per Workman Hour  
For Indicated Fiscal Year

| CLASS | ((1979<br>1980    | 1978<br>1979   | 1977)<br>1978  | D-RATIO         |
|-------|-------------------|----------------|----------------|-----------------|
| 1-1   | ((-1638)<br>.2246 | .1610<br>.1867 | .1647<br>.1752 | (.398)<br>.383  |
| 1-2   | ((-1529)<br>.2126 | .1542<br>.1776 | .1587<br>.1671 | (.378)<br>.358  |
| 1-3   | ((-1965)<br>.2711 | .1914<br>.2244 | .1955<br>.2104 | (.408)<br>.398  |
| 1-4   | ((-1577)<br>.2241 | .1588<br>.1868 | .1633<br>.1756 | (.371)<br>.370  |
| 1-5   | ((-1582)<br>.2044 | .1502<br>.1683 | .1526<br>.1573 | (.436)<br>.425  |
| 1-6   | ((-2526)<br>.4607 | .2654<br>.3904 | .2750<br>.3699 | (.324)<br>.294  |
| 1-7   | ((-1432)<br>.1790 | .1344<br>.1485 | .1363<br>.1393 | (.448)<br>.392  |
| 1-8   | ((-1522)<br>.2174 | .1525<br>.1821 | .1565<br>.1716 | (.378)<br>.347  |
| 1-9   | ((-2124)<br>.2972 | .2064<br>.2457 | .2107<br>.2301 | (.411)<br>.406  |
| 2-1   | ((-3611)<br>.5260 | .3861<br>.4442 | .4014<br>.4202 | (.304)<br>.309  |
| 2-2   | ((-3386)<br>.5301 | .3451<br>.4459 | .3556<br>.4211 | (.358)<br>.327  |
| 3-1   | ((-8839)<br>.1199 | .0779<br>.0983 | .0787<br>.0917 | (.461)<br>.446  |
| 3-2   | ((-2169)<br>.3431 | .2152<br>.2868 | .2207<br>.2700 | (.388)<br>.356  |
| 3-6   | ((-1144)<br>.1347 | .1113<br>.1113 | .1136<br>.1042 | (.410)<br>.406  |
| 3-7   | ((-8891)<br>.1264 | .0848<br>.1042 | .0862<br>.0974 | (.435)<br>.420  |
| 4-1   | ((-2741)<br>.4426 | .2807<br>.3741 | .2895<br>.3539 | (.353)<br>.307  |
| 4-2   | ((-2741)<br>.4426 | .2807<br>.3741 | .2895<br>.3539 | (.353)<br>.307  |
| 4-3   | ((-2055)<br>.2992 | .2049<br>.2494 | .2103<br>.2345 | (.382)<br>.369  |
| 5-2   | ((-1499)<br>2237  | .1455<br>.1861 | .1485<br>.1749 | (.412)<br>.375  |
| 5-3   | ((-8846)<br>.1126 | .0811<br>.0925 | .0825<br>.0864 | (.427)<br>.434  |
| 5-4   | ((-1819)<br>.3039 | .1773<br>.2544 | .1811<br>.2397 | (.408)<br>.350  |
| 5-5   | ((-2863)<br>.2957 | .1959<br>.2450 | .1992<br>.2298 | (.436)<br>.394  |
| 5-8   | ((-2617)<br>.3744 | .2717<br>.3138 | .2810<br>.2959 | (.338)<br>.343  |
| 6-1   | ((-8687)<br>.0922 | .0664<br>.0757 | .0678<br>.0706 | (.416)<br>.443  |
| 6-2   | ((-8687)<br>.1039 | .0677<br>.0866 | .0693<br>.0814 | (.397)<br>.371  |
| 6-3   | ((-1064)<br>.1588 | .1041<br>.1316 | .1064<br>.1234 | (.403)<br>.395  |
| 6-4   | ((-1891)<br>.2463 | .1822<br>.2036 | .1856<br>.1908 | (.421)<br>.403  |
| 6-6   | ((-8464)<br>.0551 | .0432<br>.0451 | .0436<br>.0421 | (.459)<br>.443  |
| 6-7   | ((-8508)<br>.0676 | .0493<br>.0561 | .0504<br>.0526 | (.410)<br>.391  |
| 7-1   | ((-1532)<br>.2629 | .1628<br>.2207 | .1690<br>.2080 | (.312)<br>.338  |
| 8-3   | ((-8756)<br>.1005 | .0743<br>.0837 | .0760<br>.0787 | (.399)<br>.368  |
| 8-4   | ((-1202)<br>.1757 | .1220<br>.1468 | .1256<br>.1383 | (.363)<br>.354  |
| 9-1   | ((-3017)<br>.4896 | .3037<br>.4105 | .3123<br>.3870 | (.372)<br>.342  |
| 9-2   | ((-8908)<br>.1210 | .0838<br>.0981 | .0847<br>.0910 | (.467)<br>.495  |
| 10-2  | ((-2881)<br>.2454 | .2724<br>.2017 | .2766<br>.1883 | (.441)<br>.433  |
| 10-3  | ((-1195)<br>.1519 | .1109<br>.1247 | .1121<br>.1164 | (.462)<br>.439  |
| 10-4  | ((-2881)<br>.1519 | .2724<br>.1247 | .2766<br>.1164 | (.441)<br>.439  |
| 10-5  | .4693             | .3885          | .3641          | .399            |
| 11-1  | ((-1189)<br>.1377 | .1215<br>.1141 | .1253<br>.1069 | (.356)<br>.395  |
| 11-2  | ((-1512)<br>.2185 | .1467<br>.1812 | .1498<br>.1699 | (.412)<br>.393  |
| 11-3  | ((-8646)<br>.0901 | .0612<br>.0739 | .0622<br>.0690 | (.438)<br>.443  |
| 13-1  | ((-8572)<br>.0900 | .0552<br>.0745 | .0563<br>.0698 | (.420)<br>.400  |
| 13-3  | ((-8364)<br>.0512 | .0349<br>.0420 | .0356<br>.0392 | (.425)<br>.437  |
| 13-4  | ((-8020)<br>.0028 | .0019<br>.0023 | .0019<br>.0021 | (.440)<br>.436  |
| 14-1  | ((-1053)<br>.1669 | .1021<br>.1374 | .1043<br>.1284 | (.413)<br>.424  |
| 14-3  | ((-8744)<br>.0991 | .0692<br>.0810 | .0700<br>.0754 | (.459)<br>.460  |
| 14-4  | ((-8744)<br>.0991 | .0692<br>.0810 | .0700<br>.0754 | (.459)<br>.460  |
| 15-1  | ((-8598)<br>.0837 | .0574<br>.0690 | .0584<br>.0645 | (.425)<br>.425  |
| 15-7  | ((-8514)<br>.0687 | .0491<br>.0566 | .0500<br>.0529 | (.431)<br>.421  |
| 17-1  | ((-2837)<br>.4179 | .2768<br>.3484 | .2828<br>.3276 | (.407)<br>.368  |
| 17-2  | ((-2837)<br>.4179 | .2768<br>.3484 | .2828<br>.3276 | (.407)<br>.368  |
| 17-3  | ((-1338)<br>.1800 | .1346<br>.1508 | .1383<br>.1421 | (.373)<br>.346  |
| 17-4  | ((-8653)<br>.1126 | .0635<br>.0927 | .0648<br>.0866 | (.410)<br>.427  |
| 18-1  | ((-1360)<br>.1822 | .1314<br>.1505 | .1340<br>.1409 | (.418)<br>.408  |
| 20-2  | ((-8761)<br>.1077 | .0682<br>.0877 | .0684<br>.0815 | (.499)<br>.473  |
| 20-3  | ((-8685)<br>.0866 | .0640<br>.0708 | .0647<br>.0660 | (.455)<br>.453  |
| 20-4  | ((-8856)<br>.1282 | .0806<br>.1052 | .0818<br>.0981 | (.445)<br>.440  |
| 20-5  | ((-8525)<br>.0792 | .0509<br>.0654 | .0519<br>.0612 | (.414)<br>.410  |
| (20-6 | .0960             | .0955          | .0980          | .384)           |
| 20-7  | ((-8602)<br>.0881 | .0600<br>.0738 | .0616<br>.0694 | (.384)<br>.353  |
| 20-8  | ((-8509)<br>.0700 | .0490<br>.0578 | .0500<br>.0540 | (.419)<br>.417  |
| 21-1  | ((-8669)<br>.1004 | .0621<br>.0820 | .0629<br>.0763 | (.461)<br>.459  |
| 21-2  | ((-8685)<br>.0960 | .0640<br>.0955 | .0647<br>.0980 | (.455)<br>.384) |

| CLASS | <del>((1979</del>   | <del>1978</del>   | <del>1977))</del> | D-RATIO           |
|-------|---------------------|-------------------|-------------------|-------------------|
|       | <del>1980</del>     | <del>1979</del>   | <del>1978</del>   |                   |
|       | <del>.0866</del>    | <del>.0708</del>  | <del>.0660</del>  | <del>.453</del>   |
| 21-4  | <del>((-.0423</del> | <del>-.0382</del> | <del>-.0383</del> | <del>.494))</del> |
|       | <del>.0530</del>    | <del>.0427</del>  | <del>.0396</del>  | <del>.515</del>   |
| 21-5  | <del>.1774</del>    | <del>.1482</del>  | <del>.1394</del>  | <del>.360</del>   |
| 22-1  | <del>((-.0442</del> | <del>-.0411</del> | <del>-.0416</del> | <del>.458))</del> |
|       | <del>.0604</del>    | <del>.0495</del>  | <del>.0461</del>  | <del>.452</del>   |
| 22-2  | <del>((-.0514</del> | <del>-.0479</del> | <del>-.0485</del> | <del>.458))</del> |
|       | <del>.0761</del>    | <del>.0624</del>  | <del>.0582</del>  | <del>.440</del>   |
| 24-1  | <del>((-.1037</del> | <del>-.0983</del> | <del>-.0999</del> | <del>.437))</del> |
|       | <del>.1559</del>    | <del>.1287</del>  | <del>.1204</del>  | <del>.412</del>   |
| 29-3  | <del>((-.1054</del> | <del>-.0965</del> | <del>-.0972</del> | <del>.475))</del> |
|       | <del>.1497</del>    | <del>.1227</del>  | <del>.1145</del>  | <del>.445</del>   |
| 29-4  | <del>((-.1202</del> | <del>-.1124</del> | <del>-.1138</del> | <del>.453))</del> |
|       | <del>.1698</del>    | <del>.1392</del>  | <del>.1297</del>  | <del>.447</del>   |
| 29-6  | <del>((-.0911</del> | <del>-.0811</del> | <del>-.0812</del> | <del>.506))</del> |
|       | <del>.1031</del>    | <del>.0836</del>  | <del>.0776</del>  | <del>.489</del>   |
| 31-1  | <del>((-.0855</del> | <del>-.0842</del> | <del>-.0863</del> | <del>.396))</del> |
|       | <del>.1496</del>    | <del>.1250</del>  | <del>.1176</del>  | <del>.358</del>   |
| 31-2  | <del>((-.0798</del> | <del>-.0788</del> | <del>-.0808</del> | <del>.391))</del> |
|       | <del>.1170</del>    | <del>.0973</del>  | <del>.0915</del>  | <del>.375</del>   |
| 31-3  | <del>((-.0798</del> | <del>-.0788</del> | <del>-.0808</del> | <del>.391))</del> |
|       | <del>.1170</del>    | <del>.0973</del>  | <del>.0915</del>  | <del>.375</del>   |
| 31-4  | <del>((-.0855</del> | <del>-.0842</del> | <del>-.0863</del> | <del>.396))</del> |
|       | <del>.1496</del>    | <del>.1250</del>  | <del>.1176</del>  | <del>.358</del>   |
| 31-5  | <del>((-.1591</del> | <del>-.1495</del> | <del>-.1515</del> | <del>.448))</del> |
|       | <del>.1957</del>    | <del>.1605</del>  | <del>.1497</del>  | <del>.442</del>   |
| 33-1  | <del>((-.1042</del> | <del>-.0963</del> | <del>-.0973</del> | <del>.465))</del> |
|       | <del>.1631</del>    | <del>.1338</del>  | <del>.1249</del>  | <del>.440</del>   |
| 33-2  | <del>((-.0840</del> | <del>-.0789</del> | <del>-.0800</del> | <del>.448))</del> |
|       | <del>.1118</del>    | <del>.0908</del>  | <del>.0842</del>  | <del>.489</del>   |
| 33-3  | <del>((-.0544</del> | <del>-.0520</del> | <del>-.0529</del> | <del>.429))</del> |
|       | <del>.0707</del>    | <del>.0582</del>  | <del>.0544</del>  | <del>.424</del>   |
| 33-9  | <del>((-.0530</del> | <del>-.0491</del> | <del>-.0496</del> | <del>.464))</del> |
|       | <del>.0798</del>    | <del>.0653</del>  | <del>.0608</del>  | <del>.451</del>   |
| 34-1  | <del>((-.0648</del> | <del>-.0627</del> | <del>-.0639</del> | <del>.417))</del> |
|       | <del>.0917</del>    | <del>.0757</del>  | <del>.0709</del>  | <del>.409</del>   |
| 34-2  | <del>((-.0968</del> | <del>-.0931</del> | <del>-.0949</del> | <del>.422))</del> |
|       | <del>.1313</del>    | <del>.1083</del>  | <del>.1014</del>  | <del>.413</del>   |
| 34-3  | <del>((-.0155</del> | <del>-.0151</del> | <del>-.0154</del> | <del>.412))</del> |
|       | <del>.0255</del>    | <del>.0210</del>  | <del>.0196</del>  | <del>.414</del>   |
| 34-4  | <del>((-.0765</del> | <del>-.0721</del> | <del>-.0733</del> | <del>.443))</del> |
|       | <del>.1162</del>    | <del>.0955</del>  | <del>.0892</del>  | <del>.432</del>   |
| 34-5  | <del>((-.0251</del> | <del>-.0240</del> | <del>-.0243</del> | <del>.431))</del> |
|       | <del>.0402</del>    | <del>.0332</del>  | <del>.0311</del>  | <del>.416</del>   |
| 34-6  | <del>((-.0359</del> | <del>-.0350</del> | <del>-.0357</del> | <del>.409))</del> |
|       | <del>.0426</del>    | <del>.0351</del>  | <del>.0327</del>  | <del>.436</del>   |
| 34-7  | <del>((-.0467</del> | <del>-.0442</del> | <del>-.0449</del> | <del>.439))</del> |
|       | <del>.0653</del>    | <del>.0536</del>  | <del>.0501</del>  | <del>.437</del>   |
| 34-8  | <del>((-.0187</del> | <del>-.0181</del> | <del>-.0185</del> | <del>.411))</del> |
|       | <del>.0262</del>    | <del>.0217</del>  | <del>.0204</del>  | <del>.395</del>   |
| 34-9  | <del>((-.0318</del> | <del>-.0307</del> | <del>-.0314</del> | <del>.414))</del> |
|       | <del>.0426</del>    | <del>.0351</del>  | <del>.0327</del>  | <del>.436</del>   |
| 35-1  | <del>((-.0638</del> | <del>-.0592</del> | <del>-.0600</del> | <del>.459))</del> |
|       | <del>.0843</del>    | <del>.0688</del>  | <del>.0640</del>  | <del>.467</del>   |
| 35-3  | <del>((-.0475</del> | <del>-.0435</del> | <del>-.0438</del> | <del>.477))</del> |
|       | <del>.0600</del>    | <del>.0489</del>  | <del>.0454</del>  | <del>.473</del>   |
| (35-4 | <del>-.0175</del>   | <del>-.0162</del> | <del>-.0164</del> | <del>.461))</del> |
| 35-5  | <del>((-.0656</del> | <del>-.0596</del> | <del>-.0600</del> | <del>.484))</del> |
|       | <del>.0843</del>    | <del>.0688</del>  | <del>.0640</del>  | <del>.467</del>   |
| 35-6  | <del>((-.1280</del> | <del>-.1335</del> | <del>-.1382</del> | <del>.333))</del> |
|       | <del>.1790</del>    | <del>.1506</del>  | <del>.1422</del>  | <del>.328</del>   |
| 35-8  | <del>((-.0674</del> | <del>-.0624</del> | <del>-.0631</del> | <del>.463))</del> |
|       | <del>.0940</del>    | <del>.0771</del>  | <del>.0720</del>  | <del>.439</del>   |
| 36-1  | <del>((-.0765</del> | <del>-.0721</del> | <del>-.0733</del> | <del>.443))</del> |
|       | <del>.0234</del>    | <del>.0192</del>  | <del>.0179</del>  | <del>.440</del>   |
| 36-2  | <del>((-.0175</del> | <del>-.0162</del> | <del>-.0164</del> | <del>.461))</del> |
|       | <del>.0234</del>    | <del>.0192</del>  | <del>.0179</del>  | <del>.440</del>   |
| 36-3  | <del>((-.0733</del> | <del>-.0687</del> | <del>-.0696</del> | <del>.450))</del> |
|       | <del>.1085</del>    | <del>.0894</del>  | <del>.0835</del>  | <del>.422</del>   |
| 36-4  | <del>((-.1341</del> | <del>-.1364</del> | <del>-.1405</del> | <del>.360))</del> |
|       | <del>.1912</del>    | <del>.1596</del>  | <del>.1501</del>  | <del>.363</del>   |
| 36-5  | <del>((-.0485</del> | <del>-.0467</del> | <del>-.0476</del> | <del>.419))</del> |
|       | <del>.0687</del>    | <del>.0566</del>  | <del>.0530</del>  | <del>.413</del>   |
| 36-6  | <del>((-.0908</del> | <del>-.0838</del> | <del>-.0847</del> | <del>.467))</del> |
|       | <del>.1210</del>    | <del>.0981</del>  | <del>.0910</del>  | <del>.495</del>   |
| 37-1  | <del>((-.0400</del> | <del>-.0388</del> | <del>-.0396</del> | <del>.412))</del> |
|       | <del>.0614</del>    | <del>.0512</del>  | <del>.0480</del>  | <del>.373</del>   |
| 37-2  | <del>((-.0812</del> | <del>-.0791</del> | <del>-.0809</del> | <del>.406))</del> |
|       | <del>.1103</del>    | <del>.0911</del>  | <del>.0853</del>  | <del>.410</del>   |
| 37-3  | <del>((-.0400</del> | <del>-.0388</del> | <del>-.0396</del> | <del>.412))</del> |
|       | <del>.0614</del>    | <del>.0512</del>  | <del>.0480</del>  | <del>.373</del>   |
| 37-6  | <del>((-.0384</del> | <del>-.0370</del> | <del>-.0378</del> | <del>.420))</del> |
|       | <del>.0548</del>    | <del>.0454</del>  | <del>.0426</del>  | <del>.392</del>   |
| 37-7  | <del>((-.0468</del> | <del>-.0441</del> | <del>-.0448</del> | <del>.443))</del> |
|       | <del>.0721</del>    | <del>.0591</del>  | <del>.0551</del>  | <del>.450</del>   |
| 37-8  | <del>((-.0384</del> | <del>-.0370</del> | <del>-.0378</del> | <del>.420))</del> |
|       | <del>.0548</del>    | <del>.0454</del>  | <del>.0426</del>  | <del>.392</del>   |

| CLASS | <del>((1979</del>   | <del>1978</del>   | <del>1977))</del> | D-RATIO           |
|-------|---------------------|-------------------|-------------------|-------------------|
|       | <del>1980</del>     | <del>1979</del>   | <del>1978</del>   |                   |
| 38-1  | <del>((-.0384</del> | <del>-.0370</del> | <del>-.0378</del> | <del>.420))</del> |
|       | <del>.0548</del>    | <del>.0454</del>  | <del>.0426</del>  | <del>.392</del>   |
| 38-2  | <del>((-.0276</del> | <del>-.0256</del> | <del>-.0259</del> | <del>.462))</del> |
|       | <del>.0411</del>    | <del>.0336</del>  | <del>.0312</del>  | <del>.461</del>   |
| 38-3  | <del>((-.0276</del> | <del>-.0256</del> | <del>-.0259</del> | <del>.462))</del> |
|       | <del>.0411</del>    | <del>.0336</del>  | <del>.0312</del>  | <del>.461</del>   |
| 38-4  | <del>((-.0276</del> | <del>-.0256</del> | <del>-.0259</del> | <del>.462))</del> |
|       | <del>.0411</del>    | <del>.0336</del>  | <del>.0312</del>  | <del>.461</del>   |
| 38-5  | <del>((-.0276</del> | <del>-.0256</del> | <del>-.0259</del> | <del>.462))</del> |
|       | <del>.0411</del>    | <del>.0336</del>  | <del>.0312</del>  | <del>.461</del>   |
| 38-6  | <del>((-.0276</del> | <del>-.0256</del> | <del>-.0259</del> | <del>.462))</del> |
|       | <del>.0411</del>    | <del>.0336</del>  | <del>.0312</del>  | <del>.461</del>   |
| (38-7 | <del>-.0276</del>   | <del>-.0256</del> | <del>-.0259</del> | <del>.462))</del> |
| 38-8  | <del>((-.0280</del> | <del>-.0262</del> | <del>-.0266</del> | <del>.453))</del> |
|       | <del>.0308</del>    | <del>.0310</del>  | <del>.0288</del>  | <del>.466</del>   |
| 38-9  | <del>((-.0276</del> | <del>-.0256</del> | <del>-.0259</del> | <del>.462))</del> |
|       | <del>.0411</del>    | <del>.0336</del>  | <del>.0312</del>  | <del>.461</del>   |
| 39-1  | <del>((-.0645</del> | <del>-.0627</del> | <del>-.0640</del> | <del>.412))</del> |
|       | <del>.0995</del>    | <del>.0818</del>  | <del>.0764</del>  | <del>.432</del>   |
| 39-2  | <del>((-.1071</del> | <del>-.1031</del> | <del>-.1050</del> | <del>.421))</del> |
|       | <del>.1354</del>    | <del>.1104</del>  | <del>.1026</del>  | <del>.473</del>   |
| 39-3  | <del>((-.1377</del> | <del>-.1322</del> | <del>-.1347</del> | <del>.424))</del> |
|       | <del>.1930</del>    | <del>.1592</del>  | <del>.1490</del>  | <del>.416</del>   |
| 39-4  | <del>((-.1071</del> | <del>-.1031</del> | <del>-.1050</del> | <del>.421))</del> |
|       | <del>.1354</del>    | <del>.1104</del>  | <del>.1026</del>  | <del>.473</del>   |
| 39-5  | <del>((-.0251</del> | <del>-.0231</del> | <del>-.0234</del> | <del>.468))</del> |
|       | <del>.0332</del>    | <del>.0272</del>  | <del>.0253</del>  | <del>.457</del>   |
| 39-6  | <del>((-.0691</del> | <del>-.0636</del> | <del>-.0643</del> | <del>.470))</del> |
|       | <del>.0995</del>    | <del>.0818</del>  | <del>.0764</del>  | <del>.432</del>   |
| 40-2  | <del>((-.0933</del> | <del>-.0962</del> | <del>-.0993</del> | <del>.345))</del> |
|       | <del>.1291</del>    | <del>.1083</del>  | <del>.1021</del>  | <del>.341</del>   |
| 41-1  | <del>((-.0181</del> | <del>-.0164</del> | <del>-.0165</del> | <del>.487))</del> |
|       | <del>.0267</del>    | <del>.0216</del>  | <del>.0200</del>  | <del>.499</del>   |
| 41-2  | <del>((-.0175</del> | <del>-.0162</del> | <del>-.0164</del> | <del>.461))</del> |
|       | <del>.0234</del>    | <del>.0192</del>  | <del>.0179</del>  | <del>.440</del>   |
| 41-3  | <del>((-.0322</del> | <del>-.0291</del> | <del>-.0292</del> | <del>.491))</del> |
|       | <del>.0470</del>    | <del>.0382</del>  | <del>.0354</del>  | <del>.481</del>   |
| 41-4  | <del>((-.0181</del> | <del>-.0164</del> | <del>-.0165</del> | <del>.487))</del> |
|       | <del>.0267</del>    | <del>.0216</del>  | <del>.0200</del>  | <del>.499</del>   |
| 41-5  | <del>((-.0181</del> | <del>-.0164</del> | <del>-.0165</del> | <del>.487))</del> |
|       | <del>.0267</del>    | <del>.0216</del>  | <del>.0200</del>  | <del>.499</del>   |
| 41-6  | <del>((-.0175</del> | <del>-.0162</del> | <del>-.0164</del> | <del>.461))</del> |
|       | <del>.0234</del>    | <del>.0192</del>  | <del>.0179</del>  | <del>.440</del>   |
| 41-7  | <del>((-.0136</del> | <del>-.0123</del> | <del>-.0124</del> | <del>.483))</del> |
|       | <del>.0167</del>    | <del>.0136</del>  | <del>.0126</del>  | <del>.470</del>   |
| 41-8  | <del>((-.0181</del> | <del>-.0164</del> | <del>-.0165</del> | <del>.487))</del> |
|       | <del>.0267</del>    | <del>.0216</del>  | <del>.0200</del>  | <del>.499</del>   |
| 41-9  | <del>((-.0181</del> | <del>-.0164</del> | <del>-.0165</del> | <del>.487))</del> |
|       | <del>.0267</del>    | <del>.0216</del>  | <del>.0200</del>  | <del>.499</del>   |
| 42-1  | <del>((-.1060</del> | <del>-.1034</del> | <del>-.1057</del> | <del>.407))</del> |
|       | <del>.1340</del>    | <del>.1117</del>  | <del>.1050</del>  | <del>.368</del>   |
| 43-1  | <del>((-.1329</del> | <del>-.1289</del> | <del>-.1315</del> | <del>.413))</del> |
|       | <del>.1958</del>    | <del>.1616</del>  | <del>.1512</del>  | <del>.415</del>   |
| 43-2  | <del>((-.1127</del> | <del>-.1060</del> | <del>-.1076</del> | <del>.446))</del> |
|       | <del>.1559</del>    | <del>.1258</del>  | <del>.1200</del>  | <del>.423</del>   |
| 43-3  | <del>((-.1227</del> | <del>-.1175</del> | <del>-.1195</del> | <del>.428))</del> |
|       | <del>.1719</del>    | <del>.1415</del>  | <del>.1322</del>  | <del>.426</del>   |
| 43-4  | <del>((-.1282</del> | <del>-.1246</del> | <del>-.1272</del> | <del>.411))</del> |
|       | <del>.1650</del>    | <del>.1363</del>  | <del>.1276</del>  | <del>.411</del>   |
| 43-5  | <del>((-.2328</del> | <del>-.2225</del> | <del>-.2264</del> | <del>.429))</del> |
|       | <del>.2943</del>    | <del>.2423</del>  | <del>.2265</del>  | <del>.423</del>   |
| 44-1  | <del>((-.0790</del> | <del>-.0778</del> | <del>-.0797</del> | <del>.396))</del> |
|       | <del>.1096</del>    | <del>.0906</del>  | <del>.0848</del>  | <del>.408</del>   |
| 44-4  | <del>((-.0685</del> | <del>-.0640</del> | <del>-.0647</del> | <del>.455))</del> |
|       | <del>.0866</del>    | <del>.0708</del>  | <del>.0660</del>  | <del>.453</del>   |
| 45-1  | <del>((-.0204</del> | <del>-.0210</del> | <del>-.0216</del> | <del>.349))</del> |
|       | <del>.0305</del>    | <del>.0255</del>  | <del>.0240</del>  | <del>.348</del>   |
| 45-2  | <del>((-.0090</del> | <del>-.0091</del> | <del>-.0094</del> | <del>.361))</del> |
|       | <del>.0129</del>    | <del>.0108</del>  | <del>.0102</del>  | <del>.374</del>   |
| 45-3  | <del>((-.0268</del> | <del>-.0269</del> | <del>-.0277</del> | <del>.375))</del> |
|       | <del>.0359</del>    | <del>.0300</del>  | <del>.0282</del>  | <del>.365</del>   |
| 45-4  | <del>((-.0114</del> | <del>-.0108</del> | <del>-.0110</del> | <del>.439))</del> |
|       | <del>.0148</del>    | <del>.0122</del>  | <del>.0114</del>  | <del>.436</del>   |
| 46-1  | <del>((-.0502</del> | <del>-.0514</del> | <del>-.0530</del> | <del>.352))</del> |
|       | <del>.0909</del>    | <del>.0763</del>  | <del>.0720</del>  | <del>.335</del>   |
| 48-2  | <del>((-.0395</del> | <del>-.0386</del> | <del>-.0395</del> | <del>.403))</del> |
|       | <del>.0525</del>    | <del>.0434</del>  | <del>.0406</del>  | <del>.404</del>   |
| 48-3  | <del>((-.0843</del> | <del>-.0773</del> | <del>-.0780</del> | <del>.474))</del> |
|       | <del>.0848</del>    | <del>.0689</del>  | <del>.0640</del>  | <del>.481</del>   |
| 48-4  | <del>((-.0840</del> | <del>-.0771</del> | <del>-.0778</del> | <del>.473))</del> |
|       | <del>.1163</del>    | <del>.0951</del>  | <del>.0887</del>  | <del>.452</del>   |
| 48-5  | <del>((-.0446</del> | <del>-.0433</del> | <del>-.0441</del> | <del>.412))</del> |
|       | <del>.0608</del>    | <del>.0501</del>  | <del>.0467</del>  | <del>.424</del>   |
| 48-6  | <del>((-.0098</del> | <del>-.0092</del> | <del>-.0093</del> | <del>.449))</del> |
|       | <del>.0142</del>    | <del>.0115</del>  | <del>.0107</del>  | <del>.468</del>   |
| 48-7  | <del>((-.2063</del> | <del>-.1959</del> | <del>-.1992</del> | <del>.436))</del> |
|       | <del>.2957</del>    | <del>.2450</del>  | <del>.2298</del>  | <del>.394</del>   |

| CLASS | <del>((1979</del>   | <del>1978</del>  | <del>1977))</del> | D-RATIO           | CLASS  | <del>((1979</del>   | <del>1978</del>  | <del>1977))</del> | D-RATIO           |
|-------|---------------------|------------------|-------------------|-------------------|--------|---------------------|------------------|-------------------|-------------------|
|       | <del>1980</del>     | <del>1979</del>  | <del>1978</del>   |                   |        | <del>1980</del>     | <del>1979</del>  | <del>1978</del>   |                   |
| 48-8  | <del>((-.0578</del> | <del>.0555</del> | <del>.0566</del>  | <del>.422))</del> | 62-4   | <del>((-.0265</del> | <del>.0238</del> | <del>.0240</del>  | <del>.494))</del> |
|       | <del>.0857</del>    | <del>.0706</del> | <del>.0659</del>  | <del>.428</del>   |        | <del>.0368</del>    | <del>.0297</del> | <del>.0276</del>  | <del>.506</del>   |
| 48-9  | <del>((-.0322</del> | <del>.0299</del> | <del>.0302</del>  | <del>.462))</del> | 62-5   | <del>((-.0265</del> | <del>.0238</del> | <del>.0240</del>  | <del>.494))</del> |
|       | <del>.0427</del>    | <del>.0348</del> | <del>.0324</del>  | <del>.473</del>   |        | <del>.0368</del>    | <del>.0297</del> | <del>.0276</del>  | <del>.506</del>   |
| 49-1  | <del>((-.0132</del> | <del>.0124</del> | <del>.0125</del>  | <del>.449))</del> | 62-6   | <del>((-.0265</del> | <del>.0238</del> | <del>.0240</del>  | <del>.494))</del> |
|       | <del>.0180</del>    | <del>.0147</del> | <del>.0136</del>  | <del>.470</del>   |        | <del>.0368</del>    | <del>.0297</del> | <del>.0276</del>  | <del>.506</del>   |
| 49-2  | <del>((-.0303</del> | <del>.0288</del> | <del>.0292</del>  | <del>.435))</del> | 62-7   | <del>((-.1327</del> | <del>.1230</del> | <del>.1243</del>  | <del>.462))</del> |
|       | <del>.0415</del>    | <del>.0342</del> | <del>.0319</del>  | <del>.425</del>   |        | <del>.1734</del>    | <del>.1419</del> | <del>.1322</del>  | <del>.452</del>   |
| 49-3  | <del>((-.0132</del> | <del>.0124</del> | <del>.0125</del>  | <del>.449))</del> | 62-8   | <del>((-.0490</del> | <del>.0498</del> | <del>.0513</del>  | <del>.362))</del> |
|       | <del>.0180</del>    | <del>.0147</del> | <del>.0136</del>  | <del>.470</del>   |        | <del>.0578</del>    | <del>.0481</del> | <del>.0451</del>  | <del>.374</del>   |
| 49-4  | <del>((-.0028</del> | <del>.0027</del> | <del>.0028</del>  | <del>.429))</del> | 62-9   | <del>((-.0306</del> | <del>.0281</del> | <del>.0284</del>  | <del>.472))</del> |
|       | <del>.0036</del>    | <del>.0030</del> | <del>.0028</del>  | <del>.458</del>   |        | <del>.0429</del>    | <del>.0351</del> | <del>.0326</del>  | <del>.465</del>   |
| 49-5  | <del>((-.0470</del> | <del>.0447</del> | <del>.0454</del>  | <del>.435))</del> | 63-1   | <del>((-.0258</del> | <del>.0279</del> | <del>.0290</del>  | <del>.294))</del> |
|       | <del>.0627</del>    | <del>.0515</del> | <del>.0481</del>  | <del>.434</del>   |        | <del>.0321</del>    | <del>.0269</del> | <del>.0254</del>  | <del>.336</del>   |
| 49-6  | <del>((-.0096</del> | <del>.0090</del> | <del>.0091</del>  | <del>.447))</del> | 63-2   | <del>((-.0317</del> | <del>.0309</del> | <del>.0317</del>  | <del>.404))</del> |
|       | <del>.0127</del>    | <del>.0130</del> | <del>.0097</del>  | <del>.461</del>   |        | <del>.0418</del>    | <del>.0346</del> | <del>.0324</del>  | <del>.398</del>   |
| 49-7  | <del>((-.0193</del> | <del>.0188</del> | <del>.0192</del>  | <del>.408))</del> | 63-3   | <del>((-.0110</del> | <del>.0110</del> | <del>.0113</del>  | <del>.367))</del> |
|       | <del>.0264</del>    | <del>.0218</del> | <del>.0205</del>  | <del>.399</del>   |        | <del>.0125</del>    | <del>.0104</del> | <del>.0098</del>  | <del>.365</del>   |
| 49-8  | <del>((-.0422</del> | <del>.0415</del> | <del>.0424</del>  | <del>.399))</del> | 63-4   | <del>((-.0183</del> | <del>.0173</del> | <del>.0175</del>  | <del>.441))</del> |
|       | <del>.0540</del>    | <del>.0449</del> | <del>.0421</del>  | <del>.382</del>   |        | <del>.0252</del>    | <del>.0208</del> | <del>.0194</del>  | <del>.412</del>   |
| 49-9  | <del>((-.0422</del> | <del>.0415</del> | <del>.0424</del>  | <del>.399))</del> | 63-5   | <del>((-.0086</del> | <del>.0080</del> | <del>.0081</del>  | <del>.467))</del> |
|       | <del>.0540</del>    | <del>.0449</del> | <del>.0421</del>  | <del>.382</del>   |        | <del>.0109</del>    | <del>.0090</del> | <del>.0083</del>  | <del>.451</del>   |
| 50-1  | <del>((-.4996</del> | <del>.4921</del> | <del>.5037</del>  | <del>.396))</del> | 63-6   | <del>((-.0293</del> | <del>.0269</del> | <del>.0272</del>  | <del>.473))</del> |
|       | <del>.7461</del>    | <del>.6227</del> | <del>.5857</del>  | <del>.362</del>   |        | <del>.0389</del>    | <del>.0317</del> | <del>.0295</del>  | <del>.469</del>   |
| 50-2  | <del>((-.0704</del> | <del>.0655</del> | <del>.0662</del>  | <del>.459))</del> | 63-7   | <del>((-.0125</del> | <del>.0115</del> | <del>.0116</del>  | <del>.470))</del> |
|       | <del>.0912</del>    | <del>.0746</del> | <del>.0695</del>  | <del>.453</del>   |        | <del>.0179</del>    | <del>.0147</del> | <del>.0136</del>  | <del>.465</del>   |
| 50-3  | <del>((-.2542</del> | <del>.2453</del> | <del>.2500</del>  | <del>.419))</del> | 63-8   | <del>((-.0077</del> | <del>.0078</del> | <del>.0080</del>  | <del>.374))</del> |
|       | <del>.3695</del>    | <del>.3084</del> | <del>.2901</del>  | <del>.396</del>   |        | <del>.0105</del>    | <del>.0088</del> | <del>.0082</del>  | <del>.362</del>   |
| 50-4  | <del>.1294</del>    | <del>.1036</del> | <del>.0954</del>  | <del>.553</del>   | 63-9   | <del>((-.0146</del> | <del>.0135</del> | <del>.0136</del>  | <del>.466))</del> |
| 51-1  | <del>((-.1033</del> | <del>.0983</del> | <del>.1000</del>  | <del>.434))</del> |        | <del>.0201</del>    | <del>.0164</del> | <del>.0152</del>  | <del>.478</del>   |
|       | <del>.1742</del>    | <del>.1439</del> | <del>.1347</del>  | <del>.412</del>   | 64-1   | <del>((-.0125</del> | <del>.0115</del> | <del>.0116</del>  | <del>.470))</del> |
| 51-2  | <del>((-.2231</del> | <del>.1990</del> | <del>.1994</del>  | <del>.503))</del> |        | <del>.0179</del>    | <del>.0147</del> | <del>.0136</del>  | <del>.465</del>   |
|       | <del>.2909</del>    | <del>.2344</del> | <del>.2167</del>  | <del>.523</del>   | 64-2   | <del>((-.0411</del> | <del>.0397</del> | <del>.0405</del>  | <del>.417))</del> |
| 51-3  | <del>((-.1738</del> | <del>.1594</del> | <del>.1608</del>  | <del>.473))</del> |        | <del>.0581</del>    | <del>.0482</del> | <del>.0451</del>  | <del>.397</del>   |
|       | <del>.2489</del>    | <del>.2047</del> | <del>.1912</del>  | <del>.428</del>   | 64-3   | <del>((-.0253</del> | <del>.0226</del> | <del>.0227</del>  | <del>.501))</del> |
| 51-4  | <del>((-.0968</del> | <del>.0931</del> | <del>.0949</del>  | <del>.422))</del> |        | <del>.0335</del>    | <del>.0273</del> | <del>.0254</del>  | <del>.471</del>   |
|       | <del>.1313</del>    | <del>.1083</del> | <del>.1014</del>  | <del>.413</del>   | 64-4   | <del>((-.0082</del> | <del>.0078</del> | <del>.0079</del>  | <del>.435))</del> |
| 51-5  | <del>((-.0968</del> | <del>.0931</del> | <del>.0949</del>  | <del>.422))</del> |        | <del>.0118</del>    | <del>.0098</del> | <del>.0092</del>  | <del>.404</del>   |
|       | <del>.1313</del>    | <del>.1083</del> | <del>.1014</del>  | <del>.413</del>   | 64-5   | <del>((-.0680</del> | <del>.0617</del> | <del>.0622</del>  | <del>.483))</del> |
| 51-6  | <del>((-.0968</del> | <del>.0931</del> | <del>.0949</del>  | <del>.422))</del> |        | <del>.0896</del>    | <del>.0731</del> | <del>.0681</del>  | <del>.463</del>   |
|       | <del>.1313</del>    | <del>.1083</del> | <del>.1014</del>  | <del>.413</del>   | 64-6   | <del>((-.0125</del> | <del>.0115</del> | <del>.0116</del>  | <del>.470))</del> |
| 51-7  | <del>((-.0805</del> | <del>.0753</del> | <del>.0763</del>  | <del>.452))</del> |        | <del>.0179</del>    | <del>.0147</del> | <del>.0136</del>  | <del>.465</del>   |
|       | <del>.1023</del>    | <del>.0840</del> | <del>.0785</del>  | <del>.435</del>   | 64-7   | <del>((-.0243</del> | <del>.0222</del> | <del>.0224</del>  | <del>.477))</del> |
| 51-8  | <del>((-.0968</del> | <del>.0931</del> | <del>.0949</del>  | <del>.422))</del> |        | <del>.0354</del>    | <del>.0290</del> | <del>.0270</del>  | <del>.454</del>   |
|       | <del>.1313</del>    | <del>.1083</del> | <del>.1014</del>  | <del>.413</del>   | 64-8   | <del>((-.0577</del> | <del>.0565</del> | <del>.0578</del>  | <del>.402))</del> |
| 51-9  | <del>((-.0705</del> | <del>.0657</del> | <del>.0666</del>  | <del>.455))</del> |        | <del>.0766</del>    | <del>.0639</del> | <del>.0601</del>  | <del>.371</del>   |
|       | <del>.1090</del>    | <del>.0889</del> | <del>.0827</del>  | <del>.467</del>   | 64-9   | <del>((-.0626</del> | <del>.0600</del> | <del>.0611</del>  | <del>.426))</del> |
| 52-1  | <del>((-.0765</del> | <del>.0726</del> | <del>.0737</del>  | <del>.437))</del> |        | <del>.0965</del>    | <del>.0796</del> | <del>.0744</del>  | <del>.413</del>   |
|       | <del>.1034</del>    | <del>.0847</del> | <del>.0790</del>  | <del>.444</del>   | 65-1   | <del>((-.0074</del> | <del>.0069</del> | <del>.0069</del>  | <del>.469))</del> |
| 52-2  | <del>((-.0968</del> | <del>.0931</del> | <del>.0949</del>  | <del>.422))</del> |        | <del>.0096</del>    | <del>.0078</del> | <del>.0073</del>  | <del>.466</del>   |
|       | <del>.1313</del>    | <del>.1083</del> | <del>.1014</del>  | <del>.413</del>   | 65-2   | <del>((-.0024</del> | <del>.0024</del> | <del>.0024</del>  | <del>.391))</del> |
| 52-3  | <del>((-.0968</del> | <del>.0931</del> | <del>.0949</del>  | <del>.422))</del> |        | <del>.0034</del>    | <del>.0029</del> | <del>.0027</del>  | <del>.408</del>   |
|       | <del>.1313</del>    | <del>.1083</del> | <del>.1014</del>  | <del>.413</del>   | 65-3   | <del>((-.0169</del> | <del>.0174</del> | <del>.0179</del>  | <del>.346))</del> |
| 52-4  | <del>((-.1737</del> | <del>.1626</del> | <del>.1646</del>  | <del>.452))</del> |        | <del>.0274</del>    | <del>.0232</del> | <del>.0219</del>  | <del>.300</del>   |
|       | <del>.2778</del>    | <del>.2276</del> | <del>.2122</del>  | <del>.446</del>   | 65-4   | <del>((-.0273</del> | <del>.0250</del> | <del>.0253</del>  | <del>.474))</del> |
| 52-5  | <del>((-.0968</del> | <del>.0931</del> | <del>.0949</del>  | <del>.422))</del> |        | <del>.0360</del>    | <del>.0291</del> | <del>.0270</del>  | <del>.503</del>   |
|       | <del>.1313</del>    | <del>.1083</del> | <del>.1014</del>  | <del>.413</del>   | 65-5   | <del>((-.0221</del> | <del>.0212</del> | <del>.0215</del>  | <del>.428))</del> |
| 52-6  | <del>((-.0676</del> | <del>.0634</del> | <del>.0643</del>  | <del>.449))</del> |        | <del>.0349</del>    | <del>.0285</del> | <del>.0266</del>  | <del>.450</del>   |
|       | <del>.0967</del>    | <del>.0799</del> | <del>.0747</del>  | <del>.414</del>   | 65-6   | <del>((-.0069</del> | <del>.0065</del> | <del>.0066</del>  | <del>.441))</del> |
| 52-7  | <del>((-.0244</del> | <del>.0226</del> | <del>.0228</del>  | <del>.464))</del> |        | <del>.0090</del>    | <del>.0074</del> | <del>.0069</del>  | <del>.442</del>   |
|       | <del>.0325</del>    | <del>.0267</del> | <del>.0250</del>  | <del>.425</del>   | 65-7   | <del>((-.0476</del> | <del>.0452</del> | <del>.0459</del>  | <del>.437))</del> |
| 53-1  | <del>((-.0028</del> | <del>.0027</del> | <del>.0028</del>  | <del>.429))</del> |        | <del>.0583</del>    | <del>.0475</del> | <del>.0443</del>  | <del>.467</del>   |
|       | <del>.0036</del>    | <del>.0030</del> | <del>.0028</del>  | <del>.458</del>   | 65-8   | <del>((-.0387</del> | <del>.0355</del> | <del>.0358</del>  | <del>.473))</del> |
| 53-5  | <del>((-.0044</del> | <del>.0043</del> | <del>.0044</del>  | <del>.390))</del> |        | <del>.0583</del>    | <del>.0475</del> | <del>.0443</del>  | <del>.467</del>   |
|       | <del>.0062</del>    | <del>.0052</del> | <del>.0048</del>  | <del>.400</del>   | 65-9   | <del>((-.0312</del> | <del>.0282</del> | <del>.0284</del>  | <del>.487))</del> |
| 53-6  | <del>((-.0046</del> | <del>.0045</del> | <del>.0045</del>  | <del>.417))</del> |        | <del>.0378</del>    | <del>.0307</del> | <del>.0286</del>  | <del>.477</del>   |
|       | <del>.0066</del>    | <del>.0055</del> | <del>.0051</del>  | <del>.408</del>   | 66-1   | <del>((-.0341</del> | <del>.0318</del> | <del>.0322</del>  | <del>.452))</del> |
| 53-7  | <del>.0415</del>    | <del>.0342</del> | <del>.0319</del>  | <del>.425</del>   |        | <del>.0484</del>    | <del>.0395</del> | <del>.0368</del>  | <del>.460</del>   |
| 61-3  | <del>((-.0057</del> | <del>.0052</del> | <del>.0052</del>  | <del>.488))</del> | 66-2   | <del>((-.0711</del> | <del>.0666</del> | <del>.0674</del>  | <del>.453))</del> |
|       | <del>.0076</del>    | <del>.0061</del> | <del>.0057</del>  | <del>.469</del>   |        | <del>.1056</del>    | <del>.0870</del> | <del>.0813</del>  | <del>.421</del>   |
| 61-4  | <del>((-.0654</del> | <del>.0625</del> | <del>.0636</del>  | <del>.429))</del> | 66-3   | <del>((-.0394</del> | <del>.0370</del> | <del>.0376</del>  | <del>.446))</del> |
|       | <del>.0840</del>    | <del>.0690</del> | <del>.0644</del>  | <del>.437</del>   |        | <del>.0539</del>    | <del>.0441</del> | <del>.0410</del>  | <del>.457</del>   |
| 61-5  | <del>((-.0312</del> | <del>.0295</del> | <del>.0300</del>  | <del>.440))</del> | 66-4   | <del>((-.0117</del> | <del>.0113</del> | <del>.0115</del>  | <del>.419))</del> |
|       | <del>.0441</del>    | <del>.0360</del> | <del>.0335</del>  | <del>.456</del>   |        | <del>.0154</del>    | <del>.0127</del> | <del>.0120</del>  | <del>.410</del>   |
| 61-6  | <del>((-.0312</del> | <del>.0295</del> | <del>.0300</del>  | <del>.440))</del> | 66-5   | <del>((-.0387</del> | <del>.0358</del> | <del>.0363</del>  | <del>.462))</del> |
|       | <del>.0441</del>    | <del>.0360</del> | <del>.0335</del>  | <del>.456</del>   |        | <del>.0504</del>    | <del>.0410</del> | <del>.0381</del>  | <del>.475</del>   |
| 61-7  | <del>((-.0255</del> | <del>.0244</del> | <del>.0249</del>  | <del>.426))</del> | ((66-6 | <del>.0387</del>    | <del>.0358</del> | <del>.0363</del>  | <del>.462))</del> |
|       | <del>.0377</del>    | <del>.0314</del> | <del>.0295</del>  | <del>.375</del>   |        | <del>.0325</del>    | <del>.0267</del> | <del>.0250</del>  | <del>.425</del>   |
| 61-8  | <del>((-.0658</del> | <del>.0582</del> | <del>.0582</del>  | <del>.512))</del> | 66-7   | <del>((-.0244</del> | <del>.0226</del> | <del>.0228</del>  | <del>.464))</del> |
|       | <del>.0985</del>    | <del>.0798</del> | <del>.0739</del>  | <del>.497</del>   |        | <del>.0325</del>    | <del>.0267</del> | <del>.0250</del>  | <del>.425</del>   |
| 61-9  | <del>((-.0069</del> | <del>.0065</del> | <del>.0066</del>  | <del>.442))</del> | 66-8   | <del>((-.0517</del> | <del>.0501</del> | <del>.0512</del>  | <del>.414))</del> |
|       | <del>.0093</del>    | <del>.0077</del> | <del>.0072</del>  | <del>.418</del>   |        | <del>.0698</del>    | <del>.0578</del> | <del>.0541</del>  | <del>.402</del>   |
| 62-1  | <del>((-.0271</del> | <del>.0260</del> | <del>.0265</del>  | <del>.428))</del> | 66-9   | <del>((-.2101</del> | <del>.1883</del> | <del>.1889</del>  | <del>.498))</del> |
|       | <del>.0379</del>    | <del>.0312</del> | <del>.0291</del>  | <del>.432</del>   |        | <del>.3093</del>    | <del>.2490</del> | <del>.2301</del>  | <del>.527</del>   |
| 62-2  | <del>((-.0840</del> | <del>.0831</del> | <del>.0851</del>  | <del>.392))</del> | 67-1   | <del>((-.0125</del> | <del>.0118</del> | <del>.0120</del>  | <del>.442))</del> |
|       | <del>.1244</del>    | <del>.1035</del> | <del>.0973</del>  | <del>.376</del>   |        | <del>.0180</del>    | <del>.0147</del> | <del>.0136</del>  | <del>.470</del>   |
| 62-3  | <del>((-.0206</del> | <del>.0194</del> | <del>.0197</del>  | <del>.444))</del> | 67-4   | <del>((-.0297</del> | <del>.0287</del> | <del>.0292</del>  | <del>.416))</del> |

| CLASS | ((1979 1978 1977))  |                   |                   | D-RATIO           | Expected<br>Loss Range        | Maximum<br>Experience<br>Modification |
|-------|---------------------|-------------------|-------------------|-------------------|-------------------------------|---------------------------------------|
|       | 1980                | 1979              | 1978              |                   |                               |                                       |
|       | .0393               | .0325             | .0304             | .408              |                               |                                       |
| 67-5  | <del>((.0941</del>  | <del>.0871</del>  | <del>.0880</del>  | <del>.463))</del> |                               |                                       |
|       | .1189               | .0971             | .0904             | .460              |                               |                                       |
| 67-6  | <del>((.0418</del>  | <del>.0407</del>  | <del>.0415</del>  | <del>.410))</del> | 963-1,034                     |                                       |
|       | .0599               | .0494             | .0463             | .409              | <del>((925-995))</del>        | .82                                   |
| 67-7  | <del>((2.30*</del>  | <del>2.10*</del>  | <del>2.11*</del>  | <del>.478))</del> | 1,035-1,114                   |                                       |
|       | 3.79*               | 3.04*             | 2.81*             | .538              | <del>((996-1,072))</del>      | .81                                   |
| 67-8  | <del>((3.0178</del> | <del>2.7717</del> | <del>2.7966</del> | <del>.472))</del> | 1,115-1,200                   |                                       |
|       | 3.8962              | 3.1775            | 2.9557            | .467              | <del>((1,073-1,155))</del>    | .80                                   |
| 67-9  | <del>((.0246</del>  | <del>.0230</del>  | <del>.0233</del>  | <del>.453))</del> | 1,201-1,293                   |                                       |
|       | .0307               | .0250             | .0233             | .464              | <del>((1,156-1,246))</del>    | .79                                   |
| 68-1  | <del>((.1244</del>  | <del>.1235</del>  | <del>.1266</del>  | <del>.388))</del> | 1,294-1,395                   |                                       |
|       | .1531               | .1260             | .1177             | .426              | <del>((1,247-1,346))</del>    | .78                                   |
| 68-2  | <del>((.0860</del>  | <del>.0775</del>  | <del>.0779</del>  | <del>.492))</del> | 1,396-1,507                   |                                       |
|       | .1172               | .0961             | .0896             | .446              | <del>((1,347-1,455))</del>    | .77                                   |
| 68-3  | <del>((.4526</del>  | <del>.5019</del>  | <del>.5252</del>  | <del>.262))</del> | 1,508-1,629                   |                                       |
|       | .7710               | .6624             | .6316             | .232              | <del>((1,456-1,575))</del>    | .76                                   |
| 68-4  | <del>((.0432</del>  | <del>.0428</del>  | <del>.0439</del>  | <del>.389))</del> | 1,630-1,763                   |                                       |
|       | .0601               | .0501             | .0470             | .367              | <del>((1,576 and over))</del> | .75                                   |
| 68-9  | <del>((.2565</del>  | <del>.2318</del>  | <del>.2331</del>  | <del>.489))</del> | 1,764-1,910                   |                                       |
|       | .3612               | .2917             | .2699             | .513              | 1,911-2,072                   | .74                                   |
| 69-2  | <del>((.1415</del>  | <del>.1471</del>  | <del>.1521</del>  | <del>.336))</del> | 2,073-2,250                   | .73                                   |
|       | .2126               | .1803             | .1709             | .291              | 2,251-2,446                   | .72                                   |
| 69-3  | <del>((.6383</del>  | <del>.6798</del>  | <del>.7063</del>  | <del>.309))</del> | 2,447-2,662                   | .71                                   |
|       | 1.0023              | .8475             | .8022             | .304              | 2,663 and over                | .70                                   |
| 69-4  | <del>((.1055</del>  | <del>.1045</del>  | <del>.1071</del>  | <del>.391))</del> |                               |                                       |
|       | .1179               | .0992             | .0937             | .327              |                               |                                       |
| 69-5  | <del>((.1055</del>  | <del>.1045</del>  | <del>.1071</del>  | <del>.391))</del> |                               |                                       |
|       | .1179               | .0992             | .0937             | .327              |                               |                                       |
| 69-7  | <del>((.1915</del>  | <del>.1860</del>  | <del>.1899</del>  | <del>.411))</del> |                               |                                       |
|       | .2787               | .2319             | .2179             | .376              |                               |                                       |
| 69-8  | <del>((.0665</del>  | <del>.0601</del>  | <del>.0604</del>  | <del>.490))</del> |                               |                                       |
|       | .0988               | .0799             | .0740             | .503              |                               |                                       |
| 69-9  | <del>((.0165</del>  | <del>.0161</del>  | <del>.0164</del>  | <del>.411))</del> |                               |                                       |
|       | .0219               | .0180             | .0169             | .434              |                               |                                       |
| 71-1  | <del>((.0110</del>  | <del>.0110</del>  | <del>.0113</del>  | <del>.367))</del> |                               |                                       |
|       | .0125               | .0104             | .0098             | .365              |                               |                                       |
| 71-2  | <del>((2.30*</del>  | <del>2.10*</del>  | <del>2.11*</del>  | <del>.478))</del> |                               |                                       |
|       | 2.84*               | 2.32*             | 2.15*             | .471              |                               |                                       |
| 71-3  | <del>((.0305</del>  | <del>.0285</del>  | <del>.0289</del>  | <del>.451))</del> |                               |                                       |
|       | .0415               | .0342             | .0319             | .425              |                               |                                       |
| 71-4  | <del>((.0043</del>  | <del>.0041</del>  | <del>.0042</del>  | <del>.410))</del> |                               |                                       |
|       | .0063               | .0053             | .0049             | .420              |                               |                                       |
| 71-5  | <del>((.0382</del>  | <del>.0341</del>  | <del>.0343</del>  | <del>.502))</del> |                               |                                       |
|       | .0512               | .0414             | .0383             | .504              |                               |                                       |
| 71-6  | <del>((.0590</del>  | <del>.0559</del>  | <del>.0568</del>  | <del>.437))</del> |                               |                                       |
|       | .0807               | .0663             | .0620             | .431              |                               |                                       |
| 71-7  | <del>((.0867</del>  | <del>.0826</del>  | <del>.0840</del>  | <del>.432))</del> |                               |                                       |
|       | .1209               | .0994             | .0928             | .430              |                               |                                       |
| 71-8  | <del>((.2018</del>  | <del>.1915</del>  | <del>.1946</del>  | <del>.436))</del> |                               |                                       |
|       | .3032               | .2509             | .2351             | .401              |                               |                                       |
| 71-9  | <del>((.5381</del>  | <del>.5300</del>  | <del>.5425</del>  | <del>.396))</del> |                               |                                       |
|       | .7461               | .6227             | .5857             | .362              |                               |                                       |
| 72-1  | <del>((.0305</del>  | <del>.0285</del>  | <del>.0289</del>  | <del>.451))</del> |                               |                                       |
|       | .0415               | .0342             | .0319             | .425              |                               |                                       |
| 72-2  | <del>((.0089</del>  | <del>.0091</del>  | <del>.0094</del>  | <del>.351))</del> |                               |                                       |
|       | .0118               | .0100             | .0094             | .333              |                               |                                       |

AMENDATORY SECTION (Amending Order 81-02, filed 1/30/81)

WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund base rates and medical aid rates by class of industry shall be as set forth below.

| Class | Rates Effective<br>January 1, ((1981))<br>1982 |                             |
|-------|--|-----------------------------|
|       | Accident<br>Fund Base<br>Rate                  | Medical<br>Aid Fund<br>Rate |
| 1-1   | <del>((.4392</del>                             | <del>.1985))</del>          |
|       | .4583  | .2443                       |
| 1-2   | <del>((.4241</del>                             | <del>.1923))</del>          |
|       | .4337  | .2067                       |
| 1-3   | <del>((.5207</del>                             | <del>.2688))</del>          |
|       | .5529  | .3027                       |
| 1-4   | <del>((.4365</del>                             | <del>.1899))</del>          |
|       | .4573  | .2034                       |
| 1-5   | <del>((.4054</del>                             | <del>.2082))</del>          |
|       | .4170  | .2581                       |
| 1-6   | <del>((.7381</del>                             | <del>.2806))</del>          |
|       | .9409  | .3586                       |
| 1-7   | <del>((.3614</del>                             | <del>.1633))</del>          |
|       | .3653  | .1948                       |
| 1-8   | <del>((.4182</del>                             | <del>.1890))</del>          |
|       | .4438  | .2366                       |
| 1-9   | <del>((.5610</del>                             | <del>.2501))</del>          |
|       | .6063  | .4116                       |
| 2-1   | <del>((1.0791</del>                            | <del>.4841))</del>          |
|       | 1.0738   | .4505                       |
| 2-2   | <del>((.9518</del>                             | <del>.4063))</del>          |
|       | 1.0820   | .4918                       |
| 3-1   | <del>((.2087</del>                             | <del>.1458))</del>          |
|       | .2444  | .1904                       |
| 3-2   | <del>((.5890</del>                             | <del>.2116))</del>          |
|       | .7002  | .2720                       |
| 3-6   | <del>((.3028</del>                             | <del>.1805))</del>          |
|       | .2748  | .1920                       |
| 3-7   | <del>((.2287</del>                             | <del>.1447))</del>          |
|       | .2578  | .1768                       |
| 4-1   | <del>((.7750</del>                             | <del>.3387))</del>          |
|       | .9037  | .4137                       |
| 4-2   | <del>((.7750</del>                             | <del>.3387))</del>          |
|       | .9037  | .4137                       |
| 4-3   | <del>((.5617</del>                             | <del>.2826))</del>          |
|       | .6106  | .3386                       |
| 5-2   | <del>((.3953</del>                             | <del>.1759))</del>          |
|       | .4563  | .2005                       |
| 5-3   | <del>((.2193</del>                             | <del>.1783))</del>          |
|       | .2297  | .1919                       |
| 5-4   | <del>((.4822</del>                             | <del>.3021))</del>          |
|       | .6203  | .3060                       |
| 5-5   | <del>((.5136</del>                             | <del>.2935))</del>          |
|       | .5790  | .3339                       |
| 5-8   | <del>((.7532</del>                             | <del>.3373))</del>          |

\*Daily expected loss rate

AMENDATORY SECTION (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

WAC 296-17-890 TABLE IV.

Maximum experience modifications for firms with no compensable accidents:

| Expected<br>Loss Range | Maximum<br>Experience<br>Modification |
|------------------------|---------------------------------------|
| 1-((567))              | .90                                   |
| 635                    |                                       |
| <del>((568-606))</del> | .89                                   |
| 636-679                |                                       |
| <del>((607-649))</del> | .88                                   |
| 680-726                |                                       |
| <del>((650-695))</del> | .87                                   |
| 727-778                |                                       |
| <del>((696-746))</del> | .86                                   |
| 779-835                |                                       |
| <del>((747-800))</del> | .85                                   |
| 836-896                |                                       |
| <del>((801-859))</del> | .84                                   |
| 897-962                |                                       |
| <del>((860-924))</del> | .83                                   |

Rates Effective  
January 1, ((1981))  
1982

Rates Effective  
January 1, ((1981))  
1982

| Class | Accident Fund Base Rate | Medical Aid Fund Rate | Class | Accident Fund Base Rate | Medical Aid Fund Rate |
|-------|-------------------------|-----------------------|-------|-------------------------|-----------------------|
|       | .7642                   | .5105                 | 22-2  | <del>((-1284</del>      | <del>.0815))</del>    |
| 6-1   | <del>((-1803</del>      | <del>.1261))</del>    |       | .1550                   | .0947                 |
|       | .1882                   | .1455                 | 24-1  | <del>((-2654</del>      | <del>.1658))</del>    |
| 6-2   | <del>((-1848</del>      | <del>.1277))</del>    |       | .3181                   | .2170                 |
|       | .2121                   | .1446                 | 29-3  | <del>((-2572</del>      | <del>.1888))</del>    |
| 6-3   | <del>((-2836</del>      | <del>.1545))</del>    |       | .3052                   | .2158                 |
|       | .3240                   | .1918                 | 29-4  | <del>((-3019</del>      | <del>.1836))</del>    |
| 6-4   | <del>((-4939</del>      | <del>.2745))</del>    |       | .3463                   | .2158                 |
|       | .5023                   | .3235                 | 29-6  | <del>((-2139</del>      | <del>.1674))</del>    |
| 6-6   | <del>((-1157</del>      | <del>.0865))</del>    |       | .2101                   | .1712                 |
|       | .1122                   | .0956                 | 31-1  | <del>((-2300</del>      | <del>.1458))</del>    |
| 6-7   | <del>((-1342</del>      | <del>.0740))</del>    |       | .3053                   | .1491                 |
|       | .1380                   | .0769                 | 31-2  | <del>((-2156</del>      | <del>.1133))</del>    |
| 7-1   | <del>((-4541</del>      | <del>.1684))</del>    |       | .2386                   | .1320                 |
|       | .5326                   | .2696                 | 31-3  | <del>((-2156</del>      | <del>.1133))</del>    |
| 8-3   | <del>((-2026</del>      | <del>.1109))</del>    |       | .2386                   | .1320                 |
|       | .2049                   | .1214                 | 31-4  | <del>((-2300</del>      | <del>.1458))</del>    |
| 8-4   | <del>((-3361</del>      | <del>.2414))</del>    |       | .3053                   | .1491                 |
|       | .3584                   | .3361                 | 31-5  | <del>((-4021</del>      | <del>.1787))</del>    |
| 9-1   | <del>((-8345</del>      | <del>.2043))</del>    |       | .3989                   | .2382                 |
|       | .9992                   | .2528                 | 33-1  | <del>((-2577</del>      | <del>.1996))</del>    |
| 10-2  | <del>((-7344</del>      | <del>.3720))</del>    |       | .3326                   | .1987                 |
|       | .5005                   | .2664                 | 33-2  | <del>((-2124</del>      | <del>.1645))</del>    |
| 10-3  | <del>((-2968</del>      | <del>.1545))</del>    |       | .2279                   | .1857                 |
|       | .3098                   | .1648                 | 33-3  | <del>((-1407</del>      | <del>.1090))</del>    |
| 10-4  | <del>((-7344</del>      | <del>.3720))</del>    |       | .1441                   | .1219                 |
|       | .3098                   | .1648                 | 33-9  | <del>((-1314</del>      | <del>.1026))</del>    |
| 10-5  | <del>((-9497</del>      | <del>.4919))</del>    |       | .1627                   | .1309                 |
| 11-1  | <del>((-3353</del>      | <del>.1417))</del>    | 34-1  | <del>((-1700</del>      | <del>.1117))</del>    |
|       | .2805                   | .1444                 |       | .1870                   | .1276                 |
| 11-2  | <del>((-3988</del>      | <del>.2063))</del>    | 34-2  | <del>((-2524</del>      | <del>.1669))</del>    |
|       | .4458                   | .2521                 |       | .2679                   | .2233                 |
| 11-3  | <del>((-1651</del>      | <del>.1294))</del>    | 34-3  | <del>((-0410</del>      | <del>.0152))</del>    |
|       | .1837                   | .1385                 |       | .0518                   | .0206                 |
| 13-1  | <del>((-1497</del>      | <del>.1047))</del>    | 34-4  | <del>((-1945</del>      | <del>.1537))</del>    |
|       | .1836                   | .1167                 |       | .2370                   | .1709                 |
| 13-3  | <del>((-0945</del>      | <del>.0554))</del>    | 34-5  | <del>((-0737</del>      | <del>.0273))</del>    |
|       | .1043                   | .0729                 |       | .0895                   | .0451                 |
| 13-4  | <del>((-0053</del>      | <del>.0064))</del>    | 34-6  | <del>((-0952</del>      | <del>.0781))</del>    |
|       | .0057                   | .0078                 |       | .0871                   | .0881                 |
| 14-1  | <del>((-2776</del>      | <del>.1726))</del>    | 34-7  | <del>((-1193</del>      | <del>.0856))</del>    |
|       | .3377                   | .2509                 |       | .1333                   | .1142                 |
| 14-3  | <del>((-1854</del>      | <del>.0752))</del>    | 34-8  | <del>((-0493</del>      | <del>.0408))</del>    |
|       | .2021                   | .0893                 |       | .0535                   | .0461                 |
| 14-4  | <del>((-1854</del>      | <del>.0752))</del>    | 34-9  | <del>((-0835</del>      | <del>.0684))</del>    |
|       | .2021                   | .0893                 |       | .0871                   | .0881                 |
| 15-1  | <del>((-1553</del>      | <del>.0993))</del>    | 35-1  | <del>((-1588</del>      | <del>.1241))</del>    |
|       | .1708                   | .1114                 |       | .1720                   | .1669                 |
| 15-7  | <del>((-1327</del>      | <del>.0831))</del>    | 35-3  | <del>((-1159</del>      | <del>.1009))</del>    |
|       | .1400                   | .0961                 |       | .1222                   | .1142                 |
| 17-1  | <del>((-7534</del>      | <del>.3609))</del>    | 35-6  | <del>((-3705</del>      | <del>.1644))</del>    |
|       | .8528                   | .3972                 |       | .3655                   | .1763                 |
| 17-2  | <del>((-7534</del>      | <del>.3609))</del>    | 35-8  | <del>((-1671</del>      | <del>.1644))</del>    |
|       | .8528                   | .3972                 |       | .1917                   | .1442                 |
| 17-3  | <del>((-3697</del>      | <del>.1711))</del>    | 36-1  | <del>((-1945</del>      | <del>.1537))</del>    |
|       | .3673                   | .1650                 |       | .0478                   | .0406                 |
| 17-4  | <del>((-1726</del>      | <del>.1349))</del>    | 36-2  | <del>((-0435</del>      | <del>.0418))</del>    |
|       | .2297                   | .1613                 |       | .0478                   | .0406                 |
| 18-1  | <del>((-3565</del>      | <del>.1613))</del>    | 36-3  | <del>((-1846</del>      | <del>.1360))</del>    |
|       | .3714                   | .1940                 |       | .2213                   | .1663                 |
| 20-2  | <del>((-1805</del>      | <del>.1107))</del>    | 36-4  | <del>((-3758</del>      | <del>.2088))</del>    |
|       | .2195                   | .1491                 |       | .3903                   | .2331                 |
| 20-3  | <del>((-1716</del>      | <del>.1185))</del>    | 36-5  | <del>((-1268</del>      | <del>.0913))</del>    |
|       | .1764                   | .1345                 |       | .1400                   | .1108                 |
| 20-4  | <del>((-2169</del>      | <del>.1681))</del>    | 36-6  | <del>((-2240</del>      | <del>.1863))</del>    |
|       | .2612                   | .2222                 |       | .2466                   | .1919                 |
| 20-5  | <del>((-1381</del>      | <del>.1134))</del>    | 37-1  | <del>((-1056</del>      | <del>.0816))</del>    |
|       | .1616                   | .1374                 |       | .1253                   | .0842                 |
| 20-7  | <del>((-1642</del>      | <del>.1039))</del>    | 37-2  | <del>((-2154</del>      | <del>.1329))</del>    |
|       | .1799                   | .1236                 |       | .2250                   | .1418                 |
| 20-8  | <del>((-1331</del>      | <del>.0846))</del>    | 37-3  | <del>((-1056</del>      | <del>.0816))</del>    |
|       | .1427                   | .0950                 |       | .1253                   | .0842                 |
| 21-1  | <del>((-1666</del>      | <del>.1321))</del>    | 37-7  | <del>((-1188</del>      | <del>.0747))</del>    |
|       | .2046                   | .1541                 |       | .1472                   | .0991                 |
| 21-2  | <del>((-1716</del>      | <del>.1185))</del>    | 37-8  | <del>((-1005</del>      | <del>.0665))</del>    |
|       | .1764                   | .1345                 |       | .1117                   | .0756                 |
| 21-4  | <del>((-1010</del>      | <del>.0884))</del>    | 38-1  | <del>((-1005</del>      | <del>.0665))</del>    |
|       | .1080                   | .0816                 |       | .1117                   | .0756                 |
| 21-5  | <del>((-3593</del>      | <del>.2004))</del>    | 38-2  | <del>((-0685</del>      | <del>.0526))</del>    |
| 22-1  | <del>((-1102</del>      | <del>.0573))</del>    |       | .0838                   | .0601                 |
|       | .1233                   | .0729                 | 38-3  | <del>((-0685</del>      | <del>.0526))</del>    |

Rates Effective  
January 1, ((1981))  
1982

Rates Effective  
January 1, ((1981))  
1982

| Class | Accident Fund Base Rate | Medical Aid Fund Rate |
|-------|-------------------------|-----------------------|
|       | .0838                   | .0601                 |
| 38-4  | <del>((-.0685</del>     | <del>-.0526))</del>   |
|       | .0838                   | .0601                 |
| 38-5  | <del>((-.0685</del>     | <del>-.0526))</del>   |
|       | .0838                   | .0601                 |
| 38-6  | <del>((-.0685</del>     | <del>-.0526))</del>   |
|       | .0838                   | .0601                 |
| 38-8  | <del>((-.0703</del>     | <del>-.0540))</del>   |
|       | .0774                   | .0649                 |
| 38-9  | <del>((-.0685</del>     | <del>-.0526))</del>   |
|       | .0838                   | .0601                 |
| 39-1  | <del>((-.1702</del>     | <del>-.1036))</del>   |
|       | .1968                   | .1223                 |
| 39-2  | <del>((-.2794</del>     | <del>-.1542))</del>   |
|       | .2762                   | .1512                 |
| 39-3  | <del>((-.3582</del>     | <del>-.2559))</del>   |
|       | .3936                   | .2964                 |
| 39-4  | <del>((-.2794</del>     | <del>-.1542))</del>   |
|       | .2762                   | .1512                 |
| 39-5  | <del>((-.0619</del>     | <del>-.0605))</del>   |
|       | .0677                   | .0643                 |
| 39-6  | <del>((-.1700</del>     | <del>-.1035))</del>   |
|       | .1968                   | .1223                 |
| 40-2  | <del>((-.2662</del>     | <del>-.1226))</del>   |
|       | .2636                   | .1929                 |
| 41-1  | <del>((-.0436</del>     | <del>-.0428))</del>   |
|       | .0544                   | .0462                 |
| 41-2  | <del>((-.0435</del>     | <del>-.0418))</del>   |
|       | .0478                   | .0406                 |
| 41-3  | <del>((-.0771</del>     | <del>-.0579))</del>   |
|       | .0949                   | .0839                 |
| 41-4  | <del>((-.0436</del>     | <del>-.0428))</del>   |
|       | .0544                   | .0462                 |
| 41-5  | <del>((-.0436</del>     | <del>-.0428))</del>   |
|       | .0544                   | .0462                 |
| 41-6  | <del>((-.0435</del>     | <del>-.0418))</del>   |
|       | .0478                   | .0406                 |
| 41-7  | <del>((-.0329</del>     | <del>-.0282))</del>   |
|       | .0340                   | .0322                 |
| 41-8  | <del>((-.0436</del>     | <del>-.0428))</del>   |
|       | .0544                   | .0462                 |
| 41-9  | <del>((-.0436</del>     | <del>-.0428))</del>   |
|       | .0544                   | .0462                 |
| 42-1  | <del>((-.2815</del>     | <del>-.1925))</del>   |
|       | .2736                   | .1628                 |
| 43-1  | <del>((-.3500</del>     | <del>-.2711))</del>   |
|       | .3993                   | .2886                 |
| 43-2  | <del>((-.2855</del>     | <del>-.1801))</del>   |
|       | .3180                   | .2139                 |
| 43-3  | <del>((-.3177</del>     | <del>-.1783))</del>   |
|       | .3506                   | .2274                 |
| 43-4  | <del>((-.3387</del>     | <del>-.1960))</del>   |
|       | .3367                   | .2038                 |
| 43-5  | <del>((-.6017</del>     | <del>-.2742))</del>   |
|       | .6000                   | .3366                 |
| 44-1  | <del>((-.2124</del>     | <del>-.1016))</del>   |
|       | .2236                   | .1244                 |
| 44-4  | <del>((-.1716</del>     | <del>-.1185))</del>   |
|       | .1764                   | .1345                 |
| 45-1  | <del>((-.0580</del>     | <del>-.0426))</del>   |
|       | .0621                   | .0461                 |
| 45-2  | <del>((-.0252</del>     | <del>-.0146))</del>   |
|       | .0265                   | .0159                 |
| 45-3  | <del>((-.0740</del>     | <del>-.0460))</del>   |
|       | .0733                   | .0499                 |
| 45-4  | <del>((-.0291</del>     | <del>-.0294))</del>   |
|       | .0304                   | .0330                 |
| 46-1  | <del>((-.1421</del>     | <del>-.2126))</del>   |
|       | .1856                   | .2792                 |
| 48-2  | <del>((-.1053</del>     | <del>-.0584))</del>   |
|       | .1069                   | .0653                 |
| 48-3  | <del>((-.2062</del>     | <del>-.1606))</del>   |
|       | .1728                   | .1633                 |
| 48-4  | <del>((-.2057</del>     | <del>-.1307))</del>   |
|       | .2372                   | .1590                 |
| 48-5  | <del>((-.1174</del>     | <del>-.0784))</del>   |
|       | .1239                   | .0911                 |
| 48-6  | <del>((-.0248</del>     | <del>-.0218))</del>   |
|       | .0288                   | .0258                 |
| 48-7  | <del>((-.5136</del>     | <del>-.2935))</del>   |
|       | .5790                   | .3339                 |

| Class | Accident Fund Base Rate | Medical Aid Fund Rate |
|-------|-------------------------|-----------------------|
| 48-8  | <del>((-.1506</del>     | <del>-.1085))</del>   |
|       | .1749                   | .1215                 |
| 48-9  | <del>((-.0800</del>     | <del>-.0534))</del>   |
|       | .0871                   | .0635                 |
| 49-1  | <del>((-.0333</del>     | <del>-.0265))</del>   |
|       | .0367                   | .0299                 |
| 49-2  | <del>((-.0777</del>     | <del>-.0446))</del>   |
|       | .0846                   | .0499                 |
| 49-3  | <del>((-.0333</del>     | <del>-.0265))</del>   |
|       | .0367                   | .0299                 |
| 49-4  | <del>((-.0674</del>     | <del>-.0648))</del>   |
|       | .0075                   | .0070                 |
| 49-5  | <del>((-.1206</del>     | <del>-.0846))</del>   |
|       | .1279                   | .1147                 |
| 49-6  | <del>((-.0243</del>     | <del>-.0180))</del>   |
|       | .0259                   | .0217                 |
| 49-7  | <del>((-.0513</del>     | <del>-.0309))</del>   |
|       | .0518                   | .0327                 |
| 49-8  | <del>((-.1133</del>     | <del>-.0619))</del>   |
|       | .0518                   | .0664                 |
| 49-9  | <del>((-.1133</del>     | <del>-.0619))</del>   |
|       | .0518                   | .0664                 |
| 50-1  | <del>((-.15891</del>    | <del>-.0662))</del>   |
|       | 1.8008                  | .8500                 |
| 50-2  | <del>((-.1754</del>     | <del>-.1435))</del>   |
|       | .1860                   | .1592                 |
| 50-3  | <del>((-.6653</del>     | <del>-.2789))</del>   |
|       | .7539                   | .3559                 |
| 50-4  | <del>((-.2615</del>     | <del>-.2186))</del>   |
| 51-1  | <del>((-.2656</del>     | <del>-.1757))</del>   |
|       | .3526                   | .2244                 |
| 51-2  | <del>((-.3257</del>     | <del>-.3298))</del>   |
|       | .5927                   | .4144                 |
| 51-3  | <del>((-.4254</del>     | <del>-.2982))</del>   |
|       | .5075                   | .3153                 |
| 51-4  | <del>((-.2524</del>     | <del>-.1669))</del>   |
|       | .2679                   | .2233                 |
| 51-5  | <del>((-.2524</del>     | <del>-.1669))</del>   |
|       | .2679                   | .2233                 |
| 51-6  | <del>((-.2524</del>     | <del>-.1669))</del>   |
|       | .2679                   | .2233                 |
| 51-7  | <del>((-.2022</del>     | <del>-.1481))</del>   |
|       | .2086                   | .1551                 |
| 51-8  | <del>((-.2524</del>     | <del>-.1669))</del>   |
|       | .2679                   | .2233                 |
| 51-9  | <del>((-.1765</del>     | <del>-.1162))</del>   |
|       | .2222                   | .1582                 |
| 52-1  | <del>((-.1959</del>     | <del>-.1291))</del>   |
|       | .2107                   | .1372                 |
| 52-2  | <del>((-.2524</del>     | <del>-.1669))</del>   |
|       | .2679                   | .2233                 |
| 52-3  | <del>((-.2524</del>     | <del>-.1669))</del>   |
|       | .2679                   | .2233                 |
| 52-4  | <del>((-.4365</del>     | <del>-.1553))</del>   |
|       | .5428                   | .1913                 |
| 52-5  | <del>((-.2524</del>     | <del>-.1669))</del>   |
|       | .2679                   | .2233                 |
| 52-6  | <del>((-.1704</del>     | <del>-.1221))</del>   |
|       | .1974                   | .1385                 |
| 52-7  | <del>((-.0605</del>     | <del>-.0560))</del>   |
|       | .0662                   | .0581                 |
| 53-1  | <del>((-.0074</del>     | <del>-.0048))</del>   |
|       | .0075                   | .0070                 |
| 53-5  | <del>((-.0118</del>     | <del>-.0098))</del>   |
|       | .0126                   | .0106                 |
| 53-6  | <del>((-.0121</del>     | <del>-.0098))</del>   |
|       | .0135                   | .0102                 |
| 53-7  | <del>((-.0777</del>     | <del>-.0446))</del>   |
|       | .0846                   | .0499                 |
| 61-3  | <del>((-.0137</del>     | <del>-.0154))</del>   |
|       | .0153                   | .0159                 |
| 61-4  | <del>((-.1691</del>     | <del>-.0967))</del>   |
|       | .1714                   | .1016                 |
| 61-5  | <del>((-.0798</del>     | <del>-.0615))</del>   |
|       | .0898                   | .0837                 |
| 61-7  | <del>((-.0661</del>     | <del>-.0499))</del>   |
|       | .0770                   | .0570                 |
| 61-8  | <del>((-.1533</del>     | <del>-.1164))</del>   |
|       | .2006                   | .1255                 |
| 61-9  | <del>((-.0176</del>     | <del>-.0117))</del>   |
|       | .0188                   | .0122                 |

| Rates Effective<br>January 1, ((1981))<br>1982 |                               |                             | Rates Effective<br>January 1, ((1981))<br>1982 |                               |                             |
|--|-------------------------------|-----------------------------|--|-------------------------------|-----------------------------|
| Class  | Accident<br>Fund Base<br>Rate | Medical<br>Aid Fund<br>Rate | Class  | Accident<br>Fund Base<br>Rate | Medical<br>Aid Fund<br>Rate |
| 62-1   | <del>((.0702</del>            | <del>-.0543))</del>         | 66-5   | <del>((-.0960</del>           | <del>-.0567))</del>         |
|  | <del>.0774</del>              | <del>.0629</del>            |  | <del>.1026</del>              | <del>.0725</del>            |
| 62-2   | <del>((-.2269</del>           | <del>-.1211))</del>         | 66-7   | <del>((-.0605</del>           | <del>-.0560))</del>         |
|  | <del>.2540</del>              | <del>.1459</del>            |  | <del>.0662</del>              | <del>.0581</del>            |
| 62-3   | <del>((-.0522</del>           | <del>-.0339))</del>         | 66-8   | <del>((-.1362</del>           | <del>-.0656))</del>         |
|  | <del>.0572</del>              | <del>.0418</del>            |  | <del>.1424</del>              | <del>.0735</del>            |
| 62-4   | <del>((-.0631</del>           | <del>-.0526))</del>         | 66-9   | <del>((-.4983</del>           | <del>-.4077))</del>         |
|  | <del>.0750</del>              | <del>.0667</del>            |  | <del>.6362</del>              | <del>.5559</del>            |
| 62-5   | <del>((-.0631</del>           | <del>-.0526))</del>         | 67-4   | <del>((-.0779</del>           | <del>-.0669))</del>         |
|  | <del>.0750</del>              | <del>.0667</del>            |  | <del>.0801</del>              | <del>.0767</del>            |
| 62-6   | <del>((-.0631</del>           | <del>-.0526))</del>         | 67-5   | <del>((-.2332</del>           | <del>-.2130))</del>         |
|  | <del>.0750</del>              | <del>.0667</del>            |  | <del>.2423</del>              | <del>.2379</del>            |
| 62-7   | <del>((-.3294</del>           | <del>-.3747))</del>         | 67-6   | <del>((-.1106</del>           | <del>-.0696))</del>         |
|  | <del>.3536</del>              | <del>.452</del>             |  | <del>.1222</del>              | <del>.0867</del>            |
| 62-8   | <del>((-.1372</del>           | <del>-.0838))</del>         | 67-7   | <del>((-.5.59*</del>          | <del>10.78**))</del>        |
|  | <del>.1307</del>              | <del>.0874</del>            |  | <del>7.67*</del>              | <del>13.66*</del>           |
| 62-9   | <del>((-.0752</del>           | <del>-.0847))</del>         | 67-8   | <del>((-.7.3995</del>         | <del>2.9474))</del>         |
|  | <del>.0875</del>              | <del>.1036</del>            |  | <del>3.9711</del>             | <del>2.0968</del>           |
| 63-1   | <del>((-.0779</del>           | <del>-.0325))</del>         | 67-9   | <del>((-.0619</del>           | <del>-.0571))</del>         |
|  | <del>.0655</del>              | <del>.0356</del>            |  | <del>.0624</del>              | <del>.0597</del>            |
| 63-2   | <del>((-.0842</del>           | <del>-.0445))</del>         | 68-1   | <del>((-.3380</del>           | <del>-.1934))</del>         |
|  | <del>.0851</del>              | <del>.0501</del>            |  | <del>.3123</del>              | <del>.1864</del>            |
| 63-3   | <del>((-.0304</del>           | <del>-.0199))</del>         | 68-2   | <del>((-.2056</del>           | <del>-.1547))</del>         |
|  | <del>.0255</del>              | <del>.0183</del>            |  | <del>.2391</del>              | <del>.1632</del>            |
| 63-4   | <del>((-.0465</del>           | <del>-.0366))</del>         | 68-3   | <del>((-.4.4168</del>         | <del>-.5342))</del>         |
|  | <del>.0513</del>              | <del>.0391</del>            |  | <del>1.5754</del>             | <del>.6217</del>            |
| 63-5   | <del>((-.0214</del>           | <del>-.0241))</del>         | 68-4   | <del>((-.1172</del>           | <del>-.0770))</del>         |
|  | <del>.0224</del>              | <del>.0250</del>            |  | <del>.1226</del>              | <del>.0802</del>            |
| 63-6   | <del>((-.0720</del>           | <del>-.0715))</del>         | 68-9   | <del>((-.6156</del>           | <del>1.0038))</del>         |
|  | <del>.0793</del>              | <del>.0739</del>            |  | <del>.7360</del>              | <del>1.1116</del>           |
| 63-8   | <del>((-.0213</del>           | <del>-.0110))</del>         | 69-1   | <del>((-</del>                | <del>-.0283))</del>         |
|  | <del>.0215</del>              | <del>.0122</del>            |  | <del>-</del>                  | <del>.0305</del>            |
| 63-9   | <del>((-.0360</del>           | <del>-.0420))</del>         | 69-2   | <del>((-.4077</del>           | <del>-.1439))</del>         |
|  | <del>.0410</del>              | <del>.0439</del>            |  | <del>.4341</del>              | <del>.1625</del>            |
| 64-2   | <del>((-.1078</del>           | <del>-.0690))</del>         | 69-3   | <del>((-.1.8982</del>         | <del>-.9894))</del>         |
|  | <del>.1186</del>              | <del>.0647</del>            |  | <del>2.0464</del>             | <del>1.1134</del>           |
| 64-3   | <del>((-.0597</del>           | <del>-.0488))</del>         | 69-4   | <del>((-.2856</del>           | <del>-.1548))</del>         |
|  | <del>.0683</del>              | <del>.0551</del>            |  | <del>.2408</del>              | <del>.1502</del>            |
| 64-4   | <del>((-.0210</del>           | <del>-.0182))</del>         | 69-5   | <del>((-.2856</del>           | <del>-.1548))</del>         |
|  | <del>.0241</del>              | <del>.0203</del>            |  | <del>.2408</del>              | <del>.1502</del>            |
| 64-5   | <del>((-.1644</del>           | <del>-.1213))</del>         | 69-6   | <del>((-</del>                | <del>-.1548))</del>         |
|  | <del>.1825</del>              | <del>.1870</del>            |  | <del>-</del>                  | <del>.1502</del>            |
| 64-6   | <del>((-.0306</del>           | <del>-.0318))</del>         | 69-7   | <del>((-.5055</del>           | <del>-.1933))</del>         |
|  | <del>.0366</del>              | <del>.0326</del>            |  | <del>.5686</del>              | <del>.2303</del>            |
| 64-7   | <del>((-.0591</del>           | <del>-.0609))</del>         | 69-8   | <del>((-.1594</del>           | <del>-.0748))</del>         |
|  | <del>.0723</del>              | <del>.0700</del>            |  | <del>.2011</del>              | <del>.0988</del>            |
| 64-8   | <del>((-.1538</del>           | <del>-.1125))</del>         | 69-9   | <del>((-.0437</del>           | <del>-.0337))</del>         |
|  | <del>.1564</del>              | <del>.1350</del>            |  | <del>.0448</del>              | <del>.0374</del>            |
| 64-9   | <del>((-.1624</del>           | <del>-.1136))</del>         | 71-1   | <del>((-.0304</del>           | <del>-.0199))</del>         |
|  | <del>.1968</del>              | <del>.1614</del>            |  | <del>.0255</del>              | <del>.0183</del>            |
| 65-1   | <del>((-.0183</del>           | <del>-.0136))</del>         | 71-2   | <del>((-.5.59*</del>          | <del>10.78**))</del>        |
|  | <del>.0196</del>              | <del>.0147</del>            |  | <del>5.80*</del>              | <del>13.74*</del>           |
| 65-2   | <del>((-.0065</del>           | <del>-.0052))</del>         | 71-3   | <del>((-.0777</del>           | <del>-.0446))</del>         |
|  | <del>.0071</del>              | <del>.0056</del>            |  | <del>.0846</del>              | <del>.0499</del>            |
| 65-3   | <del>((-.0480</del>           | <del>-.0180))</del>         | 71-4   | <del>((-.0112</del>           | <del>-.0087))</del>         |
|  | <del>.0559</del>              | <del>.0204</del>            |  | <del>.0129</del>              | <del>.0108</del>            |
| 65-4   | <del>((-.0667</del>           | <del>-.0688))</del>         | 71-5   | <del>((-.0902</del>           | <del>-.0842))</del>         |
|  | <del>.0733</del>              | <del>.0813</del>            |  | <del>.1040</del>              | <del>.0919</del>            |
| 65-5   | <del>((-.0572</del>           | <del>-.0499))</del>         | 71-6   | <del>((-.1509</del>           | <del>-.1063))</del>         |
|  | <del>.0712</del>              | <del>.0676</del>            |  | <del>.1642</del>              | <del>.1391</del>            |
| 65-6   | <del>((-.0176</del>           | <del>-.0126))</del>         | 71-7   | <del>((-.2234</del>           | <del>-.1399))</del>         |
|  | <del>.0182</del>              | <del>.0152</del>            |  | <del>.2461</del>              | <del>.1954</del>            |
| 65-7   | <del>((-.1219</del>           | <del>-.0850))</del>         | 71-8   | <del>((-.5170</del>           | <del>-.2695))</del>         |
|  | <del>.1188</del>              | <del>.0886</del>            |  | <del>.6172</del>              | <del>.3515</del>            |
| 65-8   | <del>((-.0948</del>           | <del>-.0699))</del>         | 71-9   | <del>((-.1.5891</del>         | <del>-.6662))</del>         |
|  | <del>.1188</del>              | <del>.0886</del>            |  | <del>1.8008</del>             | <del>.8500</del>            |
| 65-9   | <del>((-.0750</del>           | <del>-.0584))</del>         | 72-1   | <del>((-.0777</del>           | <del>-.0446))</del>         |
|  | <del>.0771</del>              | <del>.0667</del>            |  | <del>.0846</del>              | <del>.0499</del>            |
| 66-1   | <del>((-.0856</del>           | <del>-.0722))</del>         | 72-2   | <del>((-.0252</del>           | <del>-.0165))</del>         |
|  | <del>.0986</del>              | <del>.0907</del>            |  | <del>.0241</del>              | <del>.0181</del>            |
| 66-2   | <del>((-.1787</del>           | <del>-.0899))</del>         | 72-3   | <del>((-</del>                | <del>-.0305</del>           |
|  | <del>.2152</del>              | <del>.1017</del>            |  | <del>-</del>                  | <del>.0305</del>            |
| 66-3   | <del>((-.0997</del>           | <del>-.0635))</del>         | 72-4   | <del>((-</del>                | <del>-.0305</del>           |
|  | <del>.1100</del>              | <del>.0731</del>            |  | <del>-</del>                  | <del>.0305</del>            |
| 66-4   | <del>((-.0307</del>           | <del>-.0215))</del>         |  |                               |                             |
|  | <del>.0315</del>              | <del>.0242</del>            |  |                               |                             |

\*Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

AMENDATORY SECTION (Amending Order 81-02, filed 1/30/81)

WAC 296-17-919 TABLE I.

RETROSPECTIVE RATING PLANS A and B  
STANDARD PREMIUM SIZE RANGES

| Size Group Number | Standard Premium Range        |
|-------------------|-------------------------------|
| 84                | \$ 3,530 - \$ 3,959           |
| 83                | 3,960 - 4,259                 |
| 82                | 4,260 - 4,569                 |
| 81                | 4,570 - 4,909                 |
| 80                | 4,910 - 5,279                 |
| 79                | 5,280 - 5,659                 |
| 78                | 5,660 - 6,079                 |
| 77                | 6,080 - 6,539                 |
| 76                | 6,540 - 7,019                 |
| 75                | 7,020 - 7,539                 |
| 74                | 7,540 - 8,099                 |
| 73                | 8,100 - 8,699                 |
| 72                | 8,700 - 9,339                 |
| 71                | 9,340 - 9,999                 |
| 70                | 10,000 - 10,799               |
| 69                | 10,800 - 11,599               |
| 68                | 11,600 - 12,399               |
| 67                | 12,400 - 13,399               |
| 66                | 13,400 - 14,299               |
| 65                | 14,300 - 15,399               |
| 64                | 15,400 - 16,499               |
| 63                | 16,500 - ((17,699))<br>17,799 |
| 62                | 17,800 - 19,099               |
| 61                | 19,100 - 20,499               |
| 60                | 20,500 - 21,999               |
| 59                | 22,000 - 23,599               |
| 58                | 23,600 - 25,399               |
| 57                | 25,400 - 27,299               |
| 56                | 27,300 - 29,299               |
| 55                | 29,300 - 31,499               |
| 54                | 31,500 - 33,799               |
| 53                | 33,800 - 36,299               |
| 52                | 36,300 - 38,999               |
| 51                | 39,000 - 41,899               |
| 50                | 41,900 - 44,999               |
| 49                | 45,000 - 48,299               |
| 48                | 48,300 - 51,899               |
| 47                | 51,900 - 55,699               |
| 46                | 55,700 - 59,899               |
| 45                | 59,900 - 64,499               |
| 44                | 64,500 - 69,399               |
| 43                | 69,400 - 74,599               |
| 42                | 74,600 - 80,299               |
| 41                | 80,300 - 86,399               |
| 40                | 86,400 - 92,899               |
| 39                | 92,900 - 99,999               |
| 38                | 100,000 - 107,999             |
| 37                | 108,000 - 115,999             |
| 36                | 116,000 - 124,999             |
| 35                | 125,000 - 133,999             |
| 34                | 134,000 - 143,999             |
| 33                | 144,000 - 154,999             |
| 32                | 155,000 - 166,999             |
| 31                | 167,000 - 179,999             |
| 30                | 180,000 - 192,999             |
| 29                | 193,000 - 207,999             |
| 28                | 208,000 - 223,999             |
| 27                | 224,000 - 239,999             |
| 26                | 240,000 - 258,999             |
| 25                | 259,000 - 277,999             |
| 24                | 278,000 - 298,999             |
| 23                | 299,000 - 321,999             |
| 22                | 322,000 - 346,999             |
| 21                | 347,000 - 372,999             |
| 20                | 373,000 - 400,999             |
| 19                | 401,000 - 431,999             |
| 18                | 432,000 - 463,999             |
| 17                | 464,000 - 499,999             |
| 16                | 500,000 - 537,999             |
| 15                | 538,000 - 687,999             |
| 14                | 688,000 - 948,999             |
| 13                | 949,000 - 1,377,999           |
| 12                | 1,378,000 - 1,839,999         |
| 11                | 1,840,000 - 2,325,999         |
| 10                | 2,326,000 - 2,841,999         |
| 9                 | 2,842,000 - 3,552,999         |
| 8                 | 3,553,000 - 4,567,999         |

| Size Group Number | Standard Premium Range   |
|-------------------|--------------------------|
| 7                 | 4,568,000 - 6,064,999    |
| 6                 | 6,065,000 - 8,474,999    |
| 5                 | 8,475,000 - 12,659,999   |
| 4                 | 12,660,000 - 20,919,999  |
| 3                 | 20,920,000 - 41,109,999  |
| 2                 | 41,110,000 - 113,899,999 |
| 1                 | 113,900,000 & Over       |

AMENDATORY SECTION (Amending Order 80-23, filed 11/13/80, effective 1/1/81)

WAC 296-17-920 ASSESSMENT FOR SUPPLEMENTAL PENSION FUND. The amount of ((9-5)) 10.7 mills (\$((.0095)) .0107) shall be retained by each employer from the earnings of each of his workmen for each hour or fraction thereof the workman is employed. Provided that in classifications 67-7 and 71-2, the employer shall retain eight cents per man-day from each of his workmen. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

REPEALER

The following sections of the Washington Administrative Code is repealed:

WAC 296-17-720 CLASSIFICATION 65-7.

WSR 81-20-079  
PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION  
[Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning distribution and cost of tariffs, amending WAC 480-12-285. The proposed amendatory section is attached as Appendix A, Cause No. TV-1545. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, November 12, 1981, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 10, 1981, and/or orally at 9:00 a.m., Thursday, November 12, 1981, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: October 7, 1981

By: Barry M. Mar  
Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-12-285 relating to distribution and cost of tariffs.

The rule amendment proposed by the Washington Utilities and Transportation Commission is to be promulgated pursuant to RCW 80.01.040, which directs that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rule amendment proposed by the Washington Utilities and Transportation Commission is designed to increase the fees assessed for tariff purchase and annual maintenance to meet publication costs thereof.

Barry M. Mar, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington (telephone number (206) 753-6512) and members of his staff were responsible for the drafting of the proposed rule amendment and will be responsible for implementation and enforcement of the proposed rule.

The proponent of the rule is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 81.80.150.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and three copies to the Chief Clerk of the House of Representatives. In compliance with WAC 1-12-030 and 1-12-040, one copy forwarded to the Secretary of the Senate and one copy to the Chief Clerk have been marked "Joint Administrative Rules Review Committee."

APPENDIX A

AMENDATORY SECTION (Amending Order R-119, Cause No. TV-1178, filed 12/6/78)

WAC 480-12-285 TARIFFS, DISTRIBUTION AND COST OF. Tariffs, with description and cost thereof are as follows:

| Tariff No. | Territory  | Cost per Tariff              |                               |
|------------|--|------------------------------|-------------------------------|
|            |  | Initial Charge               | Annual Maintenance            |
| 3-B        | Spokane Cartage  | <del>\$(5.00)</del><br>7.50  | <del>\$(5.00)</del><br>8.00   |
| 4-A        | Special Commodities (State-wide)                               | <del>((5.00))</del><br>7.50  | <del>((10.00))</del><br>17.00 |
| 5-A        | General Freight West of Cascades                               | <del>((6.00))</del><br>10.00 | <del>((10.00))</del><br>17.00 |
| 6-A        | General Freight East of Cascades and between East and West     | <del>((6.00))</del><br>10.00 | <del>((10.00))</del><br>20.00 |
| 7-B        | Bulk Petroleum Products  | <del>((5.00))</del><br>7.50  | <del>((10.00))</del><br>15.00 |
| 8          | Olympic Peninsula  | <del>((5.00))</del><br>10.00 | <del>((10.00))</del><br>15.00 |
| 9          | General Freight in King, Pierce, Snohomish & Thurston Counties | <del>((6.00))</del><br>10.00 | <del>((10.00))</del><br>17.00 |
| 10         | Mileage Circular   | <del>((5.00))</del><br>7.50  | <del>((5.00))</del><br>8.00   |
| 12         | Local Areas  | <del>((5.00))</del><br>7.50  | <del>((5.00))</del><br>8.00   |
| 13         | Bulk Commodities except Petroleum                              | <del>((5.00))</del><br>7.50  | <del>((10.00))</del><br>15.00 |

Cost per Tariff

| Tariff No. | Territory              | Cost per Tariff             |                             |
|------------|------------------------|-----------------------------|-----------------------------|
|            |                        | Initial Charge              | Annual Maintenance          |
| 14         | Mobile Homes (Towaway) | <del>((5.00))</del><br>7.50 | <del>((5.00))</del><br>8.00 |
| 15         | Household Goods        | <del>((5.00))</del><br>7.50 | <del>((5.00))</del><br>8.00 |

During the calendar year in which the purchase of a tariff is made the annual maintenance fee shall be payable in advance on the following basis:

| Month Purchased             | Fee Payable    |
|-----------------------------|----------------|
| January, February, March    | In Full        |
| April, May, June            | Three-Quarters |
| July, August, September     | One-Half       |
| October, November, December | One-Quarter    |

Each subsequent year the annual maintenance fee shall be payable on or before December 31 of the preceding year.

One ((of)) or more single pages in any tariff will be supplied at five cents per page - minimum order one dollar.

All prices set out in this rule shall be subject to change without notice. All subsequent issues or reissues of commission tariffs shall be priced according to the cost of compilation and maintenance and all fees shall be payable in advance as stated herein unless otherwise specifically ordered by the commission.

WSR 81-20-080  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning income assistance, amending chapters 388-24, 388-28, 388-29, 388-33 and 388-44 WAC.

These rules were adopted on an emergency basis on October 1, 1981.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
Division of Administration  
Department of Social and Health Services  
Mailstop OB-33C  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by October 27, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Tuesday, November 10, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, November 18, 1981, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 10, 1981, and/or orally at 10:00 a.m., Tuesday, November 10, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: October 1, 1981

By: David A. Hogan

Director, Division of Administration

### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend chapters 388-24, 388-28, 388-29, 388-33 and 388-44 WAC.

Purpose of the rule or rule change is to implement assistance cuts mandated by federal budget.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: WAC 388-24-040(1)(a) aid to unborn limited to third trimester of pregnancy; 388-24-042(1) caretaker on strike, unit not eligible for AFDC, (2) only child of strike unit not eligible for AFDC, (3) a child on strike, striker not eligible but caretaker and other siblings eligible, (4) expectation of strike not assumed prior to participation in strike; 388-24-107(1)(a) child 16-18 exempt from WIN when a full time student in secondary or vocational/technical training, (1)(e) parent with child under six exempt from WIN when providing care for the child with only brief and infrequent absences from the child, (5) removes "Effective January 1, 1980" re: WIN/E&T status changes. (Housekeeping only); 388-24-137(2) discontinues continuing assistance for one month after deprivation ceases; 388-28-430(2) reduces and redefines resource limits for federal assistance programs; 388-28-440(2) and 388-28-474 limits accumulation of exempt resources from lump sums to GA-U only; 388-28-475 is repealed because it is redundant; 388-28-480(2) corrects a reference from "recurrent income" to "non-exempt income"; 388-28-480(4) limits the \$5 disregard to GA-U only; 388-28-480(5) makes EITC a mandatory addition to gross income; 388-28-481(1) limits counting non-exempt resources as income to GA-U only; 388-28-482(4)(a) requires counting childrens earned income towards resource limits for AFDC and RA; 388-24-482(4)(c) allows exempt accumulation of exempt income for GA-U only; 388-28-482(4)(d) requires counting interest income in the 150% of gross test; 388-28-484(2)(b) requires a period of ineligibility for net income in excess of basic requirements; 388-28-484(2)(b)(iii) and (3)(c) and (d) and (4) distinguishes between GA-U and AFDC with regard to periods of ineligibility; 388-28-484(7) applies the 150% of gross income test for federal assistance programs; 388-28-484(8) restricts lump sum exemptions to the GA-U program; 388-28-515(1) removes the exemption of children's income for resource limits and income tests; 388-28-515(2), (3), (4), (5) and (6) restricts actual work expense allowances to the GA-U program; 388-28-515(7) deletes reference to child care as an additional requirement; 388-28-520(1) deletes references to

work expenses; 388-28-520(1)(b) and (2)(iii)(v) restricts personal work expense deductions to GA-U; 388-28-520(3)(e) clarifies that entertainment expenses cannot be deducted from income; 388-28-535(3) removes references to excluding income of children for eligibility determination; 388-28-570(5) limits earnings exemptions to the period of payment not the period of earning; 388-28-570(5)(b) sets forth the new federal earned income disregards; 388-28-570(5)(c)(iii) sets forth sanctions by which disregards are withheld; 388-28-590 alien sponsorship; 388-29-115 supplemental payments AFDC, repealed; 388-29-155 child care for employed persons, repealed; 388-33-055 minimum grant amount set at \$10; 388-33-120(4)(c) \$10 minimum payment effect on reinstatement of suspended cases; 388-33-195(2) twelve month limit on repaying underpayments, repealed; 388-33-355(1)(b) suspension when grant payment less than \$10; 388-33-395(2)(c)(v) one time grant rules, removes "due to erroneous monthly deduction" from compensating a recipient for an underpayment; and 388-33-595(2)(c)(vii) deletes supplementation when a person added to the unit, (2)(c)(ix) deletes supplementation when a person added to the unit, (2)(c)(xi) eliminates twelve month limitation on repaying underpayments.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Gerry Nelson, Program Manager, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-3177.

These rules are necessary as a result of a federal law, 45 CFR Parts 205, 206, 233, 234, 235, 238 and 239.

### AMENDATORY SECTION (Amending Order 1644, filed 4/27/81)

WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY CONDITIONS. AFDC shall be granted in behalf of a needy child:

- (1) Who is under the age of eighteen years;
- (a) Effective October 1, 1981, AFDC may be granted on behalf of an unborn child((-Medical confirmation of pregnancy is required)) provided there is medical confirmation that the mother is in the third trimester of pregnancy. The third trimester is defined as the three calendar months preceding the expected month of birth. Acceptable source of medical confirmation is a written statement from a licensed medical practitioner that confirms pregnancy and the expected date of birth;
- (b) AFDC shall be continued through the month in which the child reaches the maximum age;
- (2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington – see WAC 388-26-050 through 388-26-105;
- (3) Who is deprived of parental care and support because of death, continued absence, or incapacity of a parent or stepparent – see WAC 388-24-055 through 388-24-070;
- (4) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC 388-24-065(6);
- (5)(a) Who is living in the home of a relative of specified degree, except for a temporary period, as provided in WAC 388-24-125; or
- (b) Who, as a result of judicial action, was removed from his home and placed in foster care after April 30, 1961, and who meets the conditions specified in WAC 388-24-207;
- (6) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States as described in WAC 388-26-120;
- (7) Whose parent or stepparent has not transferred property contrary to law or DSHS rules in WAC 388-28-457 through 388-28-465;
- (8) Who is in financial need – see chapters 388-28 and 388-33 WAC;

(9) The applicant's written statement of application for AFDC must include all children under eighteen years of age living in the home who are full or half brothers or sisters or stepbrothers or stepsisters whether or not financial assistance is being requested for all of the children. Total resources and income available for all such children and their parents or stepparents in the home must be declared by the person applying in behalf of the children;

(10) For persons to be included in the AFDC assistance unit, see WAC 388-24-050.

#### NEW SECTION

WAC 388-24-042 AID TO FAMILIES WITH DEPENDENT CHILDREN—ELIGIBILITY OF STRIKERS. (1) Eligibility for AFDC or refugee assistance does not exist when any caretaker relative with whom the child lives is, on the last day of the month, participating in a strike.

(2) Eligibility for AFDC or refugee assistance does not exist when the only child or all children in an AFDC assistance unit is/are, on the last day of the month, participating in a strike.

(3) Eligibility for the eligible caretaker and siblings will be determined without regard to the needs of a child in the home who, on the last of the month, is participating in a strike.

#### AMENDATORY SECTION (Amending Order 1501, filed 5/22/80)

WAC 388-24-052 PROVISION OF SOCIAL SECURITY NUMBERS. (1) As a condition of eligibility each applicant for or recipient of assistance shall be required to

(a) Furnish a social security number for all persons whose needs are considered in determining the amount of assistance, or

(b) Apply for social security numbers if they are unknown or have not been issued.

(2) The applicant/recipient has the responsibility to report promptly and accurately any new social security number (~~within twenty days of its receipt per WAC 388-38-255~~).

(3) Assistance will not be denied, delayed or terminated pending issuance of social security numbers if the applicant/recipient provides verification that he/she has met the requirement in subdivision (1)(b) or that he/she has attempted to apply, but the application was refused because he/she could not furnish the verification required by the social security administration or recipient.

(4) If the applicant or recipient fails or refuses to comply with the requirement to furnish or apply for social security numbers for each person included in the assistance unit, eligibility for such person(s) cannot be determined and they shall be excluded from the assistance unit.

(5) The department shall assist the applicant in obtaining a social security number by referring him or her to the nearest social security office and by furnishing to the client from department records any verification requested by the social security administration.

(6) These rules shall be effective April 1, 1980.

#### AMENDATORY SECTION (Amending Order 1644, filed 4/27/81)

WAC 388-24-107 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC—REGISTRATION FOR WIN/EMPLOYMENT AND TRAINING. (1) As a condition of eligibility for AFDC, every individual shall register for the WIN or employment and training (E&T) program unless such individual is:

(a) Under age sixteen or age sixteen but not yet eighteen who is enrolled as, or has been accepted for enrollment as, a full-time student for the next school term, in a secondary school, or the equivalent level of vocational or technical training.

(b) A person who is ill, incapacitated, or sixty-five years of age or older. Cost of a physical or psychiatric examination is authorized when the examination is to determine employability for registration or participation in the WIN/E&T program.

(i) Temporary illness or incapacity (a condition lasting not more than ninety days) provides WIN/E&T exemption only for the period of a documented condition of unemployability. Exemption terminates when the condition ceases.

(ii) Persons who have been determined to be exempt from registration on the basis of permanent incapacity shall be referred for services under the vocational rehabilitation program.

(c) A person residing outside a WIN/E&T area or at a location so remote from a WIN/E&T project that his/her effective participation is precluded,

(d) A person whose presence in the home is required because of illness or incapacity of another member of the household,

(e) A parent or other needy caretaker relative of a child under the age of six who is ((caring)) personally providing care for the child, with only brief and infrequent absences from the child,

(f) A mother of an unborn child.

(2) Any applicant or recipient has a right to a fair hearing to contest a determination of nonexempt status and shall be considered as exempt until his/her status is finally determined. (See WAC 388-57-090).

(3) The requirements of any individual who fails to register as required under subsection (1) of this section shall not be taken into account in determining the requirements of the assistance unit and the amount of assistance, and assistance will be granted to the eligible members of the assistance unit.

(4) An exempt parent caretaker of a child or unborn child under the age of six shall be advised of her/his option to register if she/he so desires, and of the fact that child care will be provided if needed. Other exempted individuals may volunteer to register, subject to acceptance of such registration by DES.

(5) ~~((Effective January 1, 1980))~~ When an AFDC recipient who has been classified as exempt from WIN/E&T registration reports any change which affects the exempt status, he/she shall be registered within thirty days after the report. If a change is not reported, exempt or nonexempt status will be determined at the next review unless the department becomes aware that an AFDC recipient's exempt status has changed. Then the recipient shall be notified that he/she shall be registered within thirty days.

(6) The department's income maintenance unit (IMU) shall determine which AFDC applicants/recipients are exempt from registration and which are required to register as a condition of eligibility.

(7) For the employment and training (E&T) program only, persons who are employed at least thirty hours per week are exempt from registration.

#### AMENDATORY SECTION (Amending Order 1644, filed 4/27/81)

WAC 388-24-137 CONTINUATION OF ASSISTANCE WHEN DEPRIVATION CEASES. (1) When deprivation due to incapacity or absence ceases and the family remains in need, the CSO shall determine if any other basis for deprivation exists.

(2) If there is no deprivation due to death or incapacity after deprivation due to absence ceases, ~~((and the family remains in need and otherwise eligible, assistance may be continued for a temporary period as follows:~~

~~((a)) assistance will be discontinued at the end of the ((next)) calendar month ((after)) in which deprivation due to absence ceases ((unless some other type of deprivation exists)).~~

~~((b) Assistance will be continued only when the change in circumstances has been reported as specified in WAC 388-38-255.~~

~~((3) If there is no other basis for deprivation after incapacity ceases and the family remains in need and otherwise eligible for AFDC, assistance may be continued until the end of the month following the month in which the parent's or stepparent's incapacity ceases to exist:))~~

#### AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-005 FINANCIAL NEED—RULES AND PROCEDURES. (1) To be eligible for public assistance an applicant must be in financial need.

(2) Financial need exists when ((the)) a general assistance applicant's requirements as hereinafter specified and adjusted for the maximum grant limitations exceed the value of nonexempt resources currently possessed and the amount of his nonexempt recurrent and nonrecurrent income. The difference thus computed represents the extent of need which exists.

Financial need exists when an AFDC or refugee assistance applicant's requirements, as hereinafter specified and adjusted for the maximum grant limitations, exceed the amount of his nonexempt recurrent and nonrecurrent income. The difference thus computed represents the extent of need which exists.

~~((2))~~ (3) The rules in chapter 388-28 WAC governing determination of an applicant's financial need for assistance also govern the determination of the continuing need of a recipient unless specifically stated otherwise.

~~((f))~~ (4) Need is subject to change whenever the recipient's financial circumstances change in such a way that the cost of his requirements or his income is increased or decreased in relation to the standards for assistance.

**AMENDATORY SECTION** (Amending Order 1659, filed 6/2/81)

**WAC 388-28-430 EFFECT OF RESOURCES AND INCOME ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES.** (1) Personal property without ceiling value. The following personal property is an exempt resource. There is no ceiling value on such property.

(a) Used and useful household furnishings and personal clothing. Household furnishings and personal clothing which are in storage shall be presumed to be not used and useful, but all other household furnishings and personal clothing shall be presumed to be used and useful and both presumptions stand in the absence of evidence to the contrary.

(b) Personal property of "great sentimental value" may be exempted when the applicant establishes the circumstances and conditions which give it this value. When the intrinsic value is relatively high (stamp or coin collections, etc.) there may be need to review it carefully.

(c) Livestock or any other similar property owned by a child for the sole purpose of participating in an organized group or school activity, such as 4-H Club or FFA, shall be exempt, providing any net profit derived from the use of such property is reserved for future educational purposes.

(d) Other personal property, such as tools, farm machinery, livestock, business equipment, and inventory, can be declared an exempt resource by the CSO on the basis of an agreed plan. The following conditions apply:

(i) The exempted property must either produce income which reduces the applicant/recipient's need for public assistance, or aid in rehabilitating him or his dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(ii) If stock, raw materials, or inventory of a business are exempted, any increase in their value must be examined to determine whether the increase is necessary to the health of the enterprise. Such increase shall not be used as a means of diverting funds which might reasonably constitute income to the recipient.

(iii) The plan shall be reviewed at least once every six months.

(e) One cemetery plot for each member of an assistance household is exempt personal property. Any additional plots are nonexempt.

(f) Effective June 12, 1980, term and/or burial insurance for the use of the applicant or recipient.

(2) Exempt personal property with ceiling value. Property holdings in the form of cash and marketable securities, life insurance, real estate or chattel mortgages, sales contracts and used and useful automobiles are exempt resources to the extent that the values of such items are within the maxima or "ceiling" values specified in the following paragraph:

(a) Ceiling values on combinations of individual items. Effective July 1, 1981, for general assistance, the total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, and any excess of values exempted under (2)(d) and (e) of this section shall not exceed \$1,500.00 for a single person, or \$2,250.00 for a family of two or more.

Effective July 1, 1981, for general assistance, the following are the resource limits for the total of cash, marketable securities, and any excess of values exempted under (2)(~~(d)~~)(h) and ((~~(e)~~)) (k) of this section:

| Family Size |          |
|-------------|----------|
| 1           | \$ 1,500 |
| 2 or more   | 2,250    |

(b) Effective October 1, 1981, for federally funded assistance the total value of net income (before application of the thirty dollar and one-third remainder disregard), cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, and cash surrender value of life insurance shall not exceed one thousand dollars regardless of family size.

~~((f))~~ (c) Funds represented by values within the ceiling values are not used to determine financial need (~~(and)~~) or to compute grants.

~~((f))~~ (d) Funds represented by values in excess of the maxima or ceilings are nonexempt; that is, they are used to determine financial need and to compute grants.

~~((b) Cash and marketable securities ceiling:))~~

~~((f))~~ (e) (~~(Cash:))~~ All cash savings held by the applicant or held jointly with any other person shall be considered. Any funds on deposit, in hand or in any place from which cash may be drawn by the applicant is a cash fund. A cash fund includes a bank account, savings, funds held in trust for future use (when applicant can make withdrawals), savings bonds, advance insurance premium payments, interest, etc.

~~((f))~~ (f) A joint account shall be considered the property of the applicant/recipient since the entire amount is at his/her disposal, except when the applicant/recipient can show that all or a portion of the funds deposited within the joint account is derived from funds exclusively the other joint holder's and held/utilized solely for the benefit of that joint account holder. All funds within the joint account so verified shall not be considered actually available to the applicant/recipient.

~~((e))~~ (g) Real estate or chattel mortgages and sales contracts.

(i) Real estate or chattel mortgages or sales contracts held by the applicant will be considered exempt resources in combination with the value of other exempt personal property, within the limitation allowed in subsection (2).

(ii) The cash discount value of a mortgage or contract represents the value of the resource.

(iii) Any payments on mortgages or contracts received by an applicant or recipient shall be considered income as specified in WAC 388-28-580.

~~((d) Life insurance:))~~

~~((f))~~ (h) (~~(Cash surrender ceiling value:))~~ Effective July 1, 1981, for general assistance, life insurance may have a separate cash surrender value not to exceed \$1,500.00 considered as an exempt resource.

~~((f)) Other considerations:))~~

~~((A))~~ (i) (~~(Net value of unassignable policy:))~~ When the equity of another person in an unassignable policy held by an applicant can be established, the amount of such equity may be deducted in determining the applicant's holdings in insurance, provided that person holding the equity is named as beneficiary of the proceeds to the extent of such equity and without power or revocation by the insured.

~~((B))~~ (j) Assignment of policy. An insurance policy legally assigned belongs to the assignee and may not be regarded as the property of the insured. However, the assignment of a policy within two years prior to application or by a recipient must be evaluated as the transfer of a resource.

~~((e))~~ (k) Used and useful vehicles.

(i) Effective June 12, 1980, used and useful vehicles with an equity value of \$1500 or less in general assistance are an exempt resource.

(ii) Effective October 1, 1981, for AFDC and refugee assistance one used and useful vehicle with an equity value of \$1500 or less or two used and useful vehicles, when one is used for employment, with a combined value of \$1500 or less.

~~((f)) (A))~~ (l) In determining the resource value of automobiles, the national automobile dealers association official used car guide shall be used. For automobiles listed in this guide "average loan" value in the current edition shall be presumed to be the resource value.

~~((B))~~ (m) In determining the resource value of recreational vehicles the Kelley bluebook R.V. guide shall be used. For vehicles listed in this guide "wholesale" value in the current edition shall be presumed to be the resource value.

~~((C))~~ (n) For vehicles not listed in these guides the method of determining the resource value shall be documented in the case record.

~~((B))~~ (o) The values listed in these guides can be overcome by positive evidence to the contrary. Such evidence shall be documented in the case record.

(p) The changes to resource limits for federally funded programs will be phased in by applying them when case actions are taken and/or when eligibility is determined or redetermined.

**AMENDATORY SECTION** (Amending Order 1547, filed 10/1/80)

**WAC 388-28-440 ACCUMULATION AND DEPLETION OF ALLOWABLE CASH RESOURCE RESERVES.** (1) Recipients may spend their cash reserves and rebuild them with succeeding public assistance grants, with funds from other exempt sources or other income which has been considered in computing financial need. They may place grants in accounts along with cash reserves and then spend out of those accounts during the month.

(2) Cash on hand may exceed the limits specified in WAC 388-28-430(2)(a) to the extent unexpended money which has been considered in computing financial need and from the public assistance grant is on hand within thirty days after its receipt.

(3) For general assistance only, allowable cash reserves may be accumulated from nonrecurrent cash lump sum sources, including the following:

- (a) Income tax refunds.
- (b) Inheritances.
- (c) Insurance benefits.
- (d) Gifts.
- (e) Prizes and awards.
- (f) Repayment of debts owed the recipient.
- (g) Proceeds from the sale of exempt property.
- (h) Social Security death benefits.
- (i) Indian per capita payments generated by tribally held land or business.

(4) In general assistance only if a lump sum, when added to existing reserves, causes the resources to exceed allowable limits, the excess is newly acquired income to be treated in accordance with WAC 388-28-484.

(5) Recipients may not use the following types of one-time payments to accumulate resource reserves:

- (a) Earnings which are accrued over a period of time and received in one payment.
- (b) Payments which represent accumulated periodic benefits. Examples are Social Security retirement and disability benefits, Railroad Retirement benefits, Unemployment Insurance benefits, and veterans' benefits.

(6) If a lump sum is placed in trust for a recipient and is not under his or her control, the following rules apply:

- (a) Funds kept in trust do not affect public assistance need.
- (b) For general assistance only the trustee may release to the recipient an amount up to the allowable resource limit for the assistance unit less any amount of existing cash and marketable securities as of the date the lump sum was received. Such disbursement, if made within thirty days of the date the lump sum was received, is used to accumulate allowable reserves and does not affect public assistance need. This may be done once for each lump sum placed in trust.

#### AMENDATORY SECTION (Amending Order 1547, filed 10/1/80)

WAC 388-28-474 REPLACEMENT OF EXEMPT PROPERTY. A general assistance recipient may, within sixty days of receipt, reinvest in other exempt property funds acquired from a settlement covering destroyed or stolen exempt property. A recipient may retain cash from the settlement up to the amount of the difference between current resource values and the appropriate resource ceiling for the assistance unit. Any remaining portion of the settlement shall be considered newly acquired nonexempt income.

#### AMENDATORY SECTION (Amending Order 1628, filed 3/25/81)

WAC 388-28-480 USE OF INCOME AND INCOME POTENTIALS—TYPES OF INCOME—EFFECT ON NEED. (1) The CSO shall determine the income available to the applicant.

(2) An applicant whose ((recurrent)) nonexempt income for the month exceeds the monthly standards for basic requirements is not eligible to receive assistance whether the income is received weekly, bi-weekly or monthly, except as specified in WAC 388-24-250 through 388-24-265. Weekly income is multiplied by 4.3 to determine monthly total.

#### (3) Treatment of income

(a) Earned and unearned nonexempt net recurrent income and appreciable nonrecurring income which is received by the applicant between the first day of the month and the date of initial grant authorization shall be taken into account for the month by prorating the income at public assistance standards from the first of the month until the date of grant authorization. The remainder, if any, shall be deducted from the assistance grant for the month.

(b) Income received by the applicant during the month but after the date of initial grant authorization shall be considered available to meet need on the first of the following month providing such income is reported to the CSO by the twenty-first day of the month.

(c) Income received during the month and reported after the twenty-first day of the month shall be taken into account in the grant computation for the second month following the month of receipt.

(d) Unearned nonexempt recurrent income received in regular monthly amounts shall be deducted from requirements in the month of receipt beginning the month of initial grant authorization.

(e) Income not reported until the month following its acquisition and after the twenty-first day of the month in which it is reported shall be treated as an overpayment, unless the CSO can effect a change in the next month's grant.

(4) Irregular income up to five dollars per month received by ((an)) a general assistance applicant or recipient may be disregarded towards meeting need by the CSO if the probability exists that such future income will not be appreciable.

(5) Earned income credit (EIC) payments ((for the tax year beginning January 1, 1980)) shall be considered earned income during the month received, whether received as advance payments or as an income tax refund, in accordance with P.L. 96-222. Such payments shall be considered as an addition to gross income for AFDC and refugee assistance whether actually received or not, providing that the recipient is eligible for such payment.

(6) Any contractually agreed loan acquired by an applicant/recipient which commits all funds for a specific purpose other than current maintenance, and so expended, shall not be taken into account as income. The property used as collateral for the loan shall not be included in determining property reserves. The equity accumulated in the specified property shall be considered toward the resource ceiling.

(7) A gift in-kind, as named below, supplied on condition that it be used only in a manner or for a purpose specified in writing by the donor shall not be considered as a resource or as income which is available to meet need.

(a) Real or personal property, excluding cash and marketable securities, which is exempted for an applicant and which is within the ceiling values. Example: A home or a new furnace.

(b) Any item in the department's standards for additional requirements which is not a requirement for the recipient of such a gift. Example: Telephone service.

(c) Needed goods or services not currently included as additional requirements in the department's standards, for example, repair of house or of household equipment.

(8) WAC 388-28-482 and 388-28-484 cover newly-acquired income received by a recipient.

#### AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-28-481 NONEXEMPT RESOURCES AND INCOME KNOWN AT TIME OF APPLICATION. ((+)) Net recurrent or nonrecurrent nonexempt income and nonexempt resource values in cash or kind known to the LO at the time of application shall be taken into account in computing need as specified in WAC 388-28-400 through 388-28-650. WAC 388-28-481 through 388-28-484 shall be applicable when determining the continuing need of the recipient. If a general assistance recipient retains a nonexempt resource which has been used to compute his need at the time of application, the policy in WAC 388-28-484(8) shall be applied to compute his continued need.

#### AMENDATORY SECTION (Amending Order 1547, filed 10/1/80)

WAC 388-28-482 EFFECT OF NEWLY ACQUIRED INCOME AND PROPERTY ON CONTINUING NEED. "Newly acquired income" means any previously unreported or undiscovered income which has come into the possession or control, in whole or part, of a recipient of public assistance, or of a recipient in suspended grant status.

(1) Whenever a recipient shall come into the possession or control of any income, except as modified in subsection (3), (4) and (5), such income shall be deducted from the cost of total requirements beginning with the effective date specified in WAC 388-28-484. The amount deducted shall equal the following:

- (a) The net amount of the income if in cash or its equivalent.
- (b) At least his equity in the quick sale value of property other than cash.

(2) When the property is only potentially available for use in meeting the recipient's requirements, WAC 388-28-400(7) applies.

(3) Exceptions. A recipient who comes into the possession and control of property listed in this subsection may retain such property without having the fact of possession or its sale value affect his eligibility or need.

- (a) A home used as a residence—see WAC 388-28-420.

(b) Useful and needed clothing, household equipment, food, fuel, and other items included in the requirement standards.

(c) Articles of sentimental value, tools, and 4-H Club or similar project earnings saved for future education costs as provided by WAC 388-24-430(1).

(d) An automobile within the ceiling values in WAC 388-28-430(2).

(4) Recipient with income. The rule in subsection (1) is modified for recipient of AFDC or continuing general assistance with income as follows:

(a) Earned income retained by a child according to WAC 388-28-535(3) shall ~~(not)~~ be considered as the personal property of the family and shall ~~(not)~~ be subject to the ceilings in WAC 388-28-430(2).

(b) Income from the Economic Opportunity Act, Title I of the Elementary and Secondary Education Act, and from WIN, MDTA and CETA is treated according to WAC 388-28-515 and 388-28-570 through 388-28-578.

(c) The possession of any amount of funds from sources listed in subdivisions (a) and (b) in a cash reserve or savings account does not affect the eligibility of a general assistance recipient. However, if such exempted income is converted into other types of property, WAC 388-28-410 through 388-28-455 apply.

(d) Income from interest on exempt savings, dividends from exempt stocks, increase in life insurance cash surrender value, livestock births, etc., affect eligibility only to the extent that the amount causes the total value of the resource possessed to exceed the ceiling values of the resource. The excess is used to determine financial need and is taken into account when the periodic review of eligibility is made.

(e) Payment for funeral expenses for recipient - When a public assistance recipient dies, his (her) surviving spouse or children or parent of a minor child receiving public assistance, may use any of their exempt or nonexempt resources or income, except the home property, to add to available funeral and burial resources in order to pay for the funeral expenses of the deceased person without affecting their eligibility for public assistance: PROVIDED, HOWEVER, That if the total funeral expenses for the deceased recipient exceeds the department's maximum cost or the amount provided by the recipient toward the total cost of the funeral expense, whichever is the lesser, shall be considered available to meet the public assistance need of the surviving recipient in accordance with this section.

(5) Use of grant and cash reserve in relation to income.

(a) No question about eligibility is raised if public assistance grants and other income which has been considered in computing financial need are used to add to the cash reserve up to the legal personal property limitations - see WAC 388-28-430(2). The cash reserve may exceed the maximum only to the extent these unexpended moneys are on hand within thirty days after their receipt, and by exempted amounts as specified in this section.

(b) A recipient always has the right to make a current expenditure out of a cash reserve and replace it from a succeeding grant, just as he might place his whole grant in a bank account, along with his cash reserve, at the beginning of the month and then spend out of the account during the month.

(c) With respect to income other than savings from grant, see WAC 388-28-484(8).

#### AMENDATORY SECTION (Amending Order 1396, filed 5/16/79)

WAC 388-28-484 TREATMENT OF NEWLY ACQUIRED NONEXEMPT INCOME AND RESOURCES. (1) (a) Except as specified in WAC 388-28-482(3) newly acquired income reported by the twenty-first day of the month affects financial need as of the first of the month following the date of its acquisition.

(b) Income received during the month but not reported by the twenty-first day of the month will be taken into account in determining need for the second month following the month of receipt unless such income exceeds the standard for requirements. See WAC 388-33-135.

(2) When the value of the income is taken into account in the assistance payment as specified in subsection (1), the following rules apply:

(a) If the income value plus any other income amounts to less than the cost of one month's requirements and is recurrent or nonrecurrent, assistance is continued in the amount of the difference.

(b) For AFDC and refugee assistance, when the assistance unit's nonrecurrent income after applicable disregards exceeds its basic requirements, the unit shall be ineligible for assistance for the number of

full months derived by dividing this total income by the basic requirements starting with the month in which the income is received. Any income remaining after this calculation is treated as income received in the first month following the period of ineligibility.

(c) If the nonrecurrent income equals or exceeds one month's requirements for general assistance, but is less than two months' requirements minus other income, the recipient is ineligible for a grant from the effective date specified in subsection (1) and his grant is suspended. The suspension period is determined exactly, that is, up to the date of the absorption of the income.

~~((c))~~ (d) If the income is recurrent and equal to or in excess of one month's current requirements minus other income the recipient is ineligible from the effective date specified in subsection (1) and the grant is terminated, except for person in institutions other than nursing homes as provided in WAC 388-34-160.

~~((d))~~ (e) For general assistance if the income is recurrent or nonrecurrent and its value is in excess of two months' requirements minus other income, the recipient is ineligible from the effective date specified in subsection (1) and the grant is terminated. Ineligibility shall continue for two months. The period of ineligibility, however, may be reduced if the applicant has verifiable expenses such as medical care, unforeseen disaster or other changes in circumstances which make it impossible for him to live on his resource for the two-month period of ineligibility. The eligibility of a former recipient who reapplies shall be determined on the same basis as a new applicant.

(3) If income is not taken into account in assistance payments but is subsequently discovered, an overpayment shall be established. The effective dates for treatment of income specified in subsection (1) shall be used in establishing the period during which the overpayment occurred.

(a) If the income is recurrent and less than one month's requirements minus other income, the overpayment shall be the amount of the nonexempt portion of the income;

(b) If the income is recurrent and equal to or in excess of one month's requirements minus other income, the overpayment shall be the total assistance received during the period in which the income should have been taken into consideration;

(c) For general assistance if the income is nonrecurrent and less than two months' requirements minus other income, the overpayment shall be the amount of the nonexempt income;

(d) For general assistance if the income is nonrecurrent and the nonexempt portion is in excess of two months' requirements minus other income, the overpayment shall be the total assistance paid for two months.

(4) If a general assistance recipient has been determined to be ineligible for a current or future period of time, and his grant will be suspended or terminated for such period of time, due to either newly acquired income, or transfer of property, and is in need during such period of ineligibility, assistance may be granted within the limits of the rule in WAC 388-28-464.

(5) A person acquiring income during suspended status shall be treated as a recipient in terms of eligibility, not as an applicant.

(6) Rules and procedure in chapter 388-44 WAC are followed in respect to overpayment.

~~((Deleted))~~ An applicant or recipient whose nonexempt gross income exceeds one hundred fifty percent of the basic requirements for the appropriate household size, is not eligible for AFDC or refugee assistance from the date specified in subsection (1). The income of all members of the assistance unit and the income of natural, adoptive, or stepparents of children in the assistance unit residing in the same household, shall be considered in this test.

(8) For general assistance nonexempt newly acquired income which has been taken into account in computing financial need according to subsection (2) if retained by a recipient does not affect his eligibility unless the amount retained at the time of the next periodic review exceeds the exempt property holdings permitted for an applicant. In this event the rule on nonexempt resources or income pertaining to an applicant are applied.

#### AMENDATORY SECTION (Amending Order 1547, filed 10/1/80)

WAC 388-28-515 NET CASH INCOME—DETERMINATION—EMPLOYMENT OR TRAINING EXPENSES—DEDUCTIONS FROM GROSS INCOME. (1) ~~((This section does not apply to earned income of a child. Specific rules applicable to a child are in WAC 388-28-535(3).))~~

~~((2))~~ "Gross income" means the total wages, commissions, salary, bonus, in cash or in-kind, currently earned by an individual or income

received for the purpose of obtaining remedial education or vocational training.

(a) The thirty dollars monthly incentive payment made by WSES to any participant in a WIN program of institutional and work experience training is disregarded in AFDC.

(b) The thirty dollars weekly incentive payment received by a CETA participant is disregarded in AFDC. For continuing general assistance such payments are considered available to meet need.

(c) WIN transportation and related expenses (TRE) payments are training incentive payments paid for the first thirty days of employment and are disregarded for AFDC purposes.

(d) A person receiving an MDTA or CETA basic training allowance may not receive an AFDC or continuing general assistance grant concurrently.

~~((3))~~ (2) In determining net income for general assistance from a training allowance, applicable expenses in subdivisions ~~((4)(a))~~ (3)(a) through ~~((6))~~ (5) shall be deducted from the gross training allowance received.

~~((4))~~ (3) For general assistance, personal and nonpersonal work expenses computed according to subdivisions ~~((4)(a))~~ (3)(a) through ~~((6))~~ (5) shall be deducted from earnings according to the method outlined in WAC 388-28-570(8).

Work related expenses other than child care shall be deducted in accordance with the "percentage method" or the "actual method", whichever is chosen by the client.

(a) If the client chooses the "percentage method", twenty percent of the gross income shall be deducted. Recipients of WIN transportation and related expenses (TRE) payments may choose the "percentage method".

(b) If the client chooses the "actual method", the actual cost of each work related expense shall be deducted. This method shall be used when the client provides written verification of all work related expenses claimed. ~~((Recipients of WIN transportation and related expenses (TRE) payments choosing the "actual method" may not receive a deduction for those transportation expenses for which they have received payment.))~~

(c) The client shall have the option to change methods whenever he/she reports income to the CSO.

(d) When the client changes methods, the provisions in WAC 388-33-135 and 388-33-140 shall apply.

~~((5))~~ (4) For general assistance, the following work related expenses shall be deducted when claimed and verified under the actual method.

(a) Payroll deductions required by law or as a condition of employment in the amounts actually withheld.

(b) The necessary cost for transportation of the recipient to and from the place of employment or training ~~((and to and from child care provider))~~ in accordance with the following limitations:

(i) The most economical means of transportation shall be used.

(ii) When public transportation is available near the recipient's regular place of residence and practical for his/her use, the allowance shall be the cost for such transportation from the recipient's home to the stop nearest his employment or training. The amount allowed is the actual cost of common carrier, based upon commuter's book of tickets, bus tokens at reduced quantity rate, etc., when available.

(iii) The term "public transportation" includes scheduled intracity and intercity busses, trains, boats, etc., but not "for hire" vehicles, such as taxis and rental cars unless no other means of public transportation is available.

(iv) When public transportation is not available or not practical for his/her use, a recipient who shows that he/she uses a vehicle to travel to and from employment or the training facility shall be allowed the actual cost of such transportation provided that the recipient furnishes verification of these costs. Shared rides shall be prorated on an equitable basis, depending on the travel plan.

(A) The actual work related cost of operating the vehicle shall be the total operating cost of the vehicle times the percentage obtained from dividing the actual monthly mileage to and from work by the total miles driven during the month.

(B) The total operating cost of a vehicle shall be limited to gas, oil and fluids; necessary service and repairs; replacement of worn items such as tires; registration and licensing fees; and depreciation and interest on automobile loans.

(v) When the client so chooses, eight cents per mile shall be allowed to cover the work-related costs of gas, oil, fluids, and depreciation.

(c) The cost of tolls and parking required for employment shall be deducted as a work related expense.

(d) Expenses of employment necessary for continued employment, such as tools, materials, union dues, fees to employment agencies incurred via a legally binding contract, cost of special uniforms and laundering, and transportation to service customers if not furnished by the employer.

(e) The additional cost of clothing provided that it is verified that such clothing is necessary for continued employment.

~~((6))~~ (5) For ~~((individuals))~~ general assistance applicants and recipients enrolled in a remedial education or vocational training course, the actual cost of uniforms and/or special clothing, as priced by the CSO, shall be deducted.

~~((7))~~ Expenses of necessary child care shall not be deducted from gross income to compute net income. Expenses of child care for a person in an approved training plan shall be authorized as a service cost as specified in WAC 388-15-170. For child care expenses of participants in the WIN program see WAC 388-57-057. Expense of child care for a person who is employed shall be authorized as an additional requirement, see WAC 388-29-150 and 388-29-155.

~~((8))~~ These rules shall be effective March 1, 1979, for income received after that date.)

#### AMENDATORY SECTION (Amending Order 1369, filed 3/15/79)

WAC 388-28-520 SELF-EMPLOYMENT. (1) Earned income from self-employment is the amount left after deducting business expenses from gross business income. The applicable program earnings exemptions, ~~((plus personal and nonpersonal))~~ and work expense(s) allowances, are further deducted from self-employment earned income to determine the net amount available to meet need. See WAC 388-28-515 and 388-28-570(8).

(a) In order to establish eligibility for public assistance, a self-employed person must maintain and make available to the department a record which clearly documents all claimed business expenses and income.

(b) For general assistance, personal work expenses in the form of self-employment taxes (FICA) and income taxes are deductible when paid.

(2) Expenses for the following items are deductible business expenses in a self-employment enterprise:

(a) Rental of business equipment or property.

(b) Utilities.

(c) Postage.

(d) Telephone.

(e) Office supplies.

(f) Advertising.

(g) Insurance.

(h) Legal, accounting, and other professional fees.

(i) The cost of goods sold, including wages paid to employees producing salable goods, raw materials, stock, and replacement or reasonable accumulation of inventory, provided that inventory has been declared exempt on the basis of an agreed plan pursuant to WAC 388-28-430(1)(d). See also subsection (4) of this section.

(j) Interest on business indebtedness.

(k) Wages and salaries paid to employees not producing salable goods.

(l) Commissions paid to agents and independent contractors.

(m) Transportation essential to the business may be computed according to the actual documented work related cost of operating the vehicle.

(i) The total operating cost of a vehicle shall be limited to gas, oil, and fluids; necessary services and repairs; replacement of worn items such as tires; registration and licensing fees; and interest on automobile loans.

(ii) When the client so chooses, eight cents per mile shall be allowed to cover the work related costs of gas, oil and fluids.

(iii) The cost of tolls and parking related to the business shall be deducted as a business expense.

(iv) If a vehicle is needed for both business and private purposes, the mileage and expenses attributable to the business must be documented in a daily log and is subject to verification by the department.

(v) Transportation to and from the place of business is not a business expense, but is a personal work expense to be treated according to WAC 388-28-515(5) in general assistance and is covered by the seventy-five dollars work expense deduction for AFDC and refugee assistance.

(n) Nonpersonal taxes on the business and business property, including the employer's share of federal social security taxes on business

employees and state and federal unemployment insurance contributions, if any. The self-employed person's personal income taxes and self-employment taxes (FICA) are not business deductions, but are treated separately according to WAC 388-28-515 and 388-28-570(8).

(o) Repairs to business equipment and property, excluding vehicles. An expenditure which maintains property in its usual working condition is deductible as a repair.

(p) Other expenditures which are reasonable and necessary to the efficient and profitable operation of the self-employment enterprise.

(3) Expenses for the following items are not deductible business expenses in a self-employment enterprise:

(a) Capital expenditures. Capital expenditures are those made to acquire or increase the value of fixed assets. Fixed assets are items normally in use for one year or longer, such as land, buildings, vehicles, boats, machinery, tools, office equipment, furniture, and fixtures.

(b) Payments on the principal of loans to the business.

(c) Amounts claimed as depreciation.

(d) Any amount claimed as a net loss sustained in any prior period.

(e) Entertainment expenses.

(4) The business assets of a self-employment enterprise, including inventory, are nonexempt resources available to the owner in the amount of their sale value less encumbrances, unless they are generally exempt under the provisions of WAC 388-28-430 or specifically exempted on the basis of an agreed plan pursuant to WAC 388-28-430(1)(d). See also WAC 388-28-420(2)(e).

(a) Accounts receivable are resources in the amount of their face value, subject to an offering of proof by the self-employed person that their value is less than face value because efforts to collect them have been unsuccessful. In such case, the department shall require that the accounts be turned over to a collection agency. They then have no value until collection is made.

(b) Good will is an intangible asset. It has no value unless the business is sold, and therefore is not an available resource.

#### AMENDATORY SECTION (Amending Order 1547, filed 10/1/80)

WAC 388-28-535 NET CASH INCOME—DETERMINATION—DEDUCTIONS FROM GROSS INCOME—INCOME OF CHILD. (1) A child may receive income which is paid in his behalf to the parent(s) or other needy caretaker relative. Such income includes allotments, retirement, survivors and disability insurance, or veterans benefits, court ordered support payments, trust fund payments, or other income which is legally designated for the benefit of an individual child.

(a) When such income meets or exceeds the child's requirements, the family shall have the option to

(i) include the child as a member of the assistance unit with all income considered as available to the assistance unit, or

(ii) exclude the child from the assistance unit. In this instance none of the child's income is available to the assistance unit.

(b) If a child's income includes a portion for his caretaker relative that portion shall be available to meet the need of the assistance unit.

(c) The child's requirements shall be the difference between the requirements of the assistance unit including the child and the requirements of the assistance unit excluding the child.

(d) If a child out of school has earnings which exceed his individual need, the family has the option of including him or excluding him from the assistance unit. If the child is included in the assistance unit, his earnings shall be treated as specified in item (3)(a)(iii). Determination of the child's net income is made with the caretaker relative and with the child when indicated.

(2) If the child is not included in the assistance unit, his eligibility for federal aid medical care only (FAMCO) shall be determined individually.

(3) ~~((Computing earned income—child in assistance unit (a)))~~ In determining the amount of a child's earned income available to meet the current need of the assistance unit of which he is a member, the following rules apply:

~~((i) Child under 14 years of age. If the child is under 14 years of age, no inquiry shall be made of the amount of his earnings.~~

~~((ii) Child 14 through 17 years of age—full or part time student))~~

(a) All earned income of a child in an assistance unit shall be disregarded when he or she is a full time student or a part time student who is not a full time employee.

(b) A student is one who attends a school, college or university, or a course of vocational or technical training designed to fit him for gainful employment and includes a participant in the job corps program

under the Economic Opportunity Act. A full time student must have a school schedule equal to a full time curriculum. A part time student must have a school schedule equal to at least one-half of a full time curriculum. A student who was enrolled during the school term just completed and who plans to return to school when it reopens shall retain his status as a student during the summer vacation.

(c) A child earning income by working in a sheltered workshop or other training facility for handicapped children shall be considered, for purposes of income exemption, as being at least a part time student who is working less than full time.

(d) To be employed full time, a child must be working 35 hours a week or the number of hours considered full time by the industry for which he works, whichever is less.

(e) Summer employment of students shall not be considered as full time employment due to the temporary nature of such employment, even though the hours worked may exceed 35 hours a week.

~~((f) ((Sec item (3)(a)(iv) for savings which may be accumulated from these earnings:~~

~~((iii) Other AFDC child 14 through 17 years of age (nonstudent):))~~ In determining the amount of a nonstudent child's earned income available to meet the current needs of the assistance unit ~~((when he (she) is not covered by rules in items (3)(a)(ii))~~), net income shall be computed according to WAC 388-28-570.

~~((iv) Earned income disregarded under items (3)(a)(i), (ii) or (iii) may be retained by the child earning the income to cover the cost of special future identifiable needs:~~

~~((A) Such future identifiable needs may include amounts to meet future costs of identified employment training, education, health service or other plans:~~

~~((B) A plan must be developed in order to conserve savings for future identifiable needs. The plan must be documented in the case record. The plan must specify the needs, the amount and the type of income to be conserved and provide that the amount is reasonable for the purpose for which it is being conserved:~~

~~((C) If the plan includes post-high school education or training, the total amount conserved for this purpose shall not exceed the cost of two years of education and may include in this cost a car if approved in the plan:~~

~~((D) Savings accumulated for future identifiable needs shall not be considered as part of the personal property holdings of the family and shall not be subject to the resource ceiling maximum:))~~

(4) Earnings received by any person under Title III, Part C, Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973, Public Law 93-203 shall be disregarded in determining need and the amount of the public assistance payment under any federally assisted programs.

#### AMENDATORY SECTION (Amending Order 1236, filed 8/31/77)

WAC 388-28-570 NET CASH INCOME—EXEMPT EARNED INCOME. (1) For rules on exempting earned income of a full or part time student under age 18, see WAC 388-28-535 (3)(a)(ii). For rules exempting income from training see WAC 388-28-515. For rules on other income see WAC 388-28-580.

(2) ~~((Earned income defined~~

~~((a)))~~ As used in this section "earned income" shall mean income in cash or kind earned as wages, salary, commissions, or profit from activities in which the individual is engaged as a self-employed person or as an employee. Earned income may be derived from self-employment (such as business enterprise or farming), or derived from wages or salary received as an employee. It also includes earnings over a period of time for which settlement is made at one time, for example, sale of farm crops, livestock or poultry. Income from rentals is earned income, provided the individual has managerial responsibility for the rental property.

~~((b)))~~ (3) For an AFDC recipient, earned income includes incentive payments under MDTA, earnings under Title I of the Elementary and Secondary Education Act, all earnings received under the Economic Opportunity Act, wages paid under Title I of the Comprehensive Employment and Training Act (CETA), wages from public service employment under CETA, and wages from WIN on-the-job training.

~~((c)))~~ (a) For public service employment under the Emergency Assistance Act and CETA the \$30 plus one-third earned income exemption is applicable.

~~((d)))~~ (b) For public service employment under WIN the \$30 plus one-third earned income exemption does not apply. If net income after

work expenses are deducted does not meet need according to department standards, a supplemental grant may be paid.

~~((c))~~ (4) The above definition of "earned income" excludes:

~~((f))~~ (a) Returns from capital investment with respect to which the individual is not himself actively engaged, as in a business. For example, under most circumstances, dividends and interest are excluded from "earned income." See WAC 388-28-580.

~~((g))~~ (b) Benefits accruing as compensation or reward for service, or as compensation for lack of employment, for example, pensions and benefits from labor organizations, veterans' benefits, unemployment compensation, RSDI, etc. See WAC 388-28-580.

~~((h))~~ (c) Income from WIN or CETA incentive payments, and training related expenses derived from WIN institutional or work experience training and from participation in CETA.

~~((i))~~ (5) In AFDC and refugee assistance when payment of income earned over a period of more than one month is delayed, the exemption applies only to ~~(the period during which it was earned rather than)~~ the period of payment. ~~(For example, an individual spends six months planting, tending, harvesting and marketing a crop. The net income from his labor is \$402. The average monthly earned income is \$67 (\$402 divided by 6) for purposes of computing need.~~

~~(3) Deleted.~~

~~(4) Deleted.~~

~~(5) Deleted.)~~

(6) Aid to families with dependent children

(a) Recipient - The first \$30 plus one-third of the remainder of total gross monthly earned income shall be exempt in determining the continuing eligibility and the amount of assistance for which an AFDC recipient and his dependents are eligible.

(b) The following shall be disregarded sequentially from the monthly gross earned income of each individual member of the assistance unit.

(i) The first \$75 for work expenses.

(ii) The actual cost, not to exceed \$160 per month, for the care of each dependent child or incapacitated adult living in the same home and receiving AFDC or refugee assistance. No deduction shall be made for child care provided by a parent or stepparent or by a sibling residing in the same household.

(iii) For individuals found otherwise eligible to receive assistance or who have received assistance in one of the prior four months, \$30 plus one-third of the remainder not already disregarded.

(iv) The \$30 and one-third disregard shall be applied for a maximum of four consecutive months; it cannot be applied again until he or she is a nonrecipient for twelve consecutive months.

~~((f))~~ Total gross monthly earned income for the purpose of this rule means the combined gross earned income of nonstudent dependent children and adults who are included in the AFDC assistance unit.

~~((g))~~ (c) The ~~(earned income of any individual included)~~ exemptions and deductions in subsection (6)((f)) (b) will not be (exempt) applied for any month if the individual within a period of 30 days preceding (such) the month in which the income was received:

~~((A))~~ (i) Terminated his employment or reduced his earned income without good cause, or

~~((B))~~ (ii) Refused without good cause to accept employment in which he is able to engage which is offered through SES, or is otherwise offered by an employer if the offer of such employment is determined by the local office to be a bona fide offer of employment.

~~((b))~~ Applicant - In determining eligibility of an AFDC applicant the income exemption of \$30 plus one-third is not applied. The disregard for students 14 through 17 years of age is applied:

~~(i) If eligibility exists without applying the \$30 plus 1/3 exemption, need and the amount of assistance which the applicant is to receive is determined by applying the exemption.~~

~~(c) Recipient - In determining the eligibility of an AFDC recipient whose needs were met by AFDC payment within one of the four preceding months, the income exemption of \$30 plus one-third and the disregard for students 14 through 17 years of age are applied as for a recipient according to subsection (6)(a).~~

~~(i) In determining the eligibility of other AFDC recipients, income is determined on the same basis as for an applicant according to subsection (6)(b):~~

~~(7) Deleted.~~

~~(8) Method of computing need - AFDC applicant with earned income~~

~~(a) In determining the need of an AFDC applicant with earned income;~~

~~(i) Determine the total monthly gross earned income of the assistance unit (excluding earned income for child under 14 and earned income of student 14 through 17 years of age.)~~

~~(ii) Deduct expenses of earning the income (see WAC 388-28-515);~~

~~(iii) Determine if the total net earned income plus other nonexempt income will meet the total requirements of the unit without allowing the \$30 plus 1/3 exemption of earned income.~~

~~(b) Subsection (8)(a) is not used if a recipient has received AFDC within the four months preceding reapplication.~~

~~(c) When an applicant is determined eligible according to subsection (8)(a) or (8)(b), and is otherwise eligible, need and the amount of grant are determined as follows:~~

~~(i) Determine the unit's gross monthly earned income (less earned income of child under 14 or full or part time student);~~

~~(ii) From the amount in (c)(i) deduct exempt income of \$30 plus one-third of the balance.~~

~~(iii) From the amount in (c)(ii) deduct monthly personal and non-personal work expenses as determined according to WAC 388-28-515. (Do not consider child care expense here - See WAC 388-15-170 for a person in training or WAC 388-28-155 for person who is employed.)~~

~~(iv) To the sum of (c)(iii) add other nonexempt income (RSDI, VA, UC, etc.).~~

~~(v) Deduct the sum of (c)(iv) from the unit's total requirements to determine need.)~~

(iii) Failed without good cause to report earnings to the department on or before the twenty-first day of the month following the month in which the income was received. Under these circumstances the \$30 and one-third exemption shall be counted in the four-month limit.

(d) If a recipient requests termination in order to break the consecutiveness of the four-month limit for the \$30 plus one-third exemption, and would have been eligible, the months of voluntary nonreceipt of assistance shall be counted toward the four-month limit.

## NEW SECTION

WAC 388-28-590 ALIEN SPONSORSHIP—DEEMING OF INCOME AND RESOURCES—OVERPAYMENTS. (1) The following rules shall apply to an alien who applies for AFDC or refugee assistance for the first time after September 30, 1981, and to his or her sponsor.

(2) A sponsor is defined as any person who executed an affidavit(s) of support or similar agreement on behalf of an alien (who is not the child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States.

(3) For a period of three years following entry into the United States, a sponsored alien shall provide the state agency with any information and documentation necessary to determine the income and resources of the sponsor that can be deemed available to the alien, and obtain any cooperation necessary from the sponsor.

(4) For all sections under this part, the income and resources of a sponsor (and the sponsor's spouse if living with the sponsor) shall be deemed to be the unearned income and resources of an alien for three years following the alien's entry into the United States.

(5) Monthly income deemed available to the alien from the sponsor or the sponsor's spouse not receiving AFDC or SSI shall be:

(a) The sponsor's total monthly unearned income, added to the sponsor's total monthly earned income reduced by twenty percent (not to exceed one hundred seventy-five dollars) of the total of any amounts received by the sponsor in the month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred in producing self-employment income in the month.

(b) The amount described in subdivision (a) reduced by:

(i) The basic requirements standard for a family of the same size and composition as the sponsor and those other people living in the same household as the sponsor who are claimed by the sponsor as dependents to determine his or her federal personal income tax liability but who are not AFDC recipients;

(ii) Any amounts actually paid by the sponsor to people not living in the household who are claimed by the sponsor as dependents to determine his or her federal personal income tax liability; and

(iii) Actual payments of alimony or child support, with respect to individuals not living in the sponsor's household.

(6) Monthly resources deemed available to the alien from the sponsor shall be the total amount of the resources of the sponsor determined as if he or she was applying for AFDC in his state of residence, less one thousand five hundred dollars.

(7) In any case where a person is the sponsor of two or more aliens, the income and resources of the sponsor to the extent they would be

deemed the income and resources of any one of the aliens under the provisions of this section shall be divided equally among the aliens.

(8) Income and resources which are deemed to a sponsored alien shall not be considered in determining the need of other unsponsored members of the alien's family except to the extent the income or resources are actually available.

(9) The provisions of this section shall not apply to any alien who is:

(a) Admitted to the United States as a result of the application, prior to April 1, 1980, of the provisions of section 203(a)(7) of the Immigration and Nationality Act as indicated by Form I-94;

(b) Admitted to the United States as a result of the application, after March 31, 1980, of the provisions of section 207(c) of the Immigration and Nationality Act as indicated by Form I-94;

(c) Paroled into the United States as a refugee under section 212(d)(5) of the Immigration and Nationality Act as indicated by Form I-94;

(d) Granted political asylum by the attorney general under section 208 of the Immigration and Nationality Act as indicated by Form I-94;

(e) A Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422) as indicated by Form I-94; or

(f) The dependent child of the sponsor or sponsor's spouse.

(10) Any sponsor of an alien and the alien shall be jointly and individually liable for any overpayment of assistance made to the alien during the three years after the alien's entry into the United States due to the sponsor's failure to provide correct information, except where such sponsors were without fault or where good cause existed.

(a) When a sponsor is found to have good cause or be without fault for not providing information to the agency, the sponsor will not be held liable for the overpayment and recovery will not be made.

(b) Any claims of good cause or no fault made by a sponsor shall be evaluated by the Division of Income Assistance on a case-by-case basis.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 388-29-115 SUPPLEMENTAL PAYMENTS FOR AFDC RECIPIENTS.

(2) WAC 388-29-155 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—CHILD CARE EXPENSES FOR EMPLOYED PERSONS.

AMENDATORY SECTION (Amending Order 534, filed 3/31/71, effective 5/1/71)

WAC 388-33-055 PAYMENT OF GRANT—MINIMUM AMOUNT. Grants shall be in the exact amount determined as payable, except that no grant of less than ~~((one))~~ (1) ten dollars in AFDC and refugee assistance shall be paid except for grants that would have exceeded ten dollars prior to the mandatory deduction for recoupment of an overpayment.

(2) One dollar in general assistance shall be paid.

AMENDATORY SECTION (Amending Order 1398, filed 5/16/79)

WAC 388-33-120 EFFECTIVE DATE OF ELIGIBILITY—EXCEPTIONS. (1) Change of category

The effective date of eligibility of a person receiving continuing assistance and applying for a grant in another program shall be the first regular warrant roll for which he is eligible for payment from the new program and the grant under the old program is terminated.

(2) Special event application - (See WAC 388-38-060 and 388-38-070)

(a) The effective date of a grant to a person (except as provided in subsection (1)) applying prior to the occurrence of an event which will make him eligible, shall be the date upon which the event occurs if eligibility otherwise exists on that date.

(b) When such event occurs on a nonworking day, the authorization shall be completed on the first working day following and dated as of the day the special event occurred. This rule also applies when the effective date of a reinstated grant (see subsection (4)) or the thirtieth day after date of application occurs on a nonworking day.

(3) Regular grant terminated in error

(a) A grant terminated because of local or state office error shall be reauthorized (corrected) as a "reopen" action. The effective date is the

first of the month in which payment was erroneously discontinued on the regular warrant roll. Reopening shall be authorized promptly.

(b) If the error is discovered within the month in which no payment was made, the individual is not required to complete an eligibility review form. If the termination in error extends for more than thirty days but less than three months, an eligibility review form and other periodic review procedures as appropriate are used. However, if the termination in error extends for more than three months a new application rather than periodic review is required.

(4) Reinstatement of suspended grant

(a) Upon receipt of a request for reinstatement of grant, the local office shall determine current eligibility and need using the periodic review process. The review includes consideration of all eligibility factors.

(b) The effective date of reinstating a grant suspended according to WAC 388-28-484 shall be the date determined at the time of suspension.

(c) The effective date of reinstating a grant suspended because the monthly refund deduction resulted in a payment of less than ~~((the))~~ ten dollars for AFDC and refugee assistance or less than one dollar for general assistance, shall be the first of the month following the month in which the overpayment is liquidated.

(d) A reinstated grant shall not be authorized before the date the event occurred which restored eligibility for payment.

(e) The individual who requests reinstatement of suspended grant within thirty days after a change in his circumstances need not complete an application form but shall complete an eligibility review form.

(5) Incapacity redetermined after termination of GAU. See WAC 388-37-040(3).

AMENDATORY SECTION (Amending Order 906, filed 2/14/74)

WAC 388-33-195 EFFECTIVE DATE OF GRANT—UNDERPAYMENT. (1) A current recipient who received less than the correct amount of an assistance grant or service payment due to departmental error shall be paid the amount due.

~~((2))~~ (2) The effective date of the corrective payment is the date the payment is authorized.

~~((3))~~ (3) For purposes of determining continued eligibility and amount of assistance, corrective payments shall not be considered as income or as a resource in the month paid nor in the next following month.

AMENDATORY SECTION (Amending Order 906, filed 2/14/74)

WAC 388-33-355 SUSPENSION OF GRANT. (1) A suspension action is taken when

(a) The recipient has income sufficient to meet his maintenance requirements for more than one but not to exceed two months, or

(b) The amount ~~((deducted to make restitution on an overpayment results in a grant of less than one dollar per month))~~ of the monthly grant following the budgeting of income is less than ten dollars per month for AFDC and refugee assistance or less than one dollar for general assistance, or

(c) The recipient has entered or is in an institution and his income is equal to or exceeds his grant requirements but is less than his grant requirements plus medical costs and/or nursing home or intermediate care.

(2) A suspended grant shall be reinstated when the conditions in subsection (1) cease to exist and the recipient is otherwise eligible.

(3) A suspended grant shall be terminated as provided in WAC 388-33-370.

AMENDATORY SECTION (Amending Order 1637, filed 4/15/81)

WAC 388-33-595 ONE-TIME GRANT—AUTHORIZATION—DISBURSEMENT. (1) See WAC 388-22-030 for definition of "one-time grant."

(2) A one-time grant may be authorized and disbursed in the amount necessary subject to the following rules:

(a) A one-time grant shall be authorized for a recipient of continuing assistance only.

(b) A one-time grant authorization is a single payment procedure. It expires when the warrant is mailed. It does not change the amount of the continuing (regular) grant currently authorized.

(c) A one-time grant shall be authorized when:

- (i) An additional requirement recognized by department standards will be needed.
- (ii) Income or assistance budgeted as available to the assistance unit or family is not received.
- (iii) Supplemental assistance is needed from the date a recipient leaves an institution to the receipt of the regular, adjusting, or reinstated grant.
- (iv) The fair hearing decision or the court decision on an appeal requires initiating, reinstating or increasing a grant.
- (v) A recipient is to be compensated for an underpayment (~~((due to erroneous monthly deduction(s)))~~).
- (vi) Any one-time grant that is approved by the state office under chapter 388-20 WAC for reasons other than those listed in this section.
- (vii) A person who is added to an assistance unit requires assistance prior to the effective date of his inclusion in a regular grant.
- (viii) A canceled warrant is to be reissued and the recipient cannot wait for payment by adjusting grant.
- (ix) A change in the basic requirements which results in an increase in the regular grant occurs.
- (x) Assistance is being continued in compliance with the 10-day advance notice rules on reduction, suspension or termination of a grant and a partial month payment is required.
- ~~((xi) Underpayment due to the departmental error is to be corrected:))~~ Such payment shall be limited to the amount due for not to exceed twelve months including the month in which the corrective payment is authorized.
- (d) Except as provided in items (2)(c)(iv)(;) and (2)(c)(v), ~~((and (2)(c)(xi);))~~ a retroactive one-time grant shall not cover a period of more than sixty days before the date of authorization.
- (e) The effective date of a one-time grant shall be the date the circumstances change, subject to the limitations and conditions stated in this section.

#### AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-035 OVERPAYMENT—AMOUNT. (1) The amount of the overpayment to an individual shall be determined as follows:

- (a) If assistance is obtained as a result of a willful act of the recipient to deceive the department, the overpayment shall be one hundred twenty-five percent of the amount of assistance, including medical care, to which he/she was not entitled.
- (b) If no willful act to deceive is involved, the overpayment shall be the amount of assistance, including medical care, to which he/she was not entitled.
- (c) To determine the amount to which he/she was not entitled in (a) and (b) of this subsection the overpayment shall be reduced by:
- (i) The amount of assistance that the recipient would have been eligible to receive during the period of ineligibility from any other category of assistance.
- (ii) ~~((The amount of any child care paid by a recipient while earning unreported wages in the amount which the department would have paid if the employment and child care had been properly reported:))~~ When both an overpayment and underpayment were incurred prior to October 1, 1981, any overpayment shall be reduced by the amount of any underpayment.
- (iii) The amount of child support, paid by the absent parent for the month of overpayment, in excess of the amount of assistance to which the individual was actually entitled.
- (2) ~~((Any overpayment in any month prior to the effective date of the latest recomputation of grant shall be reduced by the amount of any underpayment in any month prior to the effective date of the latest recomputation:))~~ All underpayments incurred after October 1, 1981 will be paid to the recipient upon discovery.

#### AMENDATORY SECTION (Amending Order 539, filed 3/31/71, effective 5/1/71)

WAC 388-44-050 OVERPAYMENT—RELATIONSHIP TO UNDERPAYMENT. ~~((It is possible to overpay one recipient in an assistance unit while another in the same unit is underpaid, or to overpay in one requirement and underpay in another. The assistance unit's over or under payment is the net amount or difference between the two incorrect payments or computations:))~~ After October 1, 1981 when overpayments and underpayments occur in different months the overpayment is established and the underpayment is paid to the recipient

unless the recipient voluntarily requests in writing that the underpayment be credited against the amount of the overpayment.

Over or underpayment in one assistance unit shall not be credited to any other assistance unit.

#### AMENDATORY SECTION (Amending Order 1547, filed 10/1/80)

WAC 388-44-110 OVERPAYMENT—LIABILITY OF PAYEE. (1) Liability for an overpayment shall follow the payee of the grant as an individual. The overpayment account receivable is established in the name of the payee and all further action (monthly deduction from grant, suspension of grant, claim against estate, etc.) is taken against that individual. The exception to this rule is the individual acting as payee only and deriving no financial benefit from the payment of assistance. In such instance the overpayment account receivable is established in the name of the person who received the financial benefit of the payment of assistance.

(2) Joint liability for an overpayment results when all of the following factors are present: overpayment is the result of fraud, collusion is shown between the payee and another party who received a financial benefit as a result of the overpayment. In these instances the overpayment account receivable is established in the name of both parties. Subsequent action is taken against the parties either jointly or individually.

~~((3) There shall be no liability placed upon recipients of nonfraudulent overpayments when the department determines that the cost of collection exceeds the amount recoverable. The department has determined that the cost of collection exceeds the amount recoverable when the total overpayment being established is fifty dollars or less:))~~

#### AMENDATORY SECTION (Amending Order 800, filed 5/25/73)

WAC 388-44-115 VERIFICATION OF OVERPAYMENT. (1) When an apparent overpayment has occurred, the department shall attempt to verify all pertinent information in the case. It shall attempt to contact the recipient and request an explanation of the circumstances surrounding the apparent overpayment.

(2) If the recipient does not respond or fails to cooperate, the department shall make an independent determination, based on all available information, that an overpayment either has or has not occurred.

(3) When an overpayment has been verified, the department shall take appropriate action to secure repayment as prescribed by WAC 388-44-125 through WAC 388-44-160. Any such action shall be consistent with departmental rules on notification of suspension, termination, or reduction of grant.

(4) A letter shall be sent to any recipient or payee whose liability for an overpayment has been established. This letter shall include the following information:

- The amount of the overpayment,
- The circumstances which brought about the overpayment,
- The dates on which overpayment occurred,
- A determination that fraud is or is not involved,
- A statement that overpayments and any penalties for fraud are debts due the state,
- A computation of the amount due the state,
- ~~((A request that the person contact the local office to discuss))~~ An explanation of the method of repayment and the amount of future grant payments,
- A statement of the right to a fair hearing.

#### AMENDATORY SECTION (Amending Order 1596, filed 2/5/81)

WAC 388-44-127 REPAYMENT OF OVERPAYMENT ((RESULTING FROM DEPARTMENT ERROR)). ~~((+))~~ Overpayments whether or not resulting from department error shall ((not)) be ((used as the basis for a)) repaid by mandatory grant deduction. When ((such)) an overpayment is verified, the amount of the overpayment becomes a debt due the state ((only if relief from liability may not be granted to a recipient or former recipient pursuant to this section)).

~~((2))~~ When such an overpayment is discovered, and before liability is imposed, the ESO must first determine that recovery would not be inequitable. Recovery shall be deemed inequitable if:

- The department admitted or stated to the recipient or to the recipient's authorized representative that the recipient was entitled in whole or in part to the moneys or services overpaid, or acted in a manner which would reasonably lead that recipient to believe that he

or she was eligible to receive in whole or in part the moneys or services overpaid; and

(b) The recipient retained or accepted the moneys or services overpaid on the faith of such an admission, statement, act or omission, upon which he or she had a right to rely; and

(c) The recipient would suffer an injury if the department were allowed to repudiate its admission, statement, act or omission:

"Injury," as used in this section includes the imposition of liability for repayment of a debt due the state.

(3) If recovery would be inequitable, the recipient shall not be liable for repayment; the overpayment shall not be a debt due the state, and the recipient shall be so informed.

(4) If recovery would not be inequitable, the recipient shall be notified that he or she is liable for repayment of the debt. He or she shall also be informed as to the specific reasons why recovery would not be inequitable, including a copy of this rule, and as to his or her right to contest such decision.

(5) Department decisions made pursuant to this section shall be subject to fair hearing review in accordance with the procedures set forth in chapter 388-08 WAC and appropriate findings and conclusions shall be made on all of the factors made pertinent in this section:))

#### AMENDATORY SECTION (Amending Order 965, filed 8/29/74)

WAC 388-44-130 VOLUNTARY REPAYMENT OF OVERPAYMENT. (1) Overpayments are debts due the state. Collection of such debts shall be effected by the department according to established rules and procedures. A former recipient continues to be liable for overpayment debts incurred while he was a recipient, until such time as the debt is paid in full or charged off as uncollectible by the secretary and the attorney general.

Whenever possible, repayment by a recipient or former recipient should be voluntary, resulting from a common understanding between the department and the debtor.

(2) The possibility of immediate repayment shall be discussed, if possible, with the individual at the time the overpayment is discovered. If the individual has sufficient funds available and is willing to repay all or part of the amount due, collection is effected and the situation summarized in the case record.

(3) When an overpayment is the result of departmental error or nonfraudulent recipient action (~~and~~), or alleged or proven fraud the recipient (~~desires~~) is required to repay the debt from future assistance grants(~~;~~). A (~~voluntary~~) mandatory grant deduction (~~may~~) will be used to liquidate the overpayment. (~~Before such plan is established, the local office must explain to the recipient that this overpayment is not collectible under the mandatory deduction rules in WAC 388-44-145 and that a voluntary deduction cannot be made unless the recipient so requests in writing specifying the amount of the monthly deduction. Voluntary grant deductions may be discontinued or modified at any time upon written request from the recipient:))~~

(4) If a former recipient is not able to repay in full immediately but can pay in installments or at some future date, the individual shall be requested to sign a written agreement in duplicate confirming the plan. A copy of the agreement shall be given to the individual. The agreement may be modified at any time if justified by extenuating circumstances. Necessary controls shall be established to insure that repayment plans are complied with.

#### AMENDATORY SECTION (Amending Order 897, filed 1/11/74)

WAC 388-44-140 INVOLUNTARY REPAYMENT OF OVERPAYMENT. (1) The local office shall be responsible for effecting involuntary repayment of overpayments from current recipients when such repayments are to be made by grant deduction (~~as specified in WAC 388-44-145~~).

(2) The (~~reimbursement section~~) financial recovery unit and the attorney general shall be responsible for effecting involuntary repayment of overpayments from former recipients.

(~~3~~) Except in cases involving substantiated fraud, it is the policy of the department not to seek involuntary repayment from a former recipient whose income and resources do not exceed departmental standards for determining public assistance eligibility:))

#### AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-145 INVOLUNTARY REPAYMENT OF OVERPAYMENT—MANDATORY GRANT DEDUCTION. (1)

An overpayment shall be recouped by mandatory deduction from future continuing assistance grants (~~only when the department has made a determination that the overpayment resulted from recipient fraud as defined in WAC 388-44-020~~).

(2) (~~If an overpayment is the result of recipient fraud and~~) If (~~the~~) a recipient who has received an overpayment has cash, bank accounts, or marketable securities which he/she refuses to use in full or partial satisfaction of an overpayment, a monthly deduction of up to one hundred percent of future grant(s) shall be established until such time as the amount of the grant(s) the recipient would be otherwise eligible to receive equals the value of the cash, bank accounts, or marketable securities which have been withheld.

(3) When deductions have been made pursuant to subsection (2) of this section and the recipient still owes money, or when subsection (2) of this section does not apply,

(a) The department shall (~~on a case-by-case basis, limit the amount of the monthly deduction so as not to cause undue hardship. The deduction shall not exceed ten~~) reduce future assistance payments so that when added to income and liquid resources the total will not be less than ninety percent of the (~~recipient's total monthly requirements~~) standard of need for the assistance unit, unless the recipient voluntarily requests a larger deduction in writing.

(b) Deleted.

(c) Deleted.

(d) When a recipient is in a nursing home, intermediate care facility, or hospital, a monthly deduction may be made against the clothing and incidental grant to the recipient. A monthly deduction shall not be made against the vendor payment to the nursing home or intermediate care facility.

(e) The grant shall be suspended when the monthly deduction is equal to or more than the grant which would have been paid had no overpayment occurred.

(~~ff~~) A deduction shall not be made from a noncontinuing general assistance-employable grant to liquidate an overpayment:))

(4) A letter confirming the repayment plan shall be sent to the recipient. The letter shall state the (~~percentage~~) amount of the monthly (~~requirements to be deducted~~) deduction. It shall state the amount of the current grant before and after the deduction is made, the date the deduction begins, the total amount of overpayment to be recouped by grant deduction, and the approximate number of months the deduction will be made.

(5) Mandatory deductions from public assistance grants shall recoup no more than one hundred percent of the amount of assistance that the individual was ineligible to receive.

**WSR 81-20-081**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning food stamps, amending chapter 388-54 WAC.

These rules were adopted on an emergency basis on October 1, 1981.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
Division of Administration  
Department of Social and Health Services  
Mailstop OB-33C  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B.

Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by October 27, 1981. The meeting site is in a location which is barrier free;

that such agency is at 10:00 a.m., Tuesday, November 10, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, November 18, 1981, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 10, 1981, and/or orally at 10:00 a.m., Tuesday, November 10, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: October 2, 1981

By: David A. Hogan

Director, Division of Administration

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend chapter 388-54 WAC.

Purpose of the rule change is to amend food stamp rules to conform to federal requirements.

Statutory Authority: RCW 74.04.510.

Summary of the Rule or Rule Change: New definition of the family unit—Parents and children who live together shall be treated as a group of individuals who customarily purchase and prepare meals together for home consumption even if they do not do so, unless one parent is sixty years of age or older; this is considered a household; Disqualification of boarders for food stamp benefits; Reduction of the gross income eligibility standard from 150% to 130% for most incomes; Reduction of earned income deductions from 20% to 18%; Greater restriction on eligibility for benefits for strikers; Proration of the initial month's food stamp allotment from the date of application to the end of the month; and Updating the utility standards.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Mick Determan, Program Manager, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-4381.

These rules are necessary as a result of a federal law, 7 CFR Parts 271, 272, 273, 274 and 277 (Amendment No. 202).

#### AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

**WAC 388-54-640 APPLICATION AND PARTICIPATION—OPPORTUNITY TO PARTICIPATE.** (1) An eligible household shall be provided an opportunity to participate as soon as possible but not later than 30 days after the application was filed. An application is considered filed the day the department receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative.

(2) An opportunity to participate consists of providing households with an Authorization to Purchase (ATP) card or other authorization and having an issuance facility open and available for the household to obtain its allotment.

(3) For a household subject to and found eligible under the one hundred thirty percent gross income test, the department shall:

(a) Certify into suspended status that household determined to receive zero prorated allotment during the initial month of eligibility, but determined to receive an allotment in the subsequent month(s); the household shall be converted to participant status the month the allotment is received;

(b) deny a household whose allotment is determined to be zero for the initial and subsequent month;

(c) not refer a household in suspended status for work registration and job search until that household is converted to participant status.

(4) Households that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than 30 days following the date the application was filed.

~~((4))~~ (5) If the department does not determine a household's eligibility and provide an opportunity to participate within 30 days of the application, the department shall take the following action:

(a) Determine whether the delay was the fault of the household. A delay shall be considered the fault of the household if:

(i) The household has failed to complete the application form even though the department offered, or attempted to offer assistance in its completion and this assistance is documented;

(ii) One or more members of the household has failed to register for work and the department informed the household of the need to register and gave the household at least 10 days from the date of notification to register these members, and the notice was documented;

(iii) In cases where verification is incomplete, the department provided assistance when required and allowed the household sufficient time to provide the missing verification which is at least 10 days from the date of the department's initial request for the particular verification that was missing, and this 10-day period was documented;

(iv) For households that failed to appear for an interview, the department attempted to reschedule the initial interview within 30 days of the date the application was filed.

(A) If a household failed to appear for the first interview and a subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the 20th day but before the 30th day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the 30th day.

(B) If the household failed to appear for the first interview and a subsequent interview is postponed at the household's request until after the 30th day following the date the application was filed, the delay shall be the fault of the household.

(C) If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household.

(b) If the delay is the fault of the household, the household shall lose its entitlement to benefits for the month of application and a denial notice shall be sent. However, the household shall be given an additional 30 days to take the required action.

(i) After a notice of denial is sent and the household takes the required action within 60 days of the date the application was filed, the department shall reopen the case without requiring a new application.

(c) Determine if the delay is the fault of the department.

(i) Delays that are the fault of the department include, but are not limited to, those cases where the department failed to take the action described in subsection ~~((4))~~ (5) (a) of this section.

(d) If the delay is the fault of the department, the department shall take immediate corrective action. The department shall not deny the application but send a notice of pending action, complete with an explanation to the household of any action it must take to complete the application process.

If the household is given an additional 30 days period to provide verifications that were missing and the household is determined eligible in this second 30-day period, the household shall be entitled to benefits retroactive to the month of application.

~~((5))~~ (6) In cases of delays beyond 60 days.

(a) If the department is at fault for not completing the application process by the end of the second 30-day period and the case file is otherwise complete, the original application will be processed until completed.

(i) If the department was at fault in the first 30 days period, the household shall receive benefits retroactive to the month of application.

(ii) If the household was at fault in the first 30 days, the household shall receive benefits retroactive only to the month following the month of application.

(b) If the department is at fault for not completing the application process by the end of the second 30-day period, but information is not complete enough to reach an eligibility determination, the case shall be denied and a notice sent.

(i) If the department was also at fault for the delay in the initial 30 days, the amount of benefits lost would be calculated from the month of application.

(ii) If the household was at fault for the initial delay, the amount of benefits lost would be calculated from the month following the month of application.

(c) If the household is at fault for not completing the application process by the end of the second 30-day period, the department shall deny the application and require the household to file a new application.

#### AMENDATORY SECTION (Amending Order 1653, filed 5/20/81)

WAC 388-54-645 APPLICATION AND PARTICIPATION—EXPEDITED SERVICE. The department ~~((must))~~ shall screen applicants at the time of application to determine which households are eligible for expedited service.

(1) If otherwise eligible, the following households are entitled to expedited service.

- (a) Households with zero net monthly income;
- (b) Households who are destitute as defined in WAC 388-54-655.
- (2) For households eligible for expedited service.

(a) The department shall mail the ATP card or coupons no later than the close of business of the second working day following the date the application was filed; unless the household opts to pick up the ATP or coupons no later than the start of business of the third working day following the date the application was filed.

(b) For residents of drug or alcoholic treatment and rehabilitation centers who are eligible, the department shall make the ATP and coupons available within seven working days following the date the application was filed.

(3) When expediting certification and issuance the department shall:

(a) Postpone the verification usually required. The household's identity and residency shall be verified, however, through a collateral contact or readily available documentary evidence.

(b) Require the applicant to register for work unless exempt or unless the household has designated an authorized representative to apply on its behalf; postpone work registration of other members of the household if it cannot be accomplished within the expedited service time frames.

(c) Benefits shall not be delayed beyond the delivery standard described in subsection (2) of this section solely because income has not been verified.

(d) The CSO shall promptly contact the collateral contact or otherwise assist the household in obtaining the necessary verification.

(4) Households that are certified on an expedited basis and have provided all necessary verification required prior to certification shall be assigned a normal certification period. When social security numbers are the only mandatory items not verified, the household shall be certified for a three-month period. Individuals required to provide SSNs for verification ~~((must))~~ shall do so at, or prior to, recertification unless able to show good cause for not meeting this requirement. If good cause is established, the participant may continue to participate provided the individual has documentation indicating he/she has applied for an SSN. If all necessary verification was postponed the household will be certified for one month only unless the household has applied after the fifteenth of the month. Then the department shall certify the household for the month of application and the subsequent month. When this household has provided the postponed verification, the department shall issue the subsequent month's allotment within five working days from receipt of the verification.

(a) ~~((Benefits will))~~ The allotment shall not be ~~((continued))~~ issued past the month of application if verification ~~((continues to be))~~ which was postponed is not completed. If the postponed verification is not completed within thirty days of the date of application, the household shall be terminated and no additional allotment issued.

(b) At the time of reapplication, the household ~~((must))~~ shall complete the verification requirements which were postponed.

(c) There is no limit to the number of times a household can be certified under expedited procedures, so long as prior to each expedited certification, the household either completes the verification requirements postponed at the last expedited certification, or was certified under normal processing standards since the last expedited certification.

(5) A household entitled both to expedited service and waiver of office interview shall be interviewed by the first working day following the date the application was filed. If the application is not complete and a telephone interview is conducted, the department shall complete the application for the household during the interview and mail the completed application the same day to the household for signature. Time limits shall be calculated from the date a completed and signed application is received rather than the date the application was filed.

#### AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

WAC 388-54-650 APPLICATION AND PARTICIPATION—PARTICIPATION OF PUBLIC ASSISTANCE HOUSEHOLDS.

(1) The department shall conduct a single interview at initial application for both public assistance (PA) and food stamp purposes.

(2) Based upon a thirty-day month the department shall issue a coupon allotment valued in direct proportion to the number of days remaining from the date of application to the end of the initial month of eligibility.

(3) The department shall not delay the household's food stamp benefits pending verification of the PA eligibility provided food stamp eligibility has been established.

#### AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)

WAC 388-54-655 APPLICATION AND PARTICIPATION—DESTITUTE HOUSEHOLDS. (1) The following households are considered destitute and eligible for expedited service:

(a) Households whose only income for the month of application was received prior to the date of application and was from a terminated source.

(b) Households whose only income for the month of application is from a new source, if income of more than ~~((~~\$25~~))~~ twenty-five dollars from the new source will not be received by the ~~((~~10th~~))~~ tenth calendar day after the date of application.

(c) Households which receive income both from a terminated source prior to date of application, and from a new source after date of application if:

- (i) They receive no other income in the month of application;
- (ii) Income of more than ~~((~~\$25~~))~~ twenty-five dollars from the new source will not be received by the ~~((~~10th~~))~~ tenth day after the date of application.

(2) Destitute households shall have their eligibility and level of benefits calculated for the month of application by considering only income which is received between the ~~((~~1st~~))~~ first of the month and the date of application. Any income from a new source that is anticipated after the day of application shall be disregarded.

(3) Travel advances:

(a) Which are reimbursements of travel expenses will not affect the determination that a household is destitute.

(b) Which by written contract are an advance on wages and will subsequently be subtracted from wages earned later:

- (i) Shall count as income in the month actually received;
- (ii) Shall not affect the determination of whether subsequent payments from the employer are from a new source of income;
- (iii) Shall not affect the determination of whether a household shall be considered destitute.

(4) Households whose income must be averaged on an annual basis, or averaged over the period the income is intended to cover, shall have the income averaged and assigned to the appropriate months of the certification period before a determination of destitution is made.

(5) A household member who changes jobs but continues to work for the same employer shall be considered as still receiving income from the same source.

(a) A migrant farmworker's source of income shall be considered to be the grower for whom the migrant is working at a particular point in time, and not the crew chief.

(b) A migrant who travels with the same crew chief but moves from one grower to another shall be considered to have moved from a terminated income to a new source.

AMENDATORY SECTION (Amending Order 1529, filed 8/6/80)

WAC 388-54-660 APPLICATION AND PARTICIPATION—SPECIAL CIRCUMSTANCES FOR PARTICIPATION. (1) Delivered meals. In order to purchase meals from a nonprofit meal delivery service authorized by FNS, eligible household members:

- (a) Must be ~~((60))~~ sixty years of age or over, or
  - (b) Must be housebound, physically handicapped or otherwise disabled to the extent that they are unable to adequately prepare all their meals, or
  - (c) Be the spouse of such a person.
- (2) Communal dining. Members of eligible households who are ~~((60))~~ sixty years of age or older and their spouses, or those receiving SSI and their spouses may use all or any part of their coupons to purchase meals prepared especially for them at a communal dining facility authorized by FNS for that purpose.
- (3) Drug-alcohol treatment programs. A member of an eligible household who is a narcotics addict or an alcoholic, who regularly participates in a drug or alcoholic treatment program on a resident basis, may use food coupons to purchase food prepared for or served to him during the program, provided:

(a) The program is administered by a private nonprofit organization or institution which has been certified by the state as providing treatment that can lead to the rehabilitation of drug addicts or alcoholics pursuant to Public Law 91-616; and

(b) A resident participant shall be certified only under the following conditions:

- (i) He must voluntarily elect to participate in the food stamp program;
- (ii) He must be certified through the use of an authorized representative who shall be an employee of, and designated by, the private nonprofit organization administering the treatment and rehabilitation program;
- (iii) He must be certified as a one-person household.

(c) The drug or alcohol treatment center which acts as the authorized representative must agree to the following conditions:

- (i) The center must receive and spend the coupon allotment for meals prepared by or served to the addict or alcoholic;
- (ii) The center must notify the department of changes in the participant's income, resources or household circumstances and when the addict or alcoholic leaves the treatment center, within ten days of the change;
- (iii) The center shall be responsible for and can be penalized or disqualified for any misrepresentation or fraud committed in the certification of center residents and shall assume total liability for food coupons held on behalf of resident participants;

(iv) The treatment center shall provide resident addicts or alcoholics with their ID card and any untransacted ATP cards issued for the household when the household leaves the program;

(v) The treatment center shall provide the household with one half of its monthly coupon allotment when the household leaves the program prior to the sixteenth day of the allotment month;

(vi) The center shall provide the department with a certified list of currently participating residents on a monthly basis.

AMENDATORY SECTION (Amending Order 1558, filed 10/20/80)

WAC 388-54-665 HOUSEHOLD DETERMINATION. (1) The following individuals or groups of individuals may make up a household provided that such individuals or groups are not residents of an institution, residents of a commercial boarding house, and provided that separate household status shall not be granted to a spouse of a member of the household, or to children under eighteen years of age under parental control of a member of the household((-):

- (a) An individual living alone.
- (b) An individual, living with others, but who customarily purchases food and prepares meals for home consumption separate and apart from the others.
- (c) ~~((An individual who is a boarder, living with others and paying reasonable compensation to the others for meals for home consumption.~~

~~((d))~~ A group of individuals, living together, for whom food is customarily purchased in common and for whom meals are prepared together for home consumption, except that parents and children who live together shall be treated as a group of individuals who customarily purchase and prepare meals together for home consumption even if they do not do so, unless one of the parents is sixty years of age or older.

~~(d) A household with which a boarder or boarders paying reasonable compensation for meals reside may participate in the program, excluding the boarder(s) and their income and resources from consideration as available, provided the household meets all the eligibility requirements for program participation. The amount of payment for boarding shall be treated as self-employment income. Boarders are ineligible to participate in the program.~~

~~(e) ((A group of individuals who are boarders living with others and paying reasonable compensation to the others for meals for home consumption.~~

~~(f)) Residents of federally subsidized housing for the elderly and residents of Food and Nutrition Service approved drug or alcoholic treatment centers or group living arrangements serving no more than sixteen residents, those being blind or disabled and receiving Title II or XVI benefits.~~

(2) The following individuals residing with a household shall not be considered household members in determining eligibility or allotment((-)) and are termed nonhousehold members. Nonhousehold members may, if otherwise eligible, qualify as separate households:

(a) Roomers. Individuals to whom a household furnishes lodging, but not meals, for compensation.

~~(b) ((Boarders. Individuals to whom a household furnishes lodging and meals with the following restrictions:~~

~~Boarder status shall not be extended to the spouse of a member of the household, children under eighteen under parental control of a member of the household, or persons paying less than a reasonable monthly payment for meals. Boarders whose board arrangement is for more than two meals per day shall pay an amount which equals or exceeds the thrifty food plan for the appropriate size of the boarder household. Boarders whose board arrangement is for two meals or less per day shall pay an amount which equals or exceeds two-thirds of the thrifty food plan for the appropriate size of the boarder household.~~

~~(c)) Live-in attendants. Individuals who reside with a household to provide medical, housekeeping, child care or other similar personal services.~~

~~((d)) (c) Ineligible aliens. Individuals who do not meet the citizenship or eligible alien status.~~

~~((e) Students enrolled in higher education.))~~

~~(d) Students age eighteen or older enrolled in high school who do not meet the requirements of WAC 388-54-670(1)(c).~~

~~((f)) (e) Disqualified individuals. Individuals disqualified for fraud or failure to provide required social security numbers without good cause or students in higher education disqualified for failure to meet the requirements of WAC 388-54-670(2).~~

~~((g)) (f) Other individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household.~~

(3) ~~((Nonhousehold members who are otherwise eligible may participate as separate households provided that separate household status not be granted to:~~

~~(a) A spouse.~~

~~(b) Children under eighteen years of age under the parental control of a member of the household.)) Boarders in private homes are not eligible for program benefits. Boarder status (a boarder is an individual to whom a household furnishes lodging and meals for a reasonable monthly payment) shall not be extended to the spouse of a member of a food stamp household, children under eighteen under parental control of a member of the household, children living with parents if at least one parent is less than sixty years of age even if purchasing or preparing meals separately, or persons paying less than a reasonable monthly payment for meals. Boarders whose board arrangement is for more than two meals per day shall pay an amount which equals or exceeds the thrifty food plan for the appropriate size of the boarder household. Boarders whose board arrangement is for two meals or less per day shall pay an amount which equals or exceeds two-thirds of the thrifty food plan for the appropriate size of the boarder household.~~

(4) Residents of commercial boarding houses are not eligible for program benefits. A boarding house shall be defined as:

(a) An establishment which is licensed as a commercial enterprise which offers meals and lodging for compensation.

(b) In project areas without licensing requirements, a boarding house is a commercial establishment which offers meals and lodging for compensation with the intention of making a profit.

(c) The household of the proprietor of a boarding house may participate separate and apart from the residents if otherwise eligible.

## AMENDATORY SECTION (Amending Order 1653, filed 5/20/81)

**WAC 388-54-675 WORK REGISTRATION REQUIREMENT.** (1) Each individual between the ages of eighteen and sixty is required to register for employment prior to certification, and once every six months after initial registration, except:

- (a) A person physically or mentally unfit for employment;
- (b) A parent, or other member of the household, who has responsibility for the care of a dependent child under twelve years of age, or of an incapacitated person;

If the child has its twelfth birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the individual qualifies for another exemption.

- (c) A parent, or other caretaker, of a child under eighteen years of age in a household where another able-bodied parent is registered for work or is exempt as a result of employment;

(d) A person receiving unemployment compensation, or a person who has applied for, but not yet begun to receive unemployment compensation, but has registered for work as a requirement for receiving unemployment compensation;

- (e) A household member subject to and participating in the WIN program;

Household members(;) who are required to register for work under WIN or unemployment compensation and fail to comply with the work registration requirements of those programs, shall not be denied food stamp benefits solely for this failure. These members lose their exemption and must register for work if they fail to qualify for WIN exemption under other conditions in subsection (1) of this section.

- (f) A person who is employed, or self-employed, at least thirty hours per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty hours;

(g) A student enrolled at least half time in any recognized school, training program or institution of higher education provided that those students have met the eligibility conditions in WAC 388-54-670;

- (h) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;

(i) A child who has its eighteenth birthday within the certification period. This child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the child qualifies for another exemption;

(j) A person who is complying with work requirements imposed as a participant in any refugee resettlement program including but not limited to the Indochinese refugee assistance program, or the E&T program when approved by FNS. The program must demonstrate that work registration requirements are at least equivalent to food stamp requirements, activities are monitored, and that all other household members who are not exempt are registered for work;

- (k) A migrant or seasonal farmworker who is under contract or similar agreement with an employer to begin employment within thirty days;

(l) The department shall verify any claim for exemption which it determines to be questionable.

(2) The department shall provide work registration forms to the applicant for each household member who is required to register for employment. Household members are registered when a completed work registration form is submitted to the department. The department shall forward the completed form to the state employment service.

(3) The applicant's statement concerning the employability of each member of the household shall be accepted unless the information is questionable.

- (4) Each member required to register for employment shall also be required to:

(a) Report for an interview to the office where he is registered upon reasonable request;

(b) Respond to a request from the employment service office requiring supplemental information regarding employment status or availability for work;

(c) Report to an employer to whom he has been referred by such office, if the potential employment is suitable;

(d) Accept a bona fide offer of suitable employment to which he is referred by such office;

(e) Continue suitable employment to which the registrant was referred by such office until the employment is no longer considered suitable, the registrant becomes exempt, or is terminated from employment due to circumstances beyond the registrant's control.

- (5) If the department finds that a household member refused or failed to comply with the work registration requirement without good

cause, the household shall be ineligible for participation in the program, until the member complies, becomes exempt, or, for two months, whichever is earlier.

(6) In determining whether good cause existed for failure to comply, facts and circumstances shall be considered including information submitted by the employment office, the household member and the employer. "Good cause" includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member sufficiently serious to require the presence of the household member, unavailability of transportation, and unanticipated emergency. Problems caused by inability of the work registrant to speak or write English could constitute good cause.

(7) Employment will be considered unsuitable if:

- (a) The wages offered are less than the highest amount of the standard following:

- (i) The applicable state or federal minimum wage,
- (ii) Eighty percent of the federal minimum wage.

(b) The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably be expected to earn is less than the hourly wages specified in subsection (7)(a) of this section;

(c) The registrant, as a condition of employment, or continuing employment, is required to join, resign from, or refrain from joining any legitimate labor organization; or

(d) The work offered is at a site subject to a strike or a lockout at the time of the offer, unless the strike has been enjoined under section 208 of the labor-management relations act (commonly known as the Taft-Hartley act) or unless an injunction has been issued under section 10 of the railway labor act.

(8) Employment shall be considered suitable unless the household member can demonstrate, or the department otherwise becomes aware that:

- (a) The degree of risk to the registrant's health and safety is unreasonable.

(b) The registrant is not physically or mentally fit to perform the employment offered, as documented by medical evidence or reliable information obtained from other sources.

(c) The employment offered is outside the registrant's major field of experience unless, after a period of thirty days (~~from~~) following registration, job opportunities in his major field have not been offered.

(d) The distance from the member's home to the place of employment is unreasonable considering the expected wages and the time and cost of commuting.

(e) If daily commuting time, not including the transporting of a child to and from a child care facility, exceeds two hours, or if the place of employment is too far to walk to and neither private nor public transportation is available to the client.

(f) The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs.

(g) In case of students, the employment is offered during class hours or is more than twenty hours a week.

(9) No household shall be denied participation solely on the grounds that a member of the household is not working because of a strike (~~or a lockout~~) at his or her place of employment unless the strike has been enjoined under paragraph 208 of the labor-management relations act (commonly known as the Taft-Hartley act), or unless an injunction has been issued under section 10 of the railway labor act. Households with members involved in a strike or concerted work stoppage by employees including any stoppage by reason of the expiration of a collective bargaining agreement and any concerted slowdown or interruption of operation by employees shall be ineligible to participate in the food stamp program unless the household was eligible prior to the strike. However, such households shall not receive an increased allotment as a result of a decrease in the income of the striking member or members of the household. That member's monthly income attributable to the job on which the strike occurred shall be deemed to remain the same as if he/she were still working.

(10) At the end of the two-month disqualification period, a household may apply to reestablish eligibility. Eligibility may be reestablished during the disqualification period if the reason for disqualification is corrected.

(11) A registrant who moves out of the jurisdiction of the department of employment security (DES) office with which he/she is registered must reregister at his/her new location.

(12) Persons losing exemption status due to any change of circumstance:

- (a) Subject to reporting requirements shall register for work; the work registration report form shall be completed and returned within

ten calendar days of the date the department hands or mails the form to the household member reporting the change. Failure to complete and return the form within that period shall result in termination of the household;

(b) Not subject to reporting requirements shall register for employment at the household's next recertification.

(13) The household shall be held liable for any overissuances which result from erroneous information given by the household member or the household's authorized representative.

**AMENDATORY SECTION** (Amending Order 1653, filed 5/20/81)

**WAC 388-54-678 JOB SEARCH REQUIREMENT.** (1)(a) Persons required to register for work shall be subject to job search requirements in accordance with the following categories:

(i) Category I - job ready - work registrants who have no apparent substantial barriers to employment;

(ii) Category II - nonjob ready - work registrants with substantial barriers to employment, for example, medical, transportation, language or family problems;

(iii) Category III - exempt - work registrants for whom a job search is determined to be impractical, specifically including those individuals residing an unreasonable distance from the appropriate DES office or potential employers, and migrant and seasonal farmworkers away from their home base and following the work stream.

(b) Category assignment and exempt status shall be determined by DES at the time the work registration form is received from the department.

(2) Registrants subject to job search:

(a) Shall contact, as required by DES, up to twenty-four prospective employers during an eight-week, or two four-week period(s) of mandatory job search each time they are entered into the food stamp program or each twelve months, whichever occurs sooner;

(b) Shall report at a prescheduled time to the DES on the result of all job contacts twice during the eight-week period;

(c) Shall comply with DES follow-up interviews. If a household member has refused or failed without good cause to comply with the requirement of this section, the entire household shall be ineligible;

(d) Within ten days after a determination of failure to comply, shall be issued a notice of adverse action by the department;

(e) Have a right to a fair hearing to appeal a denial, reduction or termination of benefits due to a determination of nonexempt status or failure to comply.

(3) Work registrants classified as category II will not be assigned any specific job search activity.

(a) Job attached persons who have not returned to their jobs or otherwise become exempt from the job search requirement may be called in for job search categorization reassessment at the end of sixty days;

(b) Other persons may be called in for job search categorization reassessment during the six-month period.

(4) Work registrants classified as category III will not be required to fulfill job search requirements until such time as they are reclassified into an active job search category.

(5) Failure to comply with the job search requirement on the second opportunity, without good cause, shall result in household disqualification for a two-month period unless the member who caused the disqualification becomes exempt from the work requirement or is no longer a member of the household.

(6) In determining whether good cause exists for failure to comply, facts and circumstances shall be considered including information submitted by DES, the member and the employer.

"Good cause" includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member sufficiently serious to require the presence of the household member, unavailability of transportation and unanticipated emergency; problems resulting from inability of the work registrant to speak or write English could constitute good cause.

(7) Each household has a right to a fair hearing through the department to appeal a denial, reduction or termination of benefits due to a determination of nonexempt status or failure to comply with work registration and job search requirements of this section and WAC 388-54-675.

Each household may request a review of any decision made on the part of DES, such as a job search classification, prior to requesting a fair hearing through the department.

**AMENDATORY SECTION** (Amending Order 1543, filed 9/17/80)

**WAC 388-54-730 INCOME—((ALLOWABLE—MAXIMUMS)) ELIGIBILITY STANDARDS.** The combined monthly net food stamp income of all members of a household shall not exceed ((the following standards)):

(1) Except as provided in subsection (2) of this section, eligibility shall be determined on the gross income eligibility standards based on one hundred thirty percent of the office of management and budget's (OMB) nonfarm income poverty guidelines for the forty-eight states and the District of Columbia divided by twelve and rounding the results upward as necessary to calculate the monthly standards:

**Gross Monthly Income Eligibility Standards Table**

| Household Size         | Monthly Standards |
|------------------------|-------------------|
| 1                      | \$ 467            |
| 2                      | 617               |
| 3                      | 766               |
| 4                      | 916               |
| 5                      | 1,065             |
| 6                      | 1,215             |
| 7                      | 1,364             |
| 8                      | 1,514             |
| Each additional person | +150              |

(2) For households which contain a member who is sixty years of age or over, or a member who receives SSI benefits under Title XIV of the social security act, or disability and blindness payments under Titles I, II, X, XIV, or XVI of the social security act, eligibility shall be determined on the net income standards as follows:

| Household Size         | Maximum Allowable Net Income |
|------------------------|------------------------------|
| 1                      | \$ ((+6)) 360                |
| 2                      | ((+8)) 475                   |
| 3                      | ((+20)) 590                  |
| 4                      | ((+21)) 705                  |
| 5                      | ((+23)) 820                  |
| 6                      | ((+25)) 935                  |
| 7                      | ((+26)) 1,050                |
| 8                      | ((+28)) 1,165                |
| 9                      | ((+30)) 1,280                |
| 10                     | ((+32)) 1,395                |
| Each additional member | ((+32)) +115                 |

**AMENDATORY SECTION** (Amending Order 1625, filed 3/25/81)

**WAC 388-54-740 INCOME—DEDUCTIONS.** In computing net income, only the following deductions shall be allowed:

(1) A standard deduction of ((85)) eighty-five dollars per household per month.

(2) An earned income deduction of ((twenty)) eighteen percent of gross earned income. Earnings which are excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.

(3) Payments for the care of a child or other dependent when necessary for a household member to accept or continue employment, seek employment, or attend training or education preparatory to employment.

The amount to be deducted for child care shall be the amount actually paid not to exceed ((+15)) one hundred and fifteen dollars. The dependent care deduction in combination with the shelter deduction shall not exceed ((+15)) one hundred and fifteen dollars.

(4) Shelter costs in excess of fifty percent of the household's income after the above deductions. The shelter deductions alone or in combination with the dependent care deduction, shall not exceed ((+15)) one hundred and fifteen dollars.

(a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated, assessments, and utility costs such as heat and cooking fuel, electricity, water, garbage, sewage disposal and basic service fee for one telephone (plus tax) and initial installation fees for utility services. One time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(b) Shelter costs for a home not occupied because of employment, training away from home, illness or abandonment caused by casualty loss or natural disaster shall be allowed if:

(i) The household intends to return to the house;

- (ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes;
- (iii) The home is not being leased or rented during the household's absence.
- (c) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.
- (d) Standardized amounts shall be used to compute the shelter costs for utilities such as heat and cooking fuel, electricity, water, garbage, sewage disposal, and telephone (~~and shall be effective November 1, 1980~~).

| Persons in Household | Food Stamp Utility Standards   |   |
|----------------------|--|---|
|                      | November 1, <del>((1980))</del> 1981<br>thru<br>April 30, <del>((1981))</del> 1982 | May 1, <del>((1981))</del> 1982<br>thru<br>October 31, <del>((1981))</del> 1982 |
| 1                    | \$ <del>((128.00))</del><br>136.00   | \$ <del>((81.00))</del><br>86.00  |
| 2                    | <del>((137.00))</del><br>146.00  | <del>((86.00))</del><br>92.00   |
| 3                    | <del>((148.00))</del><br>158.00  | <del>((90.00))</del><br>96.00   |
| 4                    | <del>((158.00))</del><br>168.00  | <del>((94.00))</del><br>100.00  |
| 5                    | <del>((166.00))</del><br>177.00  | <del>((97.00))</del><br>108.00  |
| 6                    | <del>((177.00))</del><br>189.00  | <del>((106.00))</del><br>113.00   |
| 7                    | <del>((184.00))</del><br>196.00  | <del>((111.00))</del><br>118.00   |
| 8                    | <del>((190.00))</del><br>203.00  | <del>((114.00))</del><br>121.00   |
| 9                    | <del>((200.00))</del><br>213.00  | <del>((118.00))</del><br>126.00   |
| 10 or more           | <del>((208.00))</del><br>222.00  | <del>((124.00))</del><br>132.00   |

- (e) Households which do not incur any separate utility charges or which are billed separately for only telephone costs, water, sewage, and garbage collection fees shall not be entitled to claim the standard utility allowance.
- (f) If a household is not entitled to the standard utility allowance, it may claim actual utility expenses for any utility which it does pay separately, except the telephone.
- (g) If a household requests and can verify that its utility bills are higher than the standards, the actual utility costs shall be used.
- (i) The telephone standard, for families incurring telephone costs, but not entitled to claim the single standard, is ten dollars.
- (ii) A household shall be allowed to switch to or from the standard during its certification period.
- (h) The telephone allowance applies to households which are not entitled to claim the overall standard, but which have telephone expenses.
- (5) Households which contain one or more members who are sixty years of age or older, receive supplemental security income (SSI), or receive social security disability payments under Title II of the Social Security Act shall be authorized, effective January 1, 1980:
  - (a) A dependent care deduction up to ~~((115))~~ one hundred and fifteen dollars as specified in WAC 388-54-740(3) and
  - (b) An excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount that exceeds fifty percent of the household's monthly income after all applicable deductions have been made.
  - (6) An individual who is sixty years of age or older, or receives supplemental security income (SSI), or receives social security disability, or has received emergency SSI from the social security administration shall be authorized effective January 1, 1980, a deduction for unreimbursable monthly medical expenses over ~~((35))~~ thirty-five dollars.
    - (a) Allowable medical expenses are:
      - (i) The cost of maintaining an attendant, homemaker, home health aide, housekeeper and/or child care service. These expenses, which could be claimed either as a medical or child care expense must be considered as medical expenses;
      - (ii) The cost of medical insurance;
      - (iii) Medicare premiums related to coverage under Title XVIII of the Social Security Act;
      - (iv) Any cost-sharing on spend down expenses incurred by medicaid (medical only) recipients;
      - (v) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;

- (vi) Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;
- (vii) The cost of medical supplies, sick-room equipment (including rental) or other prescribed equipment;
- (viii) Dentures, hearing aids, prosthetics, and eye glasses prescribed by an optometrist or physician skilled in eye disease;
- (ix) Securing and maintaining a seeing eye dog including the cost of dog food and veterinarian bills;
- (x) Reasonable cost of transportation and lodging to obtain medical treatment or services.
  - (b) Nonallowable expenses are:
    - (i) The cost of health and hospital insurance which pays in lump sum settlements or which continue mortgage or loan payments while the beneficiary is disabled;
    - (ii) The cost of special diets.

**AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)**

**WAC 388-54-750 INCOME—SELF-EMPLOYMENT.** (1) A household whose primary source of income is from self-employment, including self-employed farmers, shall be certified according to this section.

Self-employment income which is received on a monthly basis but which represents a household's annual support shall normally be averaged over a ~~((12))~~ twelve-month period. If, however, the averaged amount does not accurately reflect the household's actual monthly circumstances because the household has experienced a substantial increase or decrease in business, the department shall calculate the self-employment income based on anticipated earnings.

(2) Income which represents annual income and costs of producing that income are to be computed on a yearly basis and averaged evenly over twelve months to determine eligibility even if it is received in only a short period of time.

(a) Self-employment income which represents only a part of a household's annual support shall be averaged over the period of time the income is intended to cover.

(b) If a household's self-employment enterprise has been in existence for less than a year, this income shall be averaged over the period of time the business has been in operation and the monthly amount projected for the coming year.

(3) In determining monthly income from self-employment:

(a) The household may choose to determine the benefit level by using either the same net income which was used to determine eligibility, or by unevenly prorating the household's total net income over the period for which the household's self-employment income was averaged. If income is prorated, the net income assigned in any month cannot exceed the maximum monthly income eligibility standards for the household's size.

(b) For the period of time over which self-employment income is determined the department shall add all gross self-employment income (including capital gains), exclude the cost of producing the self-employment income and divide this income by the number of months over which the income will be averaged.

(c) For those households whose self-employment income is not averaged but is instead calculated on an anticipated basis, the department shall add any capital gains the household anticipates receiving in the next ~~((12))~~ twelve months, starting with the date the application is filed and divide this amount by ~~((12))~~ twelve. This amount shall be used in successive certification periods during the next ~~((12))~~ twelve months, but recalculated should anticipated capital gains amounts change. The anticipated monthly amount of capital gains shall be added to the anticipated monthly self-employment income, and subtract the cost of producing the income. Except for depreciation, the cost of producing the income shall be calculated by anticipating the monthly allowable costs of producing the income.

(d) The monthly net self-employment income shall be added to any other earned income received by the household. The total monthly earned income less the ~~((20))~~ eighteen percent earned income deduction shall then be added to all other monthly income received by the household. The standard deduction, dependent care, and shelter costs shall be computed as for any other household and subtracted to determine the adjusted monthly net income of the household.

(4) In calculating capital gains, the proceeds from the sale of capital goods or equipment shall be calculated in the same manner as a capital gain for federal income tax purposes. The department shall count the full amount of the capital gain as income for food stamp purposes even

if only ~~((50))~~ fifty percent of the proceeds from the sale of capital goods or equipment is taxed for federal income tax purposes.

(5) Allowable costs of producing self-employment income include, but are not limited to:

(a) The identifiable costs of labor, stock, raw material, seed and fertilizer, interest paid to purchase income-producing property, insurance premiums, and taxes paid on income-producing property;

(b) Depreciation, which shall be allowed as a cost of producing self-employment income for equipment, machinery or other capital investments necessary to the self-employment enterprise, as documented by a tax return.

(6) The following items shall not be allowed as a cost of producing self-employment income:

(a) Payments on the principal of the purchase price of income producing real estate and capital assets, equipment, machinery and other durable goods;

(b) Net losses from previous periods; and

(c) Federal, state and local income taxes, money set aside for retirement purposes, and other work-related personal expenses, such as transportation to and from work, as these expenses are accounted for by the ~~((20))~~ eighteen percent earned income deduction specified.

(7) In assigning certification periods:

(a) Households that receive their annual support from self-employment and have no other source of income may be certified for up to 12 months;

(b) For those households that receive other sources of income or whose self-employment income is intended to cover a period of time that is less than a year, the department shall assign a certification period appropriate for the household's circumstances;

(c) For businesses which have been in operation for such a short time that there is insufficient data to make a reasonable projection, the household may be certified for less than a year until the business has been in operation long enough to base a longer projection.

(d) For those self-employed households that receive their annual income in a short period of time, the initial certification period shall be assigned to bring the household into the annual cycle.

#### AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

WAC 388-54-760 CERTIFICATION PERIODS—DURATION. (1) Based upon a thirty-day month, the value of the allotment issued to an eligible household for the initial month shall be pro rated from the date of application through the end of the month in relation to the total number of days in the month.

(2) An assistance household shall be assigned a certification period which coincides with the scheduled assistance reviews so that the review of the grant and food stamp basis of issuance can be accomplished simultaneously. ~~((In no case is))~~ The certification period is not to exceed one year unless the Secretary of USDA waives the twelve-month limit to improve the administration of the program.

~~((2))~~ (3) Other households shall be certified for at least three months or assigned the longest certification period possible based on the predictability of the household's circumstances, except as follows:

(a) Certification may be for less than three months when there is a possibility of frequent changes in income or household status.

(i) A household eligible for a certification period of ~~((3))~~ three months or less shall, at the time of certification, have this certification period increased by ~~((1))~~ one month, if the certification process is completed after the ~~((15th))~~ fifteenth day of month of application and the household's circumstances warrant the longer certification period.

(ii) A household with one or more members ~~((subject to lockout or))~~ on strike shall be assigned a certification period of no more than one month if the household is certified before the ~~((15th))~~ fifteenth day of the month; otherwise, the maximum certification period shall be for two months unless the department wishes to assign a longer certification period and the household signs a waiver of notice of adverse action.

(b) In situations in which there is little likelihood of changes in financial situation and household size, the household may be recertified for up to six months.

(c) A household consisting solely of unemployable persons with very stable income from retirement, disability payments, or similar sources may be certified up to twelve months, provided that other household circumstances are expected to remain stable.

(d) A household whose primary source of income is from self-employment, farm operations or farm employment may be certified up to

twelve months, provided income can be readily predicted and household circumstances are not likely to change. A household with additional income from other sources shall be assigned a certification period in accordance with subsection ~~((2))~~ (3) (a), (b) and (c).

#### AMENDATORY SECTION (Amending Order 1408, filed 6/25/79)

WAC 388-54-765 CERTIFICATION PERIODS—NOTICES TO HOUSEHOLDS. (1) The applicant household shall be provided with one of the following written notices as soon as determination is made but no later than thirty days after the date of initial application:

(a) Notice of eligibility. Written notice containing the amount of the allotment, beginning and ending dates of the certification period, the right to a fair hearing, an information phone number and information regarding free legal representation.

(b) Notice of denial. Written notice explaining basis for denial, right to a fair hearing, information phone number and information about free legal services.

(c) Notice of pending status. Written notice informing the household that its application is still being processed; whether some action by the household is needed to complete the application, what this action is, and that the application will be denied if the household fails to take the required action within sixty days of the date the application was filed.

(2) Notice of adverse action. Prior to any action to reduce or terminate a household's benefits within the certification period the department shall provide notice to the household at least ten days prior to the action.

(a) This notice shall include:

(i) The proposed action and reason for the action;

(ii) The household's right to a fair hearing;

(iii) An information telephone number;

(iv) The availability of continued benefits;

(v) The liability for any overissuances received while awaiting a fair hearing if the decision is adverse to the household;

(vi) Notice of availability of free legal services.

(b) A notice of adverse action is not required when:

(i) Mass changes are made by federal or state government, except as provided for in subdivision (c) of this subsection;

(ii) The department determines that the members of a household have died;

(iii) The household has moved from the project area;

(iv) Restoration of lost benefits is completed and the household was previously notified in writing of when the increased allotment would terminate;

(v) Allotment varies from month to month and the household was notified at the time of certification that these changes would be made;

(vi) If the household experiences reduction in benefits upon approval of a PA grant and was so notified at the time of application;

(vii) A household member is disqualified for fraud or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member;

(viii) The household contains a member subject to a ~~((lockout or))~~ strike and signs a waiver of its right to notice of adverse action for purposes of receiving a longer certification period than is otherwise allowed for such households.

(c) A notice of adverse action will be required because of mass changes resulting from the implementation of the Food Stamp Act of 1977. The department shall send an individual notice of adverse action to each household that receives a reduction or termination in benefits during its certification period due to these regulations. The notice of adverse action shall explain to the household:

(i) That the change is the result of changes in federal law;

(ii) That although the household has the right to request a fair hearing, benefits will be continued pending the fair hearing only if the household believes its eligibility or benefit level was computed incorrectly under the new law, or that the new law is being misapplied or misinterpreted.

(d) Instead of an individual notice, the department shall send a general notice to all or part of the food stamp caseload when new eligibility rules are matched by computer with current history file information.

The general notice shall explain that the cause of the allotment change, if any, is the Food Stamp Act of 1977, and the circumstances for continuing or reinstating the household's former level of benefits as in an individual notice. The general notice shall be sent no later than the allotment of ATP that adjusts the household's benefits to the new program.

**AMENDATORY SECTION** (Amending Order 1653, filed 5/20/81)

**WAC 388-54-770 CERTIFICATION PERIODS—REPORTING CHANGES DURING.** (1) The recipient household is required to report the following changes in circumstances:

- (a) All changes in income of more than twenty-five dollars and source of income, except changes in public assistance grants.
- (b) All changes in household composition such as addition or loss of a household member.
- (c) Changes in residence and the resulting change in shelter costs.
- (d) The acquisition of a licensed vehicle not fully exempt under WAC 388-54-717.
- (e) When nonexempt liquid resources reach or exceed one thousand ~~(seven)~~ **(fifty)** dollars. (See WAC 388-54-715(1)(a)).
- (2) All changes in status must be reported within ten calendar days of the date the change becomes known to the household. Reporting may be by telephone, mail or personal contact.
- (3) Changes shall be considered to be reported by the household on the date the report is received by the CSO or if mailed the date the household's report is postmarked.
- (4) Individuals shall not be disqualified for failing to report a change, unless the individual is disqualified in accordance with the fraud disqualification procedures.
- (5) The client is entitled to receive:
  - (a) A change report form at the time of initial certification.
  - (b) Acknowledgment of receipt of a notice of change given by the client to the department pursuant to subsection (2) of this section.
  - (c) Notification of the amount of change in the allotment if the reported change results in such an adjustment.
  - (d) Notification of any additional verification requirements brought about by the reported change of circumstances.
  - (e) Notification that failure to provide required verification within ten days will result in delay of increased benefits.
  - (f) A new change report form when a change has been reported.

**AMENDATORY SECTION** (Amending Order 1620, filed 3/4/81)

**WAC 388-54-785 ISSUANCE—MONTHLY ALLOTMENTS.** (1) ~~(The maximum allowable income standards for determining eligibility for all households are as follows:~~

| Household Size         | Maximum Allowable Monthly Income Standards<br>48 States and D.C. |
|------------------------|--|
| 1                      | \$ 316   |
| 2                      | 418  |
| 3                      | 520  |
| 4                      | 621  |
| 5                      | 723  |
| 6                      | 825  |
| 7                      | 926  |
| 8                      | 1,028  |
| 9                      | 1,130  |
| 10                     | 1,232  |
| Each additional member | +102)  |

Based upon a thirty-day month, the department shall issue to households making initial application a coupon allotment valued in direct proportion to the number of days remaining from the date of application to the end of the initial month of eligibility.

(2) ~~(Fo)~~ **(5)** The department shall determine the ~~(benefit)~~ value of the allotment a household ~~(s shall receive: (a) Subtract 30)~~ receives (taking into consideration the requirement within subsection (1) of this section to pro rate the initial month's allotment) by subtracting thirty percent of the household's net monthly income from the thrifty food plan for that household size.

| Household Size | Thrifty Food Plan Amounts |
|----------------|---------------------------|
| 1              | \$ 70                     |
| 2              | 128                       |
| 3              | 183                       |
| 4              | 233                       |
| 5              | 277                       |
| 6              | 332                       |
| 7              | 367                       |
| 8              | 419                       |
| 9              | 472                       |

| Household Size         | Thrifty Food Plan Amounts |
|------------------------|---------------------------|
| 10                     | 525                       |
| Each additional member | +53                       |

~~((fb))~~ **(3)** All one and two person households shall receive a minimum monthly allotment of ~~((+\$0.00))~~ **ten dollars except in the initial benefit month wherein a household may receive a pro rata allotment of less than ten dollars.**

**AMENDATORY SECTION** (Amending Order 1374, filed 3/1/79)

**WAC 388-54-790 ISSUANCE—USE AND REDEMPTION.**

- (1) The department ~~((may))~~ **shall** issue food coupons through:
  - (a) An authorization to participate (ATP) system in which an authorizing document is distributed on a monthly basis to the household and surrendered prior to its expiration date to the coupon issuer ~~((when coupons are obtained))~~, or;
  - (b) A direct coupon mailout system.
  - (2) For ATP's issued after the twenty-fifth of the month, the department shall either:
    - (a) Issue an ATP which shall not expire for a period of not less than twenty calendar days or until the end of the following month; or
    - (b) Issue an ATP valid only until the end of the month and issue a valid replacement ATP if the household is unable to transact the ATP before its expiration date. The household shall be informed of this possibility at the time the first ATP is issued.
  - (3) In the use or redemption of coupons by eligible households:
    - (a) A household member should sign each coupon book issued to the household. The coupons may be used only by the household or other persons the household selects to purchase eligible food for the household.
    - (b) Uncanceled and unendorsed coupons of ~~((+\$))~~ **one dollar** denomination, returned as change by authorized retail food stores, may be presented as payment for eligible food. All other detached coupons may be accepted only if accompanied by the coupon book which bears the same serial number as the detached coupons. It is the right of the household or the authorized representative to detach the coupons from the book.
    - (c) When change in an amount less than ~~((+\$))~~ **one dollar** is required in a coupon transaction, the household shall receive the change in cash not to exceed ~~((99))~~ **ninety-nine cents.**

(d) Upon request, the household or the authorized representative shall present the household's ID card to the retail food store or meal service when exchanging food coupons for eligible food.

(e) Coupons shall not be used to pay for any eligible food purchased prior to the time at which the coupons are presented to authorized retail food stores or meal service. Neither shall coupons be used to pay for any eligible food in advance of the receipt of food, except when prior payment is for food purchased from a nonprofit cooperative food purchasing venture.

~~((+))~~ **(4)** Where the direct mail system is used to issue coupons:

(a) After two consecutive reported mail losses by a household, the department shall consider other means to deliver program benefits to the household.

(b) To minimize mail theft exposure, direct mail issuances shall be staggered through the ~~((+0th))~~ **tenth** of the month, and may be staggered through the ~~((+5th))~~ **fifteenth** day provided that each household will likely receive its coupons on the same date every month.

(c) When a household reports the nondelivery of coupons issued through the mail, the department shall issue replacement coupons to the household within ~~((5))~~ **five** working days after the report of nondelivery has been received.

~~((+))~~ **(5)** In case of lost or stolen ATPs:

(a) The department shall issue an emergency replacement ATP only if the original is reported lost or stolen in the period for which it was intended;

(b) The participant must sign an affidavit stating that the original ATP will be returned to the department if recovered by the household.

~~((5))~~ **(6)** The department shall maintain issuance records for a period of three years from the month of origin. This period may be extended at the written request of FNS.

~~((6))~~ **(7)** In returning coupons, the following shall apply:

(a) In the event of voluntary termination of participation in the program by a household or death of the head of the household, properly issued coupons may be returned to FNS for a refund on the same ratio

of cash to coupons as was applied by the department in the issuance of the coupons to the household.

(b) A request for a refund shall be submitted to the department. The request shall be in ink or typed, contain the claimant's address, be dated and signed. The unused coupons shall be attached. The department shall then provide a copy of the refund request to the household as a receipt for the coupons.

(c) The department shall forward claims to FNS for payment. The claimant's request for a refund, Request for Reimbursement or Notification of Return of Unused Food Coupons for Refund, and the unused coupons shall be forwarded to FNS by the department.

(d) ~~((Six months after elimination of the purchase requirement;))~~ No refunds shall be paid for coupons returned to FNS.

(e) Households which still have old series coupons shall be entitled to a dollar for dollar exchange of old series coupons for new series coupons.

#### AMENDATORY SECTION (Amending Order 1492, filed 3/7/80)

WAC 388-54-805 ISSUANCE—RESTORATION OF LOST BENEFITS. (1) Whenever a household receives fewer benefits than it is entitled to receive as a result of error by the department, the department shall restore those benefits which were lost within ~~((+2))~~ twelve months of:

(a) The month the department was notified by the household or by another person or agency in writing or orally of the possible loss;

(b) The month the department discovers that a loss to a specific household has occurred;

(c) The date the household requested a fair hearing to contest the adverse action which resulted in the loss.

(2) Benefits shall be restored even if the household is currently ineligible.

(3) The ~~((+2))~~ twelve-month limitation does not apply to benefits which are to be restored when:

(a) A fraud disqualification penalty is reversed;

(b) Amounts deducted from SSI benefits to repay SSI overpayments, since January 1976, were counted as food stamp income (households may apply for this benefit until 5-1-80);

(c) The household, previously determined by the department to be entitled to benefits as a result of the household winning a fair hearing or an error being made in determining the household's eligibility, was denied restoration of benefits because the household was not currently participating.

(4) The department shall notify the household of its entitlement, the amount of benefits to be restored, the method of restoration and the right to appeal, and any offsetting that was done.

(5) If the department determines that a household is entitled to restoration of lost benefits, but the household does not agree with the amount to be restored or with any other action taken by the department, the household may request a fair hearing within ~~((90))~~ ninety days of the date the household is notified of its entitlement to restoration of lost benefits, as specified in WAC 388-54-805(3)(c). Households previously notified they were due benefits but who could not receive them because they were not currently participating may request a fair hearing ninety days from the date the CSO makes a decision on the request to restore benefits.

(a) If a fair hearing is requested prior to or during the time lost benefits are being restored, the household shall continue to receive the lost benefits, as determined by the department, pending the result of the fair hearing.

(b) If the fair hearing decision is favorable to the household, the department shall restore the lost benefits in accordance with that decision.

(c) If a household and the department disagree about the household's entitlement to restoration of lost benefits, the household has ~~((90))~~ ninety days from the date of the department determination to request a fair hearing. The department shall restore lost benefits to the household only if the fair hearing decision is favorable to the household. Benefits lost more than ~~((+2))~~ twelve months prior to the date the department was initially informed of the household's possible entitlement shall not be restored unless the household was previously notified they were due benefits but could not receive them because they were not currently participating. In these cases, the twelve-month limitation does not apply.

(6) Individuals disqualified for fraud are entitled to restoration of benefits lost during the months they were disqualified only if the decision which resulted in disqualification is subsequently reversed. Benefits shall be restored regardless of the length of time that has elapsed since the household member was disqualified.

(7) The department shall restore lost benefits to a household whether or not it is currently eligible or ineligible, by issuing an allotment equal to the amount of benefits that were lost.

(8) The department shall restore lost benefits that occurred prior to elimination of the purchase requirement. Households assigned a purchase requirement that was too high or assigned an incorrect household size shall be entitled to restoration of their lost benefits. The amount shall be equal to the difference between the ~~((bonus stamps))~~ allotment the household received and the correct amount the household should have received.

(9) Whenever lost benefits are due a household and the household's membership has changed, the department shall restore the lost benefits to the household containing a majority of the individuals who were household members at the time the loss occurred. If the department cannot locate or determine the household which contains this majority, it shall restore the lost benefits to the household containing the head of the household at the time the loss occurred.

(10) The department shall honor reasonable requests by households to restore lost benefits in monthly installments if, for example, the household fears the excess coupons may be stolen, or that the amount to be restored is more than it can use in a reasonable period of time.

(11) Households described in WAC 388-54-805(3)(c) shall provide the CSO with a copy of the notice they received if it was within the past three years. If it has been more than three years, the household may complete an affidavit stating they received notice that they were due an amount of stamps or were overcharged for the stamps they received. The affidavit shall also include an explanation by the household of their entitlement. The affidavit is not necessary if the amount due can be verified through case records or accounts payable ledgers.

#### AMENDATORY SECTION (Amending Order 1529, filed 8/6/80)

WAC 388-54-826 FRAUD DISQUALIFICATION—ADMINISTRATIVE FRAUD HEARING DETERMINED. (1) Fraud disqualification penalties. These rules are effective July 1, 1979. Individuals found to have committed fraud through an administrative fraud hearing shall be ineligible to participate in the program for three months. Individuals found guilty of criminal or civil fraud by a court of appropriate jurisdiction shall be ineligible for not less than six months and not more than twenty-four months as determined by the court. The department shall disqualify only the individual and not the entire household. If the court fails to address or specify a disqualification period for the fraudulent act, the department shall impose a six month disqualification period unless it is contrary to the court order.

(2) Definition of fraud. For purpose of determining that an administrative fraud hearing whether or not fraud was committed, fraud shall consist of any action by an individual to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the state agency, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous nonfood items;

(e) Use or possess improperly obtained coupons or authorization cards;

(f) Trade or sell coupons or authorization cards.

(3) Administrative disqualification. The department's procedures for conducting fraud hearings are outlined in this section. An administrative fraud hearing shall be initiated by the department whenever the department has documented evidence to substantiate that a ~~((currently certified))~~ household member has committed one or more acts of fraud as defined in subsection (2) of this section. Fraud hearings shall not be conducted if the amount the department suspects has been fraudulently obtained is less than ~~((35))~~ thirty-five dollars or if the value of the ineligible items that have been purchased with food stamps is under ~~((35))~~ thirty-five dollars. The burden of proving fraud is on the department. The department may initiate an administrative fraud hearing regardless of the current eligibility of the individual. It may still be conducted regardless of whether other legal action is planned against the household member.

(a) Consolidation of administrative fraud hearing with fair hearing. The office of hearings may combine a fair hearing and an administrative fraud hearing into a single hearing if the factual issues arise out of the same, or related, circumstances and the household receives prior notice that the hearings will be combined. If the fraud hearing and fair hearing are combined, the department shall follow the timeliness standards for conducting fraud hearings.

(b) Fraud hearing procedures.

(i) The department provides state level administrative fraud hearings. The procedure for decision rendering is described in WAC 388-54-827.

(ii) The following provisions apply to administrative fraud hearings:

(A) Hearing official. Hearings shall be conducted and decisions rendered by impartial examiners who: do not have any personal stake or involvement in the case; were not directly involved in the initial determination of the action which is being contested; and were not the immediate supervisor of the eligibility worker who took the action. The hearing official shall:

(I) Administer oaths or affirmations if required by the state;

(II) Ensure that all relevant issues are considered;

(III) Request, receive and make part of the record all evidence determined necessary to decide the issues being raised;

(IV) Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing;

(V) Order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the department;

(B) Attendance at hearing. The hearing shall be attended by a representative of the department and by the household and/or its representative. The hearing may also be attended by friends or relatives of the household if the household so chooses. The hearing examiner shall have the authority to limit the number of persons in attendance at the hearing if space limitations exist.

(C) Household rights during hearing. The household may not be familiar with the rules of order and it may be necessary to make particular efforts to arrive at the facts of the case in a way that makes the household feel most at ease. The household or its representative must be given adequate opportunity to:

(I) Examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing. The contents of the case file including the application form and documents of verification used by the department to establish the household's ineligibility or eligibility, and allotment shall be made available, provided that confidential information, such as the names of individuals who have disclosed information about the household without its knowledge or the nature or status of pending criminal prosecutions, is protected from release. If requested by the household or its representative, the department shall provide a free copy of the portions of the case file that are relevant to the hearing. Confidential information that is protected from release and other documents or records which the household will not otherwise have an opportunity to contest or challenge shall not be introduced at the hearing or affect the hearing official's decision.

(II) Present the case or have it presented by a legal counsel or other person.

(III) Bring witnesses.

(IV) Advance arguments without undue interference.

(V) Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses.

(VI) Submit evidence to establish all pertinent facts and circumstances in the case.

(D) Hearing decisions.

(I) Decisions of the hearing authority shall comply with department regulations and shall be based on the hearing record. This record shall be available to the household or its representative at any reasonable time for copying and inspection.

(II) At the fraud hearing the hearing examiner shall advise the household member or representative that the household member may refuse to answer questions during the hearing.

(III) Within ninety days of the date the household member is notified in writing that a hearing initiated by the department has been scheduled the department shall conduct the hearing, arrive at a decision, and initiate administrative action which will make the decision effective. The household member or representative is entitled to a postponement of up to thirty days. If the hearing is postponed, the above time limits shall be extended for as many days as the hearing is postponed.

(c) Advance notice of hearing.

(i) The department shall provide written notice to the household member suspected of fraud at least thirty days in advance of the date a fraud hearing initiated by the department has been scheduled. The notice shall be mailed certified mail return receipt requested, and shall contain, at a minimum:

(A) The date, time, and place of the hearing;

(B) The charge(s) against the household member;

(C) A summary of the evidence, and how and where the evidence can be examined;

(D) A warning that the decision will be based solely on information provided by the food stamp office if the household member fails to appear at the hearing;

(E) A warning that a determination of fraud will result in a three-month disqualification;

(F) A listing of the household member's rights as contained in WAC 388-54-826(3)(b)(ii)(C).

(G) A statement that the hearing does not preclude the state or federal government from prosecuting the household member for fraud in a civil or criminal court action, or from collecting the overissuance;

(H) A statement that the individual can call the food stamp office to get the name and phone number of someone who can give free legal advice. If free legal advice is not available, the food stamp office shall provide, when called, the phone number of a lawyer referral service of the local bar association.

(ii) A copy of the department's published hearing procedures shall be attached to the thirty-day advance notice;

(d) Scheduling of hearing. The time and place of the hearing shall be arranged so that the hearing is accessible to the household member suspected of fraud.

If the household member or its representative cannot be located or fails to appear at a hearing initiated by the department without good cause, the hearing shall be conducted without the household member represented. Even though the household member is not represented, the hearing official is required to carefully consider the evidence and determine if fraud was committed based on clear and convincing evidence. If the household member is found to have committed fraud but a hearing official later determines that the household member or representative had good cause for not appearing, the previous decision shall no longer remain valid and the office of hearings shall conduct a new hearing. The household member has ten days from receipt of the notice of the fraud decision to present reasons indicating a good cause for failure to appear. A hearing official must enter the good cause decision into the record.

(e) Participation while awaiting a hearing. A pending fraud hearing shall not affect the individual's or the household's right to be certified and participate in the program. Since the department cannot disqualify a household member for fraud until the hearing authority finds that the individual has committed fraud, the department shall determine the eligibility and benefit level of the household in the same manner it would be determined for any other household. The department shall also reduce or terminate the household's benefits if the department has documentation which substantiates that the household is ineligible or eligible for fewer benefits (even if these facts led to the suspicion of fraud and the resulting fraud hearing) and the household fails to request a fair hearing and continuation of benefits pending the hearing.

(f) Criteria for determining fraud. The hearing authority shall base the determination of fraud on clear and convincing evidence which demonstrates that the household member knowingly, willfully, and with deceitful intent committed fraud, as defined in subsection (2) of this section.

(g) Decision format. The hearing authority's decision shall specify the reasons for the decision, identify the supporting evidence, identify the pertinent regulation, and respond to reasoned arguments made by the household member or representative.

(h) Appeal rights of the household member. If the hearing authority rules that the household member has committed fraud, the household member may appeal the decision to court. After a household member has been found to have committed fraud by the hearing authority, the household member shall be disqualified for three months beginning with the first month which follows the date the household member has received the hearing decision. The disqualification period shall be three months, without regard to the amount of food stamps fraudulently obtained or the number of fraudulent acts the hearing finds the individual has committed. No further administrative appeal procedure exists after an adverse department hearing. The determination of fraud made by a fraud hearing official cannot be reversed by a subsequent fair

hearing decision. The household member, however, is entitled to seek relief in a court having appropriate jurisdiction. The period of disqualification may be subject to stay or other injunctive remedy.

(i) Notification of hearing decision.

(ii) If the hearing authority finds that the household member did not commit fraud, the hearing authority shall provide a written notice which informs the household member of the decision.

(iii) If the administrative fraud hearing authority finds that the household member committed fraud, the department shall mail a written notice to the household member prior to disqualification. The notice shall inform the household member of the decision and the reason for the decision. The notice shall also advise the remaining household members, if any, of either the allotment they will receive during the period of disqualification or that they must reapply because the certification period has expired. The decision shall inform the household member of the date disqualification will take effect.

**AMENDATORY SECTION** (Amending Order 1374, filed 3/1/79)

**WAC 388-54-830 TREATMENT OF INCOME AND RESOURCES OF DISQUALIFIED MEMBERS.** During the period of time a household member is disqualified:

(1) The resources of the disqualified member shall continue to count in their entirety to the remaining eligible household members.

(2) A pro rata share of the income of the disqualified member less allowable exclusions shall be counted as income to the remaining members. The ~~((20%))~~ eighteen percent earned income deduction shall apply.

(3) That portion of the household's allowable shelter and dependent care expenses which are either paid by or billed to the disqualified member shall be divided evenly among the household members including the disqualified member. All but the disqualified member's share is counted as a deductible shelter expense for the remaining household members.

(4) The disqualified member shall not be included when determining the household size for purposes of assigning a benefit level, or for purposes of comparing the household's net monthly income with the income eligibility standards.

(5) Whenever an individual is disqualified within the household's certification period, the department shall determine the eligibility or ineligibility of the remaining household members based on information in the case file and shall take the following action:

~~((a\*))~~ Fraud disqualification. If the household's benefits are reduced or terminated because one of its members has been disqualified for fraud, no notice of adverse action is required. However, a written notice shall be sent at the same time the notice of disqualification is sent, informing the household of its revised eligibility and benefits levels.

**WSR 81-20-082**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning brucellosis and the importation of animals, amending chapter 16-54 WAC;

that such agency will at 1:30 p.m., Monday, November 16, 1981, 1720 Canyon Road, Ellensburg, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Friday, November 30, 1981, in the Director's Office, Department of Agriculture, Olympia, Washington.

The authority under which these rules are proposed is chapters 16.36 and 16.44 RCW.

Interested person may submit data, views, or arguments to this agency in writing to be received by this

agency prior to November 16, 1981, and/or orally at 1:30 p.m., Monday, November 16, 1981, 1720 Canyon Road, Ellensburg, WA.

Dated: October 7, 1981

By: Peter S. Bidlake  
Acting Assistant Director

**STATEMENT OF PURPOSE**

Title: Amend chapter 16-54 WAC, Animal Importation.

Description of Purpose: Amend rules regarding importation of animals.

Statutory Authority: Chapters 16.36 and 16.44 RCW.

Summary of Rule: Amend WAC 16-54-082 to make it necessary for grazing cattle to meet full import rules and requirements; deletes WAC 16-54-082(c).

Reasons Supporting Proposed Action: Due to an increased incidence of brucellosis in neighboring states, and to protect the health of Washington cattle, testing of these grazing cattle is necessary.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Peter S. Bidlake, DVM, Acting Assistant Director, Department of Agriculture, AX-41, 406 General Administration Bldg., Olympia, Washington 98504, 753-5040.

These rules were proposed by the Department of Agriculture and industry.

The agency makes no additional comments/recommendations regarding the proposed rule.

These rules are not necessary as a result of federal law or federal or state court action.

**AMENDATORY SECTION** (Amending Order 1730, filed May 1, 1981)

**WAC 16-54-082 DOMESTIC BOVINE ANIMALS.** All domestic bovine animals (including bison) except those for immediate slaughter at a federally inspected establishment, or to a quarantined registered feed lot, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved stockyard, shall be accompanied by a health certificate (WAC 16-54-030) and shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.

(2) Brucellosis. Cattle originating from states other than Washington: All domestic bovine animals (including bison) moving into Washington, except those consigned to quarantined registered feed lots, or to federally inspected slaughter establishments for immediate slaughter, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved stockyard, shall be moved on a permit issued by the animal health division of the department of agriculture and an official interstate health certificate, and shall meet the following requirements:

(a) All cattle must be negative to an official brucellosis test conducted within forty-five days prior to date of entry and will be quarantined on the premises of destination and kept separate from all other cattle for retest not less than thirty nor more than sixty days from the date of previous test, except that the following classes of cattle are exempt from these test requirements:

(i) Calves under six months of age.

(ii) Steers and spayed heifers.

(iii) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(iv) Immediate slaughter cattle going directly to a federally inspected slaughter establishment.

(v) Cattle consigned directly to a quarantined registered feed lot.

(vi) Cattle from certified brucellosis free herds.

(vii) Beef breed cattle eligible for brucellosis testing coming from contiguous states certified brucellosis free may be moved to state-federal approved livestock markets in Washington to meet entry health requirements. Cattle of the beef breeds from such equal status states and having the same import requirements as Washington are exempt from second test and quarantine requirements if found brucellosis negative on entry.

(b) After January 1, 1979, all female dairy cattle must be identified as official brucellosis calffood vaccinates before entry. Except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Those cattle consigned directly to a federally inspected slaughter plant.

(iii) Those cattle consigned directly to a quarantined registered feed lot.

(iv) Spayed heifers.

~~((c) Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the animal health division and originate in a county or other political subdivision of equal status where brucellosis has not been diagnosed in the preceding twelve months, or tested negative to brucellosis within thirty days of entry.))~~

**WSR 81-20-083**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Retirement Systems intends to adopt, amend, or repeal rules concerning local disability boards under chapter 41.26 RCW. These rules provide standards and procedures for local disability boards' appointment of physicians, processing of disability leave applications, medical examinations of applicants for disability retirement, granting of disability retirement, execution of orders on disability retirement applications, appeals from disability board orders, and reexamination and return to duty of disability retirees;

that such agency will at 1:00 p.m., Monday, November 16, 1981, in the Board Room, 2nd Floor, Department of Retirement Systems, 1025 East Union, Olympia, WA 98504, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is section 1, chapter 294, Laws of 1981.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 16, 1981, and/or orally at 1:00 p.m., Monday, November 16, 1981, Board Room, 2nd Floor, Department of Retirement Systems, 1025 East Union, Olympia, WA 98504.

Dated: October 7, 1981

By: Robert L. Hollister, Jr.  
 Director

**STATEMENT OF PURPOSE**

Title: Local Disability Board Procedures.

Description of Purpose: This rule provides standards governing the type and manner of presentation of medical, employability, and other evidence before disability

boards and standards governing the necessity and frequency of medical and employability reexamination of persons receiving disability benefits.

Statutory Authority: Section 1, chapter 294, Laws of 1981.

Summary of Rule: This rule provides standards and procedures for local disability board's appointment of physicians, processing of disability leave applications, medical examinations of applicants for disability retirement, granting of disability retirement, execution of orders on disability retirement applications, appeals from disability board orders, and reexamination and return to duty of disability retirees.

Reasons Supporting Proposed Action: The legislature required the Department of Retirement Systems to promulgate rules concerning these subjects in section 1, chapter 294, Laws of 1981.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert L. Hollister, Jr., 1025 East Union, Olympia, WA 98504, telephone 753-5281.

Person or Organization Proposing Rule: The Department of Retirement Systems of the state of Washington.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The department has no comments or recommendations.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: These rules are not necessitated by federal law, or federal or state court action.

Chapter 415-105

LOCAL DISABILITY BOARD PROCEDURES

WAC

GENERAL PROVISIONS

|             |                                       |
|-------------|---------------------------------------|
| 415-105-010 | Preamble                              |
| 415-105-020 | Purpose                               |
| 415-105-030 | Board Doctor                          |
| 415-105-040 | Disability Leave                      |
| 415-105-050 | Examination for Disability Retirement |
| 415-105-060 | Granting Disability Retirement        |
| 415-105-070 | Execution                             |
| 415-105-080 | Appeal                                |
| 415-105-090 | Reexamination and Return to Duty      |

GENERAL PROVISIONS

NEW SECTION

WAC 415-105-010 PREAMBLE. In adopting the rules contained herein, it is not the intention of the Director of Department of Retirement Systems to in any way weaken the existing powers and practices of any local disability board. Further, it is not the intent of these rules to preclude adoption or continuation of any procedures in addition to those set forth herein by any local disability board.

NEW SECTION

WAC 415-105-020 PURPOSE. These rules are adopted pursuant to Section 1, Chapter 294, Laws of 1981 to implement Chapter 41.26 RCW and to provide a basis for uniform administration of disability retirement matters. They shall be followed by each disability board.

NEW SECTION

WAC 415-105-030 BOARD DOCTOR. (1) A duly licensed and practicing physician or physicians shall be appointed by the board. No

disability retirement shall be approved by the board without prior examination of the claimant by the board doctor or a specialist of his selection, on or near the expiration of the disability leave period. The board doctor shall render such other medical service as may be requested by the board.

(2) In order to carry out the duties of this position, each physician appointed or approved by the board is required to be knowledgeable concerning the duties, functions and general demands required of the employee being examined. The disability board shall furnish to the examining physician the job and/or position description of the applicant.

(3) Reexamination of any member on disability retirement shall be conducted by a board appointed or approved physician.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 415-105-040 DISABILITY LEAVE.** (1) Following receipt of an application for disability benefits, the board shall review all relevant information pertaining to the question of the applicant's fitness for duty, and if, in the opinion of the majority of the board, the evidence supports the proposition that the member is unfit for duty, such member shall be granted disability leave, unless such leave is waived pursuant to RCW 41.26.120(4). In considering such application, the board shall consider the duties of the position, and any other evidence that is relevant.

(2) The burden of proving the existence of a disabling condition, and whether or not the condition was incurred in line of duty, shall be upon the applicant.

(3) The minimum medical and health standards previously promulgated by the state retirement board for entry or reentry into LEOFF System membership were provided only to safeguard the fiscal integrity of the pension system and are not the applicable standards for any other purpose.

(4) Each application shall be accompanied by a list identifying by name any physician who had been contacted within the last six months for the illness or injury for which disability is claimed.

(5) In the event the board finds that insufficient information is available to make a determination, the matter may be continued to the next regular board meeting or be set for consideration at a special meeting. The board shall also advise the member of the additional information needed, and of the member's obligation to provide additional information and the deadline date by which such information must be provided.

(6) The board shall be authorized to demand the appearance of the member and to request the appearance of such other persons as it deems appropriate. It shall be incumbent upon each member obtaining medical evaluations to be used in connection with such disability leave and subsequent evaluations, to advise each and every examining physician: that such evaluation is being conducted at the direction of the board; that any reports relating thereto are for the benefit of the board; that the doctor-patient privilege may not be invoked with respect thereto; and that the physician may be called upon by the board to testify as to his findings.

#### NEW SECTION

**WAC 415-105-050 EXAMINATION FOR DISABILITY RETIREMENT.** (1) Applicants for disability retirement shall be reexamined during the fifth or sixth month of disability leave in order to determine their eligibility for disability retirement, with the following exceptions: (a) if the board doctor assures the board that the applicant's condition has not and will not be corrected before the end of the sixth month; or (b) if the applicant establishes that the disabling condition will be in existence for a period of at least six months and he/she voluntarily waives disability leave. No applicant will be granted a disability retirement allowance unless the conditions imposed by this subsection are met.

(2) In the event the medical and other relevant evidence is inconclusive, the board may specify in written order a reasonable trial service period to determine the member's fitness for active duty. The reasonable length of such conditional return to service shall be supported by medical evidence. Such a conditional return to service does not entitle the member to a second six-month period of disability leave for the same disability if, based upon this trial period of service, the member is found to be disabled.

#### NEW SECTION

**WAC 415-105-060 GRANTING DISABILITY RETIREMENT.** (1) If the evidence shows to the satisfaction of the board that the member is physically or mentally disabled from further performance of duty and that the disability has been continuous from the date of commencement of disability leave for a period of six months, the board shall enter its written decision and order, accompanied by appropriate findings of fact and conclusions of law in compliance with RCW 41.26.120. Such written decision and order with supporting documentation shall thereafter be forwarded to the Director, Department of Retirement Systems, for review. In the event a regular meeting of the board precedes by no more than 40 days the date at which the full six months will conclude and the evidence is clear that the disability can be expected to continue through the full six-month period, the board may make a finding of six months continuous disability prior to the actual conclusion of the six-month period, so as to eliminate unnecessary delay of receipt of retirement benefits.

(2) In order to qualify to receive a disability retirement allowance, the applicant will be required to prove that he or she is physically or mentally disabled to such extent that he or she is unable to discharge with average efficiency the duty of the position held at time of discontinuance of service: Provided that, no member shall be entitled to a disability retirement allowance if the appropriate authority advises that there is an available position for which the member is qualified and to which one of such grade or rank is normally assigned and the board determines that the member is capable of discharging, with average efficiency, the duties of the position.

#### NEW SECTION

**WAC 415-105-070 EXECUTION.** Every order of the disability board granting or denying a disability retirement allowance shall contain the following presented in clear and concise terms:

(1) Findings of fact supported by evidence in the record supporting the granting or denying of the disability retirement allowance. When a disability retirement is granted, findings of fact shall include:

- (a) Whether or not the disability was incurred in the line of duty.
- (b) Whether or not the disability was incurred in other employment.

(c) Dates encompassing disability leave and/or dates relating to authorized trial basis return to duty; and, in the case of return to duty on a trial basis, the factual basis for such decision.

(d) Dates encompassing waiver of disability leave, if applicable; and that applicant established that such disability will be in existence for a period of six months.

(2) Conclusions of law in accordance with law on the basis of the facts in the case.

(3) Decision and order.

#### NEW SECTION

**WAC 415-105-080 APPEAL.** If the board denies disability leave or disability retirement or cancels a previously granted disability leave or retirement, the applicant shall be immediately notified and advised of the right to appeal such decision or order to the Director of the Department of Retirement Systems, pursuant to RCW 41.26.200. Such notification shall be in writing and served by personal service or mail. Provided, that written notice need not be given if applicant or his or her duly authorized representative is in attendance at the meeting or hearing and is advised of decision and of the right of appeal.

#### NEW SECTION

**WAC 415-105-090 REEXAMINATION AND RETURN TO DUTY.** (1) In the event a member is placed on disability retirement, the board shall determine whether or not the member is so disabled that no possibility exists for return to duty or that there is no possibility that rehabilitation could restore the member to fitness for duty. Further, the board may at any point subsequent to retirement make such a determination. A copy of all such determinations shall be sent to the Department of Retirement Systems. Unless the board has made such a finding, the board's representative shall order a reexamination at six-month intervals and advise the board of the results thereof with a copy to the Department of Retirement Systems: Provided that such reexamination need not be conducted on a member over 49.5 years of age. In the event the retired member is residing at a location more than 100 miles from his former place of employment, the member may be authorized to be examined by a physician in his immediate area, provided, however, such physician shall be first approved by the board

and prior to such evaluation the examining physician shall be apprised of the basis upon which the examination is to be conducted and the issues to be addressed in the physician's evaluative report.

(2) In the event such evaluation discloses fitness to perform duties of the rank or position held by the member at the time of disability retirement, the member shall be entitled to a hearing before the board, and further consideration of the matter. Such notice and hearing shall comply with the Administrative Procedure Act, chapter 34.04 RCW.

(3) The hearing provided by RCW 41.26.140(2) is to be held, unless the retiree waives such hearing, prior to actual cancellation of a disability retirement allowance.

(4) The retirement allowance of any member who fails to submit to medical examination as provided herein shall be discontinued and in the event such refusal continues for one (1) year, his retirement allowance shall be cancelled. Failure of the member to affirmatively respond to the request for reexamination shall be deemed a continuing refusal.

### WSR 81-20-084

#### PROPOSED RULES

### EMPLOYMENT SECURITY DEPARTMENT

[Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Employment Security Department intends to adopt, amend, or repeal rules concerning definition of corporate officers and cash value of certain remunerations;

that such agency will at 10:00 a.m., Tuesday, November 10, 1981, in the Commissioner's Conference Room, 2nd Floor, 212 Maple Park, Olympia, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, November 10, 1981, in the Commissioner's Conference Room, 2nd Floor, 212 Maple Park, Olympia, WA.

The authority under which these rules are proposed is RCW 50.12.010 and 50.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 6, 1981, and/or orally at 10:00 a.m., Tuesday, November 10, 1981, Commissioner's Conference Room, 2nd Floor, 212 Maple Park, Olympia, WA.

Dated: October 7, 1981

By: Norward J. Brooks  
Commissioner

#### STATEMENT OF PURPOSE

The following statement has been prepared by the Employment Security Department for the purpose of legislative review of agency rules as provided by chapter 34.04 RCW.

##### WAC 192-12-025 Corporate Officers Defined.

These changes are necessary for the consistent and fair application of RCW 50.04.165. Guidelines are needed to insure that federal standards are met for timely and accurate employer liability and benefit eligibility determinations. Confusion and inconsistent interpretations could cause delays in making accurate determinations. Delays could cause considerable ill will from the public and failure to meet federal standards.

The amendment was drafted by Marilyn Dahl, Audit and Technical Services. Her office address is Employment Security Department, 212 Maple Park, Olympia,

Washington 98504. Her office telephone number is 753-1314. Programs and Methods Chiefs for the Tax Branch Central Office Operations and Tax Field Operations are responsible for the implementation and enforcement of the rule. Their office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. Their office telephone numbers are 753-5140 and 753-7166.

##### WAC 192-12-070 Cash Value of Certain Remunerations.

The Supreme Court, Rowan Cos Inc. v. United States, June 8, 1981, held that since substantially the same language appears in the statutes defining "wages" for income tax withholding, FICA, and FUTA, the same interpretation must be applied. The Supreme Court further held that the interpretation for income tax withholding, i.e. for the convenience of the employer rule, would be used for FICA and FUTA. The Washington State Employment Security statute defines "wages" and "remunerations" substantially the same as for FUTA.

In order to lessen inconvenience to employers and to reasonably administer the law, the rule should be changed on the value of meals and lodging to be consistent with FUTA, FICA, and income tax withholding as much as possible.

Employment Security Department also has the responsibility to interpret the law in favor of the unemployed. In the cases of agricultural and domestic employment the statutes were enacted with such wording to specifically include meals and lodging in the determination of remuneration.

Therefore, Employment Security Department proposes to change its interpretation of "wages" and "remuneration" to be consistent with FUTA (i.e. exclude the value of meals and lodging provided for the convenience of the employer) except in cases of agricultural and domestic employment and where such value comprises a substantial portion of the total remunerative package.

The figure 25% was chosen to represent the point at which the value of meals and/or lodging becomes a substantial portion of the total compensation package and therefore, wages. This figure was chosen to represent an approximation of the average percentage of income spent on housing nationally, and for administrative ease.

The minimum values in paragraph (2) have been adjusted to more closely reflect actual current values.

The amendment was drafted by Marilyn Dahl, Audit and Technical Services. Her office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. Her office telephone number is 753-1314. Programs and Methods Chiefs for the Tax Branch Central Office Operations and Tax Field Operations are responsible for the implementation and enforcement of the rule. Their office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. Their office telephone numbers are 753-5140 and 753-7166.

#### NEW SECTION

WAC 192-12-025 REQUIREMENTS OF CORPORATIONS REQUESTING EXEMPTION OF CORPORATE OFFICERS. RCW 50.04.165 provides: "At the discretion of the employer, services

performed after September 30, 1981, in the capacity of corporate officers, may not be considered services in employment. This exemption shall not apply to services performed by corporate officers that are covered by chapter 50.44 RCW."

In order for the Employment Security Department to make timely and accurate employer liability determinations and unemployment insurance payments, the commissioner prescribes:

(1) The term "corporate officer" is defined the same as in RCW 23A.08.470, which states "The officers of a corporation shall consist of a president, one or more vice presidents as may be prescribed by the bylaws, a secretary, and a treasurer, each of whom shall be elected by the board of directors at such time and in such manner as may be prescribed by the bylaws. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors or chosen in such other manner as may be prescribed by the bylaws. Any two or more offices may be held by the same person, except the offices of president and secretary, except that when all of the issued and outstanding stock of the corporation is owned of record by one shareholder, one person may hold all or any combination of offices."

(2) Any employer exercising the exemption provided in RCW 50.04.165 exempts the services of all corporate officers from coverage.

(3) All services of corporate officers are deemed covered and subject to contributions until the effective date of written notification from the employer.

(4) Written notice is required to reinstate coverage of services of corporate officers.

(5) Written notice must be signed by someone authorized to legally bind the corporation AND be received by the department no later than thirty days prior to the beginning of the quarter in which the change of coverage is to begin. However, if an employer wishes to exempt the services of corporate officers beginning with the fourth quarter 1981, written notice must be received by the department no later than October 31, 1981.

(6) All changes in coverage of services of corporate officers are effective from the beginning of the quarter.

(7) Wages or salary paid for services of corporate officers exempt under RCW 50.04.165 will not be used to determine liability of agricultural and domestic employers.

AMENDATORY SECTION (Amending Order 1-78, filed 8/14/78)

WAC 192-12-070 CASH VALUE OF CERTAIN REMUNERATIONS. ((+)) RCW 50.04.320 provides:

"((---)) 'Remuneration' means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner." ((+)) The commissioner accordingly prescribes:

(1) Effective January 1, 1982, the value of meals or lodging is considered remuneration except when provided for the convenience of the employer, comprises less than 25% of the employee's total compensation, and is provided to employees other than those in agricultural or domestic employment. "Convenience of the employer" means provided by the employer, on the employer's business premises, or as a condition of employment.

(2) Compensation for personal services paid in kind or in any medium other than cash shall, for all purposes under the act, except as indicated in (1) above, be given its actual cash value to the worker, and such value shall be used in computing contributions due under the law. If any contract of hire shall fix the value of such items, the value so fixed shall be taken as the actual value thereof. If the actual cash value of any item of compensation is not readily determinable, it shall be fixed by the commissioner. In the latter case, until a specific determination is made by the commissioner, board and lodging furnished in addition to, or in lieu of money wages shall be deemed to have not less than the following values:

|                                   |             |
|-----------------------------------|-------------|
| Full board and room, weekly ..... | (((40.00))) |
|                                   | \$75.00     |
| Meals, per meal .....             | (((1.00)))  |
|                                   | \$ 2.00     |
| Lodging, per week .....           | (((10.00))) |
|                                   | \$50.00     |

WSR 81-20-085  
PROPOSED RULES  
DEPARTMENT OF ECOLOGY  
[Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning the adopting of chapter 173-303 WAC dangerous waste regulations and repealing chapter 173-302 WAC hazardous waste regulation;

that such agency will at 7:00 p.m., Thursday, November 12, 1981, in the Port of Seattle Hearings Room, Pier 66, Seattle, Washington; also at 7:00 p.m., Wednesday, November 18, 1981, Spokane County Agricultural Center, North 222 Havana, Spokane, WA; and 7:00 p.m., Thursday, November 19, 1981, Central Regional Office, Department of Ecology, 3601 West Washington, Yakima, WA, conduct hearings relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Monday, December 7, 1981, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowsix, Building 4, 4224 6th Avenue S.E., Lacey, WA.

The authority under which these rules are proposed is chapter 70.105 RCW and RCW 70.95.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 30, 1981, and/or orally at the hearings above.

Dated: October 5, 1981  
By: Donald W. Moos  
Director

STATEMENT OF PURPOSE

Title: Adopting chapter 173-303 WAC Dangerous Waste Regulations and repealing chapter 173-302 WAC Hazardous Waste Regulation.

Description of Purpose: To adopt rules for designation, tracking, management and permitting of dangerous waste generation, transportation, treatment, storage, and disposal activities.

Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.

Summary of Rule: The rules define dangerous wastes, requires generators and transporters to send dangerous wastes to permitted facilities, and describes the operating standards for treatment, storage, and disposal facilities.

Reasons Supporting Proposed Action: Improper management of dangerous wastes is a statewide and national problem, causing significant damage to the public health and the environment, and a burden to public resources which are spent to correct problems which can be prevented.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Cook, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6301.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters: None, except see paragraph below.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: Federal law does not require the state to adopt these rules. However, to operate a state program in lieu of the federal program, the state's rules must be "essentially equivalent" to federal rules adopted under the Resource Conservation and Recovery Act (RCRA). Copies are available from Ross Potter, (206) 459-6305, but the supply is limited.

Chapter 173-303 WAC  
DANGEROUS WASTE REGULATIONS

NEW SECTION

WAC 173-303-010 PURPOSE. This regulation implements chapter 70.105 RCW, The Hazardous Waste Disposal Act of 1976 as amended in 1980, and Subtitle C of Public Law 94-580, The Resource Conservation and Recovery Act, which the legislature has empowered the department to implement.

- (1) The purposes of this regulation are to:
  - (a) Designate those solid wastes which are dangerous or extremely hazardous to the public health and environment;
  - (b) Provide for surveillance and monitoring of dangerous wastes until they are detoxified, reclaimed, neutralized, or disposed of safely;
  - (c) Provide the form and rules necessary to establish a manifest system for tracking, reporting, monitoring, recordkeeping, sampling, and labeling of dangerous wastes;
  - (d) Establish the siting, design, operation, closure, post-closure, financial, and monitoring requirements for dangerous waste transfer, treatment, storage, and disposal facilities;
  - (e) Establish design, operation, and monitoring requirements for managing the state's extremely hazardous waste disposal facility;
  - (f) Establish and administer a program for permitting dangerous waste management facilities; and
  - (g) Encourage recycling to the maximum extent possible.
- (2) Nothing in chapter 173-303 WAC is intended to abridge or alter the rights of action, by the state or by any person, which may exist in equity, common law, or other statutes to abate pollution or to abate a nuisance.

Nothing in chapter 173-303 WAC is intended to create or form the basis for any liability on the part of the state, or its officers, agents, or employees, for any injury or damage which result:

- (a) From the failure of any person to comply with the provisions of this chapter;
- (b) From any action on the part of the Department of Ecology related to the enforcement of this chapter; or
- (c) From any inspection, order, permit, or approval by the Department of Ecology.
- (3) Nothing in chapter 173-303 WAC is intended to alter, amend, or supersede the authority granted under chapter 80.50 RCW to the Energy Facility Site Evaluation Council (EFSEC). Applications for siting, certifying, and permitting thermal power plants shall be processed in accordance with chapter 463-16 WAC.

NEW SECTION

WAC 173-303-020 APPLICABILITY. (1) This regulation shall apply to all persons who handle dangerous wastes including, but not limited to:

- (a) Generators;
- (b) Transporters;
- (c) Owners and operators of dangerous waste transfer, storage, treatment, and disposal facilities; and
- (d) The operator of the state's extremely hazardous waste management facility.
- (2) Nothing in this regulation shall apply to radioactive wastes.

NEW SECTION

WAC 173-303-030 ABBREVIATIONS. The following abbreviations are used in this regulation.

- (1) ASTM - American Society for Testing Materials
- (2) APHA - American Public Health Association
- (3) CDC - Center for Disease Control
- (4) CFR - Code of Federal Regulations
- (5) DOT - Department of Transportation
- (6) °C - degrees Celsius
- (7) DW - dangerous waste
- (8) DWS - Drinking Water Standards of the Clean Water Act
- (9) EHW - extremely hazardous waste
- (10) EP - Extraction procedure
- (11) EPA - Environmental Protection Agency
- (12) °F - degrees Fahrenheit
- (13) g - gram
- (14) IARC - International Agency for Research on Cancer
- (15) kg - kilogram (one thousand grams)
- (16) L - liter
- (17) lb - pound
- (18) LC<sub>50</sub> - Lethal Concentration 50 percent kill
- (19) LD<sub>50</sub> - Lethal Dose 50 percent kill
- (20) M - molar (gram molecular weights per liter of solution)
- (21) mg - milligram (one thousandth of a gram)
- (22) NFPA - National Fire Protection Association
- (23) NIOSH - National Institute for Occupational Safety and Health
- (24) pH - negative logarithm of the hydrogen ion concentration
- (25) POTW - publicly owned treatment works
- (26) ppm - parts per million (by weight)
- (27) RCRA - Resource Conservation and Recovery Act
- (28) RCW - Revised Code of Washington
- (29) TLM<sub>96</sub> - Toxic limit median, 96 hours
- (30) TSD facility - Treatment, storage disposal facility
- (31) UBC - Uniform Building Code
- (32) UFC - Uniform Fire Code
- (33) USCG - United States Coast Guard
- (34) USGS - United States Geological Survey
- (35) WAC - Washington Administrative Code
- (36) % - percent
- (37) # - number

NEW SECTION

WAC 173-303-040 DEFINITIONS. When used in this regulation, the following terms have the meanings given below.

- (1) "Active portion" means that portion of a facility where transfer, treatment, storage or disposal operations are being or have been conducted.
- (2) "Administrator" means the Administrator of the Environmental Protection Agency.
- (3) "Aquatic LC<sub>50</sub>" (same as TLM<sub>96</sub>) means a concentration in mg/L (ppm) which kills in 96 hours half of a group of ten or more of a medium sensitivity warm water species of fish such as *Lepomis macrochirus* (bluegill) or *Pimephales promelas* (flathead minnow), or cold water species such as salmonidae, when using the testing method described in WAC 173-303-110.
- (4) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.
- (5) "Asbestos containing waste material" means any waste that contains more than one percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder when dry, by hand pressure.
- (6) "Berm" the shoulder of a dike.
- (7) "Byproduct" means any incidental product or result of a commercial process.
- (8) "Carcinogenic" means a material known to contain an IARC positive or suspected, human or animal carcinogen. For inorganic carcinogens with nonbioaccumulative chronic effects, only those wastes (e.g., asbestos) which are likely to pose a respiratory carcinogenic threat shall be designated as carcinogenic dangerous wastes.
- (9) "Claims-made policy" means an insurance policy that provides coverage for an occurrence if a claim is filed during the term of the policy.

(10) "Closed portion" means that portion of a facility which an owner or operator has closed, in accordance with the approved facility closure plan and all applicable closure requirements.

(11) "Closure" means the requirements placed upon all transfer, storage, treatment or disposal facilities to ensure that all such facilities are closed in an acceptable manner (see also Post-closure definition).

(12) "Compliance procedure" shall mean any proceedings instituted pursuant to the Hazardous Waste Disposal Act as amended in 1980, or regulations issued under authority of state law, which seeks to require compliance, or which is in the nature of an enforcement action or an action to cure a violation. A compliance procedure includes a notice of intention to terminate a permit pursuant to WAC 173-303-830(5), or an application in the state superior court for appropriate relief under the Hazardous Waste Disposal Act. For purposes of this section, a compliance procedure is considered to be pending from the time a notice of intent to terminate is issued or judicial proceedings are begun, until the department notifies the owner or operator in writing that the violation has been corrected or that the procedure has been withdrawn or discontinued.

(13) "Constituent" or "dangerous waste constituent" means a chemically distinct component of a dangerous waste stream or mixture.

(14) "Container" means any enclosure that is open or closed and portable in which a material can be stored, handled, treated, or disposed.

(15) "Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of dangerous waste which could threaten the public health or environment.

(16) "Contract" means the written agreement signed by the department and the state operator.

(17) "Corrosive" means the characteristic of substances which are chemically very acidic or very basic, or which tend to corrode metals or human tissue, and is a Dangerous Waste Characteristic, WAC 173-303-090(6).

(18) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

- (a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or
- (b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(19) "Department" means the Department of Ecology.

(20) "Dermal LD<sub>50</sub>" means the single dosage in milligrams per kilogram (mg/kg) body weight which, when dermally (skin) applied for 24 hours, within 14 days kills half of a group of ten rabbits each weighing between 2.0 and 3.0 kilograms.

(21) "Designated facility" means the facility designated by the generator on the manifest to receive a dangerous waste shipment.

(22) "Dike" means an embankment or ridge of natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other substances.

(23) "Director" means the director of the Department of Ecology.

(24) "Discharge" or "dangerous waste discharge" means the accidental or intentional release of dangerous waste into the environment.

(25) "Disposal" means the discarding or abandoning of dangerous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned. This includes the discharge of any dangerous wastes into or on any land or water.

(26) "Draft permit" means a document prepared under WAC 173-303-840 indicating the department's tentative decision to issue, modify, revoke and reissue, or terminate a permit. A notice of intent to terminate or deny a permit are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination as discussed in WAC 173-303-830 is not a draft permit.

(27) "Emergency permit" means a department permit issued in accordance with WAC 173-303-805(4).

(28) "EPA/State Identification Number" or "EPA/State ID #" means the number assigned by EPA or by the Department of Ecology to each generator, transporter, and transfer, storage, treatment, or disposal facility.

(29) "EP toxicity" means those contaminants described in WAC 173-303-090(8), Dangerous Waste Characteristics, which would designate the waste as a dangerous or extremely hazardous waste, if found

in the waste extract obtained by using the extraction procedure set forth in WAC 173-303-110, Testing Methods.

(30) "Extremely hazardous waste" means any dangerous waste which

(a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form

(i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make up of man or wildlife, and

(ii) is highly toxic to man or wildlife

(b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

(31) "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land used for transferring, storing, treating, or disposing of dangerous waste.

(32) "Food chain crops" means tobacco, crops grown for human consumption, and crops grown to feed animals whose products are consumed by humans.

(33) "Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

(34) "Fugitive emissions" means the emission of contaminants from sources other than the control system exit point. Material handling, storage piles, doors, windows and vents are typical sources of fugitive emissions.

(35) "Generator" means any person, by site, whose act or process produces dangerous waste.

(36) "Genetic properties" means those properties which cause or significantly contribute to mutagenic, teratogenic, or carcinogenic effects in man or wildlife.

(37) "Ground water" means water which fills voids below the land surface and in the earth's crust.

(38) "Halogenated hydrocarbons" (HH) means only those halogenated hydrocarbons which can be obtained using the testing method described in WAC 173-303-110, Testing Methods, and which are Persistent Dangerous Wastes.

(39) "Heavy metals" means only those metals which can be obtained using the Extraction Procedure (EP) described in WAC 173-303-110, Testing Methods, and which are listed in WAC 173-303-090(7), Dangerous Waste Characteristics.

(40) "Ignitable" means the characteristic of a substance which ignites or burns readily and vigorously, and is a Dangerous Waste Characteristic, WAC 173-303-090(5).

(41) "Incinerator" means an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down dangerous waste.

(42) "Incompatible waste" means a dangerous waste which is unsuitable for placement in a particular device or facility because it may corrode or decay the containment materials, or is unsuitable for mixing with another waste or material because the mixture might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, fumes, mists, or gases, or flammable fumes or gases.

(43) "Infectious waste" means organisms or materials listed in WAC 173-303-083, Infectious Dangerous Wastes.

(44) "Inhalation LC<sub>50</sub>" means a concentration in milligrams of substance per liter of air which, when administered to the respiratory tract for 4 hours, kills within 14 days half of a group of ten rats each weighing between 200 and 300 grams.

(45) "Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the waste or reagents used to treat the waste contained therein.

(46) "Interim status permit" means a temporary permit given to treatment, storage, and disposal facilities which qualify under WAC 173-303-805(5).

(47) "Landfill" means a disposal facility, or part of a facility, where dangerous waste is placed in or on land and which is not a land treatment facility, a surface impoundment, or an injection well.

(48) "Land treatment" means the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose. If the waste will not break down in the soil, or will remain after the facility is closed, this practice is disposal.

(49) "Leachate" means any liquid, including any components suspended in the liquid, that has percolated through or drained from dangerous waste.

(50) "Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

(51) "Letter of credit" means the letter authorizing one person to pay money or extend credit to another on the credit of the writer. For the purposes of this regulation a bank would be authorized by a facility to pay money to the department in case of failure to perform closure according to this chapter.

(52) "Liner" means a continuous layer of man-made or natural materials which restrict the escape of dangerous waste, dangerous waste constituents, or leachate through the sides, bottom, or top of a surface impoundment or landfill.

(53) "Major facility" means a facility or activity classified by the department as major.

(54) "Manifest" means the shipping document which is used to identify the quantity, composition, origin, routing, and destination of a dangerous waste while it is being transported to a point of transfer, disposal, treatment, or storage.

(55) "NIOSH registry" means the Registry of Toxic Effects of Chemical Substances which is published by the National Institute for Occupational Safety and Health.

(56) "Nonsudden accident" means an unforeseen and unexpected occurrence which takes place over time and involves continuous or repeated exposure.

(57) "Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage which the owner or operator neither expected nor intended to occur.

(58) "On-site" means the same or bordering property. Travel between two properties divided by a public right of way, and owned by the same person, shall be considered on-site travel if: (a) The travel crosses the right of way at a perpendicular intersection; or, (b) the right of way is controlled by the property owner and is inaccessible to the public.

(59) "Operator" means the person responsible for the overall operation of a facility. (See also state operator.)

(60) "Oral LD<sub>50</sub>" means the single dosage in milligrams per kilogram (mg/kg) body weight, when orally administered, which, within 14 days, kills half a group of ten or more white rats each weighing between 200 and 300 grams.

(61) "Penal sums" means the sum agreed upon in a bond, to be forfeited if the condition of the bond is not fulfilled.

(62) "Permit" means an authorization by the department which allows a person to perform dangerous waste transfer, storage, treatment, or disposal operations, and which typically will include specific conditions for such facility operations.

(63) "Permit-by-rule" means a provision of this chapter stating that a facility or activity is deemed to have a dangerous waste permit if it meets the requirements of the provision.

(64) "Persistence" means the quality of a material which retains more than half of its initial activity after one year (365 days) in either a dark anaerobic or dark aerobic environment at ambient conditions.

(65) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(66) "Pesticide" means but is not limited to: Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life, or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the Department of Agriculture may declare to be a pest; any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; any substance or mixture of substances intended to be used as spray adjuvant; and, any other substance intended for such use as may be named by the Department of Agriculture by regulation.

(67) "Pile" means any noncontainerized accumulation of solid, non-flowing dangerous waste that is being treated or stored.

(68) "Point source" means any confined and discrete conveyance from which pollutants are or may be discharged. This term includes, but is not limited to, pipes, ditches, channels, tunnels, wells, cracks, containers, rolling stock, concentrated animal feeding operations, or watercraft, but does not include return flows from irrigated agriculture.

(69) "Polycyclic aromatic hydrocarbons" (PAH) means only those 4-, 5-, or 6-ring aromatic hydrocarbons which can be obtained using the testing method described in WAC 173-303-110 and which are Persistent Dangerous Wastes.

(70) "Post-closure" means the requirements placed upon disposal facilities (e.g., landfills, impoundments closed as disposal facilities, etc.) after closure to ensure their environmental safety for a number of years after closure. (See also Closure definition.)

(71) "Publicly owned treatment works" or "POTW" means any device or system, owned by the state or a municipality, which is used in the treatment, recycling, or reclamation of municipal sewage or liquid industrial wastes. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW.

(72) "Reactive" means the characteristic of a substance which is unstable, easily undergoes chemical changes, or readily evolves vapors or gases, and is a Dangerous Waste Characteristic, WAC 173-303-090(7).

(73) "Representative sample" means a sample which can be expected to exhibit the average properties of the sample source.

(74) "Run-off" means any rainwater, leachate, or other liquid which drains over land from any part of a facility.

(75) "Run-on" means any rainwater, leachate, or other liquid which drains over land onto any part of a facility.

(76) "Schedule of compliance" means a schedule of remedial measure in a permit including an enforceable sequence leading to compliance with this regulation.

(77) "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility. This term does not include the treated effluent from a wastewater treatment plant.

(78) "Solid waste" means all putrescible and nonputrescible solid, semisolid, or liquid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, pressurized gaseous wastes in containers, and discarded commodities. (See also Waste.)

(79) "Spill table" means EPA's 40 CFR Table 117.3 - Reportable Quantities of Hazardous Substances.

(80) "State operator" means the person responsible for the overall operation of the state's extremely hazardous waste facility on the Hanford Reservation.

(81) "Standby trust fund" shall mean a trust fund which must be established by an owner or operator who obtains a letter of credit or surety bond as specified in these regulations. The institution issuing the letter of credit or surety bond will deposit into the standby trust fund any drawings by the department on the credit or bond.

(82) "Storage" means the holding of dangerous waste for a temporary period.

(83) "Sudden accident" means an unforeseen and unexpected occurrence which is not continuous or repeated in nature.

(84) "Surety bond" means the obligation of a guarantor to pay a second party upon default by a third party in the performance of the third party owes to the second party. For purposes of this regulation the guarantor may be a bank, the second party the department and the third party a facility.

(85) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen or man-made materials, and which is designed to hold an accumulation of dangerous wastes. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

(86) "Tank" means a stationary device designed to contain an accumulation of dangerous waste, and which is constructed primarily of nonearthen materials to provide structural support.

(87) "Thermal treatment" means the use of a device which uses primarily elevated temperatures to treat a dangerous waste.

(88) "TLM<sub>96</sub>" means the same as "Aquatic LC<sub>50</sub>".

(89) "Totally enclosed treatment facility" means a facility for treating dangerous waste which is directly connected to a production process and which prevents the release of dangerous waste into the environment during treatment.

(90) "Toxic" means having the properties to cause or to significantly contribute to death, injury, or illness of man or wildlife.

(91) "Transfer facility" or "collection facility" means a facility at which dangerous waste shipments are collected, consolidated, and stored for more than ten days before transfer to a storage, treatment, or disposal facility.

(92) "Transportation" means the movement of dangerous waste by air, rail, highway, or water.

(93) "Transporter" means a person engaged in the off-site transportation of dangerous waste.

(94) "Travel time" means the period of time necessary for a molecule of a dangerous waste constituent released to the soil (either by accident or intent) to enter the nearest well or surface water used for drinking purposes.

(95) "Treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes nonhazardous or less hazardous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

(96) "Triple rinsing" means the cleaning of containers in accordance with the requirements of WAC 173-303-160(2), Containers.

(97) "Trust fund" means the money or property set aside as a trust for the benefit of another and held by a trustee.

(98) "Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

(99) "Waste" means any discarded, abandoned, unwanted, or unrecoverable material.

(100) "Water or rail (bulk shipment)" means the bulk transportation of dangerous waste which is loaded or carried on board a vessel or railcar without containers or labels.

Any terms used in this chapter which have not been defined in this section shall have either the same meaning as set forth in Title 40 CFR Part 260, or else shall have their standard, technical meaning.

As used in this chapter, words in the masculine gender also include the feminine and neuter genders, words in the singular include the plural, and words in the plural include the singular.

#### NEW SECTION

WAC 173-303-045 REFERENCES TO EPA'S HAZARDOUS WASTE AND CONSOLIDATED PERMIT REGULATIONS. (1) Any references in this chapter to any parts, subparts, or sections from EPA's Hazardous Waste Regulations, including 40 CFR Parts 260 through 267, or EPA's Consolidated Permit Regulations, including 40 CFR Parts 122 through 125, shall include any federal rules or amendments to federal rules as published in the Federal Register including, but not limited to, the following dates:

- (a) May 19, 1980;
- (b) July 16, 1980;
- (c) October 30, 1980;
- (d) November 10, 1980;
- (e) November 12, 1980;
- (f) November 17, 1980;
- (g) November 19, 1980;
- (h) November 25, 1980;
- (i) December 4, 1980;
- (j) December 31, 1980;
- (k) January 9, 1981;
- (l) January 12, 1981;
- (m) January 16, 1981;
- (n) January 23, 1981;
- (o) February 13, 1981;
- (p) February 20, 1981;
- (q) March 23, 1981;
- (r) May 18, 1981;
- (s) May 20, 1981;
- (t) June 3, 1981;
- (u) June 29, 1981;
- (v) July 7, 1981; and
- (w) July 15, 1981.

(2) Copies of these publications can be obtained from the department.

#### NEW SECTION

WAC 173-303-050 IMMINENT HAZARD. Notwithstanding any provisions of this regulation, the director or his designee may take immediate action within his authority to avert an imminent and substantial danger to the public health or the environment caused by the improper management of any dangerous waste, regardless of quantity or concentration.

#### NEW SECTION

WAC 173-303-060 NOTIFICATION AND IDENTIFICATION NUMBERS. (1) Any person who generates, transports, offers

for transport, or transfers a dangerous waste, or who operates a dangerous waste transfer, storage, treatment, or disposal facility shall have an EPA/State Identification Number (EPA/State ID #).

(2) Any person who offers a dangerous waste to a transporter, transfer station, or to a dangerous waste storage, treatment, or disposal facility which does not have an EPA/State ID # shall be in violation of this regulation.

(3) Every person who must have an EPA/State ID #, and who has not already received his ID #, must notify the department by obtaining and completing a Washington State Notification Form, and submitting the completed form to the department. The Notification Form and instructions for its completion may be obtained by contacting the department, or by filling out and sending to the department the Forms Request Notice, WAC 173-303-9908.

(4) The EPA/State ID # must be used in all records and reports required by the department.

#### NEW SECTION

WAC 173-303-070 DESIGNATION OF DANGEROUS WASTE. (1) Purpose. The purpose of this section is to set forth the method by which a person shall determine whether or not he is a dangerous waste generator.

(2) General designation. A person shall determine if he is a dangerous waste generator in the following order:

- (a) Discarded Chemical Products;
- (b) Dangerous Waste Sources;
- (c) Infectious Dangerous Wastes;
- (d) Dangerous Waste Mixtures; and
- (e) Dangerous Waste Characteristics, WAC 173-303-090.

(3) Designation shall be done in the following manner:

(a) If a generator's waste is designated as a Discarded Chemical Product (dangerous or extremely hazardous waste), WAC 173-303-081, then he need not consult any further Dangerous Waste Lists or the Dangerous Waste Characteristics, WAC 173-303-090, unless he has special knowledge of his waste as outlined in subsection (5) of this section. If a person's waste is not a Discarded Chemical Product, he must refer to the next list, Dangerous Waste Sources, WAC 173-303-082;

(b) If a generator's waste comes from a Dangerous Waste Source, then he need not consult any further Dangerous Waste Lists or the Dangerous Waste Characteristics unless he has special knowledge of his waste as outlined in subsection (5) of this section. If a person's waste does not come from a Dangerous Waste Source, then he shall determine if his waste is an Infectious Dangerous Waste under WAC 173-303-083;

(c) If a generator's waste is an Infectious Dangerous Waste, then he need not determine if his waste is a Dangerous Waste Mixture, or if his waste exhibits any of the Dangerous Waste Characteristics unless he has special knowledge of his waste as outlined in subsection (5) of this section. If a person's waste is not an Infectious Dangerous Waste, then he shall determine if his waste is a Dangerous Waste Mixture under WAC 173-303-084;

(d) If a generator's waste is a Dangerous Waste Mixture, then he need not determine if his waste exhibits any of the Dangerous Waste Characteristics, WAC 173-303-090 unless he has special knowledge of his waste as outlined in subsection (5) of this section. If a person's waste is not a Dangerous Waste Mixture, then he shall determine if his waste exhibits any of the Dangerous Waste Characteristics; and

(e) Finally, if a person has determined that his waste is not designated by the Dangerous Waste Lists or the Dangerous Waste Characteristics, then he is not a dangerous waste generator, except as provided for in subsection (4) of this section.

(4) Designation by criteria. A person shall be a dangerous waste generator, and shall designate his waste accordingly, if:

(a) He checks his waste against the Dangerous Waste Criteria, WAC 173-303-100, and determines that his waste is a dangerous or extremely hazardous waste; or

(b) He is ordered by the department to check his waste against the Dangerous Waste Criteria, and he determines that his waste is a dangerous or extremely hazardous waste. The department shall base its order on evidence that a person's waste may be dangerous, and such evidence may include, but not be limited to:

(i) Test information indicating that the person's waste may be dangerous;

(ii) Evidence that the person's waste is very similar to the already designated waste of a dangerous waste generator;

(iii) Evidence that the person's waste has historically been a dangerous waste; or

(iv) Evidence or information about a person's processes, or the materials used in his processes, which indicate that his wastes may be dangerous.

(5) Special knowledge. If a generator has designated his waste under the Dangerous Waste Lists, as set forth in WAC 173-303-080, and has knowledge that his waste also exhibits any of the Dangerous Waste Characteristics, WAC 173-303-090, or that his waste also meets any of the Dangerous Waste Criteria set forth in WAC 173-303-100, or both, then he shall also designate his waste in accordance with those Dangerous Waste Characteristics, a Criteria, or both.

(6) Waste exemption. A generator whose waste has been designated as a dangerous or extremely hazardous waste under the Dangerous Waste Lists or the Dangerous Waste Characteristics may, at any time, check his waste against the Dangerous Waste Criteria, WAC 173-303-100, for the purposes of exempting or changing the designation of his waste. The generator shall then submit a petition to the department in accordance with WAC 173-303-910, Petitions, including all relevant data. The department shall, by order, issue a final determination regarding the designation or exemption of the waste.

(7) Dangerous Waste Numbers. When a generator is reporting (e.g., Exception Reports, Annual Reports, etc.) or keeping records on a dangerous waste, he shall use all the Dangerous Waste Numbers (DW #s) which he knows are assignable to his waste from the Dangerous Waste Lists, Characteristics, or Criteria (e.g., if his waste is ignitable and contains extremely hazardous concentrations of halogenated hydrocarbons, he shall use the DW #s of D001 and WP01). This shall not be construed as requiring the generator to designate his waste beyond those designation requirements set forth in WAC 173-303-070(2), (3), (4), and (5), above.

(8) Designation process. The following appendices illustrate the dangerous waste designation process:

(a) WAC 173-303-9901, Flowchart for Designating Dangerous Wastes; and

(b) WAC 173-303-9902, Narrative for Designating Dangerous Wastes.

#### NEW SECTION

##### WAC 173-303-071 EXCLUDED CATEGORIES OF WASTE.

(1) Purpose. Certain categories of waste have been excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-070(4)(b), because they generally are not hazardous, are regulated under other state and federal programs, or are recycled in ways which do not threaten public health or the environment. WAC 173-303-071 describes these excluded categories of waste.

(2) Petitions. Generators who believe that their wastes should be excluded may petition the department in accordance with the requirements of WAC 173-303-910, Petitions, including all relevant data.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-070(4)(b):

(a) Domestic sewage that passes through a sewer system to a publicly-owned treatment works (POTW) for treatment;

(b) Industrial wastewater discharges that are point-source discharges subject to regulation under Section 402 of the Clean Water Act. This exclusion does not apply to the collection, storage, or treatment of industrial waste-waters prior to discharge, nor to sludges that are generated during industrial wastewater treatment;

(c) Radioactive wastes or byproducts;

(d) Household wastes;

(e) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(f) Waste tires from motor vehicles;

(g) Spent pickle liquor which is reused in wastewater treatment at a facility holding a National Pollutant Discharge Elimination System (NPDES) permit, or which is being accumulated, stored, or treated before such reuse;

(h) Roofing tars and shingles;

(i) Waste railroad ties;

(j) Waste telephone and utility poles and pole butts;

(k) Irrigation return flows;

(l) Materials subjected to in-situ mining techniques which are not removed from the ground during extraction; and

(m) Mining overburden returned to the mining site.

(4) Temporary exclusions. The following wastes are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-070(4)(b), until January 1, 1984. The department will study data provided by industry on each of the wastes listed in WAC 173-303-071(4) to assess the need for permanent exclusions. Any waste which has not been permanently excluded (by addition to WAC 173-303-071(3), above) by January 1, 1984, shall become subject to the requirements of chapter 173-303 WAC:

(a) Drilling muds and produced fluids associated with the exploration, development and production of oil, gas, or geothermal energy;

(b) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels; and

(c) Cement kiln dust waste.

#### NEW SECTION

WAC 173-303-080 DANGEROUS WASTE LISTS. The Dangerous Waste Lists include:

(1) WAC 173-303-081, Discarded Chemical Products;

(2) WAC 173-303-082, Dangerous Waste Sources;

(3) WAC 173-303-083, Infectious Dangerous Wastes; and

(4) WAC 173-303-084, Dangerous Waste Mixtures.

#### NEW SECTION

WAC 173-303-081 DISCARDED CHEMICAL PRODUCTS.

(1) A waste shall be designated as a dangerous waste if it is discarded in amounts greater than the quantity exclusion limits of WAC 173-303-081(2), below, and if it is:

(a) A commercial chemical product or manufacturing chemical intermediate which appears on the Discarded Chemical Products List;

(b) An off-specification commercial chemical product or manufacturing chemical intermediate which appears on the Discarded Chemical Products List;

(c) A container, or inner liner from a container, which held a commercial or off-specification commercial chemical product or manufacturing chemical intermediate which appears on the Discarded Chemical Products List, unless:

(i) The container or inner liner has been triple rinsed in accordance with the requirements of WAC 173-303-160, Containers; or

(ii) In the case of a container, the inner liner which protected the container has been removed;

(d) Or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of a commercial or off-specification commercial chemical product or manufacturing chemical intermediate which appears on the Discarded Chemical Products List.

(2) Quantity Exclusion Limits:

(a) A person with a waste or wastes identified in WAC 173-303-081(1), above, shall be a dangerous waste generator if the amount of his waste exceeds the following quantity exclusion limits:

(i) For chemicals designated on the Discarded Chemical Products List as extremely hazardous wastes (EHW) - 2.2 lbs. (1.0 kg) per month or per batch;

(ii) For chemicals designated on the Discarded Chemical Products List as dangerous wastes (DW) - 400 lbs. (181.8 kg) per month or per batch;

(iii) For containers greater than 20 liters in capacity and which contained chemicals designated on the Discarded Chemical Products List as EHW - any number (i.e., one or more) per month or per batch;

(iv) For inner liners from containers which contained chemicals designated on the Discarded Chemical Products List as EHW - 5.1 lbs. (2.3 kg) per week or per batch;

(v) For residues, contaminated soil, water, or other debris from the cleanup of a spill of any chemical designated on the Discarded Chemical Products List as EHW - 220 lbs. (100 kg) per month or per batch.

(b) A person's total monthly waste quantity shall be the sum of all his wastes of a given type (e.g., the total quantity of all EHW Discarded Chemical Products, the total quantity of all liners contaminated by EHW Discarded Chemical Products, etc.) which were generated during a month or a batch operation at each specific waste generation site.

(3) Discarded Chemical Products List. The Discarded Chemical Products List appears in the appendix, WAC 173-303-9903. The generator shall determine the appropriate DW or EHW designation for his waste from the Discarded Chemical Products List, and shall comply with all applicable requirements for that designation.

**NEW SECTION**

**WAC 173-303-082 DANGEROUS WASTE SOURCES.** The Dangerous Waste Sources List appears in the appendix, WAC 173-303-9904. Any waste which is listed on the Dangerous Waste Sources List, and which is generated in amounts which exceed 400 lbs. (181.8 kg) per month or per batch, shall be designated as a dangerous waste (DW), and shall be assigned the Dangerous Waste Number (DW #) which corresponds to the waste's listing.

**NEW SECTION**

**WAC 173-303-083 INFECTIOUS DANGEROUS WASTES.** (Reserved.)

**NEW SECTION**

**WAC 173-303-084 DANGEROUS WASTE MIXTURES.** (1) Purpose. It is the purpose of this section to describe the means for designating a waste mixture containing dangerous wastes which are not listed in WAC 173-303-081 through 173-303-083.

(2) References. The 1981 publication of the National Institute for Occupational Safety and Health's (NIOSH) "Registry of Toxic Effects of Chemical Substances" (Registry) is adopted by reference. The table in the United States EPA's regulations 40 CFR Table 117.3 (Spill Table) is adopted by reference.

(3) Waste mixture defined. For the purposes of this section, a waste mixture shall be any waste about which some or all of its constituents and concentrations are known, and which has not been designated as:

- (a) A Discarded Chemical Product under WAC 173-303-081;
- (b) A Dangerous Waste Source under WAC 173-303-082; or
- (c) An Infectious Dangerous Waste under WAC 173-303-083.

(4) A person who has a waste mixture shall use data which is available to him, and, when such data is inadequate for the purposes of this section, shall refer to the NIOSH Registry and/or to the EPA Spill Table to determine:

- (a) Toxicity data or category for each known constituent in his waste;
  - (b) Whether or not each known constituent of his waste is a halogenated hydrocarbon or a polycyclic aromatic hydrocarbon; and,
  - (c) Whether or not each known constituent of his waste is an International Agency for Research on Cancer (IARC) human or animal, positive or suspected carcinogen.
- (5) Toxicity.

(a) If a person has toxic constituents in his waste, he shall determine the toxic category for each toxic constituent in accordance with the Toxic Category Table, below. He need not determine the toxic category of constituents for which he cannot reasonably find toxicity data.

TOXIC CATEGORY TABLE

| Category | TLM <sub>96</sub> (Fish) or, Aquatic (Fish) |                          | Oral (Rat)               | Inhalation (Rat)        | Dermal (Rabbit)          |
|----------|---|--------------------------|--------------------------|-------------------------|--------------------------|
|          | LC <sub>50</sub> (ppm)                      | LD <sub>50</sub> (mg/kg) | LD <sub>50</sub> (mg/kg) | LC <sub>50</sub> (mg/L) | LD <sub>50</sub> (mg/kg) |
| X        | <.1   | <.5                      |                          | <.02                    | < 2                      |
| A        | .1 - 1                                      | .5 - 5                   |                          | .02 - .2                | 2 - 20                   |
| B        | 1 - 10                                      | 5 - 50                   |                          | .2 - 2                  | 20 - 200                 |
| C        | 10 - 100                                    | 50 - 500                 |                          | 2 - 20                  | 200 - 2000               |
| D        | 100 - 1000                                  | 500 - 5000               |                          | 20 - 200                | 2000 - 20,000            |

(b) A person whose waste mixture contains one or more toxic constituents shall determine the equivalent concentration for his waste from the following formula:

$$\text{Equivalent Concentration}(\%) = \Sigma X\% + \frac{\Sigma A\%}{10} + \frac{\Sigma B\%}{100} + \frac{\Sigma C\%}{1000} + \frac{\Sigma D\%}{10,000}$$

where  $\Sigma(X,A,B,C, \text{ or } D) \%$  is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste mixture contains: Aldrin (X Category) - .01%; Diuron (B Category) - 1%; Benzene (C Category) - 4%; Phenol (C Category) - 2%; Cyclohexane (C Category) - 5%; Water (nontoxic) - 87%. His equivalent concentration (E.C.) would be:

$$\begin{aligned} \text{E.C.}(\%) &= .01\% + \frac{0\%}{10} + \frac{1\%}{100} + \frac{(4\% + 2\% + 5\%)}{1000} + \frac{0\%}{10,000} \\ &= .01\% + 0\% + .01\% + .011\% + 0\% = .031\% \end{aligned}$$

So his equivalent concentration equals .031%.

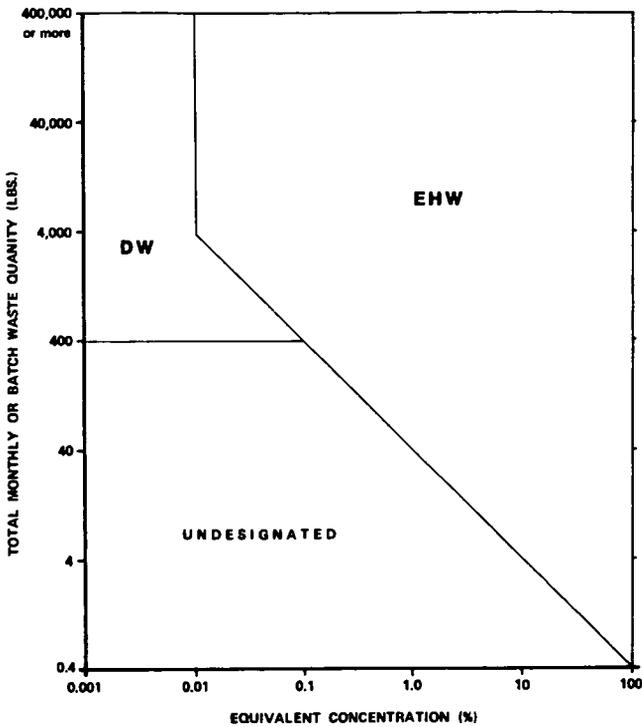
(c) A person whose waste mixture contains toxic constituents shall determine his designation from the Toxic Dangerous Waste Mixtures Graph, below, by finding the equivalent concentration percentage for his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's equivalent concentration. If the plotted point is in the area marked dangerous waste (DW), he shall designate his waste as a dangerous waste; if the plotted point is in the area marked extremely hazardous waste (EHW), he shall designate his waste as an extremely hazardous waste.

(d) If a person knows only some of the toxic constituent concentrations in his waste mixture, and if his waste is undesignated for those known concentrations, then his waste is not a Toxic Dangerous Waste Mixture.

(e) Toxic Dangerous Waste Mixtures Graph. A larger version of this graph appears in WAC 173-303-9906.

Figure 1.

**TOXIC DANGEROUS WASTE MIXTURES GRAPH**



(6) Persistence.

(a) A person whose waste mixture contains one or more halogenated hydrocarbons for which the concentrations are known shall determine his total halogenated hydrocarbon concentration by summing the concentration percentages for all of his waste mixture's halogenated hydrocarbons.

Example 2. A person's waste mixture contains: carbon tetrachloride - .009%; DDT - .012%; 1,1,1 - trichloroethylene - .02%. His total halogenated hydrocarbon concentration would be:

Total HH Concentration (%) = .009% + .012% + .02% = .041%  
So his total halogenated hydrocarbon concentration equals .041%.

(b) A person whose waste mixture contains one or more four-, five-, or six-ring polycyclic aromatic hydrocarbons for which the concentrations are known shall determine his total polycyclic aromatic hydrocarbon concentration by summing the concentration percentages for all of his waste mixture's four-, five-, or six-ring polycyclic aromatic hydrocarbons.

Example 3. A person's waste mixture contains: chrysine - .08%; 3, 4 - benzpyrene - 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

Total PAH Concentration (%) = .08% + 1.22% = 1.3%  
So his total polycyclic aromatic hydrocarbon concentration equals 1.3%.

(c) A person whose waste mixture contains halogenated hydrocarbons shall determine his designation from the Persistent Dangerous Waste Mixtures Graph, below, by finding the total halogenated hydrocarbon concentration for his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's total halogenated hydrocarbon concentration. If the plotted point is in the area marked dangerous waste (DW), then he shall designate his waste as a dangerous waste; if the plotted point is in the area marked extremely hazardous waste (EHW), then he shall designate his waste as an extremely hazardous waste.

(d) A person whose waste mixture contains four-, five-, or six-ring polycyclic aromatic hydrocarbons shall determine his designation from the Persistent Dangerous Waste Mixtures Graph, below, by finding the total polycyclic aromatic hydrocarbon concentration of his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line

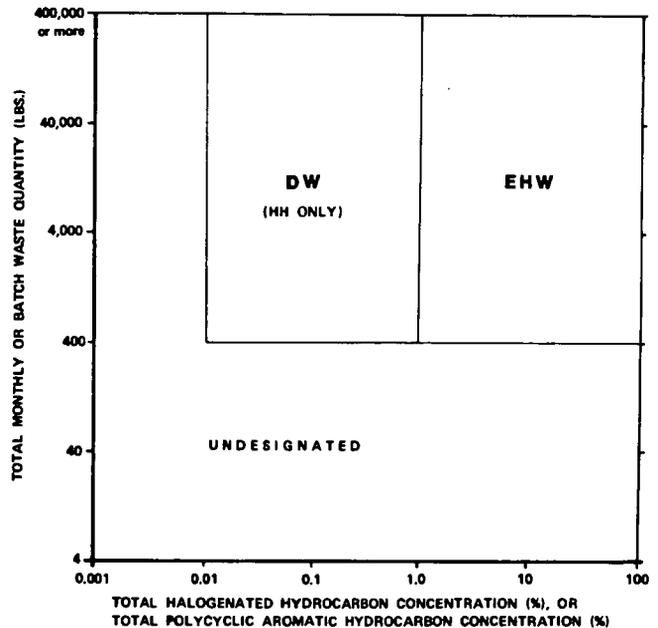
drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's total polycyclic aromatic hydrocarbon concentration. If the plotted point is in the area marked extremely hazardous waste (EHW), then he shall designate his waste as an extremely hazardous waste. If the plotted point is outside of the area marked EHW, then his waste is not designated as a dangerous waste.

(e) If a person knows only some of the persistent constituent concentrations in his waste mixture, and if his waste is undesignated for those known concentrations, then his waste is not a Persistent Dangerous Waste Mixture.

(f) Persistent Dangerous Waste Mixtures Graph. A larger version of this graph also appears in WAC 173-303-9907.

Figure 2.

**PERSISTENT DANGEROUS WASTE MIXTURES GRAPH**



(7) Carcinogens. Any person whose waste mixture contains one or more IARC human or animal, positive or suspected carcinogen(s) shall designate his waste as a dangerous waste (DW) if:

- (a) The total concentration of carcinogen(s) in his waste exceeds 1.0% of the waste quantity; and
- (b) The monthly or batch waste quantity exceeds 400 lbs. (181.8 kg.)

(8) Assigning Dangerous Waste Numbers. A person whose waste is a Dangerous Waste Mixture shall assign a Dangerous Waste Number (DW #) from the Generic Dangerous Waste Numbers Table in WAC 173-303-104, Generic Dangerous Waste Numbers. He shall assign the DW # from the table which corresponds to the designation for his dangerous waste.

**NEW SECTION**

WAC 173-303-090 DANGEROUS WASTE CHARACTERISTICS. (1) Purpose. The purpose of this section is to set forth characteristics which a solid waste might exhibit and which would cause that waste to be a dangerous waste.

(2) Representative samples. The director will consider a sample obtained using any of the applicable sampling methods described in WAC 173-303-110(2), Sampling and Testing Methods, to be a representative sample.

(3) Equivalent test methods. The testing methods specified in this section shall be the only acceptable methods, unless the director approves an equivalent test method in accordance with WAC 173-303-910, Petitions.

(4) Quantity exclusion limit. A solid waste which has been designated as a dangerous or extremely hazardous waste solely because it exhibits one or more of the Dangerous Waste Characteristics shall be regulated if its quantity exceeds 400 lbs. (181.8 kg) per month or per batch.

(5) Characteristic of ignitability.

(a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

(i) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60 degrees C (140 degrees F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78;

(ii) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard;

(iii) It is an ignitable compressed gas as defined in 49 CFR 173.300 and as determined by the test methods described in that regulation; or, (iv) It is an oxidizer as defined in 49 CFR 173.151.

(b) A solid waste that exhibits the characteristic of ignitability, but is not listed as a dangerous waste under WAC 173-303-080, Dangerous Waste Lists, shall be designated as a dangerous waste (DW), and shall be assigned the Dangerous Waste Number of D001.

(6) Characteristic of corrosivity.

(a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has any of the following properties:

(i) It is aqueous, and has a pH less than or equal to 2, or greater than or equal to 12.5, as determined by a pH meter using the testing methods specified in the "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," available from the department; or

(ii) It is liquid, and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55 degrees C (130 degrees F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods." The NACE Standard is available from the department.

(b) A solid waste that exhibits the characteristic of corrosivity, but is not listed as a dangerous waste under WAC 173-303-080, Dangerous Waste Lists, shall be designated as a dangerous waste (DW), and shall be assigned the Dangerous Waste Number of D002.

(7) Characteristic of reactivity.

(a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

(i) It is normally unstable and readily undergoes violent change without detonating;

(ii) It reacts violently with water;

(iii) It forms potentially explosive mixtures with water;

(iv) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(v) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(vi) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;

(vii) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or

(viii) It is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53, or a Class B explosive as defined in 49 CFR 173.88.

(b) A solid waste that exhibits the characteristic of reactivity, but is not listed as a dangerous waste under WAC 173-303-080, Dangerous Waste Lists, shall be designated as a dangerous waste (DW), and shall be assigned the Dangerous Waste Number of D003.

(8) Characteristic of EP Toxicity.

(a) A solid waste exhibits the characteristic of EP Toxicity if, using "Extraction Procedure Test Methods - 1981" on file with the department, the extract from a representative sample of the waste contains any of the contaminants listed in the EP Toxicity List below, at concentrations equal to or greater than the respective value given in the list. When the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering, is considered to be the extract for the purposes of this paragraph.

(b) A solid waste that exhibits the characteristic of EP Toxicity, but is not listed as a dangerous waste under WAC 173-303-080, Dangerous Waste Lists, has the Dangerous Waste Number specified in the list which corresponds to the toxic contaminant causing it to be dangerous.

(c) EP Toxicity List. Two levels of concentration are established for the contaminants listed. Any waste containing one or more contaminants with concentrations in the extremely hazardous waste (EHW)

range shall cause that waste to be designated as extremely hazardous. Any waste which contains contaminants at concentrations in the dangerous waste (DW) range only (i.e., no EHW contaminants) shall be designated as dangerous waste.

EP TOXICITY LIST

| Dangerous Waste Number | Contaminant   | EHW Maximum Concentration (mg/L) | DW Maximum Concentration (mg/L) |
|------------------------|---------------|----------------------------------|---------------------------------|
| D004                   | Arsenic       | > 500                            | 5 - 500                         |
| D005                   | Barium        | > 10,000                         | 100 - 10,000                    |
| D006                   | Cadmium       | > 100                            | 1 - 100                         |
| D007                   | Chromium (VI) | > 500                            | 5 - 500                         |
| D008                   | Lead          | > 500                            | 5 - 500                         |
| D009                   | Mercury       | > 20                             | 0.2 - 20                        |
| D010                   | Selenium      | > 100                            | 1 - 100                         |
| D011                   | Silver        | > 500                            | 5 - 500                         |
| D012                   | Endrin        | > 2                              | 0.02 - 2                        |
| D013                   | Lindane       | > 40                             | 0.4 - 40                        |
| D014                   | Methoxychlor  | > 1,000                          | 10 - 1,000                      |
| D015                   | Toxaphene     | > 50                             | 0.5 - 50                        |
| D016                   | 2,4-D         | > 1,000                          | 10 - 1,000                      |
| D017                   | 2,4-TP Silvex | > 100                            | 1 - 100                         |

NEW SECTION

WAC 173-303-100 DANGEROUS WASTE CRITERIA. (1)

The Dangerous Waste Criteria consist of:

(a) The Dangerous Waste Characteristics, WAC 173-303-090;

(b) Toxic Dangerous Wastes, WAC 173-303-101;

(c) Persistent Dangerous Wastes, WAC 173-303-102; and

(d) Carcinogenic Dangerous Wastes, WAC 173-303-103.

(2) Applicability. Any person who has established that his waste meets any of the Dangerous Waste Criteria is a dangerous waste generator, and shall comply with the requirements set forth in this chapter for generators.

NEW SECTION

WAC 173-303-101 TOXIC DANGEROUS WASTES. (1) Purpose.

The section describes methods for determining the toxicity of a waste and the criteria by which a toxic waste shall be designated as a dangerous or extremely hazardous waste.

(2) Categorization. The following Toxic Category Table establishes categories (X, A, B, C, or D) for particular toxicity levels. The X category is the most toxic, and the D category is least toxic. Substances which have toxicity levels below the D category are generally considered to be nontoxic.

TOXIC CATEGORY TABLE

| Category | TLM <sub>96</sub> (Fish) or Aquatic (Fish) LC <sub>50</sub> (ppm) | Oral (Rat) LD <sub>50</sub> (mg/kg) | Inhalation (Rat) LC <sub>50</sub> (mg/L) | Dermal (Rabbit) LD <sub>50</sub> (mg/kg) |
|----------|---|-------------------------------------|--|--|
| X        | <.1   | <.5                                 | <.02                                     | < 2                                      |
| A        | .1 - 1  | .5 - 5                              | .02 - .2                                 | 2 - 20                                   |
| B        | 1 - 10  | 5 - 50                              | .2 - 2                                   | 20 - 200                                 |
| C        | 10 - 100  | 50 - 500                            | 2 - 20                                   | 200 - 2000                               |
| D        | 100 - 1000  | 500 - 5000                          | 20 - 200                                 | 2000 -                                   |

(3) Estimating waste toxicity. A person shall establish the toxicity of his waste or waste constituents by applying his knowledge about his waste, and/or by using the following information sources and testing methods:

(a) The National Institute for Occupational Safety and Health (NIOSH) document "Registry of Toxic Effects of Chemical Substances" (Registry);

(b) The United States EPA's regulation 40 CFR Table 117.3 (Spill Table); and

(c) The bioassay testing methods adopted under WAC 173-303-110(3).

(4) Book Designation Procedure.

(a) A person may use the Book Designation Procedure described in this paragraph only if:

- (i) He knows the toxicity categories (as set forth in WAC 173-303-101(2), above) for the significant toxic constituents in his waste;
- (ii) He knows the concentrations of the significant toxic constituents in his waste; and
- (iii) He can demonstrate to the department beyond a reasonable doubt that any waste constituents about which he has limited or no knowledge do not significantly affect the toxicity of his waste.

(b) Equivalent concentration. A person who is book designating his waste shall determine the equivalent concentration (in percent) of the toxic constituents in his waste by using the following formula:

$$\text{Equivalent Concentration (\%)} = \frac{\Sigma X\%}{10} + \frac{\Sigma A\%}{100} + \frac{\Sigma B\%}{1000} + \frac{\Sigma C\%}{10000} + \frac{\Sigma D\%}{100000}$$

where  $\Sigma(X,A,B,C, \text{ or } D)\%$  is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste contains: Aldrin (X Category) - .01%; Diuron (B Category) - 1%; Benzene (C Category) - 4%; Phenol (C Category) - 2%; Cyclohexane (C Category) - 5%; Water (nontoxic) - 87%. His equivalent concentration (E.C.) would be:

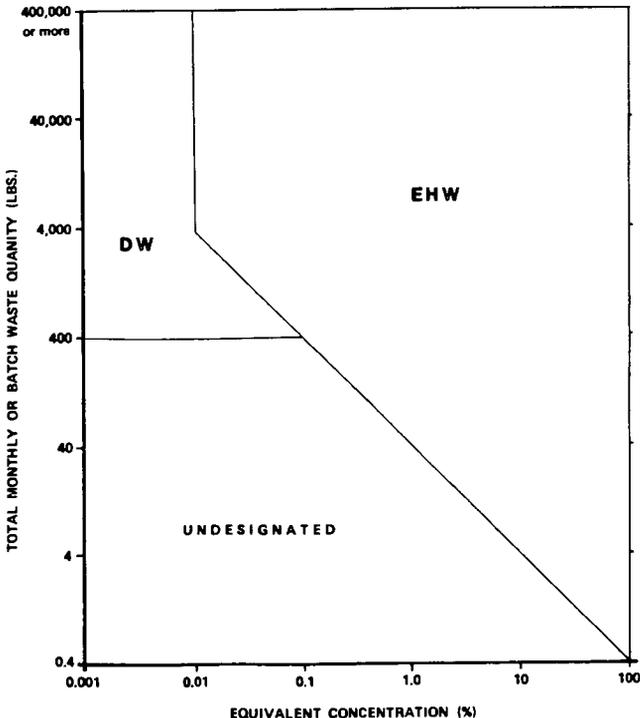
$$\begin{aligned} \text{E.C. (\%)} &= .01\% + \frac{0\%}{10} + \frac{1\%}{100} + \frac{(4\% + 2\% + 5\%)}{1000} + \frac{0\%}{10000} \\ &= .01\% + 0\% + .01\% + .011\% + 0\% = .031\% \end{aligned}$$

So his equivalent concentration equals .031%.

(c) Toxic dangerous waste graph. To book designate his waste, a person shall use the Toxic Dangerous Waste Mixtures Graph, below (also, a larger version of this graph appears in the appendix WAC 173-303-9906), by finding the equivalent concentration percentage for his waste along the abscissa, finding his total waste quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste quantity intersects the vertical line drawn from his waste mixture's equivalent concentration. If the plotted point is in the area marked dangerous waste (DW), he shall designate his waste as a dangerous waste; if the plotted point is in the area marked extremely hazardous waste (EHW), he shall designate his waste as an extremely hazardous waste.

Figure 2.

**TOXIC DANGEROUS WASTE MIXTURES GRAPH**



(5) Designation from Bioassay Data. If a person has established the toxicity of his waste by means of the bioassay test methods adopted under WAC 173-303-110(3), Sampling and Testing Methods, and has determined his waste's toxicity range (C category or greater toxicity, or D category toxicity), then he shall designate his waste according to the Toxic Dangerous Waste Designation Table, below.

**TOXIC DANGEROUS WASTE DESIGNATION TABLE**

| If your waste's toxic range falls in the . . . | And your monthly or batch waste quantity is . . . | Then your waste's designation is . . . |
|--|---|--|
| D Category                                     | Greater than 400 lbs. (181.8 kg)                  | Dangerous Waste (DW)                   |
| X, A, B, or C Category                         | 40 - 400 lbs. (18.2 - 181.8 kg)                   | DW                                     |
|  | Greater than 400 lbs. (181.8 kg)                  | Extremely Hazardous Waste (EHW)        |

**NEW SECTION**

**WAC 173-303-102 PERSISTENT DANGEROUS WASTES.**

(1) Purpose. This section describes the procedures for designating wastes which contain halogenated hydrocarbons (HH) and/or four-, five-, and six-ring polycyclic aromatic hydrocarbons (PAH).

(2) Concentration determination. A person shall determine the concentration of HH and/or PAH in his waste by either testing his waste as specified in WAC 173-303-102(2)(a), below, or by the calculation procedures described in WAC 173-303-102(2)(b), below.

(a) Concentration tests. A person shall test his waste to determine its concentration level as follows:

- (i) For HH - By using the testing methods specified in WAC 173-303-110(3)(b); and,
- (ii) For PAH - By using the testing methods specified in WAC 173-303-110(3)(c).

(b) Concentration calculations. If a person knows the concentrations of the significant persistent constituents in his waste, and if he can demonstrate to the department beyond a reasonable doubt that any remaining persistent constituents for which he does not know the concentrations would not contribute significantly to the total persistent concentration, then he may calculate the concentration of persistent constituents in his waste as follows:

(i) A person whose waste contains one or more halogenated hydrocarbons for which the concentrations are known shall determine his total halogenated hydrocarbon concentration by summing the concentration percentages for all of his waste's halogenated hydrocarbons.

Example 1. A person's waste contains: carbon tetrachloride - .009%; DDT - .012%; 1,1,1 - trichloroethylene - .02%. His total halogenated hydrocarbon concentration would be:

$$\text{Total HH Concentration (\%)} = .009\% + .012\% + .02\% = .041\%$$

So his total halogenated hydrocarbon concentration equals .041%.

(ii) A person whose waste contains one or more four-, five-, or six-ring polycyclic aromatic hydrocarbons for which the concentrations are known shall determine his total polycyclic aromatic hydrocarbon concentration by summing the concentration percentages for all of his waste's four-, five-, or six-ring polycyclic aromatic hydrocarbons.

Example 2. A person's waste contains: chrysene - .08%; 3, 4 - benzpyrene - 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

$$\text{Total PAH Concentration (\%)} = .08\% + 1.22\% = 1.3\%$$

So his total polycyclic aromatic hydrocarbon concentration equals 1.3%.

(3) Quantity Exclusion Limits. A person shall designate his waste as a Persistent Dangerous Waste if his monthly or batch waste quantity exceeds 400 lbs. (181.8 kg).

(4) Designation criteria. A person whose waste contains persistent (HH or PAH) constituents shall designate his waste according to the Persistent Dangerous Waste Table, below.

PERSISTENT DANGEROUS WASTE TABLE

| If your waste contains . . .           | At a concentration level of . . . | Then your waste's designation is . . .               |
|--|-----------------------------------|--|
| Halogenated Hydrocarbons (HH)          | 0.01 to 1.0% greater than 1.0%    | Dangerous Waste (DW) Extremely Hazardous Waste (EHW) |
| Polycyclic Aromatic Hydrocarbons (PAH) | greater than 1.0%                 | EHW*   |

\* No DW concentration level for PAH.

NEW SECTION

**WAC 173-303-103 CARCINOGENIC DANGEROUS WASTES.** (1) Criteria. A substance which is listed in the National Institute for Occupational Safety and Health (NIOSH) document "Registry of Toxic Effects of Chemical Substances" (Registry), or any other documents, as an IARC (International Agency for Research on Cancer) human or animal, positive or suspected carcinogen, shall be a carcinogenic substance for the purposes of this section. Any IARC identified substance which is an inorganic, respiratory carcinogen shall be a carcinogenic substance only if it occurs in a friable format (i.e., if it is in a waste which easily crumbles and forms dust which can be inhaled).

(2) Designation. Any person whose waste contains one or more IARC carcinogen(s) shall designate his waste as a dangerous waste (DW) if:

- (a) The total concentration of carcinogen(s) in his waste exceeds 1.0% of the waste quantity; and
- (b) The monthly or batch waste quantity exceeds 400 lbs. (181.8 kg).

NEW SECTION

**WAC 173-303-104 GENERIC DANGEROUS WASTE NUMBERS.** (1) Purpose. This section sets forth the Dangerous Waste Number (DW #) for each of the Dangerous Waste Criteria designations.

(2) Characteristics. A waste which exhibits any of the Dangerous Waste Characteristics, WAC 173-303-090, shall be assigned the DW # corresponding to the characteristic(s) exhibited by the waste.

(3) Criteria. The following table shall be used for assigning DW #s to wastes designated by the Dangerous Waste Criteria.

GENERIC DANGEROUS WASTE NUMBERS TABLE

| DW # | Dangerous Waste Criteria and Designation   |
|------|--|
| WT01 | Toxic Dangerous Wastes                     |
| WT02 | EHW<br>DW<br>Persistent Dangerous Wastes   |
| WP01 | Halogenated Hydrocarbons                   |
| WP02 | EHW<br>DW                                  |
| WP03 | Polycyclic Aromatic Hydrocarbons           |
| WC01 | EHW<br>Carcinogenic Dangerous Wastes<br>DW |

NEW SECTION

**WAC 173-303-110 SAMPLING AND TESTING METHODS.** (1) Purpose. This section describes the testing methods which may be used in the process of designating a dangerous waste.

(2) Representative samples.  
(a) The methods and equipment used for obtaining representative samples of a waste will vary with the type and form of the waste. The department will consider samples collected using the sampling methods below, for wastes with properties similar to the indicated materials, to be representative samples of the wastes:

- (i) Crushed or powdered material - ASTM Standard D346-75;
- (ii) Extremely viscous liquid - ASTM Standard D140-70;
- (iii) Fly Ash-like material - ASTM Standard D2234-76;
- (iv) Soil-like material - ASTM Standard D1452-65;
- (v) Soil or rock-like material - ASTM Standard D420-69;

(vi) Containerized liquid wastes - "COLIWASA" described in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," and also in "Samplers and Sampling Procedures for Hazardous Waste Streams," EPA 600/2-80-18, January 1980; and,

(vii) Liquid waste in pits, ponds, lagoons, and similar reservoirs - "Pond Sampler" described in the same documents referenced in WAC 173-303-110(2)(a)(vi), above.

(b) Copies of these representative sampling methods are available from the department.

(3) Test procedures. The following test procedures are on file with the department, and shall be used when testing a waste for the indicated purposes:

(a) Determining EP Toxicity - "Extraction Procedure Test Methods - 1981";

(b) Determining halogenated hydrocarbon concentrations - "Parr Bomb Test for Total Chlorine";

(c) Determining polycyclic aromatic hydrocarbon concentrations - "Analysis for Polynuclear Aromatic Hydrocarbons";

(d) Determining aquatic fish toxicity (TLM<sub>96</sub> or Aquatic LC<sub>50</sub>) - "Static Acute Fish Toxicity Test" described in the document "Biological Testing Methods, Compliance with the Hazardous Waste Regulations," DOE 80-12, October, 1980; and,

(e) Determining oral rat toxicity (LD<sub>50</sub>) - "Acute Oral Rat Toxicity Test" described in the document referenced in WAC 173-303-110(3)(d), above.

(4) Substantial changes to the testing methods described above shall be made only after the department has provided adequate opportunity for public review and comment on the proposed changes. The department may, at its discretion, schedule a public hearing on the proposed changes.

(5) Equivalent testing methods. Any person may request the department to approve an equivalent testing method by submitting a petition, prepared in accordance with WAC 173-303-910, Petitions, to the department.

NEW SECTION

**WAC 173-303-120 RECYCLED, RECLAIMED, AND RECOVERED WASTES.** (1) Purpose. It is the purpose of this section to set forth the conditions under which a dangerous waste shall be handled when it is being recycled, reclaimed, or recovered.

(2) Any dangerous waste which is not listed, or which does not contain constituents listed in the Dangerous Waste Lists set forth under WAC 173-303-080 shall not be subject to the regulations of chapter 173-303 WAC if:

(a) It is being beneficially used or reused, or legitimately recycled, reclaimed, or recovered; or

(b) It is being accumulated, stored, or treated prior to beneficial use or reuse, or legitimate recycling, reclamation, or recovery.

(3) Any dangerous waste which is listed, or contains constituents listed in the Dangerous Waste Lists set forth under WAC 173-303-080, and which is transported or stored prior to being used, reused, recycled, reclaimed, or recovered is subject to the following requirements:

- (a) WAC 173-303-060, Notification and Identification Numbers;
- (b) WAC 173-303-170 through 173-303-230 for generators;
- (c) WAC 173-303-240 through 173-303-270 for transporters;
- (d) WAC 173-303-280 through 173-303-395 for facility owners/operators;
- (e) WAC 173-303-400 through 173-303-520 for interim status facilities;
- (f) WAC 173-303-500 through 173-303-670 for final status facilities; and
- (g) WAC 173-303-800 through 173-303-840 with respect to facility permits.

NEW SECTION

**WAC 173-303-130 CONTAINMENT AND CONTROL OF INFECTIOUS WASTES.** (Reserved.)

NEW SECTION

**WAC 173-303-140 DISPOSAL OF EXTREMELY HAZARDOUS WASTE.** No person shall dispose of designated extremely hazardous waste (EHW) at any land disposal facility in the state other than the facility established and approved by the department for such purpose under chapter 70.105 RCW. A person is not prohibited from

reclaiming, recycling, recovering, treating, detoxifying, neutralizing, or otherwise processing EHW to remove or reduce its harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter.

#### NEW SECTION

**WAC 173-303-145** No person shall offer a designated dangerous waste for treatment, storage, or disposal (TSD) to a facility which has not been issued a TSD facility permit by the department.

**Reviser's Note:** The caption of the above section was omitted in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 173-303-150 DIVISION, DILUTION, AND ACCUMULATION.** (1) Any action taken to evade the intent of this regulation by dividing or diluting wastes to change their designation shall be prohibited, except for the purposes of treating, neutralizing, or detoxifying such wastes.

(2) Separation of a homogeneous waste into heterogeneous phases (e.g., separation of a suspension into sludge and liquid phases, or of a solvent/water mixture into solvent and water phases, etc.) shall not be considered as division, provided that the person generating the waste either:

(a) Designates the homogeneous waste before separation, and handles the entire waste accordingly; or

(b) Designates each phase of the heterogeneous waste, in accordance with the dangerous waste designation requirements of this chapter, and handles each phase accordingly.

(3) For the purposes of designation, quantities of continuously generated wastes shall be summed monthly. All wastes generated less frequently than once a month shall be considered as batch or single event wastes.

#### NEW SECTION

**WAC 173-303-160 CONTAINERS.** (1) Waste quantity. Containers shall not be considered as a part of the waste when measuring or calculating the quantity of a dangerous waste.

(2) A container is empty when all wastes in it have been taken out that can be removed using practices commonly employed to remove materials from that type of container (e.g., pouring, pumping, aspirating, etc.) and, either less than one inch of waste remains at the bottom of the container, or the volume of waste remaining in the container is equal to one percent or less of the container's capacity. A container which held compressed gas is empty when the pressure inside the container equals or nearly equals atmospheric pressure.

(3) A container which held designated dangerous waste (DW) need not be designated if it is empty, as defined in WAC 173-303-160(2), above.

(4) A container which held extremely hazardous waste (EHW), or pesticides bearing the Danger or Warning label, need not be designated if it is empty, as defined in WAC 173-303-160(2), above, and if it has been rinsed at least three times with an appropriate cleaner or solvent. The volume of cleaner or solvent used for each rinsing shall be ten percent or more of the container's capacity. In lieu of rinsing for containers that might be damaged or made unusable by rinsing with liquids (e.g., fiber or cardboard containers without inner liners), an empty container may be vacuum cleaned, struck three times (e.g., on the ground, with a hammer or hand) to remove or loosen particles from the inner walls and corners, and vacuum cleaned again.

Any rinseate or vacuumed residue which results from the cleaning of containers shall be designated and/or handled in accordance with the designation requirements (WAC 173-303-070 through 173-303-090).

A person may petition the department to approve alternative container rinsing processes in accordance with WAC 173-303-910, Petitions.

#### NEW SECTION

**WAC 173-303-170 REQUIREMENTS FOR GENERATORS OF DANGEROUS WASTE.** (1) A person shall be a dangerous waste generator if his solid waste is designated by the requirements of WAC 173-303-070 through 173-303-090.

(a) The generator shall be responsible for designating his dangerous waste as extremely hazardous or dangerous waste.

(b) The generator may request an exemption for his dangerous waste according to the procedures of WAC 173-303-910, Petitions.

(2) A dangerous waste generator shall comply with the requirements of WAC 173-303-170 through 173-303-230.

(3) The generator shall comply with the requirements of WAC 173-302-060, Notification and Identification Numbers.

(4) A person who triple rinses and disposes of his own containers shall comply with WAC 173-303-230(3), Special Conditions, and WAC 173-303-160, Containers.

(5) Any generator who transfers, stores, treats, or disposes of dangerous waste on-site shall perform his operations in accordance with the requirements of this chapter 173-303 WAC.

#### NEW SECTION

**WAC 173-303-180 MANIFEST.** Before transporting dangerous waste off the site of generation, the generator shall prepare a manifest, containing the information required below, and shall follow all applicable procedures described below.

(1) Required information for manifests. The manifest shall contain at least the following information:

(a) A manifest document number;

(b) The generator's name, address, telephone number, and EPA/State Identification Number;

(c) The name, address, telephone number, and EPA/State Identification Number of the origin of the dangerous waste, if the origin is different from the generator;

(d) The transporter's name and EPA/State Identification Number;

(e) The name, address, and EPA/State Identification Number of the designated receiving facility, and of any alternate facilities;

(f) The total quantity of each dangerous waste, and the type and number of containers to be received by the transporter;

(g) The description of the waste(s) as required by United States Department of Transportation (DOT) regulations, 49 CFR 172.101, 172.202, and 172.203, and, when such information would be useful in the event of a spill or discharge during transport, the approximate percentages of each waste component;

(h) Measures to be taken in case of accident, the National Response Center phone number, 1-800-424-8802, and the CHEM-TREC phone number, 1-800-424-9300;

(i) Such other information as required by the department to implement chapter 70.105 RCW; and

(j) The following certification, or an equivalent certification, on the manifest:

"This is to certify that the above named materials are properly designated, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the United States Department of Transportation and the Washington State Department of Ecology."

(2) The manifest shall consist of enough copies to provide the generator, transporter(s), and facility owner/operator with a copy, and a copy for return to the generator.

(3) Manifest procedures.

(a) Before the dangerous waste shipment leaves the generator's property the generator shall:

(i) Sign and date the manifest certification by hand;

(ii) Obtain the signature of the initial transporter and date of acceptance on the manifest; and

(iii) Retain one copy in accordance with WAC 173-303-210, Generator Recordkeeping.

(b) The generator shall give the remaining manifest copies to the transporter.

(c) For shipment of dangerous waste within the United States solely by rail or water (bulk shipments only), the generator shall send three copies of the signed and dated manifest to the designated facility. Copies of the manifest are not required for each transporter.

(4) Special requirements for shipments to the Washington extremely hazardous waste (EHW) facility at Hanford.

(a) All generators planning to ship dangerous waste to the EHW facility at Hanford shall notify the facility in writing and by sending a copy of the prepared manifest prior to shipment.

(b) The generator shall not ship any dangerous waste without prior approval from the EHW facility. The state operator may exempt classes of waste from the requirements of WAC 173-303-180(4)(a) and (b) where small quantities or multiple shipments of a previously

approved waste are involved, or there exists an emergency and potential threat to public health and safety.

(5) A generator may transfer dangerous waste without a manifest if an emergency threatens public health and safety. The generator shall fill out a manifest at the time of delivery to the receiving treatment, storage, or disposal facility and comply with the other requirements of WAC 173-303-180 insofar as they are consistent with this paragraph, WAC 173-303-180(5).

**NEW SECTION**

**WAC 173-303-190 PREPARING DANGEROUS WASTE FOR TRANSPORT.** The generator shall fulfill the following requirements before transporting or offering for transport any dangerous waste.

(1) Packaging. The generator shall package all dangerous waste for transport in accordance with United States DOT regulations on packaging, 49 CFR Parts 73, 178, and 179, and with packaging requirements of the Washington State Utilities and Transportation Commission (UTC) and the Washington State Patrol.

(2) Labeling. The generator shall label each package in accordance with United States DOT regulations, 49 CFR Part 172.

(3) Marking. The generator shall:

(a) Mark each package of dangerous waste in accordance with United States DOT regulations, 49 CFR Part 172;

(b) Mark each package of dangerous waste with its assigned manifest number; and

(c) Mark each package containing one hundred ten gallons or less of dangerous waste with the following words and information, displayed in accordance with 49 CFR 172.304:

**DANGEROUS WASTE – State and Federal Law Prohibits Improper Disposal.** If found, contact the nearest police or public safety authority, and the Washington State Department of Ecology or the United States Environmental Protection Agency.

Generator's Name and Address

.....  
.....  
.....

Manifest Document Number .....

(4) Placarding. The generator shall placard, or offer to the initial transporter all appropriate placards in accordance with United States DOT regulations, 49 CFR Part 172, Subpart F.

**NEW SECTION**

**WAC 173-303-200 ACCUMULATING DANGEROUS WASTE ON-SITE.** A generator may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that:

(1) All such waste is shipped off-site in ninety days or less;

(2) The waste is placed in containers which meet the standards of WAC 173-303-190(1), Packaging, and are managed in accordance with WAC 173-303-630 (6) and (8), Use and Management of Containers; or

(3) In tanks, provided the generator complies with the requirements set forth in WAC 173-303-640 (2), (3), (4), (6), and (7), Tanks;

(4) The date upon which each period of accumulation begins is marked and clearly visible for inspection on each container;

(5) Each container is properly labeled and marked according to WAC 173-303-190(2), Labeling, and WAC 173-303-190(3), Marking; and

(6) The generator complies with the requirements for facility operators contained in WAC 173-303-330 through 173-303-360.

**NEW SECTION**

**WAC 173-303-210 GENERATOR RECORDKEEPING.** (1) The generator shall keep a copy of each manifest signed by the initial transporter in accordance with WAC 173-303-180(3), Manifest Procedures, for three years, or until he receives a signed copy from the designated facility which received the waste. The signed facility copy shall be retained for at least three years from the date the waste was accepted by the initial transporter.

(2) The generator shall keep a copy of each Annual Report and Exception Report as required by WAC 173-303-220 for a period of at least three years from the due date of each report.

(3) The generator shall keep records of any test results, waste analyses, or other determinations made in accordance with WAC 173-303-170(1) for designating dangerous waste, for at least three years from the date that the waste was last transferred for on-site or off-site storage, treatment, or disposal.

(4) The periods of retention for any records described in this section shall be automatically extended:

(a) During the course of any unresolved enforcement action requiring those records; or

(b) Upon request by the director.

**NEW SECTION**

**WAC 173-303-220 GENERATOR REPORTING.** The generator shall submit the following reports to the department by the specified due date for each report, or within the time period allowed for each report.

(1) Annual Reports.

(a) A generator who ships his dangerous waste off-site shall submit annual reports to the department, on the Generator Annual Report Form – Part A according to the instructions on the form (see WAC 173-303-9912), no later than March 1 for the preceding calendar year.

(b) Any generator who stores, treats, or disposes of dangerous waste on-site shall comply with the reporting requirements of WAC 173-303-390, Facility Reporting.

(2) Exception Reports.

(a) A generator who does not receive a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within thirty-five days of the date the waste was accepted by the initial transporter must contact the transporter(s) and/or facility to determine the status of the dangerous waste shipment.

(b) A generator must submit an Exception Report to the department if he has not received a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within forty-five days of the date the waste was accepted by the initial transporter.

(c) The Exception Report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery; and

(ii) A cover letter signed by the generator or his representative explaining the efforts taken to locate the waste and the results of those efforts.

(d) The department may require a generator to submit Exception Reports in less than forty-five days if it finds that the generator frequently or persistently endangers public health or the environment through improper waste shipment practices.

(3) Additional reports. The director, as he deems necessary under RCW 70.105.100, may require a generator to furnish additional reports concerning the quantities and disposition of his dangerous waste.

**NEW SECTION**

**WAC 173-303-230 SPECIAL CONDITIONS.** (1) Exporting dangerous waste.

(a) The requirements of 40 CFR, Section 262.50(a), (b) and (c), International Shipments, are here adopted by reference.

(b) Copies of any exception reports submitted to the Administrator of United States EPA shall be submitted to the director of the department.

(2) Importing dangerous waste. When importing dangerous waste from a foreign country for transfer, storage, treatment or disposal, the United States importer shall comply with all the requirements of this chapter for generators, including the requirements of WAC 173-303-180(1), Required Information for Manifests, except that:

(a) In place of the generator's name, address and EPA/State Identification Number, the name and address of the foreign generator and the importer's name, address and EPA/State Identification Number shall be used; and

(b) In place of the generator's signature on the certification statement, the United States importer or his agent shall sign and date the certification and obtain the signature of the initial transporter.

(3) Triple rinsing. For the purposes of this chapter, a person who stores, treats, disposes, transports, or offers for transport empty containers of dangerous waste that were for his own use shall not be treated as a generator or as a facility owner/operator, provided that:

- (a) He triple rinses each emptied dangerous waste container in accordance with WAC 173-303-160, Containers; and
- (b) The rinsate is not a dangerous waste under this chapter 173-303 WAC; or
- (c) He reuses the rinsate in a manner consistent with the original product.

**NEW SECTION**

**WAC 173-303-240 REQUIREMENTS FOR TRANSPORTERS OF DANGEROUS WASTE.** (1) Transporters shall comply with the requirements of WAC 173-302-060, Notification and Identification Numbers.

(2) Any person who transports a dangerous waste shall comply with the requirements of WAC 173-303-240 through 173-303-270, when:

(a) The dangerous waste has been manifested according to the requirements of WAC 173-303-180; and

(b) The dangerous waste is being delivered to the owner/operator of a transfer, storage, treatment or disposal facility, whether in-state or out-of-state.

(3) Any person who transports a dangerous waste shall also comply with the requirements of WAC 173-303-170 through 173-303-230 for generators, if he:

(a) Transports dangerous waste into the United States from another country; or

(b) Mixes dangerous waste of different United States Department of Transportation (DOT) shipping descriptions by mixing them into a single container.

(4) These requirements shall not apply to on-site (as defined in WAC 173-302-040) transportation of dangerous waste by generators, or owners/operators of permitted storage, treatment, or disposal facilities.

**NEW SECTION**

**WAC 173-303-250 DANGEROUS WASTE ACCEPTANCE, TRANSPORT, AND DELIVERY.** (1) A transporter shall not accept dangerous waste from a generator unless it is accompanied by a manifest prepared by the generator in accordance with WAC 173-303-180, Manifest.

(2) Before transporting a dangerous waste, the transporter shall compare the manifest to the shipment which he is accepting, and shall ascertain that he is receiving the wastes which are listed on the manifest.

(3) Before transporting a dangerous waste shipment, the transporter shall sign and date the manifest, acknowledging acceptance of the dangerous waste. The transporter shall return a signed copy to the generator before commencing transport.

(4) The transporter shall insure that the manifest accompanies the dangerous waste shipment.

(5) A transporter who delivers a dangerous waste to another transporter, or to the designated facility shall:

(a) Obtain the date of delivery and the handwritten signature of that transporter or designated facility owner/operator on the manifest;

(b) Retain one copy of the manifest in accordance with WAC 173-303-260, Transporter Recordkeeping; and

(c) Give the remaining copies of the manifest to the accepting transporter or designated facility.

(6) The transporter shall deliver the entire quantity of dangerous waste which he has accepted from a generator or a transporter to:

(a) The designated facility listed on the manifest; or

(b) The alternate designated facility, if the dangerous waste cannot be delivered to the designated facility; or

(c) The next designated transporter; or

(d) The place outside the United States designated by the generator.

(7) If the dangerous waste cannot be delivered in accordance with WAC 173-303-250(6), above, the transporter shall contact the generator for further directions, and shall revise the manifest according to the generator's instructions.

(8) The requirements of WAC 173-303-250 (4) and (5), above, do not apply to rail or water (bulk shipment) transporters if:

(a) The dangerous waste is delivered by rail or water (bulk shipment) to the designated facility;

(b) A shipping paper containing all the information required on the manifest (excluding the EPA/State Identification Numbers, generator certification, and signatures) accompanies the dangerous waste;

(c) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper;

(d) The person delivering the dangerous waste to the initial rail or water (bulk shipment) transporter obtains the date of delivery and signature of the rail or water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

(e) A copy of the shipping paper or manifest is retained by each rail or water (bulk shipment) transporter in accordance with WAC 173-303-260(2), Transporter Recordkeeping.

(9) Transporters who transport dangerous waste out of the United States shall:

(a) Indicate on the manifest the date the dangerous waste left the United States;

(b) Sign the manifest and retain one copy in accordance with WAC 173-303-260(3), Transporter Recordkeeping; and

(c) Return a signed copy of the manifest to the generator.

**NEW SECTION**

**WAC 173-303-260 TRANSPORTER RECORDKEEPING.** (1) A transporter of dangerous waste shall keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(2) For shipments delivered to the designated facility by rail or water (bulk shipment), each rail or water (bulk shipment) transporter shall retain a copy of a shipping paper containing all the information required on a manifest (excluding the EPA/State Identification Numbers, generator certification, and signatures) for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(3) A transporter who transports dangerous waste out of the United States shall keep a copy of the manifest, indicating that the dangerous waste left the United States, for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(4) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the director.

**NEW SECTION**

**WAC 173-303-270 DANGEROUS WASTE DISCHARGES.**

(1) In the event of a discharge of dangerous waste during transportation, the transporter is obliged to take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

(2) If a discharge of dangerous waste occurs during transportation and an official (state or local government or a federal agency) acting within the scope of his official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have EPA/State Identification Numbers and without the preparation of a manifest.

(3) A transporter who has discharged dangerous waste shall:

(a) Give notice, if required by 49 CFR 171.15, to the National Response Center (800-424-8802 or 202-426-2675);

(b) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D. C. 20590; and

(c) Give notice to the Department of Ecology (206-753-4274).

(4) A water (bulk shipment) transporter who has discharged dangerous waste shall give the same notice as required by 33 CFR 153.203 for oil and dangerous substances.

(5) A transporter is obliged to clean up any dangerous waste discharge that occurs during transportation or take such action as may be required or approved by federal, state, or local officials acting within the scope of their official responsibilities so that the dangerous waste discharge no longer presents a hazard to human health or the environment.

**NEW SECTION**

**WAC 173-303-275 TRANSFER FACILITIES.** (1) Applicability. An off-site facility which stores manifested shipments of dangerous waste for more than ten days shall be considered a transfer facility.

(2) Requirements. A transfer facility shall meet the following requirements:

- (a) WAC 173-303-170 through 173-303-230, Generator Requirements, whenever applicable;
- (b) WAC 173-303-280 through 173-303-395, General Requirements for Dangerous Waste Management Facilities;
- (c) WAC 173-303-400 through 173-303-520, Interim Status Facility Standards, Siting Standards, Performance Standards, and Buffer Monitoring Zones;
- (d) WAC 173-303-600 through 173-303-660, Final Facility Standards, whenever applicable; and
- (e) WAC 173-303-800 through 173-303-840, Permits.

#### NEW SECTION

WAC 173-303-280 GENERAL REQUIREMENTS FOR DANGEROUS WASTE MANAGEMENT FACILITIES. (1) Applicability. The requirements of WAC 173-303-280 through 173-303-395 apply to all owners and operators of facilities which store, treat, or dispose of dangerous wastes and which must be permitted under the requirements of this chapter. Owners and operators of transfer or collection facilities shall comply with WAC 173-303-275.

(2) Imminent hazard. Notwithstanding any provisions of this chapter, enforcement actions may be brought in the event that the management practices of a facility present an imminent and substantial hazard to the public health and the environment, regardless of the quantity or concentration of a dangerous waste.

(3) Identification numbers. Every facility owner or operator shall obtain an EPA/State Identification Number from the department.

#### NEW SECTION

WAC 173-303-290 REQUIRED NOTICES. (1) The facility owner or operator who is receiving dangerous waste from a foreign source shall comply with Title 40 CFR 265.12(a). The facility owner or operator shall also send a copy of the required notification to the department.

(2) Before transferring ownership or operation of a facility during its active life or post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of this chapter.

(3) The owner or operator of a facility that receives dangerous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record required under WAC 173-303-380(1).

#### NEW SECTION

WAC 173-303-300 GENERAL WASTE ANALYSIS. (1) Purpose. This section requires the facility owner or operator to confirm his knowledge about a dangerous waste before he stores, treats, or disposes of it. The purpose for the analysis is to insure that a dangerous waste is managed properly.

(2) The owner or operator shall obtain a detailed chemical, physical, and/or biological analysis of a dangerous waste before he stores, treats, or disposes of it. This analysis must contain the information necessary to manage the waste in accordance with the requirements of this chapter 173-303 WAC. The analysis may include or consist of existing published or documented data on the dangerous waste, or on waste generated from similar processes.

(3) The owner or operator of an off-site facility shall confirm, by analysis if necessary, that each dangerous waste received at the facility matches the identity of the waste specified on the accompanying manifest or shipping paper.

(4) Analysis shall be repeated as necessary to ensure that it is accurate and current. At a minimum, analysis must be repeated:

- (a) When the process or operation generating the dangerous waste has significantly changed; and
- (b) When a dangerous waste received at an off-site facility does not match the identity of the waste specified on the manifest or the shipping paper.

(5) Waste analysis plan. The owner or operator shall develop and follow a written waste analysis plan which describes the procedures he will use to comply with the above waste analysis requirements. He must keep this plan at the facility, and the plan must contain at least:

- (a) The parameters for which each dangerous waste will be analyzed, and the rationale for selecting these parameters;
- (b) The methods of obtaining or testing for these parameters;
- (c) The methods for obtaining representative samples of wastes for analysis;
- (d) The frequency with which analysis of a waste will be reviewed or repeated to ensure that the analysis is accurate and current;
- (e) The waste analyses which generators have agreed to supply;
- (f) Where applicable, the methods for meeting the additional waste analysis requirements for specific waste management methods as specified in WAC 173-303-630 through 173-303-670; and
- (g) For off-site facilities, the procedures for confirming that each dangerous waste received matches the identity of the waste specified on the accompanying manifest or shipping paper. This includes at least:
  - (i) The procedures for identifying each waste movement at the facility; and
  - (ii) The method for obtaining a representative sample of the waste to be identified, if the identification method includes sampling.

#### NEW SECTION

WAC 173-303-310 SECURITY. (1) The owner or operator shall comply with the requirements of this section, unless:

- (a) Physical contact with wastes or equipment within the active portion of the facility will not injure persons or livestock; and
- (b) Disturbance of the wastes or equipment by persons or livestock will not result in violations of this chapter 173-303 WAC.

(2) A facility must have:

- (a) Signs posted at each entrance to the active portion, and at other locations, in sufficient numbers to be seen from any approach to the active portion. Signs must bear the legend, "Danger-Unauthorized Personnel Keep Out", or an equivalent legend, written in English, and must be legible from a distance of twenty-five feet or more; and either
- (b) A 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility; or
- (c) An artificial or natural barrier, or a combination of both, which completely surrounds the active portion of the facility, with a means to control access through gates to the active portion of the facility at all times.

#### NEW SECTION

WAC 173-303-320 GENERAL INSPECTION. (1) The owner or operator shall inspect his facility to prevent malfunctions and deterioration, operator errors, and discharges which may cause or lead to the release of dangerous waste constituents to the environment, or a threat to human health.

(2) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment that help prevent, detect, or respond to hazards to the public health or the environment. In addition:

- (a) He must keep the schedule at the facility;
  - (b) The schedule must identify the types of problems which are to be looked for during inspections;
  - (c) The schedule shall indicate the frequency of inspection for specific items. The frequency should be based on the rate of possible deterioration of equipment, and the probability of an environmental or human health incident. Areas subject to spills must be inspected daily when in use. The inspection schedule shall also include the applicable items and frequencies required in WAC 173-303-670; and
  - (d) The owner or operator shall keep an inspection log or summary, including at least the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or remedial actions taken. The log or summary must be kept at the facility for at least three years from the date of inspection.
- (3) The owner or operator shall remedy any problems revealed by the inspection, on a schedule which prevents hazards to the public health and environment. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

#### NEW SECTION

WAC 173-303-330 PERSONNEL TRAINING. (1) Training program. The facility owner or operator shall provide a program of classroom instruction or on-the-job training for facility personnel. This program must teach personnel to perform their duties in a way

that ensures the facility's compliance with this chapter, and shall include those elements set forth in the training plan required in WAC 173-303-330(2), below. In addition:

(a) The training program shall be directed by a person trained in dangerous waste management procedures, and must include training relevant to the positions in which the facility personnel are employed;

(b) Facility personnel must participate in an annual review of the training provided in the training program;

(c) This program must be completed by the facility personnel:

(i) Within six months after these regulations become effective; or

(ii) Within six months after their employment at or assignment to the facility, or to a new position at the facility, whichever is later.

Employees hired after the effective date of these regulations must be supervised until they complete the training program; and

(d) At a minimum, the training program shall familiarize facility personnel with emergency equipment and systems (such as alarms, waste feed cut-off systems, and monitoring equipment), and emergency procedures (such as shutdown of operations, and response to fires, explosions, and ground water contamination incidents). The program shall also include other parameters as set forth in guidelines developed by the department.

(2) Written training plan. The owner or operator shall develop a written training plan which must include the following documents and records:

(a) For each position related to dangerous waste management at the facility, the job title, the job description, and the name of the employee filling each job. The job description must include the requisite skills, education, other qualifications, and duties for each position;

(b) A written description of the training required for each position; and

(c) Records documenting that facility personnel have received and completed the training required by this section, WAC 173-303-330.

(3) Training records. Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

#### NEW SECTION

##### WAC 173-303-340 PREPAREDNESS AND PREVENTION.

Facilities shall be maintained and operated to minimize the possibility of fire, explosion, or any unplanned release of dangerous waste which could threaten the public health or the environment. This section describes preparations and preventive measures which help avoid or mitigate such situations.

(1) Required equipment. All facilities must be equipped with the following, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

(a) An internal communications or alarm system capable of providing immediate emergency instruction to facility personnel;

(b) A device, such as a telephone or a hand-held, two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

(c) Portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and

(d) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(2) Access to communications or alarms. Personnel must have immediate access to the signalling devices described in the situations below:

(a) Whenever dangerous waste is being poured, mixed, spread, or otherwise handled, all personnel involved must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in WAC 173-303-340(1), above;

(b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone or a hand-held, two-way radio, capable of summoning external emergency assistance, unless such a device is not required in WAC 173-303-340(1), above.

(3) Aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

(4) Arrangements with local authorities. The owner or operator shall attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations, unless the hazards posed by wastes handled at the facility would not require these arrangements:

(a) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of dangerous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;

(b) Arrangements to familiarize local hospitals with the properties of dangerous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility;

(c) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and

(d) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority.

(5) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

#### NEW SECTION

WAC 173-303-350 CONTINGENCY PLAN AND EMERGENCY PROCEDURES. (1) Purpose. The purpose of WAC 173-303-350 and 173-303-360 is to lessen the potential impact on the public health and the environment in the event of a fire, explosion, or unplanned release of dangerous waste to air, soil, surface water, or ground water by a facility. A contingency plan must be developed, and the plan shall be implemented immediately in such emergency circumstances.

(2) Contingency plan. Each owner or operator must have a contingency plan at his facility for use in emergencies which threaten the public health and the environment. If the owner or operator has already prepared a Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with Part 112 or Part 151 of Title 40 CFR, or some other emergency or contingency plan, he need only amend that plan to incorporate dangerous waste management provisions that are sufficient to comply with the requirements of WAC 173-303-350 and 173-303-360.

(3) The contingency plan must contain the following:

(a) A description of the actions which facility personnel must take to comply with WAC 173-303-350 and 173-303-360;

(b) A description of the actions which shall be taken in the event that a dangerous waste shipment, which is damaged or otherwise presents a hazard to the public health and the environment, arrives at the facility, and is not acceptable to the owner or operator, but cannot be transported, pursuant to the requirements of WAC 173-303-370(5), Manifest System, Reasons for Not Accepting Dangerous Waste Shipments;

(c) A description of the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services;

(d) A current list of names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator required under WAC 173-303-360(1). Where more than one person is listed, one must be named as primary emergency coordinator, and others must be listed in the order in which they will assume responsibility as alternates;

(e) A list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities; and

(f) An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe the signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

(4) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan shall be:

- (a) Maintained at the facility; and
- (b) Submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

(5) Amendments. The owner or operator shall review and immediately amend the contingency plan, if necessary, whenever:

- (a) Applicable regulations are revised;
- (b) The plan fails in an emergency;
- (c) The facility changes (in its design, construction, operation, maintenance, or other circumstances) in a way that materially increases the potential for fires, explosions, or releases of dangerous waste, or in a way that changes the response necessary in an emergency;
- (d) The list of emergency coordinators changes; or
- (e) The list of emergency equipment changes.

#### NEW SECTION

WAC 173-303-360 EMERGENCIES. (1) Emergency coordinator. At all times, there must be at least one employee either on the facility premises or on call with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, required by WAC 173-303-350(2), all operations and activities at the facility, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

(2) Emergency procedures. The following procedures shall be implemented in the event of an emergency.

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

- (i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
- (ii) Notify appropriate state or local agencies with designated response roles if their help is needed.

(b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and a real extent of any released materials.

(c) Concurrently, the emergency coordinator shall assess possible hazards to human health and the environment (considering direct, indirect, immediate, and long-term effects) that may result from the release, fire, or explosion.

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, he must report his findings as follows:

(i) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

(ii) He must immediately notify the department and either the government official designated as the on-scene coordinator, or the National Response Center (using their 24-hour toll free number (800) 424-8802).

(e) His assessment report must include:

- (i) Name and telephone number of reporter;
- (ii) Name and address of facility;
- (iii) Time and type of incident (e.g., release, fire);
- (iv) Name and quantity of material(s) involved, to the extent known;
- (v) The extent of injuries, if any; and
- (vi) The possible hazards to human health or the environment outside the facility.

(f) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other dangerous waste at the facility.

(g) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(h) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

(i) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(i) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(ii) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(j) The owner or operator must notify the department, and appropriate local authorities, that the facility is in compliance with WAC 173-303-360(2)(i), above, before operations are resumed in the affected area(s) of the facility.

(k) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within fifteen days after the incident, he must submit a written report on the incident to the department. The report must include:

- (i) Name, address, and telephone number of the owner or operator;
- (ii) Name, address, and telephone number of the facility;
- (iii) Date, time, and type of incident (e.g., fire, explosion);
- (iv) Name and quantity of material(s) involved;
- (v) The extent of injuries, if any;
- (vi) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
- (vii) Estimated quantity and disposition of recovered material that resulted from the incident.

#### NEW SECTION

WAC 173-303-370 MANIFEST SYSTEM. (1) Applicability. The requirements of this section apply to owners and operators who receive dangerous waste from off-site sources.

(2) If a facility receives dangerous waste accompanied by a manifest, the owner or operator, or his agent, must:

(a) Sign and date each copy of the manifest to certify that the dangerous waste covered by the manifest was received;

(b) Note any significant discrepancies in the manifest, as described in WAC 173-303-370(4), on each copy of the manifest;

(c) Immediately give the transporter at least one copy of the signed manifest;

(d) Within five days after the delivery, send a copy of the manifest to the generator; and

(e) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

(3) If a facility receives, from a rail or water (bulk shipment) transporter, dangerous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA/State Identification Numbers, generator's certification, and signatures), the owner or operator, or his agent, must:

(a) Sign and date each copy of the shipping paper to certify that the dangerous waste covered by the shipping paper was received;

(b) Note any significant discrepancies in the shipping paper, as described in WAC 173-303-370(4), on each copy of the shipping paper;

(c) Immediately give the rail or water (bulk shipment) transporter at least one copy of the shipping paper;

(d) Within five days after the delivery, send a copy of the shipping paper to the generator. However, if the manifest is received within five days after the delivery, the owner or operator, or his agent, must sign and date the manifest and return it to the generator in lieu of the shipping paper; and

(e) Retain at the facility a copy of each shipping paper and manifest for at least three years from the date of delivery.

(4) Manifest discrepancies.

(a) Manifest discrepancies are significant discrepancies between the quantity or type of dangerous waste designated on the manifest or shipping paper and the quantity or type of dangerous waste a facility actually receives. Significant discrepancies in quantity are variations greater than ten percent in weight, or variations in piece count. Significant discrepancies in type are obvious physical or chemical differences which can be discovered by inspection or waste analysis (e.g., waste solvent substituted for waste acid).

(b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter. If the discrepancy is not resolved within fifteen days after receiving the waste, the owner or operator must immediately submit to the department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(5) Reasons for not accepting dangerous waste shipments. The owner or operator may decide that a dangerous shipment should not be accepted by his facility.

(a) The following shall be acceptable reasons for denying receipt of a dangerous waste shipment:

(i) The facility is not capable of properly managing the type(s) of dangerous waste in the shipment;

(ii) There is a significant discrepancy (as described in WAC 173-303-370(4), above) between the shipment and the wastes listed on the manifest or shipping paper; or

(iii) The shipment has arrived in a condition which the owner or operator believes would present an unreasonable hazard to facility operations, or to facility personnel handling the dangerous waste(s) (including, but not limited to, leaking or damaged containers, and improperly labeled containers).

(b) The owner or operator may return the shipment to the generator, or send it on to the alternate facility designated on the manifest or shipping paper, unless, the containers are damaged to such an extent, or the dangerous waste is in such a condition as to present a hazard to the public health or the environment in the process of further transportation.

(c) If the dangerous waste shipment cannot leave the facility for the reasons described in WAC 173-303-370(5)(b), above, then the owner or operator shall take those actions described in the contingency plan, WAC 173-303-350(3)(b).

**NEW SECTION**

**WAC 173-303-380 FACILITY RECORDKEEPING.** (1) Operating record. The owner or operator of a facility shall keep a written operating record at his facility. The following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(a) A description of and the quantity of each dangerous waste received, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by WAC 173-303-380(2), Recordkeeping instructions;

(b) The location of each dangerous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each dangerous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

(c) Records and results of waste analyses required by WAC 173-303-300, General Waste Analysis;

(d) Summary reports and details of all incidents that require implementing the contingency plan, as specified in WAC 173-303-360(2)(k);

(e) Records and results of inspections as required by WAC 173-303-320(2)(d), General Inspection (except such information need be kept only for three years);

(f) Monitoring, testing, or analytical data where required by WAC 173-303-630 through 173-303-670;

(g) All closure and post-closure cost estimates required for the facility; and

(h) For off-site facilities, copies of notices to generators informing them that the facility has all appropriate permits, as required by WAC 173-303-290, Required Notices.

(2) Recordkeeping instructions. This paragraph provides instructions for recording the portions of the operating record which are related to describing the types, quantities, and management of dangerous wastes at the facility. This information shall be kept in the operating record, as follows:

(a) Each dangerous waste received shall be described by its common name and by its Dangerous Waste Number(s) from WAC 173-303-080 through 173-303-104. Where a dangerous waste contains more than one process waste or waste constituent the waste description must include all applicable Dangerous Waste Numbers. If the Dangerous Waste Number is not listed then the waste description shall include the process which generated the waste;

(b) The waste description shall include the waste's physical form (i.e., liquid, solid, sludge, or gas);

(c) The weight, or volume and density, of the dangerous waste shall be recorded, using one of the units of measure specified in Table 1, below;

TABLE 1

| Unit of Measure       | Symbol | Density |
|-----------------------|--------|---------|
| Pounds                | P      |         |
| Short tons (2000 lbs) | T      |         |
| Gallons (U.S.)        | G      | P/G     |
| Cubic yards           | Y      | T/Y     |
| Kilograms             | K      |         |
| Tonnes (1000 kg)      | M      |         |
| Liters                | L      | K/L     |
| Cubic meters          | C      | M/C     |

(d) And, the date(s) and method(s) of management for each dangerous waste received shall be recorded, using the handling code(s) specified in Table 2, below.

TABLE 2

1. Storage
  - S01 Container (barrel, drum, etc.)
  - S02 Tank
  - S03 Waste pile
  - S04 Surface impoundment
  - S05 Other (specify)
2. Treatment
  - (a) Thermal Treatment
    - T06 Liquid injection incinerator
    - T07 Rotary kiln incinerator
    - T08 Fluidized bed incinerator
    - T09 Multiple hearth incinerator
    - T10 Infrared furnace incinerator
    - T11 Molten salt destructor
    - T12 Pyrolysis
    - T13 Wet Air oxidation
    - T14 Calcination
    - T15 Microwave discharge
    - T16 Cement kiln
    - T17 Lime kiln
    - T18 Other (specify)
  - (b) Chemical Treatment
    - T19 Absorption mound
    - T20 Absorption field
    - T21 Chemical fixation
    - T22 Chemical oxidation
    - T23 Chemical precipitation
    - T24 Chemical reduction
    - T25 Chlorination
    - T26 Chlorinolysis
    - T27 Cyanide destruction
    - T28 Degradation
    - T29 Detoxification
    - T30 Ion exchange
    - T31 Neutralization
    - T32 Ozonation
    - T33 Photolysis
    - T34 Other (specify)
  - (c) Physical Treatment
    - (i) Separation of components
      - T35 Centrifugation
      - T36 Clarification
      - T37 Coagulation
      - T38 Decanting
      - T39 Encapsulation
      - T40 Filtration
      - T41 Flocculation
      - T42 Flotation
      - T43 Foaming
      - T44 Sedimentation
      - T45 Thickening
      - T46 Ultrafiltration
      - T47 Other (specify)
    - (ii) Removal of Specific Components
      - T48 Absorption-molecular sieve
      - T49 Activated carbon
      - T50 Blending
      - T51 Catalysis
      - T52 Crystallization

- T53 Dialysis
- T54 Distillation
- T55 Electrodialysis
- T56 Electrolysis
- T57 Evaporation
- T58 High gradient magnetic separation
- T59 Leaching
- T60 Liquid ion exchange
- T61 Liquid-liquid extraction
- T62 Reverse osmosis
- T63 Solvent recovery
- T64 Stripping
- T65 Sand filter
- T66 Other (specify)
- (d) Biological Treatment
- T67 Activated sludge
- T68 Aerobic lagoon
- T69 Aerobic tank
- T70 Anaerobic lagoon
- T71 Composting
- T72 Septic tank
- T73 Spray irrigation
- T74 Thickening filter
- T75 Trickling filter
- T76 Waste stabilization pond
- T77 Other (specify)
- T78-79 [Reserved]

- 3. Disposal
  - D80 Underground injection
  - D81 Landfill
  - D82 Land treatment
  - D83 Ocean disposal
  - D84 Surface impoundment  
(to be closed as a landfill)
  - D85 Other (specify)

(3) Availability, retention and disposition of records.

(a) All facility records required by this chapter must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of the department who is designated by the director.

(b) The retention period for all facility records required under this chapter is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the director.

(c) A copy of records of waste disposal locations and quantities under this section must be submitted to the United States EPA Regional Administrator, the department, and the local land use and planning authority upon closure of the facility.

#### NEW SECTION

**WAC 173-303-390 FACILITY REPORTING.** The owner or operator of a facility is responsible for preparing and submitting the reports described in this section.

(1) Unmanifested waste reports. If a facility accepts any dangerous waste from an off-site source without an accompanying manifest or shipping paper, and if the waste is not excluded from the manifest requirements of this chapter 173-303 WAC, then the owner or operator must prepare and submit a single copy of a report to the department within fifteen days after receiving the waste. The report form and instructions in WAC 173-303-9913, Facilities Report Form - Part C, must be used for this report. The report must include the following information:

- (a) The EPA/State Identification Number, name, and address of the facility;
- (b) The date the facility received the waste;
- (c) The EPA/State Identification Number, name, and address of the generator and the transporter, if available;
- (d) A description and the quantity of each unmanifested dangerous waste the facility received;
- (e) The method of management for each dangerous waste;
- (f) The certification signed by the owner or operator of the facility or his authorized representative; and
- (g) A brief explanation of why the waste was unmanifested, if known.

(2) Annual Reports. The owner or operator shall prepare and submit a single copy of an Annual Report to the department by March 1 of

each year. The report form and instructions in WAC 173-303-9913, Facilities Report Form - Part B, must be used for this report. The Annual Report must cover facility activities during the previous calendar year and must include the following information:

(a) The EPA/State Identification Number, name, and address of the facility;

(b) The calendar year covered by the report;

(c) For off-site facilities, the EPA/State Identification Number of each dangerous waste generator from which the facility received a dangerous waste during the year. For imported shipments, the report must give the name and address of the foreign generator;

(d) A description and the quantity of each dangerous waste the facility received during the year. For off-site facilities, this information must be listed by EPA/State Identification Number of each generator;

(e) The method of treatment, storage, or disposal for each dangerous waste; and

(f) The certification signed by the owner or operator of the facility or his authorized representative.

(3) Additional reports. The owner or operator shall also report to the department releases of dangerous wastes, fires, and explosions as specified in WAC 173-303-360(2)(k).

In addition, the owner or operator shall submit reports as required by the department.

#### NEW SECTION

##### WAC 173-303-395 OTHER GENERAL REQUIREMENTS.

(1) Precautions for ignitable, reactive, or incompatible wastes.

(a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(b) Where specifically required by other sections, the treatment, storage, or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, must be conducted so that it does not:

- (i) Generate extreme heat or pressure, fire or explosion, or violent reaction;
- (ii) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;
- (iii) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
- (iv) Damage the structural integrity of the device or facility containing the waste; or
- (v) Through other like means, threaten human health or the environment.

(c) Examples of incompatible wastes may be obtained upon request from the department.

(d) At least yearly, the owner or operator shall inspect those areas of his facility where ignitable or reactive wastes are stored. This inspection shall be performed in the presence of a professional person who is familiar with the Uniform Fire Code, or in the presence of the local, state, or federal fire marshal. The owner or operator shall enter the following information in his inspection log or operating record as a result of this inspection:

- (i) The date and time of the inspection;
- (ii) The name of the professional inspector or fire marshal;
- (iii) A notation of the observations made; and
- (iv) Any remedial actions which were taken as a result of the inspection.

(2) Compliance with other environmental protection laws and regulations. In receiving, storing, handling, treating, processing, or disposing of dangerous wastes, the owner/operator shall design, maintain and operate his dangerous waste facility in compliance with all applicable federal, state and local laws and regulations (e.g., control of stormwater or sanitary water discharge, control of volatile air emissions, etc.).

(3) Asbestos dangerous waste disposal requirements. All asbestos containing waste material shall be disposed of at waste disposal sites which are operated in accordance with 40 CFR 61.25. Such sites will

not need to comply with any other standards of chapter 173-303 WAC, if they comply with 40 CFR 61.25.

#### NEW SECTION

**WAC 173-303-400 INTERIM STATUS FACILITY STANDARDS.** (1) Purpose. The purpose of WAC 173-303-400 is to establish standards which define the acceptable management of dangerous waste during the period of interim status.

(2) Applicability.

(a) The interim status standards apply to owners and operators of facilities which treat, store, transfer, and/or dispose of dangerous waste. For purposes of this section, interim status shall apply to all facilities which comply fully with the requirements for interim status under Section 3005(e) of the Federal Resource Conservation and Recovery Act and WAC 173-303-820. Interim status shall end after final administrative disposition of the Part B permit application is completed.

(b) Interim status facilities must meet the interim status standards upon the effective date of these regulations.

(c) The requirements of the interim status standards do not apply to:

- (i) Persons disposing of dangerous waste subject to a permit issued under the Marine Protection, Research and Sanctuaries Act;
- (ii) Persons disposing of dangerous waste by underground injection which is permitted under the Safe Drinking Water Act;
- (iii) The owner or operator of a POTW who treats, stores, or disposes of dangerous wastes;
- (iv) The owner or operator of a totally enclosed treatment facility; and
- (v) Generators accumulating waste for less than ninety days.

(3) Standards.

(a) Interim status standards shall be standards set forth by the Environmental Protection Agency in 40 CFR Part 265 of Subparts F through R which are incorporated by reference into this regulation, the General Requirements for Dangerous Waste Management Facilities, WAC 173-303-280 through 173-303-395, and the applicable requirements of WAC 173-303-500, Siting Standards, WAC 173-303-520, Performance Standards, and WAC 173-303-520, Buffer Monitoring Zones.

(b) For purposes of applying the interim status standards of 40 CFR Part 265 Subparts F through R to the state of Washington facilities, the federal terms shall have the following state of Washington meanings:

- (i) "Regional administrator" shall mean the "department";
  - (ii) "Hazardous" shall mean "dangerous"; and
  - (iii) "Compliance procedure" shall have the meaning set forth in WAC 173-303-040, Definitions.
- (c) In addition to the changes described in WAC 173-303-400(3)(b), the following modifications shall be made to interim status standards of 40 CFR Part 265 Subparts F through R:

(i) November 19, 1981, shall be the effective date of each applicable subpart, section, or paragraph that otherwise uses the phrase, "within one year after the effective date of these regulations";

(ii) "Subpart N - Landfills" shall have an additional section (9) added which reads: "An owner/operator shall not landfill an organic carcinogen designated in WAC 173-303-081, 173-303-082, 173-303-084, or 173-303-100, nor an extremely hazardous waste, as defined by WAC 173-303-080 to 173-303-100, except at the EHW facility at Hanford;"

(iii) "Subpart R - Underground injection" shall have an additional section (c) which reads: "Owners and operators of wells are prohibited from disposing of extremely hazardous waste as defined by WAC 173-303-080 to 173-303-100, or an organic carcinogen designated under WAC 173-303-081, 173-303-082, 173-303-084, or 173-303-100;"

(iv) "Subpart M - Land treatment," section 165.273(b) shall be modified to replace the words "Part 261, Subpart D of this chapter" with "WAC 173-303-080"; and

(v) "Subpart F - Ground-Water Monitoring," section 265.91(c) shall include the requirement that: "Groundwater monitoring wells shall be designed, constructed, and operated so as to prevent groundwater contamination in accordance with chapter 173-160 WAC. Groundwater monitoring wells shall have an inside diameter of not less than four inches (10.16 cm)."

#### NEW SECTION

**WAC 173-303-500 SITING STANDARDS.** (1) Purpose. This section provides criteria for the siting of dangerous waste facilities. The

criteria are to be viewed as standards which a facility owner/operator should aim for in siting his facility.

(2) Applicability. These siting standards will apply to all facilities which require a permit under WAC 173-303-820 and 173-303-825, or as otherwise limited in each of the applicable paragraphs of this section.

(3) Earthquake fault criteria.

(a) For dangerous waste facilities, active portions of new treatment, storage, transfer, or disposal facilities will not be located within 200 feet of a fault which has had displacement in Holocene times. Where dangerous wastes are in solid or semisolid form, engineering efforts, as approved by the department, may be substituted for the 200-foot buffer zone.

(b) For extremely hazardous waste facilities, active portions of new or existing treatment, storage, transfer, or disposal facilities will not be located within 200 feet of a fault which has had displacement in Holocene times. No engineering exceptions to this limit shall be permitted.

(4) Floodplain criteria.

(a) For dangerous waste facilities, a facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any dangerous waste by a 100-year flood, unless the owner or operator has included in his contingency plan (WAC 173-303-350) procedures which will cause the waste to be removed safely, before floodwaters can reach the facility, to a location where the wastes will not be vulnerable to floodwaters.

(b) For extremely hazardous waste facilities, a facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any extremely hazardous waste by a 100-year flood. Contingency procedures for removal of extremely hazardous waste will not be deemed equivalent to engineered flood proofing.

(5) The siting of facilities in areas under the jurisdiction of the 1971 Shoreline Management Act (chapter 90.58 RCW).

(a) Areas defined as "wetlands" under RCW 90.58.030(2)(f) (those areas under jurisdiction of the Shoreline Management Act) shall not be considered or used for the disposal of dangerous waste.

(b) Dangerous waste storage and treatment facilities, where such facilities have either historically located in areas under jurisdiction of the Shoreline Management Act, or where such facilities require a waterfront or harbor area location, shall be limited to those locations where the local shoreline management master program permits industrial, navigation, manufacturing, or similar activities. Areas classified natural, conservancy, rural, or residential shall not be considered for the location of a dangerous waste facility.

(6) Sole source aquifer criteria. No new facility shall dispose of dangerous waste over a sole source aquifer designated pursuant to section 1424(e) of the Safe Drinking Water Act (Public Law 93-523).

#### NEW SECTION

**WAC 173-303-510 PERFORMANCE STANDARDS.** (1) Purpose. This section provides general performance standards for designing, constructing, operating, and maintaining dangerous waste facilities.

(2) Applicability. This section applies to all dangerous waste facilities permitted under WAC 173-303-820 or 173-303-825. These general performance standards shall be used to determine whether more stringent facility standards should be applied than those spelled out in WAC 173-303-400 or under 173-303-600.

(3) Performance standards. Unless authorized by state, local, or federal laws, or unless otherwise authorized in this regulation, the owner/operator shall design, construct, operate, or maintain a dangerous waste facility that to the maximum extent practical given the limits of technology prevents:

- (a) Degradation of ground water quality;
- (b) Degradation of air quality by open burning or other activities;
- (c) Degradation of surface water quality;
- (d) Destruction or impairment of flora and fauna outside the active portion of the facility;
- (e) Excessive noise;
- (f) Conditions that constitute a negative aesthetic impact for the public using rights of ways, or public lands, or for landowners of adjacent properties;
- (g) Unstable hillsides or soils as a result of trenches, impoundments, excavations, etc.;
- (h) The use of processes that do not treat, detoxify, recycle, reclaim, and recover waste material to the extent economically feasible;

(i) Endangerment of the health of employees, or the public near the facility.

#### NEW SECTION

**WAC 173-303-520 BUFFER MONITORING ZONES.** (1) Buffer zones.

(a) The owner/operator of a dangerous waste facility which treats or stores ignitable waste in covered tanks must treat or store his ignitable waste in a manner equivalent with the National Fire Protection Association's buffer zone requirements for tanks, contained in Tables 2-1 through 2-6 of "The Flammable and Combustible Code-1977."

(b) The owner/operator of a dangerous waste facility which stores reactive waste must store his reactive waste in a manner equivalent with the Uniform Fire Code's "American Table of Distances for Storage of Explosives," Table 77-201, 1979 Edition.

(c) Within the practical limits of the best available management technology, the owner/operator of a new dangerous waste impoundment, landfarm, or landfill should attempt to locate his facility so that the travel time (as defined in WAC 173-303-040) from the active portion of the facility to the nearest downstream well or surface water used for drinking purposes is at least:

- (i) Three years, for dangerous wastes; and
- (ii) Ten years, for extremely hazardous waste.

(2) Monitoring zones.

(a) The owner/operator of a new dangerous waste facility handling category X, A, B, C, or D dangerous waste, not designated as extremely hazardous waste, may provide a monitoring zone around lagoons, landfarms, and landfills as follows:

$$D = \frac{wv}{N} \text{ (ft)}$$

Where

D = the minimum width of the monitoring zone  
 w = 3, a constant  
 v = velocity of surface soil migration, ft/yr  
 N = number of times the surface soil is sampled at one spot in a year.  
 Samples shall be taken a distance of

$$S = \frac{D}{w} \text{ (ft) from the active portion of the facility}$$

Where

D = the monitoring zone width in feet and  
 w = 3.

(b) The same monitoring zone determinations may be made for facilities handling extremely hazardous waste (category X, A, B, or C), except that the value W = 10 shall be used.

(c) Additional information and assistance on choosing monitoring zones is available from the department.

#### NEW SECTION

**WAC 173-303-575 TEMPORARY STANDARDS FOR NEW DANGEROUS WASTE LAND DISPOSAL FACILITIES.** (1) Purpose, scope and applicability.

(a) The purpose of WAC 173-303-575 is to establish minimum standards that define the acceptable management of dangerous waste for new land disposal facilities.

(b) The regulations in WAC 173-303-575 apply to owners and operators of new dangerous waste landfills, surface impoundments, land treatment facilities and Class I underground injection wells that require individual permits under WAC 173-303-800.

(c) The requirements of this part do not apply to:

- (i) A person disposing of dangerous waste by means of ocean disposal subject to a permit by rule issued under WAC 173-303-805;
- (ii) A person disposing of dangerous waste by means of underground injection subject to a permit by WAC 173-303-805;
- (iii) An owner or operator of a POTW subject to a permit by rule under WAC 173-303-805;

(iv) The owner or operator of a facility permitted, licensed, or registered by the state to manage municipal or industrial solid waste, if the only dangerous waste the facility treats, stores, or disposes of is under the quantity exclusion limits of WAC 173-303-070 to 173-303-103;

(v) The owner or operator of a facility which treats or stores dangerous waste that is recycled and not subject to regulation as set forth in WAC 173-303-120;

(vi) A generator accumulating waste on-site in compliance with WAC 173-303-200;

(vii) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 40 CFR 260.10; or

(viii) Persons who undertake activities to immediately contain or treat a spill of dangerous waste or material which, when spilled, becomes a dangerous waste.

(2) Applicability of final facility standards.

In addition to the standards contained in WAC 173-303-575 owners and operators of new dangerous waste landfills, surface impoundments, land treatment facilities and underground injection wells must comply with Siting Standards, WAC 173-303-500, Performance Standards, WAC 173-303-510, Buffer Monitoring Zones, WAC 173-303-520, and General Facility Requirements, WAC 173-303-280 through 173-303-395.

(3) Duration of Temporary Standards and their relationship to Final Permits.

(a) The regulations in WAC 173-303-575 are applicable, and will serve as a basis for issuing permits, to owners or operators of new dangerous waste landfills, surface impoundments, land treatment facilities, or underground injections facilities until final regulations for such facilities become effective.

(b) Only those owners and operators of new dangerous waste landfills, surface impoundments, land treatment facilities or underground injection wells who have applied for a permit, and for whom public notice of the preparation of a draft permit has been issued under WAC 173-303-840(3), by the date final facility standards for these facilities become effective may be issued permits under the regulations in WAC 173-303-575.

(4) Additional permit procedures applicable to WAC 173-303-575.

(a) The procedures for issuance, modification, revocation and reissuance, and termination of permits under WAC 173-303-800 are applicable to permits issued pursuant to WAC 173-303-575. In addition, the following procedures apply to permits under WAC 173-303-575:

(i) Any facility for which a draft permit is prepared pursuant to WAC 173-303-575 may be a major dangerous waste management facility. If the department determines that a facility is major, then a fact sheet shall be prepared for each such facility in accordance with WAC 173-303-810; and

(ii) Instead of the "brief summary of the basis for the draft permit conditions" required by WAC 173-303-840(2)(c)(iii), the fact sheet shall include a detailed discussion of basis for the draft permit conditions. This shall include a demonstration that relevant factors listed by the Environmental Protection Agency in 40 CFR 267 Subparts B through G were considered and a showing of how the draft permit reflects these considerations.

(b) The provisions of WAC 173-303-800 through 173-303-815 and WAC 173-303-825 through 173-303-840 apply to permits under WAC 173-303-575. In addition to the information required by WAC 173-303-815, the applications for permits under WAC 173-303-575 must include the following information:

- (i) For a landfill, sufficient information to demonstrate compliance with Subparts C and F of 40 CFR 267;
- (ii) For a surface impoundment, sufficient information to demonstrate compliance with Subparts D and F of 40 CFR 267;
- (iii) For a land treatment facility, sufficient information to demonstrate compliance with Subparts E and F of 40 CFR 267; and
- (iv) For an underground injection well, sufficient information to demonstrate compliance with Subpart G or 40 CFR 267.

(5) Definitions.

Unless otherwise specified, terms used in WAC 173-303-575 are defined in 40 CFR 260.10 and 122.3, or WAC 173-303-040. For the purposes of WAC 173-303-575, "Regional Administrator" shall mean the "department".

(6) Temporary standards.

Temporary standards for new dangerous waste land disposal facilities shall be standards set forth by the Environmental Protection Agency in 40 CFR Part 267 Subparts B through F.

(7) An owner/operator shall not landfill dangerous waste containing greater than one percent IARC organic carcinogens, nor an extremely hazardous waste as defined by WAC 173-303-080 through 173-303-103 except at the extremely hazardous waste facility at Hanford.

(8) Owners and operators of underground injection wells are prohibited from disposing of extremely hazardous waste as defined by WAC 173-303-080 through 173-303-103, or dangerous waste containing greater than one percent IARC organic carcinogens.

(9) Groundwater monitoring wells shall be designed, constructed and operated so as to prevent groundwater contamination in accordance with chapter 173-160 WAC. Monitoring wells shall be a minimum of 4 inches in diameter.

#### NEW SECTION

**WAC 173-303-600 FINAL FACILITY STANDARDS.** Purpose, scope, and applicability.

(1) The purpose of WAC 173-303-600 through 173-303-670, is to establish minimum state-wide standards which all dangerous waste facilities must meet to obtain a permit under WAC 173-303-825.

(2) The final facility standards apply to owners and operators of all facilities which treat, store, or dispose of dangerous waste as defined in WAC 173-303-080 through 173-303-103. The final facility standards are to be used to determine whether a permit may be issued pursuant to the requirements set forth in WAC 173-303-800. In addition to WAC 173-303-600 through 173-303-670, the final facility standards include WAC 173-303-280 through 173-303-395, and WAC 173-303-500 through 173-303-520.

(3) The final facility standards do not apply to:

(a) Persons whose disposal activities are permitted under the Marine Protection, Research and Sanctuaries Act, except that storage, or treatment facilities where dangerous waste is loaded onto an ocean vessel for incineration or disposal at sea are subject to final facility standards;

(b) Persons whose disposal activities are permitted under the Underground Injection Control Program of the Safe Drinking Water Act, except that storage, or treatment facilities needed to handle dangerous wastes are subject to final facility standards;

(c) Owners or operators of POTWs which treat, store, or dispose of dangerous waste provided they follow the permit-by-rule requirement of WAC 173-303-810(1);

(d) A generator accumulating waste on site in compliance with WAC 173-303-200; and

(e) The owner or operator of a totally enclosed treatment facility.

#### NEW SECTION

**WAC 173-303-610 CLOSURE AND POST CLOSURE.** (1) Applicability.

(a) WAC 173-303-610(2) to (6) (which concern closure) apply to the owners and operators of all dangerous waste facilities; and

(b) WAC 173-303-610(7) to (10) (which concern post-closure care) apply to the owners and operators of all dangerous waste disposal facilities.

(2) Closure performance standard. The owner or operator must close the facility in a manner that:

(a) Minimizes the need for further maintenance; and

(b) Controls, minimizes or eliminates to the extent necessary to prevent threats to human health and the environment, post-closure escape of dangerous waste, dangerous waste constituents, leachate, contaminated rainfall, or waste decomposition products to the ground, surface water, or the atmosphere.

(3) Closure plan; Amendment of plan.

(a) The owner or operator of a dangerous waste management facility must have a written closure plan. The plan must be submitted with the permit application, in accordance with WAC 173-303-815, and approved by the department as part of the permit issuance proceeding under WAC 173-303-840. In accordance with WAC 173-303-810, the approved closure plan will become a condition of any permit. The department's decision must assure that the approved closure plan is consistent with WAC 173-303-610(2), (4), (5), (6), and the applicable requirements of WAC 173-303-630(10), 173-303-640(5), 173-303-650(7), 173-303-660(9) and 173-303-670(8). A copy of the approved plan and all revisions to the plan must be kept at the facility until closure is completed and certified in accordance with WAC 173-303-610(6). The plan must identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan must include at least:

(i) A description of how and when the facility will be partially closed, if applicable, and finally closed. The description must identify the maximum extent of the operation which will be unclosed during the life of the facility and how the requirements of WAC 173-303-610(2) to (6), and the applicable closure requirements of WAC 173-303-630(10), 173-303-640(5), 173-303-650(7), 173-303-660(9), and 173-303-670(8) will be met;

(ii) An estimate of the maximum inventory of wastes in storage and in treatment at any time during the life of the facility. (Any change in this estimate is a minor modification under WAC 173-303-830(4));

(iii) A description of the steps needed to decontaminate facility equipment during closure; and

(iv) An estimate of the expected year of closure and a schedule for final closure. The schedule must include, at a minimum, the total time required to close the facility and the time required for intervening closure activities which will allow tracking of the progress of closure. (For example, in the case of a landfill, estimates of the time required to treat and dispose of all waste inventory and of the time required to place a final cover must be included.)

(b) The owner or operator may amend his closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes are periodically received.) The owner or operator must amend the plan whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. When the owner or operator requests a permit modification to authorize a change in operating plans or facility design, he must request a modification of the closure plan at the same time (see WAC 173-303-840(10)). If a permit modification is not needed to authorize the change in operating plans or facility design, the request for modification of the closure plan must be made within sixty days after the change in plans or design occurs.

(c) The owner or operator must notify the department at least one hundred eighty days prior to the date he expects to begin closure.

(4) Closure; Time allowed for closure.

(a) Within ninety days after receiving the final volume of dangerous wastes, the owner or operator must treat, remove from the site, or dispose of on site, all dangerous wastes in accordance with the approved closure plan. The department may approve a longer period if the owner or operator demonstrates that:

(i)(A) The activities required to comply with this paragraph will, of necessity, take longer than ninety days to complete; or

(B)(I) The facility has the capacity to receive additional wastes;

(II) There is a reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

(III) Closure of the facility would be incompatible with continued operation of the site; and

(ii) He has taken and will continue to take all steps to prevent threats to human health and the environment.

(b) The owner or operator must complete closure activities in accordance with the approved closure plan within one hundred eighty days after receiving the final volume of wastes. The department may approve a longer closure period if the owner or operator demonstrates that:

(i) The closure activities will, of necessity, take longer than one hundred eighty days to complete; or

(ii) (A) The facility has the capacity to receive additional wastes;

(B) There is reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

(C) Closure of the facility would be incompatible with continued operation of the site;

(iii) And he has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but inactive facility.

(5) Disposal or decontamination of equipment. When closure is completed, all facility equipment and structures must have been properly disposed of, or decontaminated by removing all waste and residues.

(6) Certification of closure. When closure is completed, the owner or operator must submit to the department certification both by the owner or operator and by an independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan.

(7) Post-closure care and use of property.

(a) Post-closure care must continue for thirty years after the date of completing closure and must consist of at least the following:

(i) Ground water monitoring and reporting as applicable; and

(ii) Maintenance of monitoring and waste containment systems as applicable.

(b) During the one hundred eighty-day period preceding closure (see WAC 173-303-610(3)(c)) or at any time thereafter, the department may reduce the post-closure care period to less than thirty years if it finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or ground water monitoring results, characteristics of the waste, application of advanced technology,

or alternative disposal, treatment, or reuse techniques indicate that the facility is secure).

Prior to the time that the post-closure care period is due to expire the department may extend the post-closure care period if it finds that the extended period is necessary to protect human health and the environment (e.g., leachate or ground water monitoring results indicate a potential for migration of waste at levels which may be harmful to human health and the environment).

(c) The department may require, at closure, continuation of any of the security requirements of WAC 173-303-310 during part or all of the post-closure period after the date of completing closure when:

- (i) Wastes may remain exposed after completion of closure; or
- (ii) Access by the public or domestic livestock may pose a hazard to human health or may disturb the post-closure monitoring or waste containment systems.

(d) Post-closure use of property on or in which dangerous wastes remain after closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of any containment system, or the function of the facility's monitoring systems, unless the department finds that the disturbance:

- (i) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or
- (ii) Is necessary to reduce a threat to human health or the environment.

(e) All post-closure care activities must be in accordance with the provisions of the approved post-closure plan as specified in WAC 173-303-610(8).

(8) Post-closure plan; Amendment of plan.

(a) The owner or operator of a disposal facility must have a written post-closure plan. The plan must be submitted with the permit application in accordance with WAC 173-303-815, and approved by the department as part of the permit issuance proceeding under WAC 173-303-840. In accordance with WAC 173-303-810, the approved post-closure plan will become a condition of any permit issued. A copy of the approved plan and all revisions to the plan must be kept at the facility until the post-closure care period begins. This plan must identify the activities which will be carried on after closure and the frequency of these activities, and include at least:

- (i) A description of the planned ground water monitoring activities and frequencies at which they will be performed;
- (ii) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure:

(A) The integrity of the cap and final cover or other containment structures where applicable; and

(B) The function of the facility monitoring equipment;

(iii) And the name, address, and phone number of the person or office to contact about the disposal facility during the post-closure period. This person or office must keep an updated post-closure plan during the post-closure period.

(b) The owner or operator may amend his post-closure plan at any time during the active life of the disposal facility or during the post-closure care period. The owner or operator must amend his plan whenever changes in operating plans or facility design, or events which occur during the active life of the facility or during the post-closure period, affect his post-closure plan. He must also amend his plan whenever there is a change in the expected year of closure.

(c) When a permit modification is requested during the active life of the facility to authorize a change in operating plans or facility design which affects the post-closure plan, modification of the post-closure plan must be requested at the same time (see WAC 173-303-840(10)). In all other cases the request for modification of the post-closure plan must be made within sixty days after the change in operating plans or facility design or the events which affect his post-closure plan occur.

(9) Notice to local land authority. Within ninety days after closure is completed, the owner or operator of a disposal facility must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department a survey plan indicating the location and dimensions of landfill cells or other disposal areas with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority or the authority with jurisdiction over local land use must contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the site as specified in WAC 173-303-610(7)(d). In addition, the owner or operator must submit to the local zoning authority or the authority with jurisdiction

over local land use and to the department, a record of the type, location, and quantity of dangerous wastes disposed of within each cell or area of the facility. For wastes disposed of before these regulations were promulgated, the owner or operator must identify the type, location, and quantity of the wastes to the best of his knowledge and in accordance with any records he has kept. Any changes in the type, location, or quantity of dangerous wastes disposed of within each cell or area of the facility that occur after the survey plat and record of wastes have been filed must be reported to the local zoning authority or the authority with jurisdiction over local land use and to the department.

(10) Notice in deed to property.

(a) The owner of the property on which a disposal facility is located must record, in accordance with state law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that:

- (i) The land has been used to manage dangerous wastes;
- (ii) Its use is restricted under WAC 173-303-610(7)(d); and
- (iii) The survey plat and record of the type, location, and quantity of dangerous wastes disposed of within each cell or area of the facility have been filed with the local zoning authority, or the authority with jurisdiction over local land use, and with the department.

(b) If at any time the owner or operator or any subsequent owner of the land upon which a dangerous waste facility was located removes the waste and waste residues, the liner, if any, and all contaminated underlying and surrounding soil, he may remove the notation on the deed to the facility property or other instrument normally examined during title search, or he may add a notation to the deed or instrument indicating the removal of the waste.

#### NEW SECTION

**WAC 173-303-620 FINANCIAL REQUIREMENTS.** (1) Applicability.

(a) The requirements of WAC 173-303-620(3), (4), and (7), apply to owners and operators of all dangerous waste facilities, except as provided otherwise in WAC 173-303-620.

(b) The requirements of WAC 173-303-620(5) and (6) apply only to owners and operators of disposal facilities.

(c) States and the federal government are exempt from the requirements of WAC 173-303-620; however, operators of facilities who are under contract with the state or federal government must meet the financial requirements of this section.

(2) The definitions of WAC 173-303-040 pertaining to liability are the common meanings of the terms as they are generally used in the insurance industry and are not intended to limit the meanings in a way that conflicts with general usage.

(3) Cost estimate for facility closure.

(a) The owner or operator must have a written estimate of the cost of closing the facility in accordance with the requirements in WAC 173-303-610(2) through (6), and applicable closure requirements in WAC 173-303-630(10), 173-303-640(5), 173-303-650(7), 173-303-660(9) and 173-303-670(8). The owner or operator must keep this estimate, and all subsequent estimates required in WAC 173-303-620 at the facility. The estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see WAC 173-303-610(3)(a)).

(b) The owner or operator must prepare a new closure cost estimate whenever a change in the closure plan affects the cost of closure.

(c) On each anniversary of the date on which the first estimate was prepared as specified in WAC 173-303-620(3)(a), the owner or operator must adjust the latest closure cost estimate using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor must be calculated by dividing the latest published annual deflator by the deflator for the previous year. The result is the inflation factor. The adjusted closure cost estimate must equal the latest closure cost estimate (see WAC 173-303-620(3)(b)) times the inflation factor.

(4) Financial assurance for facility closure. An owner or operator of each facility must establish financial assurance for closure of the facility. He must choose from among the following options:

(a) Closure trust fund. The following procedures shall be used to establish a closure trust fund:

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by establishing a closure trust fund which conforms

to the requirements of WAC 173-303-620(4)(a) and by sending an originally signed duplicate of the trust agreement to the department by certified mail. An owner or operator of a new facility must send the originally signed duplicate of the trust agreement to the department by certified mail at least sixty days before the date on which dangerous waste is first received for treatment, storage, or disposal. The trustee must be a bank or other financial institution which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(ii) The wording of the trust agreement must be substantially equivalent to the wording specified in 40 CFR 264.151(a), dated January 12, 1981, and the trust agreement must be accompanied by a formal certification of acknowledgement.

(iii) Payments to the trust fund must be made annually by the owner or operator over the term of the initial permit. The payments to the closure trust fund must be made as follows:

(A) For a new TSD facility, the first payment must be made when the trust fund is established. The first payment must be at least equal to the closure cost estimate (see WAC 173-303-620(3)), except as provided in WAC 173-303-620(4)(g), divided by the number of years in the term of the permit. Subsequent payments must be made no later than thirty days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by performing the following calculation:

$$\text{Next payment} = \frac{\text{ACE} - \text{CV}}{Y}$$

where ACE is adjusted closure cost estimate calculated under WAC 173-303-620(3)(c), CV is the current value of the trust fund, and Y is the number of years remaining in the term of the permit;

(B) If an owner or operator established a trust fund as specified in WAC 173-303-400, and the value of the trust fund does not equal the adjusted closure cost estimate when a permit is awarded for the facility, the amount of the adjusted closure cost estimate still to be paid into the trust fund must be paid in over the term of the permit. Payments must continue to be made no later than thirty days after each anniversary date of the first payment made pursuant to WAC 173-303-400. The amount of each payment must be determined by performing the following calculation:

$$\text{Next payment} = \frac{\text{ACE} - \text{CV}}{Y}$$

where ACE is the adjusted closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the term of the permit.

(iv) The owner or operator may accelerate payments into the trust fund or he may deposit the full amount of the closure cost estimate at the time the fund is established. However, he must maintain the value of the fund at no less than the value the fund would have if annual payments were made as specified in WAC 173-303-620(4)(a)(iii)(A) and (B).

(v) If the owner or operator establishes a closure trust fund after having initially used one or more alternate mechanisms specified in WAC 173-303-620(4), his first payment must be at least the amount that the fund would have contained if the trust fund were established and annual payments made as specified in WAC 173-303-620(4)(a)(iii)(A) and (B).

(vi) After the term of the initial permit is completed, whenever the adjusted closure cost estimate changes, the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund (as described in Section 10 of the trust agreement; see WAC 173-303-620(4)(a)(ii)).

(vii) If the value of the fund is less than the amount of the new estimate, the owner or operator must, within sixty days of the change in the cost estimate, deposit a sufficient amount into the fund so that its value after payment at least equals the amount of the new estimate, or obtain other financial assurance as specified in WAC 173-303-620(4) to cover the difference.

(viii) If an owner or operator substitutes other financial assurance as specified in WAC 173-303-620(4) for all or part of the trust fund, he may submit a written request to the department for release of the amount in the trust fund which is greater than the amount required as a result of such substitution.

(ix) Within sixty days after receiving a request from the owner or operator for release of funds as specified in WAC 173-303-

620(4)(a)(vii) or (a)(viii), the department will instruct the trustee to release to the owner or operator such funds as the department specifies in writing.

(x) After beginning final closure, an owner or operator or any other person authorized to conduct closure may request reimbursement for closure expenditures by submitting itemized bills to the department. Within sixty days after receiving bills for closure activities, the department will instruct the trustee to make reimbursements in those amounts as the department specifies in writing, if the department determines that the closure expenditures are in accordance with the closure plan or otherwise justified.

(xi) The department will agree to termination of the trust when:

(A) The owner or operator substitutes alternate financial assurance for closure as specified in WAC 173-303-620(4); or

(B) The department notifies the owner or operator, in accordance with WAC 173-303-620(4)(i) that he is no longer required by WAC 173-303-620(4) to maintain financial assurance for closure of the facility.

(b) Surety bond guaranteeing payment into a closure trust fund.

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by obtaining a surety bond which conforms to the requirements of WAC 173-303-620(4)(b) and by having the bond delivered to the department by certified mail. An owner or operator of a new facility must have the surety bond delivered to the department by certified mail at least sixty days before the date on which dangerous waste is first received for transfer, treatment, storage, or disposal. The surety bond must be effective before this initial receipt of dangerous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the United States Department of the Treasury.

(ii) The wording of the surety bond must be substantially equivalent to the wording specified in 40 CFR 264.151(b), dated January 12, 1981.

(iii) The owner or operator who uses a surety bond to satisfy the requirements of WAC 173-303-620(4)(b) must also establish a standby trust fund by the time the bond is obtained. Under the terms of the surety bond, all payments made thereunder will be deposited directly into the standby trust fund. This trust fund must meet the requirements specified in WAC 173-303-620(4)(a) except that:

(A) An originally signed duplicate of the trust agreement must be delivered to the department with the surety bond; and

(B) After a nominal initial payment agreed upon between the trustee and the owner or operator, payments as specified in WAC 173-303-620(4)(a) are not required until the standby trust fund is funded pursuant to the requirements of WAC 173-303-620(4)(b).

(iv) The bond must guarantee that the owner or operator will:

(A) Fund the standby trust fund in an amount equal to the penal sum of the bond at least sixty days prior to the expected date of the beginning of final closure of the facility; or

(B) Fund the standby trust fund in an amount equal to the penal sum within fifteen days after an order to begin closure is issued by a court or within fifteen days after issuance of a notice of termination of the permit pursuant to WAC 173-303-840(10); or

(C) Provide alternate financial assurance as specified in WAC 173-303-620 within thirty days after receipt by the department of a notice of cancellation of the bond from the surety.

(v) The surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

(vi) The penal sum of the bond must be in an amount at least equal to the amount of the adjusted closure cost estimate except as provided in WAC 173-303-620(4)(g).

(vii) Whenever the adjusted closure cost estimate increases to an amount greater than the amount of the penal sum of the bond, the owner or operator must, within sixty days after the increase, cause the penal sum of the bond to be increased to an amount at least equal to the new estimate or obtain other financial assurance, as specified in WAC 173-303-620(4) to cover the increase. Whenever the adjusted closure cost estimate decreases, the penal sum may be reduced to the amount of the new estimate following written approval by the department. Notice of an increase or decrease in the penal sum must be sent to the department by certified mail within sixty days after the change.

(viii) The bond shall remain in force unless the surety sends written notice of cancellation by certified mail to the owner or operator and to the department. Cancellation cannot occur, however:

(A) During the ninety days beginning on the date of receipt of the notice of cancellation by the department as shown on the signed return receipt; or

(B) While a compliance procedure is pending, as defined in WAC 173-303-040.

(ix) The surety bond no longer satisfies the requirements of WAC 173-303-620(4)(b) subsequent to the receipt by the department of a notice of cancellation of the surety bond. Upon receipt of such notice the department will issue a compliance order, unless the owner or operator has demonstrated alternate financial assurance as specified in WAC 173-303-620(4). In the event the owner or operator does not correct the violation by demonstrating such alternative financial assurance within thirty days after issuance of the compliance order, the department may direct the surety to place the penal sum of the bond in the standby trust fund.

(x) The owner or operator may cancel the bond if the department has given prior written consent based on receipt of evidence of alternate financial assurance as specified in WAC 173-303-620(4).

(xi) The department will notify the surety when the owner or operator funds the standby trust fund in the amount guaranteed by the surety bond or if he provides alternate financial assurance as specified in WAC 173-303-620(4).

(c) Surety bond guaranteeing performance of closure.

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by obtaining a surety bond which conforms to the requirements of this paragraph and by having the bond delivered to the department by certified mail. An owner or operator of a new facility must have the surety bond delivered to the department by certified mail at least sixty days before the date on which dangerous waste is first received for treatment, storage, or disposal. The surety bond must be effective before this initial receipt of dangerous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 or the United States Department of the Treasury.

(ii) The wording of the surety bond must be substantially equivalent to the wording specified in 40 CFR 264.151(c), dated January 12, 1981.

(iii) The owner or operator who uses a surety bond to satisfy the requirements of WAC 173-303-620(4) must also establish a standby trust fund by the time the bond is obtained. Under the terms of the surety bond, all payments made thereunder will be deposited directly into the standby trust fund. This trust fund must meet the requirements specified in WAC 173-303-620(4)(a), except that:

(A) An originally signed duplicate of the trust agreement must be delivered to the department with the surety bond; and

(B) After a nominal initial payment agreed upon between the trustee and the owner or operator, payments as specified in WAC 173-303-620(4)(a) are not required unless the standby trust fund is funded pursuant to the requirements of WAC 173-303-620(4)(c).

(iv) The bond must guarantee that the owner or operator will:

(A) Perform final closure in accordance with the closure plan and other requirements in the permit for the facility; or

(B) Perform final closure in accordance with WAC 173-303-610 following an order to begin closure issued by a court, or following issuance of a notice of termination of the permit pursuant to WAC 173-303-840(10); or

(C) Provide alternative financial assurance as specified in WAC 173-303-620(4) within thirty days after receipt by the department of a notice of cancellation of the bond from the surety.

(v) The surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

(vi) The penal sum of the bond must be in an amount at least equal to the amount of the adjusted closure cost estimate.

(vii) Whenever the adjusted closure cost estimate increases to an amount greater than the amount of the penal sum of the bond, the owner or operator must, within sixty days after the increase, cause the penal sum of the bond to be increased to an amount at least equal to the new estimate or obtain other financial assurance, as specified in WAC 173-303-620(4), to cover the increase. Whenever the adjusted closure cost estimate decreases, the penal sum may be reduced to the amount of the adjusted closure cost estimate following written approval by the department. Notice of an increase or decrease in the penal sum must be sent to the department by certified mail within sixty days after the change.

(viii) The bond shall remain in force unless the surety sends written notice of cancellation by certified mail to the owner or operator and to the department. Cancellation cannot occur, however:

(A) During the ninety days beginning on the date of receipt of the notice of cancellation by the department as shown on the signed return receipt; or

(B) While a compliance procedure is pending, as defined in WAC 173-303-040.

(ix) Following a determination pursuant to chapter 173-303 WAC that the owner or operator has failed to perform final closure in accordance with the closure plan and other permit requirements or closure order, then as an alternative the surety may deposit the amount of the penal sum into the standby trust fund.

(x) The surety bond no longer satisfies the requirements of WAC 173-303-620(4)(c) subsequent to the receipt by the department of a notice of cancellation of the surety bond. Upon receipt of such cancellation notice, the department will issue a notice of violation pursuant to chapter 173-303 WAC, unless the owner or operator has demonstrated alternate financial assurance as specified in WAC 173-303-620(4). In the event the owner or operator does not correct the violation by demonstrating such alternate financial assurance within thirty days after issuance of the notice of violation, the department may direct the surety to place the penal sum of the bond in the standby trust fund.

(xi) The owner or operator may cancel the bond if the department has given prior written consent based on receipt of evidence of alternate financial assurance as specified in WAC 173-303-620(4).

(xii) The department will notify the surety if the owner or operator provides alternate financial assurance as specified in WAC 173-303-620(4).

(xiii) The surety will not be liable for deficiencies in the performance of closure by the owner or operator after the owner or operator has been notified by the department in accordance with WAC 173-303-620(4)(i), that it is no longer required by WAC 173-303-620(4) to maintain financial assurance for closure of the facility.

(d) Closure letter of credit.

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by obtaining an irrevocable standby letter of credit which conforms to the requirements of WAC 173-303-620(4)(d) and by having it delivered to the department by certified mail. An owner or operator of a new facility must have the letter of credit delivered to the department by certified mail at least sixty days before the date on which dangerous waste is first received for treatment, storage, or disposal. The letter of credit must be effective before the initial receipt of dangerous waste. The issuing institution must be a bank or other financial institution which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.

(ii) The wording of the letter of credit must be substantially equivalent to the wording specified in 40 CFR 264.151(f), dated January 12, 1981.

(iii) An owner or operator who uses a letter of credit to satisfy the requirements of WAC 173-303-620(4) must also establish a standby trust fund by the time the letter of credit is obtained. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the department will be deposited promptly and directly by the issuing institution into the standby trust fund. The standby trust fund must meet the requirements of the trust fund specified in WAC 173-303-620(4)(a), except that:

(A) An originally signed duplicate of the trust agreement must be delivered to the department with the letter of credit; and

(B) After a nominal initial payment agreed upon between the trustee and the owner or operator, payments as specified in WAC 173-303-620(4)(a) are not required unless the standby trust fund is funded pursuant to the requirements of WAC 173-303-620(4)(d).

(iv) The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year. If the issuing institution decides not to extend the letter of credit beyond the then current expiration date it must, at least ninety days before that date, notify both the owner or operator and the department by certified mail of that decision. The ninety-day period will begin on the date of receipt by the department as shown on the signed return receipt. Expiration cannot occur, however, while a compliance procedure is pending as defined in WAC 173-303-040.

(v) The letter of credit must be issued for at least the amount of the adjusted closure cost estimate except as provided in WAC 173-303-620(4)(g).

(vi) Whenever the adjusted closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator must, within sixty days of the increase, cause the amount of the credit to be increased to an amount at least equal to the new estimate or obtain other financial assurance as specified in WAC 173-303-620(4) to cover the increase. Whenever the

adjusted closure cost estimate decreases during the operating life of the facility the letter of credit may be reduced to the amount of the new estimate following written approval by the department. Notice of an increase or decrease in the amount of the credit must be sent to the department by certified mail within sixty days of the change.

(vii) Following a notice pursuant to chapter 173-303 WAC that the owner or operator has failed to perform closure in accordance with the closure plan or other permit requirements, the department may draw on the letter of credit.

(viii) The letter of credit no longer satisfies the requirements of WAC 173-303-620(4)(d) subsequent to the receipt by the department of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the then current expiration date. Upon receipt of such notice, the department will issue a notice of violation pursuant to chapter 173-303 WAC, unless the owner or operator has demonstrated alternate financial assurance as specified in WAC 173-303-620(4). In the event the owner or operator does not correct the violation by demonstrating such alternate financial assurance within thirty days of issuance of the notice of violation, the department may draw on the letter of credit.

(ix) The department will return the original letter of credit to the issuing institution for termination when:

(A) The owner or operator substitutes alternate financial assurance for closure as specified in WAC 173-303-620(4); or

(B) The department notifies the owner or operator, in accordance with WAC 173-303-620(4)(i) that he is no longer required by WAC 173-303-620(4) to maintain financial assurance for closure of the facility.

(e) Reserved.

(f) Reserved.

(g) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of WAC 173-303-620(4) by establishing more than one financial mechanism. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a closure trust fund, and letters of credit. The mechanisms must be as specified in WAC 173-303-620(4)(a), (b), and (d) respectively, except that it is the combination of mechanisms, rather than each single mechanism, which must provide financial assurance for an amount at least equal to the adjusted closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or letter of credit, he may use the trust fund as the standby trust fund for the bond or letter of credit. If the multiple mechanisms include only surety bonds and letters of credit, a single standby trust may be established for all these mechanisms. The department may invoke use of any or all of the mechanisms, in accordance with the requirements of WAC 173-303-620(4)(a), (b) and (d) to provide for closure of the facility.

(h) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in WAC 173-303-620(4) to meet the requirements of WAC 173-303-620(4) for more than one facility of which he is the owner or operator. Evidence of financial assurance submitted to the department must include a list showing, for each facility, the EPA/State Identification Number, name, address, and the amount of funds for closure assured by the mechanism. If the list is changed by addition or subtraction of a facility or by an increase or decrease in the amount of funds assured for closure of one or more facilities, a corrected list must be sent to the department within sixty days of such change. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility.

(i) Release of the owner or operator from the requirements of WAC 173-303-620(4). Within sixty days after receiving certifications from the owner or operator and an independent registered professional engineer that closure has been accomplished in accordance with the closure plan (see WAC 173-303-610(6)), the department will notify the owner or operator in writing that he is no longer required by this section to maintain financial assurance for closure of the particular facility, unless the department has reason to believe that closure has not been in accordance with the closure plan.

(5) Cost estimate for post-closure monitoring and maintenance.

(a) The owner or operator of a disposal facility must have a written estimate of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure regulations in WAC 173-303-610(7) through (10). The owner or operator must keep this estimate, and all subsequent estimates required in WAC 173-303-620(5), at the facility.

(b) The owner or operator must prepare a new annual post-closure cost estimate whenever a change in the post-closure plan affects the cost of post-closure care (see WAC 173-303-610(8)(b)). The latest post-closure cost estimate is calculated by multiplying the latest annual post-closure cost estimate by the number of years of post-closure care required in the latest post-closure plan approved for the facility by the department.

(c) On each anniversary of the date on which the first estimate was prepared as specified in WAC 173-303-620(5)(a), during the operating life of the facility, the owner or operator must adjust the latest post-closure cost estimate using the inflation factor calculated in accordance with WAC 173-303-620(3)(c). The adjusted post-closure cost estimate must equal the latest post-closure cost estimate (see WAC 173-303-620(5)(b)) times the inflation factor.

(6) Financial assurance for post-closure monitoring and maintenance. An owner or operator of each disposal facility must establish financial insurance for post-closure care in accordance with the approved post-closure plan for the facility. He must choose from among the following options:

(a) Post-closure trust fund. The post-closure trust fund requirements shall be identical to the closure trust fund requirements of WAC 173-303-620(4)(a) except for the following:

(i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(a); and

(ii) The following requirement shall be used in place of WAC 173-303-620(4)(a) in order for facilities to meet the requirement of WAC 173-303-620(6)(a):

An owner or operator or any other person authorized to conduct post-closure may request reimbursement for post-closure expenditures by submitting itemized bills to the department. Within sixty days after receiving bills for post-closure activities, the department will instruct the trustee to make reimbursements in those amounts as the department specifies in writing, if the department determines that the post-closure expenditures are in accordance with the post-closure plan or otherwise justified.

(b) Surety bond guaranteeing payment into a post-closure trust fund. The surety bond guaranteeing payment into a post-closure trust fund shall be identical to the surety bond requirements of WAC 173-303-620(4)(b), except for the following:

(i) The word "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(b);

(ii) The words "treatment and storage" in WAC 173-303-620(4), shall not apply to the post-closure requirements of WAC 173-303-620(6)(b);

(iii) The following requirement shall be used in place of WAC 173-303-620(4) in order for facilities to meet the requirements of WAC 173-303-620(6)(b): The bond must guarantee that the owner or operator will:

(A) Fund the standby trust fund in an amount equal to the penal sum of the bond by the beginning of final closure of the facility; or

(B) Fund the standby trust fund in an amount equal to the penal sum within fifteen days after an order to begin closure is issued by a court, or within fifteen days after issuance of a notice of termination of the permit pursuant to WAC 173-303-840(10); or

(C) Provide alternate financial assurance as specified in WAC 173-303-620(6) within thirty days after receipt by the department of a notice of cancellation of the bond from the surety;

(iv) And, the wording of the surety bond must be substantially equivalent to the wording specified in 40 CFR 264.151(d), dated January 12, 1981.

(c) Surety bond guaranteeing performance of post-closure care. The surety bond guaranteeing performance of post-closure care shall be identical to the surety bond requirements of WAC 173-303-620(4)(c), except for the following:

(i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(c);

(ii) The words "treatment and storage" in WAC 173-303-620(4) shall not apply to the post-closure requirements of WAC 173-303-620(6)(c);

(iii) The following requirement shall be used in place of WAC 173-303-620(4)(c)(ii) in order for facilities to meet the requirements of WAC 173-303-620(6)(c):

The wording of the surety bond must be substantially equivalent to the wording specified in 40 CFR 264.151(e), dated January 12, 1981;

(iv) WAC 173-303-620(4)(c) shall not apply to post-closure financial requirements of WAC 173-303-620(6)(c);

(v) The following requirement shall be added to WAC 173-303-620(4)(c):

During the period of post-closure care, the department may approve a decrease in the penal sum of the surety bond if the owner or operator demonstrates to the department that the amount exceeds the remaining cost of post-closure care;

(vi) And the words "or closure order" in WAC 173-303-620(4)(c)(ix) shall not apply to the requirements of WAC 173-303-620(6)(c).

(d) Post-closure letter of credit. The post-closure letter of credit requirements shall be identical to the letter of credit requirements of WAC 173-303-620(4)(d), except for the following:

(i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(d);

(ii) The words "treatment and storage" in WAC 173-303-620(4)(d)(i) shall not apply to the post-closure requirements of WAC 173-303-620(6)(d); and

(iii) The following requirement shall be added to WAC 173-303-620(4)(d):

During the period of post-closure care, the department may approve a decrease in the amount of the letter of credit if the owner or operator demonstrates to the department that the amount exceeds the remaining cost of post-closure care.

(g) Use of multiple financial mechanisms. The use of multiple financial mechanisms shall be identical to the multiple financial mechanisms of WAC 173-303-620(4)(g), except that the words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(g).

(h) Use of a financial mechanism for multiple facilities. The use of a financial mechanism for multiple facilities shall be identical to the financial mechanism for multiple facilities of WAC 173-303-620(4)(h), except for the following:

(i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(h); and

(ii) WAC 173-303-620(4)(h)(i) shall be deleted and replaced with the following requirements:

Release of the owner or operator from the requirements of WAC 173-303-620(6). When an owner or operator has completed, to the satisfaction of the department, all post-closure care requirements for the period of post-closure care specified in the permit for the facility or the period specified by the department after closure, whichever period is shorter, the department will, at the request of the owner or operator, notify him in writing that he is no longer required by WAC 173-303-620(6) to maintain financial assurance for post-closure care of the particular facility.

(7) Use of a mechanism for financial assurance of both closure and post-closure care. An owner or operator may use one of the following financial assurance mechanisms to provide financial assurance for both closure and post-closure care of one or more facilities of which he is the owner or operator:

(a) A trust fund that meets the specifications of both WAC 173-303-620(4)(a) and (6)(a); or

(b) A letter of credit that meets the specifications of both WAC 173-303-620(4)(d) and (6)(d). The amount of funds available under the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial assurance of closure and of post-closure care of each facility.

(8) Liability requirements.

(a) An owner or operator of a dangerous waste treatment, storage, or disposal facility, or a group of such facilities, must demonstrate financial responsibility for claims arising from the operations of each such facility or group of facilities from sudden and accidental occurrences that cause injury to persons or property. An owner or operator must have and maintain liability insurance for sudden occurrences in the amount of at least one million dollars per occurrence with an annual aggregate of at least two million dollars, exclusive of legal defense costs. As evidence of this liability insurance, an owner or operator must deliver an originally signed duplicate of the insurance policy to the department by certified mail. An owner or operator of a new facility must send the originally signed duplicate of the insurance policy to the department by certified mail at least sixty days before the date on which dangerous waste is first received for treatment, storage, or disposal. The insurance must be effective before this initial receipt of dangerous waste. Each policy must be for limits of liability not less than the minimum amounts required by WAC 173-303-620(8)(a) and

each policy must be amended, in order to comply with the requirements of chapter 173-303 WAC, by attachment of the Dangerous Waste Facility Liability Endorsement. The wording of the endorsement must be identical to the wording specified in 40 CFR 264.151(g), dated January 12, 1981.

(b) An owner or operator of a surface impoundment, landfill, or land treatment facility which is used to manage dangerous waste, or a group of such facilities, must demonstrate financial responsibility for claims arising from the operations of each such facility or group of facilities from nonsudden and accidental occurrences that cause injury to persons or property. An owner or operator must have and maintain liability insurance for nonsudden occurrences in the amount of at least three million dollars per occurrence with an annual aggregate of at least six million dollars, exclusive of legal defense costs. As evidence of this liability insurance, an owner or operator of an existing surface impoundment, landfill, or land treatment facility must deliver an originally signed duplicate of the insurance policy to the department. However, such insurance will not be required of an existing facility before the following dates:

(i) For an owner or operator with annual sales in 1980 totaling ten million dollars or more: January 1, 1982;

(ii) For an owner or operator with annual sales in 1980 totaling greater than five million dollars but less than ten million dollars: January 1, 1983;

(iii) All other owners or operators: January 1, 1984.

An owner or operator of a new surface impoundment, landfill, or land treatment facility must send an originally signed duplicate of the insurance policy to the department by certified mail at least sixty days before the date on which dangerous waste is first received for treatment, storage, or disposal. The insurance must be effective before this initial receipt of dangerous waste. For both existing and new facilities, each policy shall be for limits of liability not less than the minimum amounts required by this paragraph and each policy must be amended, in order to comply with the requirements of chapter 173-303 WAC, by attachment of the Dangerous Waste Facility Liability Endorsement. The wording of the endorsement must be identical to the wording specified in 40 CFR 264.151(g), dated January 12, 1981.

(c) If an owner or operator elects to comply with WAC 173-303-620(8)(a) and (b) through one insurance policy covering both sudden and nonsudden occurrences, this policy must be in the amount of at least four million dollars per occurrence with an annual aggregate of at least eight million dollars, exclusive of legal defense costs.

(d) If an owner or operator can demonstrate to the satisfaction of the department that the levels of financial responsibility required by WAC 173-303-620(8)(a) and (b) are not consistent with the degree and duration of risks associated with the treatment, storage, or disposal at each facility or group of facilities, the owner or operator may obtain a variance from the department. The request for a variance must be submitted to the department as part of the permit application under WAC 173-303-815 for a facility that does not have a permit, or pursuant to the procedures for permit modification under WAC 173-303-840(10) for a facility that has a permit. The variance shall take the form of an adjusted level of required liability coverage, such level to be based on the department's assessment of the degree and duration of risks associated with the ownership or operation of each facility or groups of facilities. The department may require an owner or operator who requests a variance to provide such technical and engineering information as is deemed necessary by the department to determine a level of financial responsibility other than that required by WAC 173-303-620(8)(a) and (b) including but not limited to whether the waste is designated as a dangerous or extremely hazardous waste under WAC 173-303-070 to 173-303-120. Any request for a variance for a permitted facility shall be treated as a request for a permit modification under WAC 173-303-840(10).

(e) If the department determines that the levels of financial responsibility required by WAC 173-303-620(8)(a) or (b) are not consistent with the degree and duration of risks associated with treatment, storage, or disposal at any facility or group of facilities, the department may adjust the level of financial responsibility required under WAC 173-303-620(8)(a) or (b) as may be necessary to protect human health and the environment, such adjusted level to be based on the department's assessment of the degree and duration of risks associated with the ownership or operation of each facility or group of such facilities. The department may also require an owner or operator of a treatment or storage facility or group of facilities to comply with WAC 173-303-620(8)(b), if the department determines that there is a significant risk to human health and the environment from nonsudden

and accidental occurrences from the operations of such facility or group of facilities. Any adjustment of the level of required coverage for a facility that has a permit shall be treated as a permit modification under WAC 173-303-840(10).

(9) Incapacity of institutions issuing letters of credit, surety bonds, or insurance policies. An owner or operator who fulfills the requirements of WAC 173-303-620(4), (6), or (8) by obtaining a letter of credit, surety bond, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy, insolvency, or a suspension or revocation of the license or charter of the issuing institution. The owner or operator must establish other financial assurance or liability coverage within sixty days of such events.

#### NEW SECTION

**WAC 173-303-630 USE AND MANAGEMENT OF CONTAINERS.** (1) Applicability. The regulations in WAC 173-303-630 apply to owners and operators of all dangerous waste facilities that store containers of dangerous waste.

(2) Condition of containers. If a container holding dangerous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the dangerous waste from the container to a container that is in good condition or manage the waste in some other way that complies with the requirements of chapter 173-303 WAC.

(3) Identification of containers. The owner or operator must mark and/or label containers in a manner which is equivalent to the procedures of 49 CFR Part 172 Subpart E, and shall mark each container with its accompanying manifest document number. The owner or operator must affix labels or properly mark containers upon transfer from one container to another. The owner or operator must destroy or otherwise remove labels or markings from the emptied container. The owner or operator must ensure that labels or markings are not obscured, removed, or otherwise made unreadable in the course of inspection required under WAC 173-303-320.

(4) Compatibility of waste with containers. The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the dangerous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(5) Management of containers.

(a) A container holding dangerous waste must always be closed, except when it is necessary to add or remove waste.

(b) A container holding dangerous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

(6) Inspections. At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion, deterioration, or other factors.

(7) Containment.

(a) Container storage areas must have a containment system that is capable of collecting and holding spills, leaks, and precipitation. The containment system must:

(i) Have a base underlying the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated rainfall until the collected material is detected and removed;

(ii) Be designed for efficient drainage so that standing liquid does not remain on the base longer than one hour after a leakage or precipitation event unless the containers are elevated or in some other manner are protected from contact with accumulated liquids; and

(iii) Have sufficient capacity to contain ten percent of the volume of containers or the volume of the largest container, whichever is greater.

(b) Run-on into the containment system must be prevented, unless the department waives this requirement in the permit after determining that the collection system has sufficient excess capacity in addition to that required in WAC 173-303-630(7)(a)(iii) to accommodate any run-on which might enter the system.

(c) Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

(d) Extremely hazardous wastes in containers must be protected from the elements by means of a building or other protective covering that otherwise allows adequate inspection under WAC 173-303-630(6).

(8) Special requirements for ignitable or reactive waste.

(a) Containers holding reactive waste must be stored in a manner equivalent to the Uniform Fire Code's "American Table of Distances for Storage of Explosives," Table 77-201, 1979 Edition.

(b) The owner or operator shall design, operate, and maintain ignitable container storage in a manner equivalent with the Uniform Fire Code. Where no specific standard or requirements are specified in the Uniform Fire Code, or in existing state or local fire codes, applicable sections of the NFPA Pamphlet # 30, "Flammable and Combustible Liquids Code," shall be used. The owner/operator shall also comply with the requirements of WAC 173-303-395(1)(d) and 173-303-630(7).

(9) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same container, unless WAC 173-303-395(1)(b) is complied with.

(b) Dangerous waste must not be placed in an unwashed container that previously held an incompatible waste or material.

(c) A storage container holding a dangerous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device. Containment systems for incompatible wastes shall be separate.

(10) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with dangerous waste or dangerous waste residues must be decontaminated or removed.

#### NEW SECTION

**WAC 173-303-640 TANKS.** (1) Applicability.

(a) The regulations in WAC 173-303-640 apply to owners and operators of facilities that use tanks to treat or store dangerous waste, except as WAC 173-303-640(1)(b) provides otherwise.

(b) The regulations in WAC 173-303-640 prohibit facilities that treat or store dangerous waste in covered underground tanks that cannot be entered for inspection, unless such tanks can be externally inspected or they have secondary containment structures that allow for monitoring, containment and removal of leaks.

(2) Design of tanks.

(a) The owner or operator shall design tanks including the foundation, structural support, seams and pressure controls to assure sufficient shell strength, pressure controls for closed tanks, earthquake resistance etc. The owner/operator shall submit a statement with his permit application specified in WAC 173-303-815, stating the basis for selecting minimum shell thickness, such as:

(i) Underwriters Laboratories Inc. standards;

(ii) American Petroleum Institute standards;

(iii) American Concrete Institute standards; or

(iv) American Society of Mechanical Engineers standards.

The statement shall be certified by an independent professional engineer.

(b) All tanks holding extremely hazardous waste which is acutely or chronically toxic by inhalation must be designed to prevent escape of vapors, fumes, or other emissions into the air. New tanks holding extremely hazardous waste shall be constructed above ground and have an impervious base underlying the tanks in the storage area, unless state or local fire codes require otherwise.

The containment system shall have adequate capacity to contain the volume of the largest tank in the storage area, or to contain ten percent of the total storage volume of all the tanks in the containment system, whichever is larger.

(c) All tanks holding dangerous or extremely hazardous waste shall be marked with labels or signs to identify the waste contained in the tank. The label or sign shall be legible at a distance of at least twenty-five feet, and shall bear a legend which identifies the waste in a manner consistent with United States Department of Transportation regulations 49 CFR 172. In lieu of this requirement, an owner/operator may demonstrate to the department that he uses an identification system for the tanks which adequately warns employees and the public of the hazards associated with the waste being stored or treated in the tanks.

(3) General operating requirements.

(a) Wastes and other materials (e.g., treatment reagents) which are incompatible with the material of construction of the tank must not be placed in the tank unless the tank is protected from accelerated corrosion, erosion, or abrasion through the use of:

(i) An inner liner or coating which is compatible with the waste or material and which is free of leaks, cracks, holes, or other deterioration; or

(ii) Alternative means of protection (e.g., cathodic protection or corrosion inhibitors).

(b) The owner or operator must use appropriate controls and practices to prevent overfilling. These must include:

(i) Controls to prevent overfilling (e.g., waste feed cut-off system or by-pass system to a standby tank); and

(ii) For uncovered tanks, maintenance of sufficient freeboard to prevent overtopping by wave or wind action or precipitation.

(4) Inspections.

(a) The owner or operator must inspect:

(i) Overfilling control equipment (e.g., waste feed cut-off systems and by-pass systems) at least once each operating day to ensure that it is in good working order;

(ii) Data gathered from monitoring equipment (e.g., pressure, level, volume, and temperature gauges) where present, at least once each operating day to ensure that the tank is being operated according to its design;

(iii) For uncovered tanks, the level of waste in the tank, at least once each operating day or before each filling to ensure compliance with WAC 173-303-640(3)(b);

(iv) The construction materials of the above-ground portions of the tank, at least weekly to detect corrosion or erosion and leaking of fixtures and seams; and

(v) The area immediately surrounding the tank, at least weekly, to detect obvious signs of leakage (e.g., wet spots or dead vegetation).

(b) As part of the inspection schedule required in WAC 173-303-320(2)(b), and the specific requirements of WAC 173-303-640(2)(a), the owner or operator must develop a schedule and procedure for assessing the condition of the tank. The schedule and procedure must be adequate to detect cracks, leaks, corrosion, or erosion which may lead to cracks or leaks, or wall thinning to less than the thickness specified in WAC 173-303-640(2). Procedures for emptying a tank to allow entry and inspection of the interior must be established when necessary to detect corrosion or erosion of the tank sides and bottom. The frequency of these assessments must be based on the material of construction of the tank, type of corrosion or erosion protection used, rate of corrosion or erosion observed during previous inspections, and the characteristics of the waste being treated or stored.

(c) As part of the contingency plan required under WAC 173-303-350, the owner or operator must specify the procedures he intends to use to respond to tank spills or leakage, including procedures and timing for expeditious removal of leaked or spilled waste and repair of the tank.

(5) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from tanks, discharge control equipment, and discharge confinement structures.

(6) Special requirements for ignitable or reactive wastes.

(a) Ignitable or reactive waste must not be placed in a tank unless:

(i) The waste is treated, rendered, or mixed before or immediately after placement in the tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090, and 173-303-395(1)(b) is complied with; or

(ii) The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

(iii) The tank is used solely for emergencies.

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must locate the tanks in a manner equivalent to the National Fire Protection Association's buffer zone requirements for tanks, contained in Tables 1-1 through 2-6 of the "Flammable and Combustible Code - 1977", or as required by state and local fire codes.

(7) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same tank, unless WAC 173-303-395(1)(b) is complied with.

(b) Dangerous waste must not be placed in an unwashed tank which previously held an incompatible waste or material, unless WAC 173-303-395(1)(b) is complied with.

## NEW SECTION

**WAC 173-303-650 SURFACE IMPOUNDMENTS.** (1) Applicability. The regulations in WAC 173-303-650 apply to owners and

operators of facilities that use surface impoundments to treat or store (but not dispose of) dangerous waste.

(2) General design requirements.

(a) A surface impoundment must be designed to provide:

(i) At least sixty centimeters (two feet) of freeboard; or

(ii) An amount of freeboard less than sixty centimeters based on documentation, acceptable to the department, that the specified amount of freeboard will prevent overtopping.

(b) A surface impoundment must be designed so that any flow of waste into the impoundment can be immediately shut off in the event of overtopping or liner failure.

(c) A surface impoundment must be designed to prevent discharge into the land and ground water, and to surface water (except discharges authorized by an NPDES permit) during the life of the impoundment by use of a containment system which complies with WAC 173-303-650(4).

(d) Dikes must be designed with sufficient structural integrity to prevent massive failure without dependence on any liner system included in the surface impoundment design.

(e) A leachate detection, collection, and removal system must be designed so that liquid will flow freely from the collection system to prevent the creation of pressure head within the collection system in excess of that necessary to cause the liquid to flow freely.

(f) Surface impoundments may be located so as to meet the buffer zone requirements of WAC 173-303-520.

(g) Surface impoundments must be designed to repel birds.

(3) General operating requirements.

(a) A surface impoundment must be operated to prevent any overtopping due to wind and wave action, overfilling, precipitation, or any combination thereof.

(b) A surface impoundment must be operated to maintain at least the amount of freeboard specified by the department in the permit.

(c) A leachate detection, collection, and removal system installed to comply with WAC 173-303-650(4)(b) must be operated so that leachate flows freely from the collection system and is removed as it accumulates or with sufficient frequency to prevent backwater within the collection system.

(d) Earthen dikes must be kept free of:

(i) Perennial woody plants with root systems which could displace the earthen materials upon which the structural integrity of the dike is dependent; and

(ii) Burrowing mammals which could remove earthen materials upon which the structural integrity of the dike is dependent or create leaks through burrows in the dike.

(e) Run-on must be diverted away from a surface impoundment.

(4) Containment systems.

(a) Earthen dikes must have a protective cover, such as grass, shale, or rock, to minimize wind and water erosion and to preserve the structural integrity of the dike.

(b) A liner system designed to prevent discharge into the land during the life of the surface impoundment must:

(i) Be constructed with a highly impermeable liner system in contact with the waste which will prevent discharge of the waste or leachate through the liner(s) during the life of the surface impoundment based on the liner(s) thickness, the saturated permeability of the liner(s) and the pressure head or waste or leachate to which the liner(s) will be exposed;

(ii) Be constructed with a leachate detection, collection, and removal system beneath the liner(s) in contact with the waste to detect, contain, collect, and remove any discharge from the liner system in contact with the waste; and

(iii) Be constructed above the water table to ensure the detection of any discharge of waste or leachate through the liner system in contact with the waste; prevent the discharge of ground water to the leachate detection, collection, and removal system; and to protect the structural integrity of the liner(s).

(c) A containment system must have a containment life equal to or greater than the life of the surface impoundment.

(d) Liner systems must be constructed:

(i) Of materials which have appropriate chemical properties and strength and of sufficient thickness to prevent failure due to pressure head, physical contact with the waste or leachate to which they are exposed, climatic conditions, and the stress of installation; and

(ii) On a foundation capable of providing support to the liner(s) and resistance to pressure head above the liner(s) to prevent failure of the liner(s) due to settlement or compression.

(e) For extremely hazardous wastes, the owner/operator shall submit a statement with his permit application specified in WAC 173-303-815, stating the basis for selecting the liner system required in WAC 173-303-650(4)(d)(i), and the statement shall be certified by an independent professional engineer.

(5) Inspections and testing.

(a) During construction or installation, liner systems must be inspected for uniformity, damage, and imperfections (e.g. holes, cracks, thin spots, and foreign materials).

(b) Earth material liner systems must be tested for compaction density, moisture content, and permeability after placement.

(c) Manufactured liner materials (e.g., membranes, sheets, and coatings) must be inspected to ensure tight seams and joints and the absence of tears or blisters.

(d) The owner or operator must inspect:

(i) A surface impoundment which contains free liquids at least once each operating day to ensure compliance with WAC 173-303-650(3)(a), (b), and (c), and to detect any leaks or other failures of the impoundment; and

(ii) Each surface impoundment, including dikes, berms, and vegetation surrounding the dike, at least once a week and after storms to detect any evidence of or potential for leaks from the impoundment, erosion of dikes, and to ensure compliance with WAC 173-303-650(3)(d).

(e) The structural integrity of any dike, including that portion of any dike which provides freeboard, must be certified against massive failure by a qualified engineer prior to the issuance or reissuance of a permit; or if the impoundment is not in service, prior to being placed in service after construction, or prior to being returned to service.

In certifying the structural integrity of the dike it must be established that the dike will withstand:

(i) The stress of the pressure head of liquids placed into the impoundment;

(ii) The weakening effect of earth materials being scoured due to leakage from the impoundment through and under the dike without relying on any liner system; and

(iii) The weakening effect of earth materials being scoured due to leakage from the impoundment through and under the dike assuming leaks develop in the liner system.

(6) Containment system repairs; contingency plans.

(a) Whenever there is any indication of a possible failure of the containment system, that system must be inspected in accordance with the provisions of the containment system evaluation and repair plan required by WAC 173-303-650(6)(d). Indications of possible failure of the containment system include at least an unplanned and nonsudden drop in liquid level in the impoundment, liquid detected in the leachate detection system, evidence of leakage or the potential for leakage in the dike, erosion of the dike, apparent or potential deterioration of the liner(s) based on observation or test samples of the liner materials, any mishandling of wastes placed in the impoundment, and foreign objects in the impoundment.

(b) Whenever there is indication of a failure of the containment system, the impoundment must be removed from service. Indications of failure of the containment system include an unplanned sudden drop in liquid level in the impoundment, waste detected in the leachate detection system, active leakage through the dike, or a breach (e.g., a hole, tear, crack, or separation) in the liner system.

(c) If the surface impoundment must be removed from service as required by WAC 173-303-650(6)(b), the owner or operator must:

(i) Immediately shut off the flow of or stop the addition of wastes into the impoundment;

(ii) Immediately contain any leakage which has occurred or is occurring;

(iii) Immediately cause the leak to be stopped; and

(iv) If the leak cannot be stopped by any other means, empty the impoundment.

(d) As part of the contingency plan required in WAC 173-303-350, the owner or operator must specify:

(i) A procedure for complying with the requirements of WAC 173-303-650(6)(c); and

(ii) A containment system evaluation and repair plan describing testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; a schedule of actions to be taken in the event of a possible failure; and a description of the repair techniques to be used in the event of leakage due to containment system failure or deterioration which does not require the impoundment to be removed from service.

(e) No surface impoundment that has been removed from service in accordance with WAC 173-303-650(6)(b) may be restored to service unless:

(i) The containment system has been repaired; and

(ii) The containment system has been certified by a qualified engineer as meeting the design specifications approved in the permit.

(f) A surface impoundment that has been removed from service in accordance with WAC 173-303-650(6)(b) and that will not be repaired must be closed in accordance with WAC 173-303-650(7).

(7) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from the impoundment. Any component of the containment system or any appurtenant structure or equipment (e.g., discharge platforms and pipes, and baffles, skimmers, aerators, or other equipment) containing or contaminated with dangerous waste or waste residues must be decontaminated or removed.

(8) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a surface impoundment, unless:

(a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090; and

(ii) WAC 173-303-395(1)(b) is complied with; or

(b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; or

(c) The surface impoundment is used solely for emergencies.

(9) Special requirements for incompatible wastes. Incompatible wastes, or incompatible wastes and materials must not be placed in the same surface impoundment, unless WAC 173-303-395(1)(b) is complied with.

#### NEW SECTION

WAC 173-303-660 WASTE PILES. (1) Applicability. The regulations of WAC 173-303-660 apply to owners and operators of facilities that store or treat dangerous waste in piles.

(2) General design requirements.

(a) A waste pile must be designed to control dispersal of the waste by wind, where necessary, or by water erosion.

(b) A waste pile must be designed to prevent discharge into the land, surface water, or ground water during the life of the pile by use of a containment system which complies with WAC 173-300-660(4).

(c) All extremely hazardous and all respiratory carcinogens designated by WAC 173-303-103 stored in waste piles must be protected from dispersal by precipitation or wind (e.g., covered, stored inside a building, etc.).

(3) General operating requirements.

(a) The department shall specify control practices (e.g., cover or frequent wetting) where necessary to ensure that wind dispersal of dangerous waste from piles is controlled.

(b) Run-on must be diverted away from a waste pile.

(c) Leachate and run-off from a waste pile must be collected and controlled.

(4) Containment systems.

(a) A containment system must be designed, constructed, maintained, and operated to prevent discharge into the land, surface water, or ground water during the life of the waste pile. The system must consist of:

(i) A leachate and run-off collection and control system; and either

(ii) A base underlying and in contact with the waste pile that is made of a liner (or liners) which will prevent discharge into the land, surface water, or ground water during the life of the pile based on the liner(s) thickness, the permeability of the liner(s), and the characteristics of the waste or leachate to which the liner(s) will be exposed. The liner(s) must be of sufficient strength and thickness to prevent failure due to puncture, cracking, tearing, or other physical damage from equipment used to place waste in or on the pile, or to clean and expose the liner surface for inspection; or

(iii) A base as in WAC 173-303-660(4)(a)(ii) (except that the liner(s) need not be of sufficient strength and thickness to prevent failure due to physical damage from equipment used to clean and expose the liner surface for inspection) and a leachate detection, collection, and removal system beneath the base to detect, contain, collect, and remove any discharge from the base. The leachate detection, collection, and removal system must be placed above the water table to ensure the detection of any discharge through the base; to prevent the discharge of ground water into the leachate detection, collection, and removal system; and to protect the structural integrity of the base.

- (b) A waste pile base must be constructed:
- (i) Of materials that have appropriate chemical properties and strength and of sufficient thickness to prevent failure due to pressure of and physical contact with the waste to which they are exposed, climatic conditions, and the stress of installation; and
- (ii) On a foundation capable of providing support to the liner(s) and to loads placed or moving above the liner(s) to prevent failure of the liner(s) due to settlement or compression.
- (c) A containment system must be protected from plant growth which could puncture any component of the system.
- (d) A containment system must have a containment life equal to or greater than the life of the pile.
- (e) For extremely hazardous waste, the owner or operator shall submit a statement with his permit application specified in WAC 173-303-815, stating the basis for selecting the containment system required in WAC 173-303-660(4)(b). The statement shall be certified by an independent professional engineer.
- (5) Inspections and testing. During construction or installation of the waste pile base:
- (a) Liner systems must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, and foreign materials); and
- (b) Manufactured liner materials (e.g., membranes, sheets, and coatings) must be inspected to ensure tight seams and joints and the absence of tears or blisters.
- (6) Containment system repairs; contingency plans.
- (a) Whenever there is any indication of a possible failure of the containment system, that system must be inspected in accordance with the provisions of the containment system evaluation and repair plan required by WAC 173-303-660(6)(d). Indications of possible failure of the containment system include liquid detected in the leachate detection system (where applicable), evidence of leakage or the potential for leakage in the base, erosion of the base, or apparent or potential deterioration of the liner(s) based on observation or test samples of the liner materials.
- (b) Whenever there is a positive indication of a failure of the containment system, the waste pile must be removed from service. Indications of positive failure of the containment system include waste detected in the leachate detection system (where applicable), or a breach (e.g., a hole, tear, crack, or separation) in the base.
- (c) If the waste pile must be removed from service as required by WAC 173-303-660(6)(d), the owner or operator must:
- (i) Immediately stop adding wastes to the pile;
- (ii) Immediately contain any leakage which has occurred or is occurring;
- (iii) Immediately cause the leak to be stopped; and
- (iv) If the leak cannot be stopped by any other means, remove the waste from the base.
- (d) As part of the contingency plan required in WAC 173-303-350, the owner or operator must specify:
- (i) A procedure for complying with the requirements of WAC 173-303-660(6)(c); and
- (ii) A containment system evaluation and repair plan describing testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; a schedule of actions to be taken in the event of a possible failure; and a description of the repair techniques to be used in the event of leakage due to containment system failure or deterioration which does not require the waste pile to be removed from service. For EHW waste piles, owner/operators must submit with their permit application a statement signed by an independent professional engineer of the basis on which the evaluation and repair plan has been established.
- (e) No waste pile that has been removed from service in accordance with WAC 173-303-660(6)(b) may be restored to service unless:
- (i) The containment system has been repaired; and
- (ii) The containment system has been certified by a qualified engineer as meeting the design specifications approved in the permit.
- (f) A waste pile that has been removed from service in accordance with WAC 173-303-660(6)(b) and will not be repaired, must be closed in accordance with WAC 173-303-660(9).
- (7) Special requirements for ignitable or reactive waste.
- (a) Ignitable or reactive waste must not be placed in a pile, unless:
- (i) Addition of the waste to an existing pile results in the waste or mixture no longer meeting the definition of ignitable or reactive waste under WAC 173-303-090; and, complies with WAC 173-303-395(1)(b); or

(ii) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

(8) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same pile, unless WAC 173-303-395(1)(b) is complied with.

(b) A pile of dangerous waste that is incompatible with any waste or other material stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device. Piles of incompatible wastes must not be served by the same containment system required by WAC 173-303-660(4).

(c) Dangerous waste must not be piled on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with WAC 173-303-395(1)(b).

(9) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from the pile. Any component of the containment system containing or contaminated with dangerous waste or dangerous waste residues must be decontaminated or removed.

#### NEW SECTION

##### WAC 173-303-670 INCINERATORS. (1) Applicability.

(a) The regulations in WAC 173-303-670 apply to owners and operators of facilities that incinerate dangerous waste.

(b) The department may, in establishing permit conditions, exempt the facility from all requirements of WAC 173-303-670 except WAC 173-303-670(2), Waste analysis, and WAC 173-303-670(8), Closure, if the department finds, after an examination of the waste analysis included with Part B of the owner/operator's permit application, that the waste to be burned:

(i) Is either listed as a dangerous waste in WAC 173-303-080 only because it is ignitable (Hazard Code I) or, that the waste is designated only as an ignitable dangerous waste under WAC 173-303-090;

(ii) That the waste analysis included with Part B of the permit application includes none of the dangerous constituents listed in the appendix WAC 173-303-9905 above concentration limits designated in WAC 173-303-084;

(iii) That the waste analysis included with Part B of the permit application includes no halogenated hydrocarbon above 0.01 percent and no polycyclic aromatic hydrocarbons above 1.0 percent; and

(iv) That the waste feed contains no acutely toxic wastes designated according to WAC 173-303-084.

(c) The owner or operator of an incinerator may conduct trial burns, subject to the requirements of WAC 173-303-805(3), Trial burn permits.

##### (2) Waste analysis.

(a) As a portion of a trial burn plan required by WAC 173-303-805(3), or with Part B of his permit application, the owner or operator must have included an analysis of his waste feed sufficient to provide all information required by WAC 173-303-805(3)(b) or 173-303-815(8).

(b) Throughout normal operation the owner or operator must conduct sufficient waste analysis to verify that waste feed to the incinerator is within the physical and chemical composition limits specified in his permit (under WAC 173-303-670(6)(b)).

(3) Designation of principal organic hazardous constituents and hazardous combustion byproducts. Principal organic hazardous constituents (POHCs) and hazardous combustion byproducts must be treated to the extent required by the performance standards specified in WAC 173-303-670(4). For each waste feed to be burned, one or more POHCs and hazardous combustion byproducts will be specified from among those constituents. This specification will be based on the degree of difficulty of incineration of the organic constituents of the waste feed and its combustion byproducts, their concentration or mass, considering the results of waste analyses and trial burns or alternative data submitted with Part B of the facility's permit application. Organic constituents or byproducts which represent the greatest degree of difficulty of incineration will be those most likely to be designated as POHCs and hazardous combustion byproducts. Constituents are more likely to be designated as POHCs or hazardous combustion byproducts if they are present in large quantities or concentrations. Trial POHCs will be designated for performance of trial burns in accordance with the procedure specified in WAC 173-303-805(3) for obtaining trial burn permits. Trial hazardous combustion byproducts may be designated under the same procedures.

(4) Performance standards. An incinerator burning dangerous waste must be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under WAC 173-303-670(6), it will meet the following performance standards:

(a) An incinerator burning dangerous waste must achieve a destruction and removal efficiency (DRE) of 99.99 percent for each principal organic hazardous constituent (POHC) designated (under WAC 173-303-670(3)) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$$DRE = \frac{(W_{in} - W_{out})}{W_{in}} \times 100\%$$

Where:  
 $W_{in}$  = Mass feed rate of one principal organic hazardous constituent (POHC) in the waste stream feeding the incinerator, and  
 $W_{out}$  = Mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere.

(b) Incinerators burning dangerous waste must destroy hazardous combustion byproducts designated under WAC 173-303-670(3) so that the total mass emission rate of these byproducts emitted from the stack is no more than .01 percent of the total mass feed rate of POHCs fed into the incinerator.

(c) An incinerator burning dangerous waste containing more than 0.5 percent chlorine must remove 99 percent of the hydrogen chloride from the exhaust gas.

(d) An incinerator burning hazardous waste must not emit particulate matter exceeding 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for 12 percent CO<sub>2</sub> using the procedures presented in the Clean Air Act regulations, "Standards of Performance for Incinerators," 40 CFR 60.50, Subpart E. These particulate emission standards shall be met when no other standards exist. Where a state or local air pollution control authority has jurisdiction, an incinerator burning dangerous or extremely hazardous wastes shall comply with the applicable air pollution control authority's emission standards (including limits based on best available control technology).

(e) For purposes of permit enforcement, compliance with the operating requirements specified in the permit (under WAC 173-303-670(6)) will be regarded as compliance with WAC 173-303-670(4). However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of WAC 173-303-670(4) may be evidence justifying modification, revocation, or reissuance of a permit under WAC 173-303-840(10).

(5) New wastes: Trial burns or permit modifications.

(a) The owner or operator of a dangerous waste incinerator may burn only wastes specified in his permit and only under operating conditions specified for those wastes under WAC 173-303-670(6); except:

(i) In approved trial burns under WAC 173-303-805(3); or

(ii) Under exemptions created by WAC 173-303-670(1).

(b) Other dangerous wastes may be burned only after operating conditions have been specified in a new permit or a permit modification as applicable. Operating requirements for new wastes may be based on either trial burn results or alternative data included with Part B of a permit application under WAC 173-303-815(8).

(6) Operating requirements.

(a) An incinerator must be operated in accordance with operating requirements specified in the permit. These will be specified on a case-by-case basis as those demonstrated (in a trial burn or in alternative data as specified in WAC 173-303-670(5)(b) and included with Part B of a facility's permit application) to be sufficient to comply with the performance standards of WAC 173-303-670(4).

(b) Each set of operating requirements will specify the composition of the waste feed (including acceptable variations in the physical or chemical properties of the waste feed which will not affect compliance with the performance requirement of WAC 173-303-670(4)) to which the operating requirements apply. For each such waste feed, the permit will specify acceptable operating limits including the following conditions:

(i) Carbon monoxide (CO) level in the stack exhaust gas;

(ii) Waste feed rate;

(iii) Combustion temperature;

(iv) Air feed rate to the combustion system;

(v) Allowable variations in incinerator system design or operating procedures; and

(vi) Such other operating requirements as are necessary to ensure that the performance standards of WAC 173-303-670(4) are met.

(c) During startup and shutdown of an incinerator, dangerous waste (except ignitable waste exempted in accordance with WAC 173-303-670(1)) must not be fed into the incinerator unless the incinerator is operating within the conditions of operation (temperature, air feed rate, etc.) specified in the permit.

(d) Fugitive emissions from the combustion zone must be controlled by:

(i) Keeping the combustion zone totally sealed against fugitive emissions;

(ii) Maintaining a combustion zone pressure lower than atmospheric pressure; or

(iii) An alternate means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

(e) An incinerator must be operated with a functioning system to automatically cut off waste feed to the incinerator when operating conditions deviate from limits established under WAC 173-303-670(6)(a).

(f) An incinerator must cease operation when changes in waste feed, incinerator design, or operating conditions exceed limits designated in its permit.

(7) Monitoring and inspections.

(a) The owner or operator must conduct, as a minimum, the following monitoring while incinerating dangerous waste:

(i) Combustion temperature, waste feed rate, and air feed rate must be monitored on a continuous basis;

(ii) Carbon monoxide (CO) must be monitored on a continuous basis at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere; and

(iii) Upon request by the department, sampling and analysis of the waste and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the performance standards of WAC 173-303-670(4).

(b) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be completely inspected at least daily for leaks, spills, and fugitive emissions. All emergency waste feed cutoff controls and system alarms must be checked daily to verify proper operation.

(c) This monitoring and inspection data must be recorded and the records must be placed in the operating log required by WAC 173-303-380(1).

(8) Closure. At closure the owner or operator must remove all dangerous waste and dangerous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the incinerator site.

## NEW SECTION

**WAC 173-303-700 REQUIREMENTS FOR THE WASHINGTON STATE EXTREMELY HAZARDOUS WASTE MANAGEMENT FACILITY AT HANFORD.** (1) Purpose and applicability. The purpose of this section is to set forth the requirements for the Washington extremely hazardous waste management (EHWM) facility located at Hanford, Washington. It is the only facility within the state that is allowed under law to dispose of extremely hazardous waste (RCW 70.105.050).

(2) Waste Acceptance at Hanford.

(a) The state operator shall accept extremely hazardous waste for treatment, storage, or disposal when:

(i) The waste has been specified in the state operator's permit as not requiring prior approval from the department and the state operator sends a copy of each written request for disposal of waste at the EHWM facility to the department, not later than one week after receiving the request; or

(ii) If the waste has not been specified in the state operator's permit, then the department provides written approval that the waste may be accepted at the EHWM facility. Notices of approval or disapproval shall be provided as soon as possible, but not later than 15 days, after the state operator has notified the department. Written approval from the department is not required in emergencies, as specified; and

(iii) The generator has obtained prior written approval for waste acceptance from the state operator;

(iv) The waste is accompanied by a manifest specified in the generator requirements of WAC 173-303-180, manifest; and

(v) Waste containers meet the labeling and container condition requirements of WAC 173-303-190.

(b) The state operator may accept dangerous waste, as defined in this regulation, for storage, treatment, or disposal when:

(i) All the conditions of extremely hazardous waste acceptance, WAC 173-303-700(2), are met;

(ii) The generator and/or operator shows that no other permitted treatment, storage, or disposal (TSD) facility in the state will handle such dangerous waste. The generator and/or operator shall refer to:

(A) County or municipal ordinances or solid waste permits forbidding dangerous waste disposal at nearby sites;

(B) The extremely hazardous waste site being the shortest economical haul distance where other remotely located, dangerous waste sites may be available; and

(C) Specific rejection or disapproval, in writing, by nearby dangerous waste site operators, public or private; and

(iii) The EHW facility is designed to handle such a request or can be modified to the extent necessary to adequately dispose of the waste.

(c) The state operator, after consulting with the department, may refuse to accept any waste that does not meet the requirements of the extremely hazardous or dangerous waste acceptance procedures of WAC 173-303-700(2) until the facts are ascertained, including but not limited to:

(i) The requirement that samples of waste be taken and analyzed; or

(ii) The condition of the containers by physical inspection of the delivery load.

(d) The state operator may accept extremely hazardous or dangerous waste under emergency conditions if:

(i) An emergency and potential threat to the public health and safety exists;

(ii) the state operator notifies the department as soon as possible;

(iii) The state operator stores the waste upon delivery until the full manifest has been received and approved by the department; and

(iv) The generator is fully apprised that the waste remains his liability until approved under WAC 173-303-700(2)(d)(iii).

(3) Other applicable requirements. The EHW facility at Hanford shall meet all other requirements of chapter 173-303 WAC, including specific requirements for storage, treatment, transfer and disposal of extremely hazardous waste, and siting, performance, and operation of EHW facilities. The EHW facility shall also meet the following requirements:

(a) The state operator shall not remove any extremely hazardous waste from the facility without the department's approval;

(b) The state operator shall maintain facilities for telephone and radio contact with the Hanford Reservation Security Patrol, and include this information with the contingency plan required in WAC 173-303-350;

(c) As a minimum, the state operator shall provide personnel having knowledge and background in the following areas:

(i) Inspecting and checking manifests for completeness and accuracy;

(ii) Applied chemistry as it relates to reactivity, explosiveness, and flammability; and

(iii) Industrial hygiene and/or toxicology of industrial, commercial, and agricultural chemicals, and emergency procedures;

(d) The state operator shall ensure that new personnel have a complete physical examination and annual checkups thereafter. The physician should be alerted to the kinds of materials the employee has been handling, so that more specific analyses can be made. The medical records shall be made a part of the state operator's records as required in WAC 173-303-380(1); and

(e) The state operator shall submit copies of all fee schedules to the department for yearly review and approval. The state operator shall supply, and the department shall use, the following criteria to review such disposal fees:

(i) Their relationship to other fees charged for similar services;

(ii) Reasonable return on investment and profit for the operator; and

(iii) The cost of administration, development, operation, maintenance, and perpetual management of the EHW facility, including administrative costs and perpetual management costs of the department.

(4) Department surveillance.

(a) In addition to the reports required under WAC 173-303-390, Facility Reports, the EHW facility operator shall report the following to the department:

(i) Copies of all environmental sampling results during the previous quarter;

(ii) Telephone and written accounts of any accidents or emergencies requiring action under WAC 173-303-360; and

(iii) Complete financial reports during the previous year.

(b) The state operator shall admit the department's duly authorized representative to inspect the site at any reasonable hour of the day. Inspection may cover any of the following:

(i) The site and facilities;

(ii) The waste being delivered, stored, processed, or buried, including the taking of samples, a portion of each sample being given to the operator upon his request;

(iii) The environment, by the drilling of test wells and obtaining of samples; and

(iv) Any records, reports, information, or test results relating to the purpose of this regulation.

The inspection results will be written, filed with the department, and a copy made available to the state operator.

#### NEW SECTION

WAC 173-303-800 PERMIT REQUIREMENTS FOR DANGEROUS WASTE MANAGEMENT FACILITIES. (1) The purpose of WAC 173-303-800 through 173-303-845 is to prevent a dangerous waste facility from endangering the public health and the environment by requiring permits that allow construction and operation in compliance with chapter 173-303 WAC.

(2) All owners/operators of dangerous waste facilities that treat, store, or dispose (TSD) of dangerous waste or extremely hazardous waste shall obtain a permit in accordance with WAC 173-303-800 through 173-303-845.

(3) TSD facility permits will be granted only if the objectives of the siting and performance standards set forth in WAC 173-303-500 and 173-303-510 are met.

(4) Permits shall be issued according to the requirements of all applicable TSD facility standards.

(5) The owner/operator of a TSD facility is responsible for obtaining all other applicable federal, state, and local permits authorizing the development and operation of the TSD facility.

(6) The terms used in regard to permits which are not defined in WAC 173-303-040 shall have the same meanings as set forth in 40 CFR 122.3.

#### NEW SECTION

WAC 173-303-801 RELATIONSHIP OF THE DEPARTMENT TO PERMITS ISSUED BY THE ENERGY FACILITIES SITE EVALUATION COUNCIL (EFSEC). Permits applicable to energy facilities which are subject to chapter 80.50 RCW shall be issued by EFSEC. Nothing in chapter 173-303 WAC is intended to alter, amend, or supersede the provisions of chapter 80.50 RCW regarding the regulation, certification, construction, or operation of energy facilities as defined therein.

#### NEW SECTION

WAC 173-303-805 TYPES OF PERMITS AND REQUIREMENTS. (1) Permits by rule. This section provides for a permit by rule for facilities accepting dangerous wastes. Owners and operators of facilities with permits by rule are not required to submit an application for a dangerous waste facility permit. The following shall be deemed to have a dangerous waste permit by rule.

(a) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts dangerous waste for ocean disposal, if the owner or operator:

(i) Has a permit for ocean dumping issued under 40 CFR Part 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. § 1420 et seq.);

(ii) Complies with the conditions of that permit; and

(iii) Complies with the following dangerous waste regulations:

(A) WAC 173-303-060, Notification and Identification Numbers;

(B) WAC 173-303-370, Manifest System;

(C) WAC 173-303-380(1)(a), Operating Record;

(D) WAC 173-303-390(2), Annual Report; and

(E) WAC 173-303-390(1), Unmanifested Waste Report.

(b) Underground injection wells. Underground injection wells with an underground injection control (UIC) permit for underground injection. However, no permit by rule shall be granted to underground injection wells disposing of extremely hazardous waste.

(c) Publicly owned treatment works (POTW). The owner or operator of a POTW which accepts dangerous waste for treatment, if the owner or operator:

- (i) Has a National Pollutant Discharge Elimination System (NPDES) permit;
- (ii) Complies with the conditions of that permit;
- (iii) Complies with the following regulations:
  - (A) WAC 173-303-060, Notification and Identification Numbers;
  - (B) WAC 173-303-370, Manifest System;
  - (C) WAC 173-303-380, Operating Record;
  - (D) WAC 173-303-390(2), Annual Report; and
  - (E) WAC 173-303-390(1), Unmanifested Waste Reports;
- (iv) Meets all federal, state, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance; and
- (v) Accepts no extremely hazardous waste for disposal at the POTW.

(2) Interim permits for UIC wells. The department may issue a permit to any Class I UIC well injecting dangerous wastes only when no UIC program has been approved or promulgated (underground injection of extremely hazardous waste is prohibited). Any such permit shall apply and ensure compliance with all applicable requirements of WAC 173-303-400, and shall be for a term not to exceed two years. No such permit shall be issued after approval or promulgation of a UIC program by the department. Any permit under this section shall contain a condition providing that it will terminate upon final action by the department under a UIC program to issue or deny a UIC permit for the facility.

(3) Trial burn permits. For the purposes of determining feasibility of compliance with the incinerator performance standard of WAC 173-303-670(4) and of determining adequate incinerator operating conditions under WAC 173-303-670(6), the department may issue a trial burn permit to a facility to allow short-term operation of a dangerous waste incinerator subject to the following conditions:

(a) The trial burn must be conducted in accordance with a trial burn plan prepared by the applicant and approved by the department. The trial burn plan will then become a condition of the permit and will include the following information:

(i) An analysis of each waste or mixture of wastes to be burned which includes:

(A) Heating value of the waste in the form and composition in which it will be burned;

(B) Viscosity (if applicable), or description of physical form of the waste;

(C) An analysis and identification of any hazardous organic constituents listed in WAC 173-303-9905 which are reasonably expected to be present in the waste to be burned. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in WAC 173-303-110, or their equivalent;

(D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in WAC 173-303-110; and

(E) A quantification of those hazardous constituents in the waste which may be designated as principle organic hazardous constituents (POHC) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standard in WAC 173-303-670(4);

(ii) A detailed engineering description of the incinerator for which the trial burn permit is sought including:

(A) Manufacturer's name and model number of incinerator (if available);

(B) Type of incinerator;

(C) Linear dimensions of the incinerator unit including the cross sectional area of the combustion chamber;

(D) Description of the auxiliary fuel system (type/feed);

(E) Capacity of the prime air mover;

(F) Description of automatic waste feed cut-off system(s);

(G) Stack gas monitoring and pollution control equipment;

(H) Nozzle and burner design;

(I) Construction materials; and

(J) Location and description of temperature, pressure, and flow indicating and control devices;

(iii) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(iv) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned,

and other factors relevant to the department's decision under WAC 173-303-805(3)(d);

(v) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, air feed rate, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

(vi) A description of, and planned operating conditions for, any emission control equipment which will be used;

(vii) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction; and

(viii) Such other information as the department reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of WAC 173-303-805(3).

(b) The department, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of WAC 173-303-805(3).

(c) Based on the waste analysis data in the trial burn plan, the department will specify as trial Principal Organic Hazardous Constituents (trial POHC's) those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHC's will be specified by the department based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, the concentration or mass in the waste feed, and the dangerous waste constituent or constituents identified from WAC 173-303-9905.

(d) Approval of the plan. The department shall approve a trial burn plan if it finds that:

(i) The trial burn is likely to determine whether the incinerator performance standard required by WAC 173-303-670(4) can be met;

(ii) The trial burn itself will not present an imminent hazard to human health or the environment;

(iii) The trial burn will help the department to determine operating requirements to be specified under WAC 173-303-400 and 173-303-670(6); and

(iv) The information sought in WAC 173-303-805(3)(d)(i) and (iii) cannot reasonably be developed through other means.

(e) Trial burns. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

(i) A quantitative analysis of the trial POHC's in the waste feed to the incinerator;

(ii) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHC's, CO<sub>2</sub>, O<sub>2</sub>, and hazardous combustion byproducts, including the total mass emission rate of byproducts as a percent of the total mass feed rate of POHC's fed to the incinerator;

(iii) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the trial POHC's;

(iv) A total mass balance of the trial POHC's in the waste;

(v) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in WAC 173-303-670(4)(a);

(vi) If the waste feed contains more than 0.5 percent chlorine, a computation of chlorine removal efficiency, in accordance with WAC 173-303-670(4)(c);

(vii) A computation of particulate emissions, in accordance with WAC 173-303-670(4)(d);

(viii) An identification of sources of fugitive emissions and their means of control;

(ix) A measurement of average, maximum, and minimum temperatures, and air feed rates;

(x) A continuous measurement of carbon monoxide in the exhaust gas; and

(xi) Such other information as the department may specify as necessary to ensure that the trial burn will determine compliance with the performance standard of WAC 173-303-670(4), and to establish the operating conditions required by WAC 173-303-670(6).

(f) The applicant shall submit to the department a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and to the extent possible, this submission shall be made within thirty days of the completion of the trial burn, or sooner if the department so requests.

(g) All data collected during any trial burn must be submitted to the department following the completion of the trial burn. The results of

the trial burn must be included with Part B of the permit application, if a permit application is submitted.

(h) All submissions required under WAC 173-303-805(3) shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application.

(4) Emergency permit. In the event the department finds that an imminent and substantial endangerment to human health or the environment exists, the department may issue a temporary emergency permit to a facility to allow treatment, storage, or disposal (TSD) of dangerous waste at a nonpermitted facility, or at a facility covered by an effective permit that does not otherwise allow treatment, storage, or disposal of such dangerous waste. The emergency permit:

(a) May be oral or written. If oral, it shall be followed within five days by a written emergency permit;

(b) Shall not exceed ninety days in duration;

(c) Shall clearly specify the dangerous wastes to be received, and the manner and location of their treatment, storage, or disposal;

(d) May be terminated by the department at any time without process if the department determines that termination is appropriate to protect human health and the environment;

(e) Shall be accompanied by a public notice that includes:

(i) The name and address of the department;

(ii) The name and location of the permitted TSD facility;

(iii) A brief description of the wastes involved;

(iv) A brief description of the action authorized and reasons for authorizing it; and

(v) The duration of the emergency permit;

(f) And shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter.

(5) Interim status permits. (a) Any person who owns or operates an existing dangerous waste facility on the effective date of this regulation shall be deemed to have an interim status permit, provided he or she:

(i) Has notified the regional administrator of EPA in accordance with section 3010 of the Resource Conservation and Recovery Act (RCRA); or

(ii) Has notified the department in accordance with WAC 173-303-060 within ninety days of the promulgation of these regulations; and

(iii) Has submitted Part A of his permit application in accordance with WAC 173-303-815(2), including changes to his permit application which result from amendments to the designated dangerous wastes identified in WAC 173-303-070 through 173-303-090.

(b) Timely submission of both the notification and submission of Part A application qualifies the owner/operator of the existing TSD facility for the interim status permit, until the department makes a final determination on the merits of the completed application.

(c) Newly designated dangerous wastes. If a person has been treating, storing, or disposing of a solid waste which becomes a newly designated dangerous waste due to adoption or amendments of WAC 173-303-070 through 173-303-090, and if he has not previously been required to have an EPA/State Identification Number or to submit a Part A permit application, then he shall have ninety days from the promulgation of the new dangerous waste designation requirements to comply with WAC 173-303-060, Notification and Identification Numbers, and with WAC 173-303-805(5).

(6) Final permit. (a) An owner/operator can receive a final permit only after Part A and Part B of the permit application are completed and submitted to the department in compliance with WAC 173-303-815.

(b) Physical construction of a new TSD facility can only begin after the final permit is issued, except that new TSD facilities for which construction began prior to adoption of chapter 173-303 WAC may continue construction while the department is reviewing the final permit application.

#### NEW SECTION

WAC 173-303-810 GENERAL PERMIT CONDITIONS. (1) Purpose and applicability. This section sets forth the general permit conditions that are applicable to all permits to assure compliance with chapter 70.105 RCW and chapter 173-303-WAC.

(2) Duty to comply. The permittee must comply with all conditions of his permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee need not comply with the conditions of his permit to the extent and for the duration such noncompliance is authorized in an emergency permit.

(3) Duty to reapply. If the permittee wishes to continue an activity regulated by the permit after its expiration date, the permittee must apply for and obtain a new permit.

(4) Duty to halt or reduce activity. A permittee who has not complied with his permit, and who subsequently is subject to enforcement actions, may not argue that compliance would have been unreasonable because it would have required a halt or reduction of his permitted activities.

(5) Duty to mitigate. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.

(6) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(7) Permit actions. The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, notification of planned changes, or anticipated noncompliance, does not stay any permit condition.

(8) Effect of a permit. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local laws or regulations.

(9) Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which it may request to determine whether cause exists for modifying, revoking and reissuing, or terminating a permit, or to determine compliance with a permit. The permittee shall also furnish to the department, upon request, copies of records required to be kept by the permit.

(10) Inspection and entry. The permittee shall allow representatives of the department, upon the presentation of proper credentials, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by chapter 173-303 WAC, any substances or parameters at any location.

(11) Monitoring and monitoring records. (a) All permits shall specify:

(i) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods; and

(ii) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring.

(b) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(c) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the department at any time.

(d) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

(e) The permittee shall maintain records from all ground monitoring wells and associated ground water surface elevations for the active life of the facility, and, for disposal facilities, for the post-closure period as well.

(12) Signatory requirement. All applications, reports, or information submitted to the department shall be signed and certified. When a dangerous waste facility is owned by one person, but is operated by another person, it is the duty of the operator and owner to obtain and cosign the permit application. The permit application shall be signed as follows:

(a) For a corporation: By a principal executive officer of at least the level of vice president, or the chief corporate officer in charge of environmental policy;

(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.

(13) Certification. Any person identified in WAC 173-303-810(12) as appropriate for signing the documents required for a permit application shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

(14) Reporting. The following reports shall be provided:

(a) Planned changes. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. For a new TSD facility and for a facility being modified, the permittee may not treat, store, or dispose of dangerous waste in the new portion of the facility until:

(i) The permittee has submitted to the department by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and

(ii) The department has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

(iii) Within fifteen days of the date of submission of the letter, the permittee has not received notice from the department of its intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of dangerous waste.

(b) Anticipated noncompliance. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Transfers. The permit is not transferable to any person except after notice to the department. The department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

(d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in the permit.

(e) Compliance schedules. Reports of permit compliance or non-compliance or any progress reports on interim and final permit requirements contained in any compliance schedule shall be submitted no later than fourteen days following each scheduled date.

(f) Twenty-four hour reporting. The permittee shall report any non-compliance which may endanger health or the environment. Information shall be provided orally within twenty-four hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances provided that the department may waive the written submission requirement in favor of a written report, to be submitted within fifteen days. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Information which must be reported orally within twenty-four hours shall include:

(i) Release of dangerous waste that may cause an endangerment to public drinking water supplies;

(ii) Any information of a release or discharge of dangerous waste, fire, or explosion from the permitted facility which could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:

(A) Name, address, and telephone number of the owner or operator;

(B) Name, address, and telephone number of the facility;

(C) Date, time, and type of incident;

(D) Name and quantity of material(s) involved;

(E) The extent of injuries, if any;

(F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

(G) Estimated quantity and disposition of recovered material that resulted from the incident.

(iii) The department may waive the five-day written notice requirements in favor of a written report within fifteen days.

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under WAC 173-303-810(14) (d), (e), and (f), at the time monitoring reports are submitted. The reports shall contain the information listed in WAC 173-303-810(14)(f).

(h) Other information. Where the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the department, he shall promptly submit this information.

(i) Other reports. In addition, the following reports are required when appropriate:

(i) Manifest Discrepancy Report as required by WAC 173-303-370(5);

(ii) Unmanifested Waste Report as required by WAC 173-303-390(1); and

(iii) Annual Report as required by WAC 173-303-390(2).

(15) Confidentiality.

(a) Information submitted by the owner/operator of a facility identified as confidential will be treated in accordance with chapter 42.17 RCW and RCW 43.21A.160.

(b) Proprietary information can be held confidential if the owner/operator indicates to the department the degree of harm if the information is made to the public.

(c) Claims of confidentiality for permit application information must be substantiated at the time the application is submitted and in the manner prescribed in the application instructions.

(d) If a submitter does not provide substantiation, the department will notify the owner/operator by certified mail of the requirement to do so. If the department does not receive the substantiation within ten days after the submitter receives the notice, the department shall place the unsubstantiated information in the public file.

(e) The department will determine if the owner/operator's request meets the confidential information criteria.

#### NEW SECTION

WAC 173-303-815 APPLYING FOR A PERMIT. (1) Purpose and applicability. Any person who is required to have a permit (including new applicants and permittees with expiring permits, shall complete, sign, and submit an application to the department as described in WAC 173-303-815. Persons currently authorized with an interim status permit shall apply for a written permit when required by the department.

(2) Existing dangerous waste facilities.

(a) All owners/operators of an existing dangerous waste treatment, storage and disposal (TSD) facility who have not already submitted a permit application to EPA in accordance with 3010 of RCRA, must submit Part A of the permit application to the department within six months of the promulgation of these regulations.

(b) The owner/operator of an existing TSD facility shall be required to submit Part B of the permit application within six months upon the written request from the department. The owner/operator may voluntarily submit Part B of an application at any time.

(3) New dangerous waste facilities.

(a) A person may begin physical construction of a new TSD facility after submitting Part A and Part B of the permit application and receiving a dangerous waste facility permit, except that new facilities for which construction began prior to adoption of chapter 173-303 WAC may continue construction while the department is reviewing the permit application.

(b) An application for a permit for a new TSD facility may be filed with the department any time after promulgation of applicable final status standards of chapter 173-303 WAC.

(c) All permit applications must be submitted at least one hundred eighty days before physical construction is expected to begin, except that new facilities for which construction began prior to adoption of chapter 173-303 WAC shall submit a permit application to the department within ninety days of the adoption of chapter 173-303 WAC.

(4) Updating permit applications. Owners or operators of dangerous waste facilities with a filed Part A permit application shall file an amended Part A application to the department no later than the effective date of the regulatory amendment when:

(a) The facility is treating, storing, or disposing of any newly listed or designated wastes; or

(b) As necessary to comply with provisions of WAC 173-303-820(4) for changes during interim status.

(5) Reapplications. Any dangerous waste facility with an effective final permit shall submit a new application one hundred eighty days prior to the expiration date of the effective permit, unless the department grants a later date.

(6) Completeness. The department shall not issue a permit before receiving a complete application, except for permits by rule or emergency permits. An application for a permit is complete when the application form and any supplemental information has been completed to the department's satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.

(7) Recordkeeping. Applicants shall keep records of all data used to complete the permit applications, and any supplemental information submitted to the department for a period of at least three years from the date the application is signed.

(8) Part A permit form, and contents of Part B.

(a) The Part A permit form may be obtained from the department by completing and mailing the Forms Request Notice, WAC 173-303-9908.

(b) Contents of Part B. Part B of the permit application shall include the following:

(i) A general description of the facility;

(ii) Chemical and physical analyses of the dangerous wastes to be treated, stored, or disposed at the facility as required under WAC 173-303-300, General Waste Analysis;

(iii) A copy of the waste analysis plan as required under WAC 173-303-300(5);

(iv) A description of the security procedures required under WAC 173-303-310;

(v) A copy of the general inspection schedule required under WAC 173-303-320;

(vi) A description of the preparedness and prevention measures required under WAC 173-303-340;

(vii) A copy of the contingency plan required under WAC 173-303-350;

(viii) A description of procedures, structures, or equipment used at the facility to:

(A) Prevent uncontrolled reaction of incompatible wastes (for example, procedures to avoid fires, explosions, or toxic gases);

(B) Prevent hazards in unloading operations (for example, ramps, special forklifts);

(C) Prevent runoff from dangerous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

(D) Prevent contamination of water supplies;

(E) Mitigate effects of equipment failure and power outages; and

(F) Prevent undue exposure of personnel to dangerous waste (for example, protective clothing);

(ix) And traffic pattern, volume and control (for example, show turns across traffic lanes, and stacking lanes, if appropriate; provide access road surfacing and load bearing capacity; show traffic control signals; provide estimates of traffic volume (number, types of vehicles)).

#### NEW SECTION

WAC 173-303-820 INTERIM STATUS PERMITS. (1) Applicability. This section applies to all treatment, storage and disposal (TSD) facilities meeting the requirements set forth in WAC 173-303-805(5).

(2) Facilities with an interim status permit. Facilities with an interim status permit shall not:

(a) Treat, store, or dispose of dangerous waste not specified in Part A of the permit application;

(b) Employ processes not specified in Part A of the permit application; or

(c) Exceed the design capacities specified in Part A of the permit application.

(3) Changes during interim status.

(a) Newly regulated dangerous wastes not previously identified in Part A of the application may be treated, stored, or disposed at a permitted facility if the owner/operator submits to the department a revised Part A permit application within ninety days of the promulgation of the amendments which designate and/or regulate the new dangerous wastes.

(b) Increases in the design capacity of processes used at a facility may be made if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the department approves the change because of a lack of available treatment, storage, or disposal capacity at other permitted TSD facilities.

(c) Changes in the processes for the treatment, storage, or disposal of dangerous waste may be made at a facility, or additional processes may be added if the owner or operator submits a revised Part A permit application prior to such changes (along with a justification explaining the need for the change) and the department approves the change because:

(i) It is necessary to prevent a threat to human health or the environment because of an emergency situation; or

(ii) It is necessary to comply with state and federal regulations.

(d) Changes in the ownership or operational control of a facility may be made if the new owner or operator submits a revised Part A permit application no later than ninety days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the financial requirements of WAC 173-303-620, until the new owner or operator has demonstrated to the department that he is complying with the financial requirements. All other interim status permit duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility. Upon demonstration to the department by the new owner or operator of compliance with WAC 173-303-620, the department shall notify the old owner or operator in writing that he no longer needs to comply with the interim status permit requirements as of the date of demonstration.

(e) In no event shall changes be made to a TSD facility under the interim status permit which amount to reconstruction of the facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new TSD facility.

(4) Termination of interim status permit. The following are causes for terminating an interim status permit:

(a) Final administrative disposition of a permit application is made; or

(b) When the department on examination or reexamination of a Part A application determines that it fails to meet the standards of chapter 173-303 WAC, it may notify the owner or operator that the application is deficient and that the owner or operator is therefore not entitled to the interim status permit. The owner or operator will then be subject to enforcement for operating without a permit.

#### NEW SECTION

WAC 173-303-825 FINAL PERMITS. (1) Applicability. This section applies to all TSD facilities meeting the requirements set forth in WAC 173-303-805(6).

(2) Permit duration.

(a) Final permits shall be effective for a fixed term not to exceed ten years.

(b) The department may issue any final permit for a duration that is less than the full allowable term.

(c) The term of a final permit shall not be extended by modification beyond ten years, unless otherwise authorized under WAC 173-303-830(3).

(3) Continuation of expiring permits.

(a) When the owner/operator submits a timely application for a final permit, the facility is allowed to continue operating under the expiring permit until the effective date of the new permit.

(b) If the facility is not in compliance with the conditions of the expiring or expired permit, the department may choose to do any or all of the following:

(i) Initiate enforcement action based upon the permit which has been continued;

(ii) Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(iii) Issue a new permit with appropriate conditions; or

(iv) Take other actions authorized by chapter 173-303 WAC.

(4) Grounds for termination. The following are causes for terminating a final permit during its term, or for denying a permit renewal application:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers human health or the environment and the hazard can only be controlled by permit modification or termination.

#### NEW SECTION

**WAC 173-303-830 PERMIT CHANGES.** (1) Purpose and applicability. This section describes the types of permit changes that may be made to all permits issued by the department.

(2) Transfer of permits. A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued under WAC 173-303-830(3), or a minor modification has been made to identify the new permittee and incorporate such other requirements as stipulated under WAC 173-303-830(4).

(3) Modification or revocation and reissuance of permits. When the department receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit, receives a request for modification or revocation and reissuance, or conducts a review of the permit file), the department may determine whether or not one or more of the causes listed in WAC 173-303-830(3)(a) and (b) for modification or revocation and reissuance or both exist. If cause exists, the department may modify or revoke and reissue the permit accordingly and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. If cause does not exist under WAC 173-303-830(3) or (4), the department shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in WAC 173-303-830(4) for "minor modifications," the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared in accordance with WAC 173-303-840(1).

(a) Causes for modification. The following are causes for modification but not revocation and reissuance of permits, unless agreed to or requested by the permittee:

(i) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;

(ii) Information. Permits may be modified during their terms if the department receives information that was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of different permit conditions at the time of issuance;

(iii) New regulations. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only when:

(A) The permit condition requested to be modified was based on an effective regulation;

(B) The department has revised, withdrawn, or modified that portion of the regulation on which the permit condition was based; or

(C) A permittee requests modification within ninety days after notice of the action on which the request is based;

(iv) Compliance schedules. The department determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

(b) Causes for modification or revocation and reissuance. The following are causes to modify, or alternatively, revoke and reissue a permit:

(i) Cause exists for termination under WAC 173-303-820(4) for interim status permits, or WAC 173-303-825(4) for final permits, and the department determines that modification or revocation and reissuance is appropriate; or

(ii) The department has received notification of a proposed transfer of the permit.

(c) Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.

(4) Minor modifications of permits. Unless the permittee indicates otherwise, the department may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section without following the procedures of WAC 173-303-840. Any permit modification not processed as a minor modification under this section must be made for cause and with a draft permit and public notice as required in WAC 173-303-840. Minor modifications may only be made to:

(a) Correct typographical errors;

(b) Require more frequent monitoring or reporting by the permittee;

(c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than one hundred twenty days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

(d) Allow for a change in ownership or operational control of a facility where the department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the department; or

(e) Change the lists of facility emergency coordinators or equipment in the permit's contingency plan.

(5) Permit termination. The director shall follow the applicable procedures in WAC 173-303-840, Procedures for Decision Making, in terminating any permit.

(6) Schedules of compliance.

(a) General. The permit may, when appropriate, specify a schedule of compliance leading to compliance with chapter 173-303 WAC.

(b) Time for compliance. Any schedules of compliance under this section shall require compliance as soon as possible.

(c) Interim dates. If a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement as follows:

(i) The time between interim dates shall not exceed one year; or

(ii) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(d) Reporting. The permit shall be written to require that no later than fourteen days following each interim date and the final date of compliance, the permittee shall notify the department in writing of its compliance or noncompliance with the interim or final requirements.

#### NEW SECTION

**WAC 173-303-840 PROCEDURES FOR DECISION MAKING.** (1) Draft permits.

(a) A draft permit is a document prepared by the department indicating the tentative decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) When an application is completed, the department may tentatively decide whether to prepare a draft permit, or to deny the application.

(c) If the department decides to prepare a draft permit, it shall contain the following information:

(i) All conditions applicable to permits under WAC 173-303-810;

(ii) Applicable conditions under WAC 173-303-830; and

(iii) Other RCRA permits, applicable standards for storage, treatment and disposal, and other permit conditions.

(d) All draft permits must be accompanied by a fact sheet that is supported by administrative record and made available for public comment.

(2) Fact sheet.

(a) A fact sheet shall be prepared for every draft permit for a major dangerous waste management facility, and for every draft permit which the department finds is the subject of wide-spread public interest or raises major issues.

(b) The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The department shall send this fact sheet to the applicant and, on request, to any other person.

(c) The fact sheet shall include, when applicable:

(i) A brief description of the type of facility or activity which is the subject of the draft permit;

(ii) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed, injected, emitted, or discharged;

(iii) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references;

(iv) Reasons why any requested variances or alternatives to required standards do or do not appear justified; and

(v) A description of the procedures for reaching a final decision on the draft permit including:

(A) The beginning and ending dates of the comment period and the address where comments will be received;

(B) Procedures for requesting a hearing and the nature of that hearing;

(C) Any other procedures by which the public may participate in the final decision; and

(D) Name and telephone number of a person to contact for additional information.

(3) Public notice and involvement.

(a) The department shall give public notice that the following actions have occurred:

(i) A draft permit has been prepared;

(ii) A hearing has been scheduled; or

(iii) An appeal has been filed with the pollution control hearings board.

(b) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied. A written notice of the denial shall be given to the owner/operator who requested the permit modification.

(c) The public notice may describe more than one permit or permit action.

(d) Public notice of the preparation of a draft permit, including a notice of intent to deny a permit application shall allow at least thirty days for public comment. Public notice of a public hearing shall be given at least thirty days before the hearing.

(e) Public notice of activities described in this section shall be given by the following methods:

(i) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits):

(A) The applicant;

(B) Any other agency which the department knows has issued or is required to issue a permit for the same activity or facility;

(C) Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the advisory council on historic preservation, state historic preservation officers, and other appropriate government authorities, including any affected states;

(D) Persons on the mailing list developed by:

(I) Those who request in writing to be on the list;

(II) Soliciting persons for an area list from participants in past permit proceedings in that area; and

(III) Notifying the public of the opportunity to be put on the mailing list through periodic publications in the public press and in appropriate publications of the department;

(ii) For major permits, by publication of a notice in a daily newspaper within the area affected by the facility; or

(iii) By any other method reasonably calculated to give notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

(4) Contents of the public notice.

(a) All public notices issued shall contain the following minimum information:

(i) Name and address of the office processing the permit action for which notice is being given;

(ii) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

(iii) A brief description of the business conducted at the facility or activity described in the permit application or the draft permit;

(iv) Name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, fact sheet, and the application;

(v) A brief description of the comment procedures required and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision;

(vi) Date, time, and place of the hearing;

(vii) Reference to the date of the previous public notice relating to the permit;

(viii) A brief description of the nature and purpose of the hearing including the applicable rules and procedures; and

(ix) In addition to the general public notice all persons identified in WAC 173-303-840(3)(e)(i)(B) and (C) shall be mailed a copy of the fact sheet, the permit application (if any), and the draft permit (if any).

(b) Public comments and request for public hearings. During the public comment period any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered according to WAC 173-303-840(9).

(5) Public hearings.

(a) The department shall hold a public hearing whenever, on the basis of requests, there is a significant degree of public interest in a draft permit. The department also may hold a public hearing at its discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision. Public notice of the hearing shall be given as specified in WAC 173-303-840(3).

(b) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under WAC 173-303-840(3) shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing.

(c) A tape recording or written transcript of the hearing may be made available to the public.

(6) Obligation to raise issues and provide information during the public comment period.

(a) All persons, including applicants, who believe any condition of a draft permit is inappropriate, or that the department's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period (including any public hearing) under WAC 173-303-840(3).

(b) All supporting materials shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of state or federal statutes and regulations, documents of general applicability, or other generally available reference materials. Commenters shall make supporting material not already included in the administrative record available to the department. A comment period longer than thirty days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this section. Commenters may request a longer comment period.

(7) Reopening of the public comment period. If any data, information, or arguments submitted during the public comment period, including information or arguments required, appear to raise substantial new questions concerning a permit, the director may take one or more of the following actions:

(a) Prepare a new draft permit, appropriately modified;

(b) Prepare a revised statement of basis, a fact sheet or revised fact sheet, and reopen the comment period; or

(c) Reopen or extend the comment period to give interested persons an opportunity to comment on the information or arguments submitted.

Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice shall define the scope of the reopening.

## (8) Issuance and effective date of permit.

(a) After the close of the public comment period under WAC 173-303-840(5) on a draft permit, the department shall issue a final permit decision. The department shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. For purposes of this section, a final permit means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) A final permit decision shall become effective thirty days after the service of notice of the decision, unless:

(i) A later effective date is specified in the decision; or

(ii) No comments requested a change in the draft permit, in which case the permit shall become effective immediately upon issuance.

## (9) Response to comments.

(a) At the time that any final permit decision is issued, the department shall issue a response to comments. The department is required to issue a response to comments when a final permit is issued.

(b) This response shall specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reason for the change, and briefly describe and respond to all significant comments of the draft permit raised during the public comment period or during any hearing.

(c) The response to comments shall be available to the public.

(10) Decision-making procedure for modification, revocation and reissuance, or termination of permits.

(a) Permits may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the department's initiative. However, permits may only be modified or revoked and reissued for the reasons specified in WAC 173-303-830(3) and (4), or terminated for the reasons specified in WAC 173-303-820(4) or 173-303-825(4). All requests shall be in writing and shall contain facts or reasons supporting the request.

(b) If the department tentatively decides to modify or revoke and reissue a permit under WAC 173-303-830(3), it shall prepare the draft permit under WAC 173-303-840(1), incorporating the proposed changes. The department may request additional information and, in the case of a modified permit, may require the submission of an updated permit application. In the case of revoked and reissued permits, the department shall require the submission of a new application.

(c) In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

(d) "Minor modifications" as defined in WAC 173-303-830(4) are not subject to the requirements of this section.

(e) If the department tentatively decides to terminate an interim status permit under WAC 173-303-820(4) or a final permit under WAC 173-303-825(4), it shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under WAC 173-303-840(1).

NEW SECTION

WAC 173-303-845 APPEAL OF DECISION. Any person who is adversely affected by a decision of the department under chapter 173-303 WAC may appeal the decision to the pollution control hearings board pursuant to chapter 43.21B RCW.

NEW SECTION

WAC 173-303-900 PUBLIC INVOLVEMENT AND PARTICIPATION. (1) Intent. Public involvement and participation plays a significant role in the decision making process. The department intends to foster public awareness, information and consultation, and to respond actively to public concerns. The department will inform the public of major issues, proposed projects, and regulatory changes, and will consult interested and affected segments of the public before making important decisions. The overall goal of the department is to provide knowledge to the public about dangerous waste issues that vitally affect the state, to encourage broader understanding of the public role in dangerous wastes and their proper management, and to promote an open dialogue between the public, industry, and government.

(2) Applicable requirements. In fulfilling the intent of public involvement and participation in the decision making process, the department will refer to and, where applicable, follow the requirements and guidance set forth in the following:

(a) Chapter 34.04 RCW, Administrative Procedure Act;

(b) Chapter 34.08 RCW, Washington State Register Act of 1977;

(c) Chapter 42.17 RCW, Public Records Act;

(d) Chapter 197-10 WAC, Guidelines Interpreting and Implementing the State Environmental Policy Act;

(e) 40 CFR Part 25, Public Participation in Programs Under the Resource Conservation and Recovery Act, The Safe Drinking Water Act, and the Clean Water Act; and

(f) The Washington State Solid Waste Management Plan, December 1980.

NEW SECTION

WAC 173-303-910 PETITIONS. (1) General petitions.

(a) Any person may petition the department to modify or revoke any provision in this chapter. WAC 173-303-910(1) sets forth general requirements which apply to all such petitions. The remaining paragraphs describe additional requirements for specific types of petitions.

(b) Each petition must be submitted to the department by certified mail and must include:

(i) The petitioner's name and address;

(ii) A statement of the petitioner's interest in the proposed action;

(iii) A description of the proposed action, including (where appropriate) suggested regulatory language; and

(iv) A statement of the need and justification for the proposed action, including any supporting tests, studies, or other information.

(c) Upon the written request of any interested person, the director may, at his discretion, hold a conference to consider oral comments on the action proposed in the petition. A person requesting a conference must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The director may in any case decide on his own motion to hold a conference.

(d) After evaluating all public comments the department will make a final decision in accordance with RCW 34.04.060. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition and initiate rule-making proceedings in accordance with RCW 34.04.025.

(2) Petitions for equivalent testing or analytical methods.

(a) Any person seeking to add a testing or analytical method to WAC 173-303-110 may petition for a regulatory amendment under this section. To be successful, the person must demonstrate to the satisfaction of the department that the proposed method is equal to or superior to the corresponding method prescribed in WAC 173-303-110, in terms of its sensitivity, accuracy, and precision (i.e., reproducibility).

(b) Each petition must include, in addition to the information required by WAC 173-303-910(1), above:

(i) A full description of the proposed method, including all procedural steps and equipment used in the method;

(ii) A description of the types of wastes or waste matrices for which the proposed method may be used;

(iii) Comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in WAC 173-303-110;

(iv) An assessment of any factors which may interfere with, or limit the use of, the proposed method; and

(v) A description of the quality control procedures necessary to ensure the sensitivity, accuracy and precision of the proposed method.

(c) After receiving a petition for an equivalent testing or analytical method, the department may request any additional information on the proposed method which it may reasonably require to evaluate the proposal.

(d) If the department amends the regulations to permit use of a new testing method, the method will be incorporated in a document which will be available from the department.

(3) Petitions for exempting dangerous wastes from a particular generator.

(a) Any generator seeking to exempt his dangerous waste may petition the department for exemption from the requirements of WAC 173-303-070 through 173-303-090.

(b) To be successful, the generator must demonstrate to the satisfaction of the department that either:

(i) His waste would not be a designated dangerous waste under the Dangerous Waste Criteria, WAC 173-303-100, by obtaining representative samples from his waste and checking his samples against the Dangerous Waste Criteria; or

(ii) His waste does not otherwise pose a threat to public health or the environment, as verified by data provided by the generator. Such data shall be developed through consultation with the department, and shall establish beyond a reasonable doubt that the waste does not pose a threat.

(c) Representative samples must be taken over a period of time sufficient to reflect the variability (if any) or the uniformity of the waste.

(d) Each petition must include, in addition to the information required by WAC 173-303-910(1), above:

(i) The name and address of the laboratory facility performing the sampling or tests of the waste;

(ii) The names and qualifications of the persons sampling and testing the waste;

(iii) The dates of sampling and testing;

(iv) The location of the generating facility;

(v) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;

(vi) A description of the waste and an estimate of the average and maximum weekly and annual quantities of waste covered by the demonstration;

(vii) Pertinent data on and discussion of the factors delineated in the respective Dangerous Waste Criteria, WAC 173-303-100;

(viii) A description of the methodologies and equipment used to obtain the representative samples;

(ix) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization and preservation of the samples;

(x) A description of the tests performed (including results);

(xi) The names and model numbers of the instruments used in performing the tests; and

(xii) The following statement signed by the generator of the waste or his authorized representative.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(e) After receiving a petition for a dangerous waste exclusion, the department may request any additional information which it may reasonably require to evaluate the petition.

(f) An exemption will only apply to the waste generated by the particular generator covered by the demonstration and will not apply to waste from any other generator.

(g) The department may exempt only part of the waste for which the demonstration is submitted where there is reason to believe that variability of the waste justifies a partial exemption.

(h) The department may (but shall not be required to) grant a temporary exemption before making a final decision under WAC 173-303-910(1), above, whenever it finds that there is a substantial likelihood that an exemption will be finally granted.

(4) Petition for exclusion.

(a) Any generators seeking exclusion of wastes under WAC 173-303-071, Excluded Categories of Waste, may petition the department for exclusion. To be successful, the generator must demonstrate to the satisfaction of the department that:

(i) The wastes would not pose a significant threat to public health or the environment as demonstrated by data provided by the generator;

(ii) The wastes are adequately regulated under other existing state or federal programs, and will not pose a significant threat to public health or the environment; or

(iii) The wastes are currently being recycled, reclaimed, or recovered in a manner which does not pose a significant threat to public health or the environment.

(b) In addition to the information required by WAC 173-303-910(1) and 173-303-910(3)(d), above, each petition must include:

(i) Data showing the results of testing the waste for which exclusion is sought against the Dangerous Waste Criteria, WAC 173-303-100 through 173-303-103;

(ii) A description of the state or federal program which regulates the wastes and information supporting the claim that the program adequately protects public health and the environment, if applicable; or

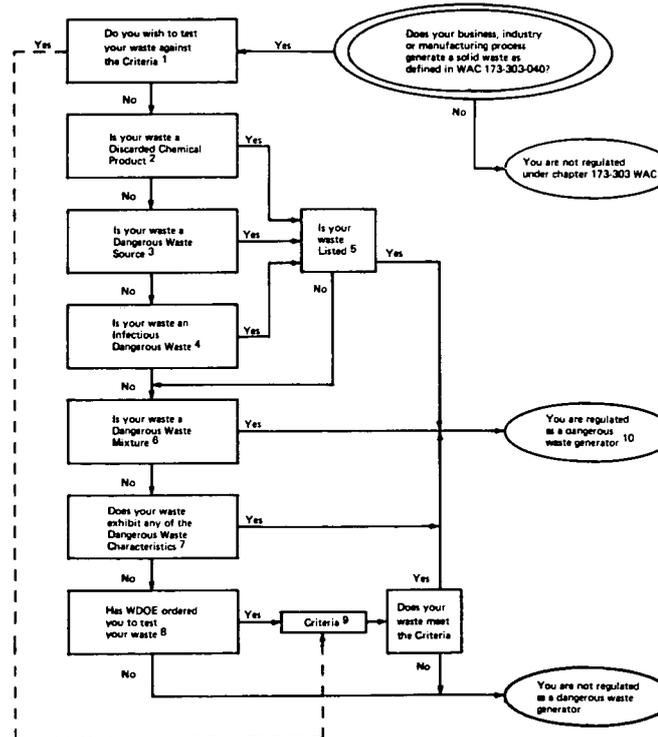
(iii) A description of the current waste recycling, reclamation and recovery practices and information supporting the claim that the practices do not pose a significant threat to public health and the environment if applicable.

(c) After receiving a petition for exclusion, the department may request any additional information it deems necessary to evaluate the petition.

NEW SECTION

WAC 173-303-9901 FLOW CHART FOR DESIGNATING DANGEROUS WASTES.

1. Voluntary testing, allowed under WAC 173-303-070(2)(b).
2. See WAC 173-303-081.
3. See WAC 173-303-082.
4. This section, WAC 173-303-083, is reserved, and is not applicable at the publication date of this chapter.
5. The Discarded Chemical Products List appears in WAC 173-303-9903, and the Dangerous Waste Sources List appears in WAC 173-303-9904.
6. See WAC 173-303-084.
7. See WAC 173-303-090. The Dangerous Waste Characteristics include the properties of Ignitability, Corrosivity, Reactivity, and EP Toxicity.
8. Washington Department of Ecology may order testing pursuant to WAC 173-303-070(4)(b).
9. See WAC 173-303-100.
10. As a dangerous waste generator you must comply with the requirements set forth under WAC 173-303-170.



NEW SECTION

WAC 173-303-9902 NARRATIVE FOR DESIGNATING DANGEROUS WASTES. The following question and answer narrative has been designed to help a generator determine if his waste is dangerous, and therefore regulated under chapter 173-303 WAC. This

narrative will be most valuable when used in conjunction with the regulations, and with specific knowledge about an actual waste or waste stream.

You should begin with paragraph (1), answer the question for yourself, then follow the directions for the appropriate Yes or No response. Proceed through the narrative according to the questions and responses which are applicable to your waste.

If a given response is to Continue, this indicates that you should go on to the next paragraph. In some cases there are multiple questions. If your answer to all the questions is Yes, then follow the directions for the Yes response. If your answer to one or more of the questions is No, then follow the directions for the No response.

(1) Do you generate a solid waste, as defined in WAC 173-303-040?

No — You are not regulated under chapter 173-303 WAC.

Yes — Continue.

(2) Do you wish to voluntarily designate your waste through the Dangerous Waste Criteria set forth under WAC 173-303-100?

Yes — Go to (13) Dangerous Waste Criteria.

No — Continue.

(3) Discarded Chemical Product. Is your waste a Discarded Chemical Product as described under WAC 173-303-081(1)? Is your waste listed on the Discarded Chemical Products List, WAC 173-303-9903? Does your waste quantity exceed the Quantity Exclusion Limits described in WAC 173-303-081(2) for your waste type?

Yes — You are the generator of a Discarded Chemical Product. Assign the appropriate designation (EHW or DW) and the Dangerous Waste Number (DW#) which correspond to your listed waste. Go to (14) Generator.

No — Continue.

(4) Dangerous Waste Source. Is your waste and the process which generated it listed in the Dangerous Waste Sources List, WAC 173-303-9904? Does your waste quantity exceed 400 lbs. per month or per batch, as set forth in WAC 173-303-082(1)?

Yes — You are the generator of a Dangerous Waste Source. Designate your waste as a DW, and assign the Dangerous Waste Number (DW#) which corresponds to your listed waste. Go to (14) Generator.

No — Continue.

(5) Infectious Dangerous Waste. (Reserved). The department has not promulgated regulations in this area. Continue to the next question.

(6) Dangerous Waste Mixtures. Is your waste a Dangerous Waste Mixture as defined under WAC 173-303-084(3)? Do you know any of the chemical constituents of your waste? Do you know the concentrations for these constituents in your waste?

No — Go to (11) Dangerous Waste Characteristics.

Yes — Continue.

(7) Toxic Dangerous Waste Mixtures. Can you obtain toxicity data for your waste constituents of known concentration? (You should check the NIOSH Registry and EPA Spill Table referenced in WAC 173-303-084(2).) Assign Toxic Categories to each known waste constituent in accordance with WAC 173-303-084(5)(a). Calculate the Equivalent Concentration (%) for your waste in accordance with WAC 173-303-084(5)(b). Plot your waste on the Toxic Dangerous Waste Mixtures Graph, WAC 173-303-084(5)(e) (a larger version of the TDWM Graph appears in WAC 173-303-9906), in accordance with the procedures of WAC 173-303-084(5)(c). Does the plotted point fall in either one of the regions marked DW or EHW?

Yes — You are the generator of a Toxic Dangerous Waste Mixture. Assign the proper designation (DW or EHW) according to the region in which the plotted point fell, and assign the Dangerous Waste Number (DW #) WT01 if the toxic waste designation is EHW, or WT02 if it is DW. Go to (14) Generator.

No — Continue.

(8) Persistent (HH) Dangerous Waste Mixtures. Does your waste contain halogenated hydrocarbons (HH)? Sum all the known concentrations for the HH in your waste in accordance with WAC 173-303-084(6)(a). Plot your waste on the Persistent Dangerous Waste Mixtures Graph, WAC 173-303-084(6)(f) (a larger version of the PDWM Graph appears in WAC 173-303-9907), in accordance with the procedures of WAC 173-303-084(6)(c). Does the plotted point fall in either of the regions marked DW or EHW?

Yes — You are the generator of a Persistent Dangerous Waste Mixture. Assign the proper designation (DW or EHW) according to

the region in which the plotted point fell, and assign the Dangerous Waste Number (DW #) WP01 if the HH waste designation is EHW, or WP02 if it is DW. Go to (14) Generator.

No — Continue.

(9) Persistent (PAH) Dangerous Waste Mixtures. Does your waste contain polycyclic aromatic hydrocarbons (PAH) as defined in WAC 173-303-040? Sum all the known concentrations for the PAH in your waste in accordance with WAC 173-303-084(6)(b). Plot your waste on the Persistent Dangerous Waste Mixtures Graph, WAC 173-303-084(6)(f) (a larger version of the PDWM Graph appears in WAC 173-303-9907), in accordance with the procedures of WAC 173-303-084(6)(d). Does the plotted point fall in the region marked EHW (PAH are not designated at DW threshold levels)?

Yes — You are the generator of a persistent Dangerous Waste Mixture. Designate your waste as EHW, and assign the Dangerous Waste Number (DW #) WP03 to your waste. Go to (14) Generator.

No — Continue.

(10) Carcinogenic Dangerous Waste Mixtures. Does your waste contain constituents which are IARC (International Agency for Research on Cancer) positive or suspected, animal or human carcinogens? (Information on IARC carcinogens appears in the NIOSH Registry referenced in WAC 173-303-084(2).) Sum the concentrations of all IARC carcinogens in your waste. Does your waste contain more than one percent total IARC carcinogens, and does your waste quantity exceed 400 lbs. per month or per batch as set forth in WAC 173-303-084(7)?

Yes — You are the generator of a Carcinogenic Dangerous Waste Mixture. Designate your waste as DW, and assign the Dangerous Waste Number (DW #) WC01 to your waste. Go to (14) Generator.

No — Continue.

(11) Dangerous Waste Characteristics. Does your waste exhibit any of the Dangerous Waste Characteristics, WAC 173-303-090, including: Ignitability, 173-303-090(4); Corrosivity, 173-303-090(5); Reactivity, 173-303-090(6); or, EP Toxicity, 173-303-090(7)? Does your waste quantity exceed 400 lbs. per month or per batch?

Yes — You are a dangerous waste generator. Designate your waste (either DW or EHW) in accordance with the characteristic which it exhibits, and assign the Dangerous Waste Number (DW #) that corresponds to the characteristic exhibited by your waste. Go to (14) Generator.

No — Continue.

(12) Has the Washington Department of Ecology ordered you to test your waste against the Dangerous Waste Criteria, WAC 173-303-100, pursuant to the provisions of WAC 173-303-070(4)(b)?

No — Go to (15) Not Regulated.

Yes — Continue.

(13) Dangerous Waste Criteria. Check or test your waste against the Dangerous Waste Criteria set forth in WAC 173-303-100, including: Dangerous Waste Characteristics, WAC 173-303-090; Toxic Dangerous Wastes, WAC 173-303-101; Persistent Dangerous Wastes, WAC 173-303-102; and Carcinogenic Dangerous Wastes, WAC 173-303-103. Does your waste meet one or more of the Dangerous Waste Criteria?

Yes — You are a dangerous waste generator. Designate your waste in accordance with all applicable criteria, and assign all Dangerous Waste Numbers (DW #) corresponding to the criteria your waste needs. Go to (14) Generator.

No — Go to (15) Not Regulated.

(14) Generator. Because you are a generator of a dangerous waste (DW or EHW), you must comply with the requirements set forth under WAC 173-303-170. You may check your waste against the Dangerous Waste Criteria, WAC 173-303-100, to change its designation in accordance with WAC 173-303-070(6)(a).

(15) Not Regulated. You do not generate a dangerous waste, and therefore are exempt from any other requirements of chapter 173-303 WAC.

## NEW SECTION

WAC 173-303-9903 DISCARDED CHEMICAL PRODUCTS LIST.

### DISCARDED CHEMICAL PRODUCTS LIST

| Dangerous Waste No.                        | Substance  | WDOE Hazard Designation | Reason for Designation* | Dangerous Waste No. | Substance   | WDOE Hazard Designation | Reason for Designation* |
|--|--|-------------------------|-------------------------|---------------------|---|-------------------------|-------------------------|
| <b>ACUTELY DANGEROUS CHEMICAL PRODUCTS</b> |  |                         |                         |                     |   |                         |                         |
| P001                                       | 3-(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts                             | EHW                     | A                       |                     | FOLODOL M see P071  |                         |                         |
| P002                                       | 1-Acetyl-2-thiourea  | EHW                     | B                       |                     | FOSFERNO M see P071   |                         |                         |
| P003                                       | Acrolein   | EHW                     | X                       |                     | FRATOL see P058   |                         |                         |
| P004                                       | Aldrin   | EHW                     | B,H                     |                     | Fulminate of mercury see P065   |                         |                         |
| P005                                       | Allyl alcohol  | EHW                     | B,I                     |                     | FUNGITOX  |                         |                         |
| P006                                       | Aluminum phosphide   | EHW                     | B,R                     |                     | FUSSOF see P057   |                         |                         |
| P007                                       | 5-(Aminomethyl)-3-isoxazolol   | EHW                     | B                       | P059                | GALLOTOX see P092   |                         |                         |
| P008                                       | 4-Aminopyridine  | EHW                     | B                       | P060                | GEARPHOS see P071   |                         |                         |
| P009                                       | Ammonium picrate   | EHW                     | R                       |                     | GERUTOX see P020  |                         |                         |
| P010                                       | Arsenic acid   | EHW                     | B                       |                     | Heptachlor  | EHW                     | +,X,H                   |
| P011                                       | Arsenic pentoxide  | EHW                     | B                       |                     | 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,endo-dimethanonaphthalene | EHW                     | B,H                     |
| P012                                       | Arsenic trioxide   | EHW                     | B,+                     |                     | 1,4,5,6,7,7-Hexachloro-cyclic-5-norbomene-2,3-dimethanol sulfite see P050               |                         |                         |
| P013                                       | Barium cyanide   | EHW                     | A                       | P061                | Hexachloropropene   | EHW                     | C,H                     |
| P014                                       | Benzenethiol   | EHW                     | A                       | P062                | Hexaethyl tetraphosphate  | EHW                     | B                       |
| P015                                       | Beryllium dust   | EHW                     | +,C                     |                     | HOSTAQUICK see P092   |                         |                         |
| P016                                       | Bis(chloromethyl) ether  | EHW                     | B,+,H                   |                     | HOSTAQUICK see P092   |                         |                         |
| P017                                       | Bromoacetone   | EHW                     | C,H                     |                     | Hydrazomethane see P068   |                         |                         |
| P018                                       | Brucine  | EHW                     | A                       | P063                | Hydrocyanic acid  | EHW                     | A                       |
| P019                                       | 2-Butanone peroxide  | EHW                     | B                       |                     | ILLOXOL see P037  |                         |                         |
| P020                                       | 2-sec-Butyl-4,6-dinitrophenol  | EHW                     | B                       |                     | INDOCI see P025   |                         |                         |
| P021                                       | Calcium cyanide  | EHW                     | B                       |                     | Indomethacin see P025   |                         |                         |
| P022                                       | Carbon disulfide   | DW                      | D,I                     |                     | INSECTOPHENE see P050   |                         |                         |
| P023                                       | Chloroacetaldehyde   | EHW                     | B,H                     |                     | Isodrin see P060  |                         |                         |
| P024                                       | p-Chloroaniline  | EHW                     | C,H                     | P064                | Isocyanic acid, ethyl ester   | DW                      | I                       |
| P026                                       | 1-(o-Chlorophenyl)thiourea   | EHW                     | A,H                     |                     | KILOSEP see P020  |                         |                         |
| P027                                       | 3-Chloropropionitrile  | EHW                     | B,H                     |                     | KOP-THIODAN see P050  |                         |                         |
| P028                                       | alpha-Chlorotoluene (also Benzene, (chloromethyl 1))                           | EHW                     | B,H,+                   |                     | KWIK-KILL see P108  |                         |                         |
| P029                                       | Copper cyanide   | EHW                     | B                       |                     | KWIKSAN   |                         |                         |
| P030                                       | Cyanides, soluble cyanide salts N.O.S.   | EHW                     | A                       |                     | KUMADER see P001  |                         |                         |
| P031                                       | Cyanogen   | EHW                     | B,I                     |                     | KYPFARIN see P001   |                         |                         |
| P033                                       | Cyanogen chloride  | EHW                     | A,H                     |                     | LEYTOSAN see P092   |                         |                         |
| P034                                       | 2-Cyclohexyl-4,6-dinitrophenol   | EHW                     | C                       |                     | LIQUIPHENE see P092   |                         |                         |
| P036                                       | Dichlorophenylarsine   | EHW                     | B,H                     |                     | MALIK see P050  |                         |                         |
| P037                                       | Dieldrin   | EHW                     | X,+,H                   |                     | MAREVAN see P001  |                         |                         |
| P038                                       | Diethylarsine  | EHW                     | B                       |                     | MAR-FRIN see P001   |                         |                         |
| P039                                       | O,O-Diethyl-S-(2-(ethylthio)ethyl) phosphorodithioate                          | EHW                     | A                       |                     | MARTIN'D MAR-FRIN see P001  |                         |                         |
| P040                                       | O,O-Diethyl-O-pyrazinyl phosphorothioate                                       | EHW                     | A                       | P065                | MAVERAN see P001  |                         |                         |
| P041                                       | Diethyl-p-nitrophenyl phosphate  | EHW                     | A                       |                     | MEGATOX see P005  |                         |                         |
| P042                                       | 3, 4-Dihydroxy-alpha-((methylamino) methyl) benzyl alcohol                     | EHW                     | B                       |                     | Mercury fulminate   | DW                      | R                       |
| P043                                       | Diisopropylfluorophosphate DIMETATE see P044                                   | EHW                     | B,H                     |                     | MERSOLITE see P092  |                         |                         |
| P044                                       | 1,4:5,8-Dimethanonaphthalene, hexachloro-1,4,4a,5,8,8a-hexahydro endo see P060 | EHW                     | A                       | P066                | METHYL-E 605 see P071   | EHW                     | B                       |
| P045                                       | Dimethoate   | EHW                     | B                       | P067                | Methyl Aziridine  | EHW                     | B,+,I                   |
| P046                                       | 3,3-Dimethyl-a-(methylthio)-2-butanone, O-((methylamino) carbonyl) oxime       | EHW                     | B                       | P068                | METHYL-2-(methylthio) propionaldehyde-o-(methylcarbonyl) oxime                          | EHW                     | A,I                     |
| P047                                       | alpha, alpha-Dimethylphenethylamine  | EHW                     | C                       |                     | Methyl hydrazine  |                         |                         |
| P048                                       | Dinitrocyclohexylphenol see P034   | EHW                     | B                       |                     | Methyl isocyanate see P067  |                         |                         |
| P049                                       | 2,4-Dinitrophenol  | EHW                     | B                       | P069                | 2-Methylacetonitrile  | EHW                     | A                       |
| P050                                       | DINOSEB see P020   | EHW                     | B                       | P070                | 2-Methyl-2-(methylthio) propionaldehyde-o-(methylcarbonyl) oxime                        | EHW                     | B                       |
| P051                                       | DINOSEBE see P020  |                         |                         |                     | METHYL NIRON see P042   |                         |                         |
| P052                                       | Disulfoton see P039  |                         |                         | P071                | Methyl parathion  | EHW                     | A                       |
| P053                                       | 2,4-Dithiobiuret   | EHW                     | A                       | P072                | alpha-Naphthylthiourea  | EHW                     | B                       |
| P054                                       | DNBP see P020  |                         |                         | P073                | Nickel carbonyl   | EHW                     | B                       |
| P055                                       | DOLCO MOUSE CEREAL see P020  |                         |                         | P074                | Nickel cyanide  | DW                      | D,R                     |
| P056                                       | DOW GENERAL see P020   |                         |                         | P075                | Nicotine and salts  | EHW                     | B                       |
| P057                                       | DOW GENERAL WEED KILLER see P020   |                         |                         | P076                | Nitric oxide  | EHW                     | B                       |
| P058                                       | DOW SELECTIVE WEED KILLER see P020   |                         |                         | P077                | p-Nitroaniline  | DW                      | D                       |
|  | DOWICIDE G see P090  |                         |                         | P078                | Nitrogen dioxide  | EHW                     | A                       |
|  | DYANACIDE see P092   |                         |                         | P079                | Nitrogen peroxide see P078  |                         |                         |
|  | EASTERN STATES DUOCIDE see P001  |                         |                         | P081                | Nitroglycerine  | DW                      | R                       |
|  | ELGETOL see P020   |                         |                         | P082                | N-Nitrosodimethylamine  | EHW                     | B,+                     |
| P050                                       | Endosulfan   | EHW                     | X,H                     | P084                | N-Nitrosomethylvinylamine   | EHW                     | B,+                     |
| P051                                       | Endrin   | EHW                     | X,H                     |                     | NYLMERATE see P092  |                         |                         |
| P052                                       | Ethylcyanide see P101  |                         |                         | P085                | OCTALOX see P037  |                         |                         |
| P054                                       | Ethyleneimine  | EHW                     | B,+                     | P087                | Octamethylpyrophosphoramidate   | EHW                     | A                       |
|  | FASCO FASCRAT POWDER see P001  |                         |                         |                     | OCTAN see P092  |                         |                         |
|  | FEMMA see P091   |                         |                         |                     | OMPA see P085   |                         |                         |
| P055                                       | Ferric cyanide see P030  |                         |                         |                     | OMPACIDE see P085   |                         |                         |
| P056                                       | Fluorine - Poison  | EHW                     | B                       | P088                | OMPAX see P085  |                         |                         |
| P057                                       | 2-Fluoroacetamide  | EHW                     | B,H                     |                     | Osmium tetroxide  | EHW                     | B                       |
| P058                                       | Fluoroacetic acid, sodium salt   | EHW                     | A,H                     |                     | 7-Oxabicyclo[2,2,1]heptane-2,3-dicarboxylic acid  | EHW                     | B                       |
|  | FOLODOL-80 see P071  |                         |                         |                     | PANIVARFIN see P001   |                         |                         |
|  |  |                         |                         |                     | PANORAM D-31 see P037   |                         |                         |
|  |  |                         |                         |                     | PANTHERINE see P007   |                         |                         |
|  |  |                         |                         |                     | PANWARFIN see P001  |                         |                         |



| Dangerous Waste No. | Substance                                | WDOE Hazard Designation | Reason for Designation* | Dangerous Waste No. | Substance                            | WDOE Hazard Designation | Reason for Designation* |
|---------------------|--|-------------------------|-------------------------|---------------------|--------------------------------------|-------------------------|-------------------------|
|                     | Carbon tetrachloride see U211            |                         |                         | U120                | Fluoranthene                         | DW                      | D                       |
| U033                | Carbonyl fluoride                        | EHW                     | H,R                     | U121                | Fluorotrichloromethane               | EHW                     | H                       |
| U034                | Chloral                                  | DW                      |                         | U122                | Formaldehyde                         | EHW                     | C                       |
| U035                | Chlorambucil                             | EHW                     | +,H                     | U123                | Formic acid                          | DW                      | D,O                     |
| U036                | Chlordane                                | EHW                     | H,X                     | U124                | Furan                                | DW                      | I                       |
|                     | Chlornaphazine see U026                  |                         |                         | U125                | Furfural                             | EHW                     | I,C                     |
| U037                | Chlorobenzene                            | EHW                     | B,H,I                   | U126                | Glycidylaldehyde                     | EHW                     | +,C                     |
| U039                | 4-Chloro-m-cresol                        | EHW                     | H                       | U127                | Hexachlorobenzene                    | EHW                     | H                       |
| U041                | 1-Chloro-2,3-epoxypropane                | EHW                     | H,C,+,I                 | U128                | Hexachlorobutadiene                  | EHW                     | H,C                     |
| U042                | 2-Chloroethyl vinyl ether                | EHW                     | H,C                     | U129                | Hexachlorocyclohexane                | EHW                     | H,+                     |
| U043                | Chloroethene                             | EHW                     | H,+,D                   | U130                | Hexachlorocyclopentadiene            | EHW                     | X,H                     |
| U044                | Chloroform                               | EHW                     | C,+,H                   | U131                | Hexachloroethane                     | EHW                     | H                       |
| U045                | Chloromethane                            | EHW                     | I,H                     | U132                | Hexachlorophene                      | EHW                     | H,C                     |
| U046                | Chloromethyl methyl ether                | EHW                     | H,D,+,I                 | U133                | Hydrazine                            | EHW                     | R,+,B                   |
| U047                | beta-Chloronaphthalene                   | EHW                     | H,D                     | U134                | Hydrofluoric acid                    | DW                      | O,D                     |
| U048                | 2-Chlorophenol                           | EHW                     | H,D                     | U135                | Hydrogen sulfide                     | EHW                     | I,B                     |
| U049                | 4-Chloro-o-toluidine, hydrochloride      | EHW                     | H                       | U136                | Hydroxydimethylarsine oxide          | DW                      | D                       |
| U050                | Chrysene                                 | EHW                     | +,P                     | U137                | Indeno (1,2,3-cd)pyrene              | DW                      | +                       |
| U051                | Creosote                                 | EHW                     | B                       |                     | Indomethacin see U245                |                         |                         |
| U052                | Cresols and Cresylic acid                | EHW                     | B                       | U138                | Iodomethane                          | EHW                     | +,H                     |
| U053                | Crotonaldehyde                           | EHW                     | B,I                     | U139                | Iron dextran                         | DW                      | +                       |
| U055                | Cumene                                   | EHW                     | C,I                     | U140                | Isobutyl alcohol                     | DW                      | D,I                     |
| U056                | Cyclohexane                              | EHW                     | I,C                     | U141                | Isosafrole                           | DW                      |                         |
| U057                | Cyclohexanone                            | EHW                     | I,C                     | U142                | Kepon                                | EHW                     | X,H                     |
| U058                | Cyclophosphamide                         | EHW                     | +,C,H                   | U143                | Lasiocarpine                         | EHW                     | +,C                     |
| U059                | Daunomycin                               | DW                      | +                       | U144                | Lead acetate                         | EHW                     | D,EP                    |
| U060                | DDD                                      | EHW                     | +,C,H                   | U145                | Lead phosphate                       | DW                      | +                       |
| U061                | DDT                                      | EHW                     | +,X,H                   | U146                | Lead subacetate                      | DW                      | +                       |
| U062                | Diallate                                 | EHW                     | +,C,H                   | U147                | Maleic anhydride                     | EHW                     | C                       |
| U063                | Dibenz[a,h]anthracene                    | EHW                     | +,P                     | U148                | Maleic hydrazide                     | DW                      | D                       |
| U064                | Dibenz[a,i]pyrene                        | EHW                     | P,+                     | U149                | Malononitrile                        | EHW                     | C                       |
| U066                | 1,2-Dibromo-3-chloropropane              | EHW                     | H,+,C                   |                     | MEK Peroxide see U160                |                         |                         |
| U068                | Dibromomethane                           | EHW                     | H,+,C                   | U150                | Melphalan                            | DW                      | +                       |
| U069                | Dibutyl phthalate                        | DW                      | D                       | U151                | Mercury                              | EHW                     | EP                      |
| U070                | o-Dichlorobenzene                        | EHW                     | H,B                     | U152                | Methacrylonitrile                    | EHW                     | B,I                     |
| U071                | m-Dichlorobenzene                        | EHW                     | H,B                     | U153                | Methanethiol                         | EHW                     | I,B                     |
| U072                | p-Dichlorobenzene                        | EHW                     | H,B                     | U154                | Methanol                             | DW                      | D,I                     |
| U073                | 3,3'-Dichlorobenzidine                   | EHW                     | H,+                     | U155                | Methapyrilene                        | DW                      | D                       |
| U074                | 1,4-Dichloro-2-butene                    | EHW                     | H,C,I                   |                     | Methyl alcohol see U154              |                         |                         |
| U075                | Dichlorodifluoromethane                  | EHW                     | H                       | U156                | Methyl chlorocarbonate               | EHW                     | H,I,B                   |
| U076                | 1,1-Dichloroethane                       | EHW                     | H,D                     |                     | Methyl chloroform see U226           |                         |                         |
| U077                | 1,2-Dichloroethane                       | EHW                     | H,D                     | U157                | 3-Methylcholanthrene                 | EHW                     | P,H                     |
| U078                | 1,1-Dichloroethylene                     | EHW                     | H,C,+                   |                     | Methyl chloroformate see U156        |                         |                         |
| U079                | 1,2-Dichloroethylene                     | EHW                     | H,D                     | U158                | 4,4'-Methylene-bis-(2-chloroaniline) | EHW                     | H,+                     |
| U080                | Dichloromethane                          | EHW                     | H,C                     | U159                | Methyl ethyl ketone (MEK)            | DW                      | D,I                     |
|                     | Dichloromethylbenzene see U017           |                         |                         | U160                | Methyl ethyl ketone peroxide         | EHW                     | B,R                     |
| U081                | 2,4-Dichlorophenol                       | EHW                     | H,D                     |                     | Methyl iodine see U138               |                         |                         |
| U082                | 2,6-Dichlorophenol                       | EHW                     | H,D                     | U161                | Methyl isobutyl ketone               | DW                      | D,I                     |
| U083                | 1,2-Dichloropropane                      | EHW                     | H,C,I                   | U162                | Methyl methacrylate                  | DW                      | I,D                     |
| U084                | 1,3-Dichloropropene                      | EHW                     | H,C                     | U163                | N-Methyl-N'-nitro-N-nitrosoguanidine | EHW                     | +,C                     |
| U085                | 1,2,3,4-Diepoxybutane                    | EHW                     | B,I                     | U164                | Methylthiouracil                     | DW                      | +                       |
| U086                | 1,2-Diethylhydrazine                     | DW                      | +                       | U165                | Naphthalene                          | EHW                     | B                       |
| U087                | 0,0-Diethyl-S-methyl-dithiophosphate     | DW                      |                         | U166                | 1,4-Naphthoquinone                   | EHW                     | C                       |
| U088                | Diethyl phthalate                        | DW                      |                         | U167                | 1-Naphthylamine                      | EHW                     | B,+                     |
| U089                | Diethylstilbestrol                       | DW                      | +                       | U168                | 2-Naphthylamine                      | EHW                     | B,+                     |
| U090                | Dihydrosafrole                           | DW                      | D,+                     | U169                | Nitrobenzene                         | EHW                     | C,I                     |
| U091                | 3,3'-Dimethoxybenzidine                  | DW                      | +,D                     | U170                | 4-Nitrophenol                        | EHW                     | C                       |
| U092                | Dimethylamine                            | EHW                     | C,I                     | U171                | 2-Nitropropane                       | EHW                     | C,I                     |
| U093                | p-Dimethylaminoazobenzene                | EHW                     | C,+                     | U172                | N-Nitrosodi-n-butylamine             | DW                      | D,+                     |
| U094                | 7,12-Dimethylbenz[a]anthracene           | EHW                     | P,C                     | U173                | N-Nitrosodiethanolamine              | DW                      | +                       |
| U095                | 3,3'-Dimethylbenzidine                   | EHW                     | +,C                     | U174                | N-Nitrosodiethylamine                | EHW                     | +,C                     |
| U096                | alpha,alpha-Dimethylbenzyl hydroperoxide | EHW                     | R,C                     | U175                | N-Nitrosodi-n-propylamine            | EHW                     | +,C                     |
| U097                | Dimethylcarbamoyl chloride               | EHW                     | H,D,+                   | U176                | N-Nitroso-n-ethylurea                | EHW                     | +,C                     |
| U098                | 1,1-Dimethylhydrazine                    | DW                      | I,+                     | U177                | N-Nitroso-n-methylurea               | EHW                     | +,C                     |
| U099                | 1,2-Dimethylhydrazine                    | EHW                     | +,C,I                   | U178                | N-Nitroso-n-methylurethane           | EHW                     | +,C                     |
| U101                | 2,4-Dimethylphenol                       | DW                      | D                       | U179                | N-Nitrosopiperidine                  | EHW                     | +,C                     |
| U102                | Dimethyl phthalate                       | DW                      |                         | U180                | N-Nitrosopyrrolidine                 | DW                      | +,D                     |
| U103                | Dimethyl sulfate                         | EHW                     | +,C,0                   | U181                | 5-Nitro-o-toluidine                  | DW                      | D                       |
| U105                | 2,4-Dinitrotoluene                       | EHW                     | C                       | U182                | Paraldehyde                          | DW                      | I,D                     |
| U106                | 2,6-Dinitrotoluene                       | EHW                     | C                       |                     | PCNB see U185                        |                         |                         |
| U107                | Di-n-octyl phthalate                     | DW                      |                         | U183                | Pentachlorobenzene                   | EHW                     | H                       |
| U108                | 1,4-Dioxane                              | DW                      | +,D                     | U184                | Pentachloroethane                    | EHW                     | H,A                     |
| U109                | 1,2-Diphenylhydrazine                    | EHW                     | C                       | U185                | Pentachloronitrobenzene              | EHW                     | H,+,D                   |
| U110                | Dipropylamine                            | EHW                     | C,I                     |                     | Pentachlorophenol see U242           |                         |                         |
| U111                | Di-N-propylnitrosamine                   | EHW                     | +,C                     | U186                | 1,3-Pentadiene                       | DW                      | D,I                     |
|                     | Ethane nitrile see U003                  |                         |                         |                     | Perc see U210                        |                         |                         |
| U112                | Ethyl acetate                            | DW                      | I,D                     | U187                | Perchloroethylene see U210           |                         |                         |
| U113                | Ethyl acrylate                           | DW                      | I,D                     | U188                | Phenacetin                           | DW                      | D,+                     |
| U114                | Ethylenebis(dithiocarbamic acid)         | DW                      |                         | U189                | Phenol                               | EHW                     | C                       |
| U115                | Ethylene oxide                           | EHW                     | I,C                     | U189                | phosphorous sulfide                  | EHW                     | R,I,B                   |
| U116                | Ethylene thiourea                        | DW                      | +,D                     | U190                | Phthalic anhydride                   | EHW                     | C                       |
| U117                | Ethyl ether                              | DW                      | I,D                     | U191                | 2-Picoline                           | EHW                     | C                       |
| U118                | Ethylmethacrylate                        | DW                      | I                       | U192                | Pronamide                            | DW                      |                         |
| U119                | Ethyl methanesulfonate                   | DW                      | +                       | U193                | 1,3-Propane sultone                  | DW                      | +                       |
|                     |  |                         |                         | U194                | n-propylamine                        | EHW                     | I,C                     |

| Dangerous Waste No. | Substance  | WDOE Hazard Designation | Reason for Designation* |
|---------------------|--|-------------------------|-------------------------|
| U196                | Pyridine   | EHW                     | I,C                     |
| U197                | Quinone  | EHW                     | C                       |
| U200                | Reserpine  | DW                      |                         |
| U201                | Resorcinol   | EHW                     | C                       |
| U202                | Saccharin  | DW                      | +                       |
| U203                | Safrole  | DW                      | D,+                     |
| U204                | Selenious acid   | DW                      |                         |
| U205                | Selenium sulfide   | DW                      | R                       |
|                     | Silvex see U233  |                         |                         |
| U206                | Streptozotocin   | DW                      | +                       |
|                     | 2,4,5-T see U232   |                         |                         |
| U207                | 1,2,4,5-Tetrachlorobenzene                                 | EHW                     | H,D                     |
| U208                | 1,1,1,2-Tetrachloroethane                                  | EHW                     | H                       |
| U209                | 1,1,2,2-Tetrachloroethane                                  | EHW                     | H                       |
| U210                | Tetrachloroethane  | EHW                     | H,C                     |
|                     | Tetrachloroethylene see U210                               |                         |                         |
| U211                | Tetrachloromethane   | EHW                     | H,C,+                   |
| U212                | 2,3,4,6-Tetrachlorophenol                                  | EHW                     | H,C                     |
| U213                | Tetrahydrofuran  | DW                      | I                       |
| U214                | Thallium (1) acetate                                       | DW                      |                         |
| U215                | Thallium (1) carbonate                                     | DW                      |                         |
| U216                | Thallium (1) chloride                                      | DW                      |                         |
| U217                | Thallium (1) nitrate                                       | DW                      |                         |
| U218                | Thioacetamide  | DW                      | +                       |
| U219                | Thiourea   | EHW                     | C,+                     |
|                     | Thiram see U244  |                         |                         |
| U220                | Toluene  | EHW                     | C,I                     |
| U221                | Toluenediamine   | DW                      |                         |
| U222                | o-Toluidine hydrochloride                                  | DW                      | D,+                     |
| U223                | Toluene diisocyanate                                       | EHW                     | B,R                     |
| U224                | Toxaphene  | EHW                     | X,H                     |
|                     | 2,4,5-TP see U233  |                         |                         |
| U225                | Tribromomethane  | EHW                     | H                       |
| U226                | 1,1,1-Trichloroethane                                      | EHW                     | C,H                     |
| U227                | 1,1,2-Trichloroethane                                      | EHW                     | H,C                     |
| U228                | Trichloroethene  | EHW                     | H,+C                    |
|                     | Trichloroethylene see U228                                 |                         |                         |
| U230                | 2,4,5-Trichlorophenol                                      | EHW                     | H,A                     |
| U231                | 2,4,6-Trichlorophenol                                      | EHW                     | H,A                     |
| U232                | 2,4,5-Trichlorophenoxyacetic acid                          | EHW                     | B,+H                    |
| U233                | 2-(2,4,5-Trichlorophenoxy)-propionic acid                  | EHW                     | H,B                     |
|                     | TRI-CLENE see U228   |                         |                         |
| U234                | Trinitrobenzene  | DW                      | R,D                     |
| U235                | Tris(2,3-dibromopropyl) phosphate                          | EHW                     | D,H                     |
| U236                | Trypan blue  | EHW                     | +,H                     |
| U237                | Uracil mustard   | EHW                     | +,B,H                   |
| U238                | Urethane   | DW                      | +                       |
|                     | Vinyl chloride see U043                                    |                         |                         |
|                     | Vinylidene chloride see U078                               |                         |                         |
| U239                | Xylene   | EHW                     | C,I                     |
| U240                | 2,4-Dichlorophenoxyacetic acid, salts and esters           | EHW                     | H,B                     |
| U242                | Pentachlorophenol  | DW                      | B,H                     |
| U243                | Hexachloropropene  | EHW                     | H-                      |
| U244                | Bis(dimethylthiocarbamoyl) disulfide                       | DW                      | D                       |
| U245                | 1-(p-Chlorobenzoyl)-5-methoxy-2-methylindole-3-acetic acid | EHW                     | H,B                     |
| U246                | Cyanogen bromide   | EHW                     | C,H                     |

- \* EHW = Extremely Hazardous Waste  
 DW = Dangerous Waste  
 X = Toxic, Category X  
 A = Toxic, Category A  
 B = Toxic, Category B  
 C = Toxic, Category C  
 D = Toxic, Category D  
 H = Persistent, Halogenated Hydrocarbon  
 O = Corrosive  
 P = Persistent, Polycyclic Aromatic Hydrocarbon  
 + = IARC Positive or Suspected Carcinogen  
 I = Ignitable  
 R = Reactive  
 EP = Extraction Procedure Toxicity

NEW SECTION

WAC 173-303-9904 DANGEROUS WASTE SOURCES LIST.

DANGEROUS WASTE SOURCES LIST

| Dangerous Waste No. | Sources  |
|---------------------|--|
| Nonspecific Sources |  |
| Generic:            |  |
| F001                | The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and the chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations.   |
| F002                | The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,1,1-trifluoroethane, o-dichlorobenzene, trichlorofluoromethane; and the still bottoms from the recovery of these solvents.   |
| F003                | The following spent nonhalogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents.  |
| F004                | The following spent nonhalogenated solvents: Cresols and cresylic acid, nitrobenzene, and the still bottoms from the recovery of these solvents.   |
| F005                | The following spent nonhalogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine; and the still bottoms from the recovery of these solvents.  |
| F006                | Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. |
| F019                | Wastewater treatment sludges from the chemical conversion coating of aluminum.   |
| F007                | Spent plating bath solutions from electroplating operations (except for precious metals electroplating spent cyanide plating bath solutions).  |
| F008                | Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating bath sludges).  |
| F009                | Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (except for precious metals electroplating spent stripping and cleaning bath solutions).   |
| F010                | Quenching bath sludge from oil baths from metal heat treating operations where cyanides are used in the process (except for precious metals heat-treating quenching bath sludges).   |
| F011                | Spent solutions from salt bath pot cleaning from metal heat treating operations (except for precious metals heat-treating spent cyanide solutions from salt bath pot cleaning).  |
| F012                | Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process (except for precious metals heat-treating quenching wastewater treatment sludges).   |

| Dangerous Waste No.        | Sources   | Dangerous Waste No.         | Sources   |
|----------------------------|---|-----------------------------|---|
| Specific Sources           |   |                             |   |
| <b>Wood Preservation:</b>  |   |                             |   |
| K001                       | Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol. | K026                        | Stripping still tails from the production of methyl ethyl pyridines.  |
| <b>Inorganic Pigments:</b> |   |                             |   |
| K002                       | Wastewater treatment sludge from the production of chrome yellow and orange pigments.   | K027                        | Centrifuge and distillation residues from toluene diisocyanate production.  |
| K003                       | Wastewater treatment sludge from the production of molybdate orange pigments.   | K028                        | Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.  |
| K004                       | Wastewater treatment sludge from the production of zinc yellow pigments   | K029                        | Waste from the product steam stripper in the production of 1,1,1-trichloroethane.   |
| K005                       | Wastewater treatment sludge from the production of chrome green pigments.   | K095                        | Distillation bottoms from the production of 1,1,1-trichloroethane.  |
| K006                       | Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).                            | K096                        | Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane  |
| K007                       | Wastewater treatment sludge from the production of iron blue pigments.  | K030                        | Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene                                |
| K008                       | Oven residue from the production of chrome oxide green pigments.  | K083                        | Distillation bottoms from aniline production  |
| <b>Organic Chemicals:</b>  |   |                             |   |
| K009                       | Distillation bottoms from the production of acetaldehyde from ethylene.   | K103                        | Process residues from aniline extraction from the production of aniline   |
| K010                       | Distillation side cuts from the production of acetaldehyde from ethylene.   | K104                        | Combined wastewater streams generated from nitrobenzene/aniline production  |
| K011                       | Bottom stream from the wastewater stripper in the production of acrylonitrile.  | K085                        | Distillation of fractionation column bottoms from the production of chlorobenzenes  |
| K013                       | Bottom stream from the acetonitrile column in the production of acrylonitrile.  | K105                        | Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes                                  |
| K014                       | Bottoms from the acetonitrile purification column in the production of acrylonitrile.   | <b>Explosives:</b>          |   |
| K015                       | Still bottoms from the distillation of benzyl chloride.   | K044                        | Wastewater treatment sludges from the manufacturing and processing of explosives.   |
| K016                       | Heavy ends or distillation residues from the production of carbon tetrachloride.  | K045                        | Spent carbon from the treatment of wastewater containing explosives.  |
| K017                       | Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.                                       | K046                        | Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.                    |
| K018                       | Heavy ends from fractionation in ethyl chloride production.   | K047                        | Pink/red water from TNT operations.   |
| K019                       | Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.  | <b>Inorganic Chemicals:</b> |   |
| K020                       | Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.  | K071                        | Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used        |
| K021                       | Aqueous spent antimony catalyst waste from fluoromethanes production.   | K073                        | Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production |
| K022                       | Distillation bottom tars from the production of phenol/acetone from cumene.   | K106                        | Wastewater treatment sludge from the mercury cell process in chlorine production  |
| K023                       | Distillation light ends from the production of phthalic anhydride from naphthalene.   | <b>Petroleum Refining:</b>  |   |
| K024                       | Distillation bottoms from the production of phthalic anhydride from naphthalene.  | K048                        | Dissolved air flotation (DAF) float from the petroleum refining industry.   |
| K093                       | Distillation light ends from the production of phthalic anhydride from ortho-xylene.  | K049                        | Slop oil emulsion solids from the petroleum refining industry.  |
| K094                       | Distillation bottoms from the production of phthalic anhydride from ortho-xylene.   | K050                        | Heat exchanger bundle cleaning sludge from the petroleum refining industry.   |
| K025                       | Distillation bottoms from the production of nitrobenzene by the nitration of benzene.   | K051                        | API separator sludge from the petroleum refining industry.  |
|                            |   | K052                        | Tank bottoms (leaded) from the petroleum refining industry.   |
|                            |   | <b>Iron and Steel:</b>      |   |
|                            |   | K061                        | Emission control dust/sludge from the primary production of steel in electric furnaces.   |
|                            |   | K062                        | Spent pickle liquor from steel finishing operations.  |
|                            |   | <b>Pesticides:</b>          |   |

| Dangerous Waste No. | Sources   |
|---------------------|---|
| K031                | By-product salts generated in the production of MSMA and cacodylic acid.                            |
| K032                | Wastewater treatment sludge from the production of chlordane.                                       |
| K033                | Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. |
| K034                | Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.      |
| K097                | Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.            |
| K035                | Wastewater treatment sludges generated in the production of creosote.                               |
| K036                | Still bottoms from toluene reclamation distillation in the production of disulfoton.                |
| K037                | Wastewater treatment sludges from the production of disulfoton.                                     |
| K038                | Wastewater from the washing and stripping of phorate production.                                    |
| K039                | Filter cake from the filtration of diethylphosphorodithoric acid in the production of phorate.      |
| K040                | Wastewater treatment sludge from the production of phorate.   |
| K041                | Wastewater treatment sludge from the production of toxaphene.                                       |
| K043                | 2,6-Dichlorophenol waste from the production of 2,4-D.  |
| K099                | Untreated wastewater from the production of 2,4-D.  |

Secondary Lead:

|      |  |
|------|--|
| K069 | Emission control dust/sludge from secondary lead smelting.   |
| K100 | Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. |

Veterinary Pharmaceuticals:

|      |   |
|------|---|
| K084 | Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds                                 |
| K101 | Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds |
| K102 | Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds                |

Ink Formulation:

|      |  |
|------|--|
| K086 | Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead |
|------|--|

Coking:

|      |  |
|------|--|
| K060 | Ammonia still-lime sludge from coking operations |
| K087 | Decanter tank tar sludge from coking operations  |

NEW SECTION

WAC 173-303-9905 DANGEROUS WASTE CONSTITUENTS LIST.

- Acetaldehyde
- Acetonitrile
- 3-(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts
- 2-Acetylaminofluorene

- Acetyl chloride
- 1-Acetyl-2-thiourea
- Acrolein
- Acrylamide
- Acrylonitrile
- Aflatoxins
- Aldrin
- Allyl alcohol
- Aluminum phosphide
- 4-Aminobiphenyl
- 6-Amino-1,1a,2,8,8a,8b-hexahydro-8-(hydroxymethyl)-8a-methoxy-5-methylcarbamate azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione(ester) (Mitomycin C)
- 5-(Aminomethyl)-3-isoxazolol
- 4-Aminopyridine
- Amitrole
- Antimony and compounds, N.O.S.<sup>1</sup>
- Aramite
- Arsenic and compounds, N.O.S.
- Arsenic acid
- Arsenic pentoxide
- Arsenic trioxide
- Auramine
- Azaserine
- Barium and compounds, N.O.S.
- Barium cyanide
- Benz(c)acridine
- Benz(a)anthracene
- Benzene
- Benzeneearsonic acid
- Benzenethiol
- Benidine
- Benzo(a)anthracene
- Benzo(b)fluoranthene
- Benzo(j)fluoranthene
- Benzo(a)pyrene
- Benzothrichloride
- Benzoquinone and isomers
- Benzyl chloride
- Beryllium and compounds, N.O.S.
- Bis(2-chloroethoxy)methane
- Bis(2-chloroethyl)ether
- N,N-Bis(2-chloroethyl)-2-naphthylamine
- Bis(2-chloroisopropyl)ether
- Bis(chloromethyl)ether
- Bis(2-ethylhexyl)phthalate
- Bromoacetone
- Bromomethane
- 4-Bromophenyl phenyl ether
- Brucine
- 2-Butanone peroxide
- Butyl benzyl phthalate
- 2-sec-Butyl-4,6-dinitrophenol (DNBP)
- Cadmium and compounds, N.O.S.
- Calcium chromate
- Calcium cyanide
- Carbon Disulfide
- Chlorambucil
- Chlordane (alpha and gamma isomers)
- Chlorinated benzenes, N.O.S.
- Chlorinated ethane, N.O.S.
- Chlorinated naphthalene, N.O.S.
- Chlorinated phenol, N.O.S.
- Chloroacetaldehyde
- Chloroalkyl ethers
- p-Chloroaniline
- Chlorobenzene
- Chlorobenzilate
- 1-(p-Chlorobenzoyl)-5-methoxy-2-methylindole-3-acetic acid
- p-Chloro-m-cresol
- 1-Chloro-2,3-epoxybutane
- 2-Chloroethyl vinyl ether
- Chloroform
- Chloromethane
- Chloromethyl methyl ether
- 2-Chloronaphthalene

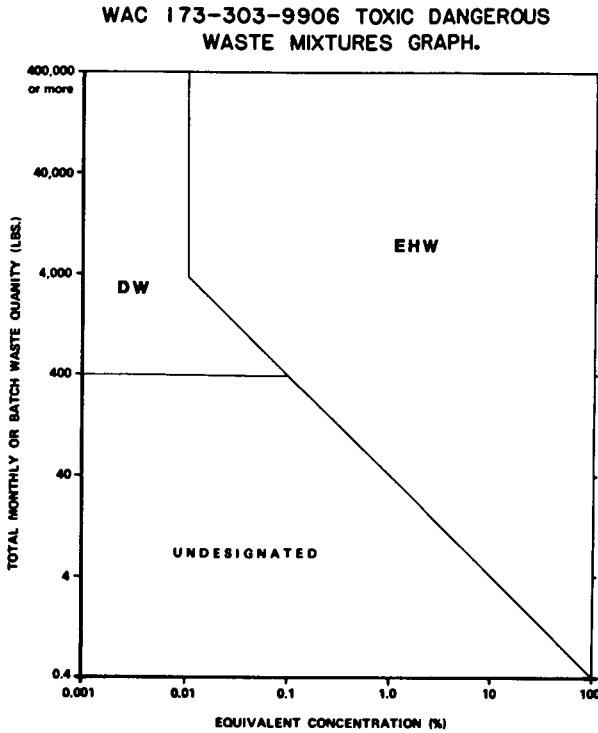
- 2-Chlorophenol  
 1-(o-Chlorophenyl)thiourea  
 3-Chloropropionitrile  
 alpha-Chlorotoluene  
 Chlorinated fluorocarbons  
 Chlorotoluene, N.O.S.  
 Chromium (VI) and compounds, N.O.S.  
 Chrysene  
 Citrus red No. 2  
 Coal tars  
 Copper cyanide  
 Creosote  
 Cresol  
 Cresylic acid  
 Crotonaldehyde  
 Cyanides (soluble salts and complexes), N.O.S.  
 Cyanogen  
 Cyanogen bromide  
 Cyanogen chloride  
 Cycasin  
 2-Cyclohexyl-4,6-dinitrophenol  
 Cyclophosphamide  
 Daunomycin  
 DDD  
 DDE  
 DDT  
 Diallate  
 Dibenz(a,h)acridine  
 Dibenz(a,j)acridine  
 Dibenz(a,h)anthracene(Dibenzo(a,h)anthracene)  
 7H-Dibenzo(c,g)carbazole  
 Dibenzo(a,e)pyrene  
 Dibenzo(a,h)pyrene  
 Dibenzo(a,i)pyrene  
 1,2-Dibromo-3-chloropropane  
 1,2-Dibromoethane  
 Dibromomethane  
 Di-n-butyl phthalate  
 Dichlorobenzene, N.O.S.  
 3,3'-Dichlorobenzidine  
 1,1-Dichloroethane  
 1,2-Dichloroethane  
 Dichloroethylene, N.O.S.  
 1,1-Dichloroethylene  
 Dichloromethane  
 2,4-Dichlorophenol  
 2,6-Dichlorophenol  
 2,4-Dichlorophenoxyacetic acid (2,4-D)  
 Dichloropropane  
 Dichlorophenylarsine  
 1,2-Dichloropropane  
 Dichloropropanol, N.O.S.  
 Dichloropropene, N.O.S.  
 1,3-Dichloropropene  
 Dieldrin  
 Diepoxybutane  
 Diethylarsine  
 O,O-Diethyl-S-(2-ethylthio)ethyl ester of phosphorothioic acid  
 1,2-Diethylhydrazine  
 O,O-Diethyl-S-methylester phosphorodithioic acid  
 O,O-Diethylphosphoric acid, O-p-nitrophenyl ester  
 Diethyl phthalate  
 O,O-Diethyl-O-(2-pyrazinyl) phosphorothioate  
 Diethylstilbestrol  
 Dihydrosafrole  
 3,4-Dihydroxy-alpha-(methylamino)-methyl benzyl alcohol  
 Di-isopropylfluorophosphate (DFP)  
 Dimethoate  
 3,3'-Dimethoxybenzidine  
 p-Dimethylaminoazobenzene  
 7,12-Dimethylbenz(a)anthracene  
 3,3'-Dimethylbenzidine  
 Dimethylcarbamoyl chloride  
 1,1-Dimethylhydrazine  
 1,2-Dimethylhydrazine  
 3,3-Dimethyl-1-(methylthio)-2-butanone-0-((methylamino) carbonyl)oxime  
 Dimethylnitrosoamine  
 alpha, alpha-Dimethylphenethylamine  
 2,4-Diemthylphenol  
 Dimethyl phthalate  
 Dimethyl sulfate  
 Dinitrobenzene, N.O.S.  
 4,6-Dinitro-o-cresol and salts  
 2,4-Dinitrophenol  
 2,4-Dinitrotoluene  
 2,6-Dinitrotoluene, Di-n-octyl phthalate  
 1,4-Dioxane  
 1,2-Diphenylhydrazine  
 Di-n-propylnitrosamine  
 Disulfoton  
 2,4-Dithiobiuret  
 Endosulfan  
 Endrin and metabolites  
 Epichlorohydrin  
 Ethyl carbamate (urethan)  
 Ethyl cyanide  
 Ethylene diamine  
 Etylenebisdithiocarbamate (EBDC)  
 Ethylene oxide  
 Ethylenethiourea  
 Ethyl methanesulfonate  
 Fluoranthene  
 Fluorine  
 2-Fluoroacetamide  
 Fluoroacetic acid, sodium salt  
 Formaldehyde  
 Glycidylaldehyde  
 Halomethane, N.O.S.  
 Heptachlor  
 Heptachlor epoxie (alpha, beta, and gamma isomers)  
 Hexachlorobenzene  
 Hexachlorobutadiene  
 Hexachlorocyclohexane (all isomers)  
 Hexachlorocyclopentadiene  
 Hexachloroethane  
 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo, endo-dimethanonaphthalene  
 Heachlorophene  
 Hexachloropropene  
 Hexaethyl tetraphosphate  
 Hydrazine  
 Hydrocyanic acid  
 Hydrofluoric acid  
 Hydrogen sulfide  
 Indeno(1,2,3-c,d)pyrene  
 Idomethane  
 Iron Dextran  
 Isobutyl alcohol  
 Isocyanic acid, methyl ester  
 Isosafrole  
 Kepone  
 Lasiocarpine  
 Lead and compounds, N.O.S.  
 Lead acetate  
 Lead phosphate  
 Lead subacetate  
 Maleic anhydride  
 Malononitrile  
 Melphalan  
 Mercury and compounds, N.O.S.  
 Methapyrilene  
 Methomyl  
 Methoxychlor  
 2-Methylaziridine  
 3-Methylcholanthrene  
 4,4'-Methylene-bis-(2-chloroaniline)  
 Methyl ethyl ketone (MEK)  
 Methyl hydrazine  
 2-Methylactonitrile  
 Methyl methacrylate  
 Methyl methanesulfonate  
 2-Methyl-2-(methylthio)propionaldehyde-o-(methylcarbonyl) oxime

N-Methyl-N'-nitro-N-nitrosoguanidine  
 Methyl parathion  
 Methylthiouracil  
 Mustard gas  
 Naphthalene  
 1,4-Naphthoquinone  
 1-Naphthylamine  
 2-Naphthylamine  
 1-Naphthyl-2-thiourea  
 Nickel and compounds, N.O.S.  
 Nickel carbonyl  
 Nickel cyanide  
 Nicotine and salts  
 Nitric oxide  
 p-Nitroaniline  
 Nitrobenzene  
 Nitrogen dioxide  
 Nitrogen mustard and hydrochloride salt  
 Nitrogen mustard N-oxide and hydrochloride salt  
 Nitrogen peroxide  
 Nitrogen tetroxide  
 Nitroglycerine  
 4-Nitrophenol  
 4-Nitroquinoline-1-oxide  
 Nitrosamine, N.O.S.  
 N-Nitrosodi-N-butylamine  
 N-Nitrosodisodiethanolamine  
 N-Nitrosodiethylamine  
 N-Nitrosodimethylamine  
 N-Nitrosodi-N-propylamine  
 N-Nitroso-N-ethylurea  
 N-Nitrosomethylethylamine  
 N-Nitroso-N-methylurea  
 N-Nitroso-N-methylurethane  
 N-Nitrosomethylvinylamine  
 N-Nitrosomorpholine  
 N-Nitrosornicotine  
 N-Nitrosopiperdine  
 N-Nitrosopyrrolidine  
 N-Nitrososarcosine  
 5-Nitro-o-toluidine  
 Octamethylpyrophosphoramide  
 Osmium tetroxide  
 7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid  
 Parathion  
 Pentachlorobenzene  
 Pentachloroethane  
 Pentachloronitrobenzene (PCNB)  
 Pentachlorophenol  
 Phenacetin  
 Phenol  
 Phenyl dichloroarsine  
 Phenylmercury acetate  
 N-Phenylthiourea  
 Phosgene  
 Phosphine  
 Phosphorothioic acid, O,O-dimethyl ester, O-ester with  
 N,N-dimethyl benzene sulfonamide  
 Phthalic acid esters, N.O.S.  
 Phthalic anhydride  
 2-Picoline  
 Polychlorinated biphenyl, N.O.S.  
 Potassium cyanide  
 Potassium silver cyanide  
 Pronamide  
 1,3-Propane sultone  
 Propionitrile  
 Propylthiouracil  
 2-Propyn-1-ol  
 Pridine  
 Reserpine  
 Resorcinol  
 Saccharin  
 Safrole  
 Selenious acid  
 Selenium and compounds, N.O.S.  
 Selenium sulfide  
 Selenourea  
 Silver and compounds, N.O.S.  
 Silver cyanide  
 Sodium cyanide  
 Streptozotocin  
 Strontium sulfide  
 Strychnine and salts  
 1,2,4,5-Tetrachlorobenzene  
 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)  
 Tetrachlorethane, N.O.S.  
 1,1,1,2-Tetrachloroethane  
 1,1,2,2-Tetrachloroethane  
 Tetrachloroethene (Tetrachloroethylene)  
 Tetrachloromethane  
 2,3,4,6-Tetrachlorophenol  
 Tetraethyldithiopyrophosphate  
 Tetraethyl lead  
 Tetraethylpyrophosphate  
 Thallium and compounds, N.O.S.  
 Thallic oxide  
 Thallium (I) acetate  
 Thallium (I) carbonate  
 Thallium (I) chloride  
 Thallium (I) nitrate  
 Thallium selenite  
 Thallium (I) sulfite  
 Thioacetamide  
 Thiosemicarbazide  
 Thiourea  
 Thiuram  
 Toluene  
 Toluene diamine  
 o-Toluidine hydrochloride  
 Toluene diisocyanate  
 Toxaphene  
 Tribromomethane  
 1,2,4-Trichlorobenzene  
 1,1,1-Trichloroethane  
 1,1,2-Trichloroethane  
 Trichloroethene (Trichloroethylene)  
 Trichloromethanethiol  
 2,4,5-Trichlorophenol  
 2,4,6-Trichlorophenol  
 2,4,5-Trichlorophenoxyacetic acid (2,4,5-T)  
 2,4,5-Trichlorophenoxypropionic acid (2,4,5-TP) (Silvex)  
 Trichloropropane, N.O.S.  
 1,2,3-Trichloropropane  
 O,O,O-Triethyl phosphorothioate  
 Trinitrobenzene  
 Tris(1-azridinyl) phosphine sulfide  
 Tris(2,3-dibromopropyl) phosphate  
 Trypan blue  
 Uracil mustard  
 Vanadic acid, ammonium salt  
 Vanadium pentoxide (dust)  
 Vinyl chloride  
 Vinylidene chloride  
 Zinc cyanide  
 Zinc phosphide

<sup>1</sup>The abbreviation N.O.S. signifies those members of the general class "not otherwise specified" by name in this listing.

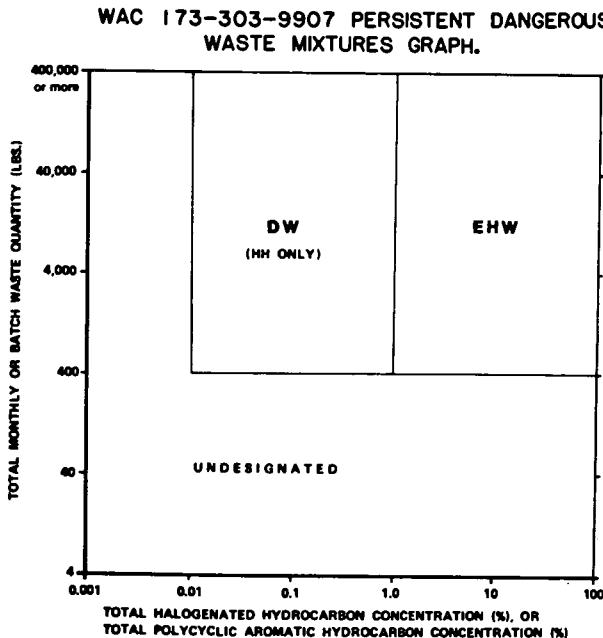
**NEW SECTION**

**WAC 173-303-9906 TOXIC DANGEROUS WASTE MIXTURES GRAPH.**



**NEW SECTION**

**WAC 173-303-9907 PERSISTENT DANGEROUS WASTE MIXTURES GRAPH.**



**REPEALER**

Chapter 173-302 of the Washington Administrative Code is repealed as follows:

- (1) WAC 173-302-010 PURPOSE.
- (2) WAC 173-302-020 APPLICABILITY.
- (3) WAC 173-302-030 ABBREVIATIONS.
- (4) WAC 173-302-040 DEFINITIONS.
- (5) WAC 173-302-050 CONFERENCE.
- (6) WAC 173-302-060 IMMINENT HAZARD.
- (7) WAC 173-302-070 DESIGNATION OF EHW.
- (8) WAC 173-302-080 CATEGORIZATION.
- (9) WAC 173-302-090 CRITERIA FOR DANGEROUS WASTES (DW).
- (10) WAC 173-302-100 CRITERIA FOR EXTREMELY HAZARDOUS WASTE (EHW).
- (11) WAC 173-302-110 HAZARDOUS DUE TO TOXICITY TO MAN AND WILDLIFE.
- (12) WAC 173-302-120 HAZARDOUS DUE TO QUANTITY.
- (13) WAC 173-302-130 HAZARDOUS DUE TO PERSISTENCE AND POTENTIAL HAZARD.
- (14) WAC 173-302-140 CONTAINERS.
- (15) WAC 173-302-150 DIVISION, DILUTION, AND ACCUMULATION.
- (16) WAC 173-302-160 APPEAL OF DESIGNATION.
- (17) WAC 173-302-165 DISPOSAL PROHIBITED.
- (18) WAC 173-302-170 REQUIREMENTS FOR GENERATORS.
- (19) WAC 173-302-180 MANIFEST PROCEDURES.
- (20) WAC 173-302-190 MANIFEST FORM.
- (21) WAC 173-302-200 WASTE TRANSPORTER REQUIREMENTS.
- (22) WAC 173-302-210 TRANSPORTER APPLICABILITY.
- (23) WAC 173-302-220 WASTE ACCEPTANCE.
- (24) WAC 173-302-230 TRANSPORTATION.
- (25) WAC 173-302-240 OPERATOR REQUIREMENTS.
- (26) WAC 173-302-250 YEARLY OPERATING PLAN.
- (27) WAC 173-302-260 HAZARDOUS WASTE ACCEPTANCE.
- (28) WAC 173-302-270 EHW HANDLING AT THE DISPOSAL SITE.
- (29) WAC 173-302-280 ENVIRONMENTAL REQUIREMENTS.
- (30) WAC 173-302-290 SECURITY REQUIREMENTS.
- (31) WAC 173-302-300 SAFETY REQUIREMENTS.
- (32) WAC 173-302-310 EMERGENCY REQUIREMENTS.
- (33) WAC 173-302-320 PERSONNEL REQUIREMENTS.
- (34) WAC 173-302-330 DEPARTMENT SURVEILLANCE.
- (35) WAC 173-302-340 FINANCIAL REQUIREMENTS.
- (36) WAC 173-302-350 TREATER REQUIREMENTS.
- (37) WAC 173-302-360 TREATER APPLICABILITY.
- (38) WAC 173-302-370 EHW ACCEPTANCE.
- (39) WAC 173-302-380 TREATMENT CRITERIA.
- (40) WAC 173-302-390 COMPLIANCE.

**WSR 81-20-086**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning certification of operators of wastewater treatment plants, amending chapter 173-230 WAC;

that such agency will at 1:30 p.m., Thursday, November 12, 1981, in Room 273, Department of Ecology, Abbott Rafael Hall, St. Martins College Campus, Lacey, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 70.95B.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 5, 1981, and/or orally at the hearing above.

Dated: October 5, 1981

By: John F. Spencer  
Deputy Director

### STATEMENT OF PURPOSE

Title: Amending chapter 173-230 WAC Certification of Operators of Wastewater Treatment Plants.

Description of Purpose: To provide for certification (licensing) of wastewater treatment plant operators.

Statutory Authority: RCW 70.95B.040.

Summary of Rule: It establishes the administrative procedures for certification of wastewater treatment plant operators.

Reasons Supporting Proposed Action: The pre-application education and experience requirements are being incorporated into the rules.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lloyd K. Taylor, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6039.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

#### AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

WAC 173-230-010 GENERAL. One of the basic requirements of the wastewater treatment plant operator certification act of 1973 (chapter 139, Laws of 1973) (chapter 70.95B RCW) is to have every operator in responsible charge of a wastewater treatment plant certified in a class equal to or higher than the class of his treatment plant. Certification under this act is available to all operators who can meet the minimum qualification of a given classification. Each operator is encouraged to apply for certification in the highest classification consistent with his qualifications.

#### AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

WAC 173-230-020 DEFINITIONS. (1) "Director" means the director of the department of ecology.

(2) "Department" means the department of ecology.

(3) "Board" means the water and wastewater operators certification board of examiners established by (~~chapter 139, Laws of 1973~~) RCW 70.95B.070.

(4) "Certificate" means the certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

(5) "Wastewater treatment plant" means a facility used in the collection, transmission, storage, pumping, treatment or discharge of any liquid or waterborne waste, whether of domestic origin or a combination of domestic, commercial or industrial waste, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence nor septic tanks with subsoil absorption nor industrial wastewater works.

(6) "Operator" means an individual employed or appointed by any county, sewer district, municipality, public or private corporation,

company, institution, person, or the state of Washington who is (~~designated by the employing or appointing officials as the person on site and in responsible charge of~~) performing work on-site and in the actual operation of a wastewater treatment plant.

(7) "Responsible charge" means the position held by an operator working on site at a wastewater treatment plant, including weekends, holidays, and shifts, where appropriate, who is in direct charge and is responsible for the operation of the plant. Responsible charge can, but is not required to, include supervisory responsibility over other employees. Responsible charge time may be accrued by the operator in charge of a shift, working alone as the only operator on duty, or when assigned as operator in charge in the absence of the designated operator in charge.

#### AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

WAC 173-230-040 CERTIFICATION REQUIRED. (1) After July 1, 1974, it shall be unlawful for any person, firm, corporation, municipal corporation or other governmental subdivision or agency to operate a wastewater treatment plant unless the operator in responsible charge of day-to-day operation of the plant (~~holds an effective certificate issued by the director~~) holds a valid certificate issued by the director of at least the same classification as that of the wastewater treatment plant.

(2) When a wastewater treatment plant is operated on more than one daily shift, including weekends or holidays, the operator (~~for~~) in charge of each shift shall be certified in a class not less than one class lower than that of the wastewater treatment plant.

#### AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

WAC 173-230-050 CERTIFICATION PREREQUISITES. (1) Certificates shall be issued only upon application and only after payment of fees as required herein. Except as provided in WAC 173-230-050(2), certificates in appropriate classifications shall be issued to those who are eligible for examination pursuant to WAC 173-230-061 and only after successful completion of an examination as provided for in WAC 173-230-070.

(2) Certificates shall be issued without examination under the following conditions:

(a) In appropriate classifications, to an operator(s) who on July 1, 1973, held a certificate(s) of competency attained by examination under the voluntary certification program sponsored jointly by the department of social and health services and the pacific northwest pollution control association.

(b) In appropriate classifications, to a person(s) verified by the governing body or owner to have been the operator(s) in responsible charge of a wastewater treatment plant on July 1, 1973. A certificate issued to any person under this subsection shall be known as a "provisional" certificate and shall be valid only for the plant of which he was the operator on July 1, 1973, and shall not be renewed if such plant thereafter has been or is significantly modified or if the operator terminates his service with that plant.

(c) In appropriate classifications, to persons who fill a vacated position required to have a certified operator. A certificate issued under this subsection shall be (~~temporary in nature and nonrenewable~~) known as a "temporary" certificate and shall be issued for a period of not more than twelve months from date of issue and shall be nonrenewable. If a position is vacated by the holder of (~~an effective~~) a temporary certificate issued under this subsection, no additional temporary certificate shall be issued to his replacement.

(~~(3) Except as provided in (2) above, certificates in appropriate classifications shall be issued only after successful completion of an examination as provided for in WAC 173-230-070.~~)

#### NEW SECTION

WAC 173-230-061 APPLICATIONS AND CERTIFICATION REQUIREMENTS. (1) Application for certification to the various classifications of wastewater treatment plant operator shall be filed with the secretary for wastewater treatment of the water and wastewater operator certification board. The secretary shall make application forms available upon request.

(2) Upon receipt of a completed application, the secretary shall assemble all information needed and screen the application against the

following criteria to determine eligibility for examination or reciprocal certification.

(3) Certification requirements: Applicants for examination or reciprocal certification to the various wastewater treatment operator classifications must meet the following minimum requirements:

| Class     | Education | Operating Experience | Responsible Charge Time |
|-----------|-----------|----------------------|-------------------------|
| OIT       | 12 years  | 3 months             | None                    |
| Group I   | 12 years  | 1 year               | None                    |
| Group II  | 12 years  | 3 years              | None                    |
| Group III | 14 years  | 4 years              | 2 years                 |
| Group IV  | 16 years  | 4 years              | 2 years                 |

At least half of the experience requirement for certification to a Class II, III, or IV operator must be on-site, day-to-day experience. At least half of the responsible charge time requirement for certification to a Class III or IV operator must have been accrued on site in a plant with a classification not less than one classification lower than the class of certification being applied for.

(4) Definitions and equivalents related to certification requirements:

(a) "College" means a college degree or course work that is relevant to the operation of a wastewater treatment plant, such as sanitary, chemical, civil, electrical, or mechanical engineering, chemistry, biology, pharmacy, mathematics, or any of the environmental sciences. College shall also mean continuing education units CEUs in courses relevant to the operation of a wastewater treatment plant.

(b) One year of college credit shall mean thirty semester hours or forty-five quarter hours or forty-five continuing education units CEUs.

(c) Continuing Education Unit, (CEU) means a nationally recognized unit of measurement similar to college credits. One CEU is awarded for every ten contact lecture hours of participation in an organized continuing education experience, under responsible sponsorship, capable direction and qualified instruction. One CEU will also be awarded for twenty contact laboratory hours of training.

(d) Vocational experience shall mean work experience that is relevant to the operation of a wastewater treatment plant. Some related vocations are chemist, machinist, and electrician.

(5) Equivalent education:

(a) One year of operating experience may be substituted for one year of high school.

(b) One year of responsible charge time may be substituted for one year of college - one year maximum.

(6) Equivalent experience: College credit used as an equivalent for experience must be supported with a copy of college transcripts.

(a) Three CEUs relevant to the operation of a sewage treatment plant may be substituted for three months experience by an applicant for OIT.

(b) An applicant for Group I certification may not use an equivalent experience credit.

(c) An applicant for Group II certification may substitute up to one and one-half years of college for one and one-half years of experience.

(d) An applicant for Group III or IV certification may substitute up to two additional years of college for two years of experience.

(7) Equivalent responsible charge time: An applicant for Group III or IV may substitute one additional year of college for one year of responsible charge time.

(8) Equivalent experience. An applicant who does not satisfy the full amount of equivalent experience as specified under WAC 173-230-061(3) or (6) may request the board to allow any of the following or similar work experience to be credited toward the experience maximums set forth in WAC 173-230-061(3):

(a) Operation consultant equals 0 to 50 percent of time on duty.

(b) Wastewater collection or pump station operator or specialist equals 0 to 25 percent of time on duty.

(c) Water treatment plant operator equals 50 percent of time on duty.

(d) Water distribution and management equals to 0 to 50 percent of time on duty.

(e) Sewage treatment plant process control and laboratory equals 100 percent of time on duty.

(f) Sewage treatment plant operation and pump station operation equals 100 percent of time on duty.

(g) Sewage treatment plant operation and incineration operation equals 100 percent of time on duty.

(9) If no examination is required, the secretary shall present the application to the board for recommendation to the director as required by WAC 173-230-070(6) or 173-230-110.

(10) Group IV applications shall be submitted to the board for approval prior to scheduling for examination.

(11) If an examination is required, the secretary shall notify, schedule, and examine all applicants for certification.

**AMENDATORY SECTION** (Amending Order 73-30, filed 11/9/73)

**WAC 173-230-070 EXAMINATION.** (1) The board shall ~~((prepare))~~ provide written examinations to be used in determining the competency of operators.

(2) Examinations shall be held at least three times annually at places and times set by the board with advance announcements made by the board.

(3) All examinations will be graded by the board or by others designated by the board, and the applicant shall be notified of grade attained and pass or fail. Examinations will not be returned to the applicant.

(4) An applicant((s)) who fails to pass an examination may ((repeat the same)) be reexamined at the next subsequent scheduled examination ((at)) with no additional application or fee ((at the subsequent regularly scheduled examination)).

(5) An applicant who fails to pass a second examination as provided for in WAC 173-230-070(4) must reapply for further examination as provided for in WAC 173-230-090(2). The examination will not be administered until the second scheduled examination period following the date of the applicant's last examination.

(6) The board shall forward its recommendations for certification of those examined to the director.

**AMENDATORY SECTION** (Amending Order DE 78-16, filed 10/11/78)

**WAC 173-230-080 CERTIFICATE TERM AND RENEWALS.** (1) Except as provided for in WAC 173-230-050(2)(c), the term for any certificate or renewal thereof shall be from the first of January of the year of issuance until the thirty-first of December of the same year.

(2) Except as provided in WAC 173-230-050(2)((b) and) (c), all certificates shall be renewable annually upon presentation of satisfactory evidence that the operator demonstrates continued professional growth in the field. In order to demonstrate continued professional growth in the field, each certified operator must accomplish one of the following three activities during a three-year period ending December 31, 1979, and in each three-year period thereafter.

(a) Accumulate a minimum of three relevant continuing education units CEUs, or three relevant college quarter hour credits; or

(b) Advance in his level of wastewater certification by examination. Advancement from OIT to I does not fulfill this requirement; or

(c) Retake and satisfactorily pass the examination given by the board for the classification for which a renewable certificate is desired.

**AMENDATORY SECTION** (Amending Order DE 78-16, filed 10/11/78)

**WAC 173-230-100 SUSPENSION AND REVOCATION.** (1) When a certificate is not renewed, such certificate, upon notice by the director, shall be suspended for thirty days. If, during such suspension period, renewal of the certificate is not completed, the director shall give notice of revocation to the employer and to the certificate holder, and if, during the revocation notice period, renewal of the certificate is not completed, the certificate shall be revoked ten days after such notice is given.

(2) Certificates may be revoked when the board so recommends to the director, upon finding:

(a) Fraud or deceit in obtaining the certificate.

(b) Gross negligence in the operation of a wastewater treatment plant.

(c) Violation of the requirements of this chapter or the statute it implements or of any lawful rule, regulation or order of the department.

(3) No revocation shall be made under this subsection unless the operator has been notified that revocation is proposed, has been advised of the grounds therefor and has been given an opportunity to appear before the board and be heard on the matter.

(4) Whenever his certificate is revoked, the operator shall not be certified again until he has applied for certification as herein provided, paid the initial application fee, and successfully completed the examination provided for in WAC 173-230-070.

(5) If revocation was made pursuant to subsection (2) above, the operator shall not be eligible to reapply for a certificate for one year from the date the revocation became final.

**AMENDATORY SECTION** (Amending Order 73-30, filed 11/9/73)

**WAC 173-230-110 RECIPROCITY.** (~~If another state accepts certifications issued pursuant to this chapter.~~) The director shall accord an operator(s) certified by (~~such~~) another state reciprocal treatment, when in his judgment, and upon advice of the board, the certification requirements of such state are substantially equivalent to the requirements of this chapter. When such reciprocity is granted, the director shall so advise the operator. However, the term of such reciprocal approval shall be as provided in WAC 173-230-080 and the operator shall be subject to the same requirement of renewal as any operator initially certified in this state.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 173-230-060 APPLICATIONS.**

**WSR 81-20-087**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning:

Amd WAC 173-19-260 Kitsap County.  
Amd WAC 173-19-3210 Winthrop, Town of.  
Amd WAC 173-19-3514 Tacoma, City of.  
Amd WAC 173-19-370 Skagit County.  
Amd WAC 173-19-4505 Lynden, City of;

that such agency will at 2:00 p.m., Tuesday, November 10, 1981, in the Conference Room, Department of Ecology, Air and Land Offices, Rowsix, Building 4, 4224 Sixth Avenue S.E., Lacey, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Monday, November 23, 1981, in Room 273, Department of Ecology, Abbott Rafael Hall, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 13, 1981, and/or orally at the hearing above.

Dated: October 6, 1981

By: John F. Spencer  
Deputy Director

**STATEMENT OF PURPOSE**

Title: Amending WAC 173-19-260 Kitsap County; 173-19-3210 Winthrop, Town of; 173-19-3514 Tacoma, City of; 173-19-370 Skagit County; and 173-19-4505 Lynden, City of.

Description of Purpose: Adoption of revised shoreline master programs for local government.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: Adoption of six revised local shoreline master programs into the State Master Program, chapter 173-19 WAC.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local government and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Rundlett, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6276.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Department of Ecology, state government and local government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

**AMENDATORY SECTION** (Amending Order DE 79-34, filed 1/30/80)

**WAC 173-19-260 KITSAP COUNTY.** Kitsap County master program approved April 30, 1976. Revision approved October 24, 1977. Revision approved November 23, 1981.

**AMENDATORY SECTION** (Amending Order DE 79-34, filed 1/30/80)

**WAC 173-19-3210 WINTHROP, TOWN OF.** Town of Winthrop master program approved December 16, 1975. Revision approved March 9, 1976. Revision approved November 23, 1981.

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order DE 81-4, filed 3/19/81)

**WAC 173-19-3514 TACOMA, CITY OF.** City of Tacoma master program approved April 5, 1977. Revision approved December 5, 1979. Revision approved March 17, 1981. Revision approved November 23, 1981.

**AMENDATORY SECTION** (Amending Order DE 81-25, filed 9/24/81)

**WAC 173-19-370 SKAGIT COUNTY.** Skagit County master program approved October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979. Revision approved March 3, 1980. Revision approved September 10, 1980. Revision approved December 10, 1980. Revision approved September 23, 1981. Revision approved November 23, 1981.

**AMENDATORY SECTION** (Amending Order DE 79-34, filed 1/30/80)

**WAC 173-19-4505 LYNDEN, CITY OF.** City of Lynden master program approved September 29, 1975. Revision approved November 23, 1981.

**WSR 81-20-088**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning water quality standards, amending chapter 173-201 WAC;

that such agency will at 7:00 p.m., Tuesday, November 17, 1981, in the Spokane County Agricultural Center, North 222 Havana, Spokane, WA; and at 7:00 p.m., Monday, November 23, 1981, in the Port of Seattle Commissioners Chambers, Pier 66, Seattle, Washington, conduct hearings relative thereto.

Informal public workshops will be held at 2:00 p.m. the same dates and places as the two hearings.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Thursday, January 5, 1982, in the Conference Room, Department of Ecology, Air and Land Offices, Rowesix, Building 4, 4224 Sixth Avenue S.E., Lacey, WA.

The authority under which these rules are proposed is RCW 90.48.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to December 19, 1981, and/or orally at the hearings above.

Dated: October 6, 1981

By: John F. Spencer  
 Deputy Director

#### STATEMENT OF PURPOSE

Title: Amending chapter 173-201 WAC Water Quality Standards.

Description of Purpose: This chapter establishes water quality standards for waters of the state of Washington.

Statutory Authority: RCW 90.48.035.

Summary of Rule: Changes involve new and revised definitions, restructuring of format for easier reading, elimination of redundant parts, new information to assist in locating stream segments, and a new regulation for aquatic application of herbicides.

Reasons Supporting Proposed Action: The Federal Clean Water Act (P.L. 95-217), section 303(c)(1), requires each state to hold public hearings at least every three years for the purpose of reviewing, modifying and/or adopting water quality standards.

Agency Personnel Responsible for Drafting: Allen Moore, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6063; Implementation and Enforcement: Mike Palko, Same Location, 459-6036.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: Yes, Federal Clean Water Act (P.L. 95-217), section 303(c)(1).

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-010 PURPOSE. (1) The purpose of this chapter is to establish water quality standards for surface waters of the state of Washington pursuant to the provisions of chapter 90.48 RCW and the policies and purposes thereof.

(2) This chapter shall be amended from time to time by the department to insure that the quality of the surface waters of the state may be enhanced wherever possible through appropriate changes to this chapter.

(3) The water quality criteria adopted in this chapter shall be the sole criteria for the surface waters in the state of Washington.

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-020 WATER USE AND QUALITY CRITERIA. The water use and quality criteria set forth in WAC 173-201-035 through (~~173-201-050~~) 173-201-045 are established in conformance with present and potential water uses of said surface waters and in consideration of the natural water quality potential and limitations of the same. (~~Nonetheless, the dynamic nature of the process is also recognized. Hence, frequent review of these uses and criteria is anticipated, and revisions will be undertaken as additional information is developed.~~)

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-025 DEFINITIONS. (1) Background conditions: The biological, chemical, and physical conditions of a water body, upstream from the point or nonpoint source of any discharge under consideration. Background sampling location in an enforcement action would be upstream from the point of discharge, but not upstream from other inflows. If several discharges to any water body exist, and enforcement action is being taken for possible violations to the standards, background sampling would be undertaken immediately upstream from each discharge.

(2) Department: State of Washington department of ecology.

(3) Director: Director of the state of Washington department of ecology.

(4) Fecal coliform: That portion of the coliform group which is present in the intestinal tracts and feces of warm-blooded animals as detected by the product of acid or gas from lactose in a suitable culture medium within 24 hours at 44.5 degrees plus or minus 0.2 degrees C.

(5) Geometric mean: The nth root of a product of n factors.

(~~(6)~~) (6) Mean detention time: The time obtained by dividing a reservoir's mean annual minimum total storage by the 30-day ten-year low-flow from the reservoir.

(~~(4)~~) Median Value: That value of a group of measurements that falls in the middle when the measurements are arranged in order of magnitude. If the number of measurements is even, the median value would be the value half-way between the two middle measurements.

(5) (7) Permit: A document issued pursuant to RCW 90.48.160 et seq. or RCW 90.48.260 or both, specifying the waste treatment and control requirements and waste discharge conditions.

(~~(6)~~) (8) pH: The negative logarithm of the hydrogen ion concentration.

(9) Primary contact recreation: Activities where a person would have direct contact with water to the point of complete submergence, including but not limited to skin diving, swimming and water skiing.

(10) Secondary contact recreation: Activities where a person's water contact would be limited (wading or fishing) to the extent that bacterial infections of eyes, ears, respiratory or digestive systems or urogenital areas would normally be avoided.

(~~(7)~~) (11) Surface waters of the state: Include lakes, rivers, ponds, streams, inland waters, saltwaters, and all other surface waters and water courses within the jurisdiction of the state of Washington.

(~~(8)~~) (12) Temperature: Water temperature expressed in degrees Celsius (°C).

(~~(9)~~) (13) Turbidity: The clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

(~~(10)~~) (14) Upwelling: ((Upwelling is a direct result of wind stress on the sea surface. As winds blow parallel to a coast, the net flow of water is at an angle of about 45° toward the sea. This flow causes cold

~~bottom water to move upward to replace the warmer surface water moving offshore. The cold water is rich in dissolved nutrients and has a low dissolved oxygen content.) The natural phenomenon where the summer prevailing, northerly winds parallel to Washington's coast produce a seaward transport of surface waters. Cold, deeper waters rich in nutrients and low in dissolved oxygen rise to replace the surface water. The cold, oxygen poor water flows into Puget Sound and other coastal estuaries replacing the water from depth to surface with low dissolved oxygen concentrations reaching the surface during late summer and fall.~~

(15) USEPA: United States Environmental Protection Agency.

(16) Wildlife habitat: Waters of the state used by fish, other aquatic life and wildlife for any life history stage or activity.

**AMENDATORY SECTION** (Amending Order DE 77-32, filed 1/17/78)

**WAC 173-201-035 GENERAL CONSIDERATIONS.** The following general guidelines shall apply to the water quality criteria and classifications set forth in WAC 173-201-020 through 173-201-085 hereof:

(1) At the boundary between waters of different classifications, the water quality criteria for the higher classification shall prevail.

(2) In brackish waters of estuaries, where the fresh and marine water quality criteria differ within the same classification, the criteria shall be interpolated on the basis of salinity; except that the marine water quality criteria shall apply for dissolved oxygen when the salinity is one part per thousand or greater and for fecal coliform organisms when the salinity is ten parts per thousand or greater.

(3) The water quality criteria herein established shall not apply within an authorized dilution zone adjacent to or surrounding a waste-water discharge.

(4) Generally, waste discharge permits, whether issued pursuant to the National Pollutant Discharge Elimination System or otherwise, shall be conditioned in such manner as to authorize discharges which meet the water quality standards.

(a) However, persons discharging wastes in compliance with the terms and conditions of permits shall not be subject to civil and criminal penalties on the basis that discharge violates receiving water standards.

(b) Permits shall be subject to modification by the department ((of ecology)) whenever it appears to the department the discharge violates receiving water standards. Modification of permits, as provided herein, shall be subject to review in the same manner as originally issued permits.

(5) Nonpoint sources and water quality standards.

(a) It is recognized that many activities not subject to a waste discharge permit system are now being performed in the state, which result in conflicts with the receiving water quality standards of this chapter. Further, the department has not developed a program which, in a reasonable or fully satisfactory manner, provides methods or means for meeting such standards. Persons conducting such activities shall not be subject to civil or criminal sanctions for violation of water quality standards if the activities are either:

(i) Conducted in accordance with management practices set forth by rules of the department.

For example, promulgation of regulations by the department which set forth approved management practices or other effluent limits shall be accomplished so that activities conducted within such regulations, (i.e., Forest Practices Rules and Regulations chapter 173-202 WAC and Title 222 WAC) will achieve compliance with water pollution control laws. When the regulations are violated, the water quality standard can be enforced as described in WAC 173-201-045; or,

(ii) Subject to a regulatory order issued by the department relating to specific activities as provided for in WAC 173-201-100(2).

(b) Management practices or regulatory orders described in WAC 173-201-035(5) hereof, shall be subject to modification by the department ((of ecology)) whenever it appears to the department that the discharge violates receiving water standards. Modification of management practices or regulatory orders, as provided herein, shall be subject to review in the same manner as the originally issued management practices or regulatory orders.

(6) The water quality criteria herein established for total dissolved gas shall not apply when the stream flow exceeds the 7-day, 10-year frequency flood.

(7) The total area and/or volume of a receiving water assigned to a dilution zone shall be as described in a valid discharge permit as needed and be limited to that which will:

(a) Not cause acute mortalities of sport, food, or commercial fish and shellfish species of established biological communities within populations or important species to a degree which damages the ecosystem.

(b) Not diminish aesthetic values or other beneficial uses disproportionately.

(8) The antidegradation policy of the state of Washington, as generally guided by chapter 90.48 RCW, Water Pollution Control Act, and chapter 90.54 RCW, Water Resources Act of 1971, is stated as follows:

(a) ((It shall be the intent of this policy that)) Existing beneficial uses shall be maintained and protected and no further degradation which would interfere with or become injurious to existing beneficial uses will be allowed.

(b) No degradation will be allowed of waters lying in national parks, national recreation areas, national wildlife refuges, national scenic rivers, and other areas of national ecological importance.

(c) Whenever receiving waters of a classified area are of a higher quality than the criteria assigned for said area, the existing water quality shall be protected and waste and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except, in those instances where:

(i) It is clear that overriding considerations of the public interest will be served, and

(ii) All wastes and other materials and substances proposed for discharge into the said waters shall be provided with all known, available, and reasonable methods of treatment before discharge,

(d) Whenever the natural conditions of said waters are of a lower quality than the criteria assigned, the natural conditions shall constitute the water quality criteria.

(e) The criteria established in WAC 173-201-045 may be modified for a specific water body on a short-term basis when necessary to accommodate essential activities, respond to emergencies, or to otherwise protect the public interest. Such modification shall be issued in writing by the director or his designee subject to such terms and conditions as he may prescribe.

(f) Notwithstanding any other provision of this chapter, the aquatic application of herbicides shall not be deemed to violate water quality standards provided that:

(i) Such application is in accordance with state of Washington department of agriculture regulations.

(ii) Such application is in accordance with label provisions promulgated by USEPA under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, (7 U.S.C. 136, et seq.)

(iii) Notice, including identification of the herbicide applicator, location where the herbicide will be applied, proposed timing and method of application and water use restrictions is given according to the following requirements:

(A) The department shall be notified on forms supplied by the department at least thirty days prior to application.

(B) Appropriate public notice shall be given of any water use restrictions specified in USEPA label provisions. Such notice shall include notification of the general public through local major newspapers at least thirty days prior to application.

(C) Shoreline property owners and water right holders in the application area shall be notified seven days prior to such application and at the time of the application.

(D) The appropriate regional office of the departments of fisheries and game shall be notified twenty-four hours prior to application.

(E) In the event of any fish kills, the departments of ecology, fisheries, and game shall be notified immediately.

(iv) The application is made at times so as to:

(A) Minimize public water use restrictions during weekends.

(B) Completely avoid public water use restrictions during the opening week of fishing season, Memorial Day weekend, July 4 weekend, and Labor Day weekend.

(v) The director does not disapprove such application. The director or his designee may issue an order prohibiting any application of herbicides or imposing any terms and conditions on any aquatic application of herbicides if he determines that such application will seriously interfere with existing water uses. Failure to issue an order shall not be construed as an action of the director or the department for any purpose.

(g) In no case, will any degradation of water quality be allowed if this degradation interferes with or becomes injurious to existing water uses and causes long-term and irreparable harm to the environment.

~~((g))~~ (h) ~~((It shall be the policy of the state of Washington that))~~ No waste discharge permit will be issued which ~~((with))~~ violates established water quality criteria for the said waters, except, as provided for under WAC 173-201-035(8)(e).

(9) Due consideration will be given to the precision and accuracy of the sampling and analytical methods used as well as existing conditions at the time, in the application of the criteria.

(10) The analytical testing methods for these criteria shall be in accordance with the most recent editions of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, and "Methods for Chemical Analysis of Water and Wastes," published by USEPA, and other or superseding methods published and/or approved by the department following consultation with adjacent states and concurrence of the ~~((Environmental Protection Agency))~~ USEPA.

(11) Deleterious concentrations of radioactive materials for all classes shall be as determined by the lowest practicable concentration attainable and in no case shall exceed:

(a) 1/100 of the values listed in WAC 402-24-220 (Column 2, Table II, Appendix A, Rules and Regulations for Radiation Protection); or,

(b) ~~((The United States Environmental Protection Agency))~~ USEPA Drinking Water Regulations for radionuclides, as published in the Federal Register of July 9, 1976, or subsequent revisions thereto.

(12) Deleterious concentrations of toxic, or other nonradioactive materials, shall be determined by the department in consideration of the Quality Criteria for Water, published by USEPA 1976, and as revised, as the authoritative source for criteria and/or other relevant information, if justified.

(13) Nothing in this chapter shall be interpreted to be applicable to those aspects of governmental regulation of radioactive wastes which have been preempted from state regulation by the Atomic Energy Act of 1954, as amended, as interpreted by the United States Supreme Court in the cases of Northern States Power Co. v. Minnesota 405 U.S. 1035 (1972) and Train v. Colorado Public Interest Research Group 426 U.S. 1 (1976).

#### AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-045 GENERAL WATER USE AND CRITERIA CLASSES. The following criteria shall apply to the various classes of surface waters in the state of Washington:

##### (1) CLASS AA (EXTRAORDINARY).

(a) General characteristic. Water quality of this class shall markedly and uniformly exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses shall include, but ~~((are))~~ not be limited to, the following:

- (i) Water supply (domestic, industrial, agricultural).
- (ii) ~~((Wildlife habitat;))~~ Stock watering.
- (iii) ~~((General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating)))~~ Fish and shellfish: Salmonid migration, rearing, spawning, and harvesting. Other fish migration, rearing, spawning, and harvesting. Clam, oyster, and mussel rearing, spawning, and harvesting. Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iv) ~~((General marine recreation and navigation))~~ Wildlife habitat.

(v) ~~((Fish and shellfish reproduction, rearing, and harvesting))~~ Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).

##### (vi) Commerce and navigation.

##### (c) Water quality criteria.

##### (i) Fecal coliform organisms.

(A) Freshwater - Fecal coliform organisms shall not exceed a ~~((median))~~ geometric mean value of 50 organisms/100 mL, with not more than 10 percent of samples exceeding 100 organisms/100 mL.

(B) Marine water - Fecal coliform organisms shall not exceed a ~~((median))~~ geometric mean value of 14 organisms/100 mL, with not more than 10 percent of samples exceeding 43 organisms/100 mL.

##### (ii) Dissolved oxygen.

(A) Freshwater - Dissolved oxygen shall exceed 9.5 mg/((+))L.

(B) Marine water - Dissolved oxygen shall exceed 7.0 mg/((+))L, except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/((+))L by man-caused activities.

(iii) Total dissolved gas ~~((= the concentration of total dissolved gas))~~ shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature ~~((= water temperatures))~~ shall not exceed 16.0° ~~((Celsius))~~ C (freshwater) or 13.0° ~~((Celsius))~~ C (marine water) due to human activities. Temperature increases shall not, at any time, exceed  $t=23/(T+5)$  (freshwater) or  $t=8/(T-4)$  (marine water).

When natural conditions exceed 16.0° ~~((Celsius))~~ C (freshwater) and 13.0° ~~((Celsius))~~ C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ~~((Celsius))~~ C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8° ~~((Celsius))~~ C, and the maximum water temperature shall not exceed 16.3° ~~((Celsius))~~ C (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.2 units.

(vi) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

##### (2) CLASS A (EXCELLENT).

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses shall include, but ~~((are))~~ not be limited to, the following:

- (i) Water supply (domestic, industrial, agricultural).
- (ii) ~~((Wildlife habitat;))~~ Stock watering.
- (iii) ~~((General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating)))~~ Fish and shellfish: Salmonid migration, rearing, spawning, and harvesting. Other fish migration, rearing, spawning, and harvesting. Clam, oyster, and mussel rearing, spawning, and harvesting. Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

##### (iv) ~~((Commerce and navigation))~~ Wildlife habitat.

(v) ~~((Fish and shellfish reproduction, rearing, and harvesting))~~ Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).

##### (vi) Commerce and navigation.

##### (c) Water quality criteria.

##### (i) Fecal coliform organisms.

(A) Freshwater - Fecal coliform organisms shall not exceed a ~~((median))~~ geometric mean value of 100 organisms/100 mL, with not more than 10 percent of samples exceeding 200 organisms/100 mL.

(B) Marine water - Fecal coliform organisms shall not exceed a ~~((median))~~ geometric mean value of 14 organisms/100 mL, with not more than 10 percent of samples exceeding 43 organisms/100 mL.

##### (ii) Dissolved oxygen.

(A) Freshwater - Dissolved oxygen shall exceed 8.0 mg/((+))L.

(B) Marine water - Dissolved oxygen shall exceed 6.0 mg/((+))L, except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/((+))L by man-caused activities.

(iii) Total dissolved gas ~~((= the concentration of total dissolved gas))~~ shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature ~~((= water temperatures))~~ shall not exceed 18.0° ~~((Celsius))~~ C (freshwater) or 16.0° ~~((Celsius))~~ C (marine water) due to human activities. Temperature increases shall not, at any time, exceed  $t=28/(T+7)$  (freshwater) or  $t=12/(T-2)$  (marine water).

When natural conditions exceed 18.0° ~~((Celsius))~~ C (freshwater) and 16.0° ~~((Celsius))~~ C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ~~((Celsius))~~ C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed  $2.8^{\circ}$  ((Celsius)) C, and the maximum water temperature shall not exceed  $18.3^{\circ}$  ((Celsius)) C (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those of public health significance, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect any water use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

### (3) CLASS B (GOOD).

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for most uses.

(b) Characteristic uses. Characteristic uses shall include, but ((are)) not be limited to, the following:

(i) ~~((Industrial and agricultural))~~ Water supply (industrial and agricultural).

(ii) ~~((Fishery and wildlife habitat))~~ Stock watering.

(iii) ~~((General recreation and aesthetic enjoyment (picnicking, hiking, fishing, and boating)))~~ Fish and shellfish:

Salmonid migration, rearing, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam, oyster, and mussel rearing and spawning.

Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iv) ~~((Stock watering))~~ Wildlife habitat.

(v) ~~((Commerce and navigation))~~ Recreation (secondary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) ~~((Shellfish reproduction and rearing, and crustacea (crabs, shrimp, etc.) harvesting))~~ Commerce and navigation.

(c) Water quality criteria.

(i) Fecal coliform organisms.

(A) Freshwater - Fecal coliform organisms shall not exceed a ((median)) geometric mean value of 200 organisms/100 mL, with not more than 10 percent of samples exceeding 400 organisms/100 mL.

(B) Marine water - Fecal coliform organisms shall not exceed a ((median)) geometric mean value of 100 organisms/100 mL((-)), with not more than 10 percent of samples exceeding 200 organisms/100 mL.

(ii) Dissolved oxygen.

(A) Freshwater - Dissolved oxygen shall exceed  $6.5 \text{ mg}/((+))\text{L}$  ((or 70 percent saturation whichever is greater)).

(B) Marine water - Dissolved oxygen shall exceed  $5.0 \text{ mg}/((+))\text{L}$  ((or 70 percent saturation, whichever is greater;)) except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to  $0.2 \text{ mg}/((+))\text{L}$  by man-caused activities.

(iii) Total dissolved gas ~~((=the concentration of total dissolved gas))~~ shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature ~~((=water temperatures))~~ shall not exceed  $21.0^{\circ}$  ((Celsius)) C (freshwater) or  $19.0^{\circ}$  ((Celsius)) C (marine water) due to human activities. Temperature increases shall not, at any time, exceed  $t=34/(T+9)$  (freshwater) or  $t=16/T$  (marine water).

When natural conditions exceed  $21.0^{\circ}$  ((Celsius)) C (freshwater) and  $19.0^{\circ}$  ((Celsius)) C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than  $0.3^{\circ}$  ((Celsius)) C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed  $2.8^{\circ}$  ((Celsius)) C, and the maximum water temperature shall not exceed  $21.3^{\circ}$  ((Celsius)) C (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) and 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those which adversely affect public health during characteristic uses, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

(viii) Aesthetic values shall not be reduced by dissolved, suspended, floating, or submerged matter not attributed to natural causes, so as to affect water use or taint the flesh of edible species.

(4) CLASS C (FAIR).

(a) General characteristic. Water quality of this class shall meet or exceed the requirements of selected and essential uses.

(b) Characteristic uses. Characteristic uses shall include, but ((are)) not be limited to, the following:

(i) ~~((Cooling water))~~ Water supply (industrial).

(ii) ~~((Commerce and navigation))~~ Fish (salmonid and other fish migration).

(iii) ~~((Fish passage))~~ Recreation (secondary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(iv) ~~((Boating))~~ Commerce and navigation.

(c) Water quality criteria - marine water.

(i) Fecal coliform organisms~~((=Marine water))~~ shall not exceed a ((median)) geometric mean value of 200 organisms/100 mL, with not more than 10 percent of samples exceeding 400 organisms/100 mL.

(ii) Dissolved oxygen~~((=Marine water - Dissolved oxygen))~~ shall exceed  $4.0 \text{ mg}/((+))\text{L}$  ((or 50 percent saturation, whichever is greater;)) except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to  $0.2 \text{ mg}/((+))\text{L}$  by man-caused activities.

(iii) ~~((Total dissolved gas = the concentration of total dissolved gas))~~ shall not exceed 110 percent saturation at any point of sample collection.

(iv) Temperature ~~((=water temperatures))~~ shall not exceed  $(24.0^{\circ} \text{ Celsius (freshwater) or } 22.0^{\circ} \text{ (Celsius (marine water))})$  C due to human activities. Temperature increases shall not, at any time, exceed  $(t=39/(T+11) \text{ (freshwater) or } t=20/(T+2) \text{ ((marine water))})$ .

When natural conditions exceed  $(24.0^{\circ} \text{ Celsius (freshwater) and } 22.0^{\circ} \text{ (Celsius (marine water))})$  C, no temperature increase will be allowed which will raise the receiving water temperature by greater than  $0.3^{\circ}$  ((Celsius)) C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

~~((+))~~ (iv) pH shall be within the range of ~~((6.5 to 9.0 (freshwater) or))~~ 6.5 to 9.0 ~~((marine water))~~ with a man-caused variation within a range of less than 0.5 units.

~~((+))~~ (v) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

~~((+))~~ (vi) Toxic, radioactive, or deleterious material concentrations shall be below those which adversely affect public health during characteristic uses, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

~~((+))~~ (vii) Aesthetic values shall not be interfered with by the presence of obnoxious wastes, slimes, aquatic growths, or materials which will taint the flesh of edible species.

(5) LAKE CLASS.

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses ~~((for waters of this class))~~ shall include, but ((are)) not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) ~~((Wildlife habitat;))~~ Stock watering.

(iii) ~~((General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating;)))~~ Fish and shellfish:

Salmonid migration, rearing, spawning, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam and mussel rearing, spawning, and harvesting.

Crayfish rearing, spawning, and harvesting.

(iv) ~~((Fish and shellfish reproduction, rearing, and harvesting))~~ Wildlife habitat.

(v) ~~Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).~~

(vi) ~~Commerce and navigation.~~

(c) ~~Water quality criteria.~~

(i) ~~Fecal coliform organisms~~ ~~((Lakes and impoundments))~~ shall not exceed a ~~((median))~~ geometric mean value of 50 organisms/100 mL, with not more than 10 percent of samples exceeding 100 organisms/100 mL.

(ii) Dissolved oxygen - no measurable decrease from natural conditions.

(iii) Total dissolved gas ~~((the concentration of total dissolved gas))~~ shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature - no measurable change from natural conditions.

(v) pH - no measurable change from natural conditions.

(vi) Turbidity shall not exceed 5 NTU over background conditions.

(vii) Toxic, radioactive, or deleterious material concentrations shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-070 GENERAL CLASSIFICATIONS. General classifications applying to various surface water bodies not specifically classified under WAC 173-201-080 or 173-201-085 are as follows:

(1) All surface waters lying within the mountainous regions of the state assigned to national parks, national forests, and/or wilderness areas, are ~~((hereby designated))~~ classified Class AA or Lake Class.

(2) All lakes and their feeder streams within the state are ~~((hereby designated))~~ classified Lake Class and Class AA respectively, except for those feeder streams specifically ~~((designated))~~ classified otherwise.

(3) All reservoirs with a mean detention time of greater than 15 days are classified Lake Class.

(4) All reservoirs with a mean detention time of 15 days or less are classified the same as the river section in which they are located.

(5) All reservoirs established on preexisting lakes are classified as Lake Class.

(6) All ~~((undesignated))~~ unclassified surface waters that are tributaries to Class AA waters are ~~((designated))~~ classified Class AA. All other ~~((undesignated))~~ unclassified surface waters within the state are hereby ~~((designated))~~ classified Class A.

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-080 SPECIFIC CLASSIFICATIONS—FRESHWATER. Specific fresh surface waters of the state of Washington are classified as follows:

(1) American River ~~((from confluence with Bumping River to headwaters)).~~ Class AA

(2) ~~((Baker River.~~ Class AA

~~((3))~~ Big Quilcene River and tributaries. Class AA

~~((4))~~ (3) Bumping River ~~((from confluence with Naches River to headwaters)).~~ Class AA

~~((5))~~ (4) Burnt Bridge Creek. Class A

~~((6))~~ Cascade River. Class AA

~~((7))~~ (5) Cedar River from Lake Washington to Landsburg Dam (river mile 21.6). Class A

~~((8))~~ (6) Cedar River from Landsburg Dam (river mile 21.6) to headwaters. Special condition - no waste discharge will be permitted. Class AA

(7) Chehalis River from upper boundary of Grays Harbor at Cosmopolis (river mile 3.1, longitude 123°45'45" W) to Scammon Creek (river mile 65.8). Class A

~~((9))~~ (8) Chehalis River from Scammon Creek (river mile 65.8) to Newaukum River (river mile 75.2). Special condition - Dissolved oxygen shall exceed 5.0 mg/L ~~((or 50 percent saturation, whichever is greater;))~~ from June 1, to September 15. For the remainder of the year, the dissolved oxygen shall meet Class A criteria. Class A

~~((10))~~ (9) Chehalis River from Newaukum River (river mile 75.2) to Rock Creek (river mile 106.7). Class A

~~((11))~~ (10) Chehalis River, from Rock Creek (river mile 106.7) to headwaters. Class AA

~~((12))~~ (11) Chehalis River, south fork ~~((from mouth to headwaters)).~~ Class A

~~((13))~~ (12) Chewack River ~~((from confluence with Methow River to headwaters)).~~ Class AA

~~((14))~~ (13) Chiwawa River ~~((from confluence with Wenatchee River to headwaters)).~~ Class AA

~~((15))~~ (14) Cispus River. Class AA

~~((16))~~ (15) Clearwater River. Class A

~~((17))~~ (16) Cle Elum River ~~((from confluence with Yakima River to Cle Elum Lake)).~~ Class AA

~~((18))~~ Cle Elum River from Cle Elum Lake to headwaters. Class AA

~~((19))~~ (17) Cloquallum ~~((River from mouth to headwaters))~~ Creek. Class A

~~((20))~~ (18) Clover Creek from outlet of Lake Spanaway to inlet of Lake Steilacoom. Class A

~~((21))~~ (19) Columbia River from mouth to the Washington-Oregon border (river mile 309.3). Special conditions - ~~((water))~~ Temperature ~~((s))~~ shall not exceed 20.0° ~~((Celsius))~~ C due to human activities. When natural conditions exceed 20.0° ~~((Celsius-freshwater))~~ C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ~~((Celsius))~~ C; nor shall such temperature increases, at any time, exceed 0.3° ~~((Celsius))~~ C due to any single source or 1.1° ~~((Celsius))~~ C due to all such activities combined. Dissolved oxygen shall exceed 90 percent of saturation. Class A

~~((22))~~ (20) Columbia River from Washington-Oregon border (river mile 309.3) to Grand Coulee Dam (river mile ~~((595))~~ 596.6). Special condition from Washington-Oregon border (river mile 309.3) to Priest Rapids Dam (river mile 397.1). Temperature ~~((water temperatures))~~ shall not exceed 20.0° ~~((Celsius))~~ C due to human activities. When natural conditions exceed 20.0° ~~((Celsius-freshwater))~~ C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ~~((Celsius))~~ C; nor shall such temperature increases, at any time, exceed t=34/(T+9). Class A

~~((23))~~ (21) Columbia River from Grand Coulee Dam (river mile ~~((595))~~ 596.6) to Canadian border (river mile ~~((742))~~ 745.0). Class AA

~~((24))~~ (22) Colville River. Class A

~~((25))~~ (23) ~~((Cowecman))~~ Coweman River from mouth to Mulholland Creek (river mile 18.4). Class A

~~((26))~~ (24) ~~((Cowecman))~~ Coweman River from Mulholland Creek (river mile 18.4) to headwaters. Class AA

(25) Cowlitz River from mouth to boundary of Gifford Pinchot National Forest (river mile 118.0). Class A

(26) Cowlitz River from boundary of Gifford Pinchot National Forest (river mile 118.0) to headwaters. Class AA

(27) Crab Creek and ~~((tributary streams from confluence with Columbia River to headwaters))~~ tributaries. Class B

(28) Decker Creek ~~((from mouth to headwaters)).~~ Class AA

(29) Deschutes River from mouth to ~~((headwaters))~~ boundary of Snoqualmie National Forest (river mile 48.2). Class A

(30) Deschutes River from boundary of Snoqualmie National Forest (river mile 48.2) to headwaters. Class AA

~~((30))~~ (31) Dickey River. Class A

~~((31))~~ (32) Dosewallips River and tributaries. Class AA

~~((32))~~ (33) Duckabush River and tributaries. Class AA

~~((33))~~ (34) Dungeness River from mouth to Canyon Creek (river mile 10.8). Class A

~~((34))~~ (35) Dungeness River and tributaries from Canyon Creek (river mile 10.8) to headwaters. Class AA

~~((35))~~ (36) Duwamish River from mouth south of a line bearing 254° true from the NW corner of berth 3, terminal No. 37 to the ~~((confluence with the))~~ Black River ~~((Tukwila))~~ (river mile 11.0) (Duwamish River continues as the Green River above the Black River). Class B

~~((36))~~ Duwamish River upstream from the confluence with the Black River to the limit of tidal influence. Class A

(37) Elochoman River. Class A

~~((37))~~ (38) Elwha River and tributaries. Class AA

~~((38)) (39) Entiat River from Wenatchee National Forest boundary (river mile 20.5) to headwaters. Class AA~~  
~~((39)) (40) Grande Ronde River from mouth to Oregon border (river mile 37). Special condition - Temperature ((= water temperatures)) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed t=34/(T+9). Class A~~  
~~((40)) (41) Grays River from Grays River Falls (river mile 15.8) to headwaters. Class AA~~  
~~((41)) (42) Green River (Cowlitz County) ((from mouth to headwaters)). Class AA~~  
~~(43) Green River (King County) from Black River (river mile 11.0 and point where Duwamish River continues as the Green River) to west boundary of Sec. 27-T21N-R6E (west boundary of Flaming Geyser State Park at river mile 42.3). Class A~~  
~~((42)) (44) Green River (King County) from ((intersection of the river with)) west boundary of ((Sec. 27, T-21N, R-6E-;)) Sec. 27-T21N-R6E (west boundary of Flaming Geyser State Park, river mile 42.3) to ((intersection of the river with)) west boundary of ((Sec. 13, T-21N, R-7E-;)) Sec. 13-T21N-R7E (river mile 59.1). Class AA~~  
~~((43)) (45) Green River (King County) from ((intersection of the river with)) west boundary of ((Sec. 13, T-21N, R-7E-;)) Sec. 13-T21N-R7E (river mile 59.1) to headwaters. Special condition - No waste discharge will be permitted. Class AA~~  
~~((44)) (46) Hama Hama River and tributaries. Class AA~~  
~~((45)) (47) Hanaford Creek from mouth to east boundary ((time)) of ((Sec. 25, T-15N, R-2W-;)) Sec. 25-T15N-R2W (river mile 4.1). Special condition - dissolved oxygen shall exceed 6.5 mg/L ((or 70 percent saturation whichever is greater)). Class A~~  
~~((46)) (48) Hanaford Creek from east boundary ((time)) of ((Sec. 25, T-15N, R-2W-;)) Sec. 25-T15N-R2W (river mile 4.1) to headwaters. Class A~~  
~~((47)) (49) Hoh River and tributaries ((from mouth to headwaters)). Class AA~~  
~~((48)) (50) Hoquiam River (continues as west fork above east fork) from mouth to river mile ((9)) 9.3 (Dekay Road bridge) (upper limit of tidal influence). Class B~~  
~~(51) Humptulips River and tributaries from mouth to Olympic National Forest boundary on east fork (river mile 12.8) and west fork (river mile 40.4) (main stem continues as west fork). Class A~~  
~~(52) Humptulips River, east fork from Olympic National Forest boundary (river mile 12.8) to headwaters. Class AA~~  
~~(53) Humptulips River, west fork from Olympic National Forest boundary (river mile 40.4) to headwaters. Class AA~~  
~~((49)) (54) Issaquah Creek ((from mouth to headwaters)). Class A~~  
~~((50)) (55) Kalama River from lower Kalama River Falls (river mile 10.4) to headwaters. Class AA~~  
~~((51)) (56) Klickitat River from Little Klickitat River (river mile 19.8) to headwaters. Class AA~~  
~~((52)) (57) Lake Washington Ship Canal from ((Lake Washington to)) Government Locks (river mile 1.0) to Lake Washington (river mile 8.6). Special condition - Salinity shall not exceed one part per thousand (1.0 ppt) at any point or depth along a line that transects the ship canal at the University Bridge (river mile 6.1). Lake Class~~  
~~((53)) (58) Lewis River, east fork, from Multon Falls (river mile 24.6) to headwaters. Class AA~~  
~~((54)) (59) Little Wenatchee River ((from Lake Wenatchee to headwaters)). Class AA~~  
~~((55)) Methow River from its confluence with the Chewack River to headwaters. Class AA~~  
~~(56)) (60) Methow River from mouth to ((the confluence of the)) Chewack River (river mile 50.1). Class A~~  
~~(61) Methow River from Chewack River (river mile 50.1) to headwaters. Class AA~~  
~~((57)) (62) Mill Creek from ((confluence with Walla Walla River)) mouth to 13th street bridge in Walla Walla~~

~~(river mile 6.4). Special condition - Dissolved oxygen concentration shall exceed 5.0 mg/L ((or 50 percent saturation whichever is greater)). Class B~~  
~~(63) Mill Creek from 13th Street bridge in Walla Walla (river mile 6.4) to Walla Walla waterworks dam (river mile 25.2). Class A~~  
~~((58)) (64) Mill creek from city of Walla Walla waterworks dam (river mile 25.2) to headwaters. Special condition - no waste discharge will be permitted. Class AA~~  
~~((59)) (65) Naches River from Snoqualmie National Forest boundary (river mile 35.7) to headwaters. Class AA~~  
~~((60)) (66) Naselle River from Naselle "Falls" (cascade at river mile 18.6) to headwaters. Class AA~~  
~~((61)) (67) Newaukum River ((from mouth to headwaters)). Class A~~  
~~(68) Nisqually River from mouth to Alder Dam (river mile 44.2). Class A~~  
~~((62)) (69) Nisqually River from Alder Dam (river mile 44.2) to headwaters. Class AA~~  
~~((63)) (70) Nooksack River from mouth to ((river mile 4 (just below Ferndale)) Maple Creek (river mile 49.7). Class A~~  
~~((64)) (71) Nooksack River from ((confluence with)) Maple Creek (river mile 49.7) to headwaters. Class AA~~  
~~(72) Nooksack River, south fork, from mouth to Skookum Creek (river mile 14.3). Class A~~  
~~((65)) (73) Nooksack River, south fork, from Skookum Creek (river mile 14.3) to headwaters. Class AA~~  
~~((66)) (74) Nooksack River, middle fork. Class AA~~  
~~((67)) (75) Okanogan River. Class AA~~  
~~((68)) (76) Palouse River from mouth to ((Colfax (river mile 88, confluence with south fork)) south fork (Colfax, river mile 89.6). Class B~~  
~~((69)) (77) Palouse River from ((Colfax (river mile 88, confluence with south fork)) south fork (Colfax, river mile 89.6) to Idaho border (river mile ((+0)) 123.4). Special condition - Temperature ((= water temperatures)) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed t=34/(T+9). Class A~~  
~~((70)) (78) Pend Oreille River from Canadian border (river mile ((77)) 16.0) to Idaho border (river mile ((86)) 87.7). Special condition - Temperature ((= water temperatures)) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed t=34/(T+9). Class A~~  
~~((71)) (79) Pilchuck River from city of Snohomish waterworks dam (river mile 26.8) to headwaters. Class AA~~  
~~((72)) (80) Puyallup River from mouth to river mile 1.0 ((from mouth)). Class B~~  
~~(81) Puyallup River from river mile 1.0 to Kings Creek (river mile 31.6). Class A~~  
~~((73)) (82) Puyallup River from Kings Creek (river mile 31.6) to headwaters. Class AA~~  
~~((74) Queets River from mouth to river mile 3.0. Class AA~~  
~~((75)) (83) Queets River and tributaries ((from river mile 3 to headwaters)). Class AA~~  
~~((76)) (84) Quillayute River. Class AA~~  
~~((77) Quinault River from mouth to river mile 2. Class AA~~  
~~((78)) (85) Quinault River and tributaries ((from river mile 2 to headwaters)). Class AA~~  
~~(86) Salmon Creek (Clark County). Class A~~  
~~(87) Satsop River from mouth to west fork (river mile 6.4). Class A~~  
~~((79)) (88) Satsop River, east fork((= from mouth to headwaters)). Class AA~~  
~~((80)) (89) Satsop River, middle fork((= from mouth to headwaters)). Class AA~~  
~~((81)) (90) Satsop River, west fork((= from mouth to headwaters)). Class AA~~  
~~((82) Sauk River. Class AA~~

|  |          |  |          |
|--|----------|--|----------|
| <p><del>((83))</del> (91) Skagit River from mouth to <del>((Burlington))</del> Skiyou Slough-lower end (river mile <del>((+7, Nookachamps Creek))</del> 25.6).</p>   | Class A  | <del>((+100)) Stehckin River from Lake Chelan to headwaters.</del>   | Class AA |
| <p><del>((84))</del> (92) Skagit River and tributaries (includes Baker, Suak, Suiattle, and Cascade Rivers) from Skiyou Slough-lower end, (river mile <del>((26))</del> 25.6) to Canadian border (river mile <del>((9+))</del> 127.0).</p>   | Class AA | <del>((+101)) Suiattle River.</del>  | Class AA |
| <p><del>((85))</del> (93) Skokomish River and tributaries.</p>   | Class AA | <del>((+102))</del> (112) Sulphur Creek.   | Class B  |
| <p><del>((86))</del> (94) Skookumchuck River from Bloody Run Creek (river mile 21.4) to headwaters.</p>  | Class AA | <del>((+103))</del> (113) Sultan River from mouth to Chaplain Creek (river mile 5.9).  | Class A  |
| <p>(95) Skykomish River from mouth to May Creek (above Gold Bar at river mile 41.2).</p>   | Class A  | <del>((+104))</del> (114) Sultan River from Chaplain Creek (river mile 5.9) to headwaters. Special condition - no waste discharge will be permitted.   | Class AA |
| <p><del>((87))</del> (96) Skykomish River from May Creek (above Gold Bar at river mile 41.2) to headwaters.</p>  | Class AA | <del>((+105))</del> (115) Sumas River from Canadian border (river mile 12) to headwaters (river mile 23).  | Class A  |
| <p><del>((88))</del> (97) Snake River from mouth to Washington-Idaho-Oregon border (river mile 176.1). Special condition <del>((Temperature))</del></p>  | Class AA | <del>((+106))</del> (116) Tieton River <del>((from confluence with Naches River to headwaters)).</del>   | Class AA |
| <p>(a) Below <del>((confluence with))</del> Clearwater River (river mile 139.3). <del>((Water))</del> Temperature(s) shall not exceed 20.0° <del>((Celsius))</del> C due to human activities. When natural conditions exceed 20.0° <del>((Celsius (freshwater)))</del> C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° <del>((Celsius))</del> C; nor shall such temperature increases, at any time, exceed <math>t=34/(T+9)</math>.</p>   |          | <del>((+107))</del> (117) Tolt River, south fork from mouth to <del>((intersection of the river with))</del> west boundary of <del>((Sec. 31, T26N., R9E))</del> Sec. 31-T26N-R9E (river mile 6.9).  | Class AA |
| <p>(b) Above <del>((confluence with))</del> Clearwater River (river mile 139.3). <del>((Water))</del> Temperature(s) shall not exceed 20.0° <del>((Celsius))</del> C due to human activities. When natural conditions exceed 20.0° <del>((Celsius (freshwater)))</del> C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° <del>((Celsius))</del> C; nor shall such temperature increases, at any time, exceed 0.3° <del>((Celsius))</del> C due to any single source or 1.1° <del>((Celsius))</del> C due to all such activities combined.</p> |          | <del>((+108))</del> (118) Tolt River, south fork from <del>((intersection of the river with))</del> west boundary of <del>((Sec. 31, T26N., R9E))</del> Sec. 31-T26N-R9E (river mile 6.9) to headwaters. Special condition - no waste discharge will be permitted.   | Class AA |
| <p><del>((89))</del> (98) Snohomish River from mouth and east of longitude 122°13'40"W(;) upstream to latitude 47°56'30"N(;) (southern tip of Ebey Island river mile 8.1). Special condition: Fecal coliform organisms shall not exceed a <del>((median))</del> geometric mean value of 200, organisms/100 mL with not more than 10 percent of samples exceeding 400 organisms/100 mL.</p>   | Class A  | <del>((+109))</del> (119) Touchet River, north fork from Dayton water intake structure (river mile 3.0) to headwaters.   | Class AA |
| <p><del>((90))</del> (99) Snohomish River upstream from latitude 47°56'30"N(;) (southern tip of Ebey Island river mile 8.1) to <del>((limit of tidal influence))</del> confluence with Skykomish and Snoqualmie River (river mile 20.5).</p>   | Class A  | <del>((+110))</del> (120) Toutle River, north fork, from Green River to headwaters.  | Class AA |
| <p>(100) Snoqualmie River and tributaries from mouth to west boundary of Twin Falls State Park on south fork (river mile 9.1).</p>   | Class A  | <del>((+111))</del> (121) Toutle River, south fork <del>((from mouth to headwaters)).</del>  | Class AA |
| <p><del>((91))</del> (101) Snoqualmie River, middle fork <del>((from mouth to headwaters)).</del></p>  | Class AA | <del>((+112))</del> (122) Tucannon River from Umatilla National Forest boundary (river mile 38.1) to headwaters.   | Class AA |
| <p><del>((92))</del> (102) Snoqualmie River, north fork <del>((from mouth to headwaters)).</del></p>   | Class AA | <del>((+113))</del> (123) Twisp River <del>((from confluence with Methow River to headwaters)).</del>  | Class AA |
| <p><del>((93))</del> (103) Snoqualmie River, south fork, from west boundary of Twin Falls State Park (river mile 9.1) to headwaters.</p>   | Class AA | <del>((+114))</del> (124) Union River from Bremerton waterworks dam (river mile 6.9) to headwaters. Special condition - no waste discharge will be permitted.  | Class AA |
| <p><del>((94))</del> (104) Soleduck River and tributaries.</p>   | Class AA | <del>((+115))</del> (125) Walla Walla River from mouth to Lowden (Dry Creek at river mile <del>((+5))</del> 27.2).   | Class B  |
| <p><del>((95))</del> (105) Spokane River from mouth to Idaho border (river mile <del>((9+))</del> 96.5). Special condition - Temperature <del>((water temperatures))</del> shall not exceed 20.0° <del>((Celsius))</del> C due to human activities. When natural conditions exceed 20.0° <del>((Celsius (freshwater)))</del> C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° <del>((Celsius))</del> C; nor shall such temperature increases, at any time, exceed <math>t=34/(T+9)</math>.</p>   | Class A  | <del>((+116))</del> (126) Walla Walla River from Lowden (Dry Creek at river mile <del>((+5))</del> 27.2) to Oregon border (river mile 40). Special condition - Temperature <del>((water temperatures))</del> shall not exceed 20.0° <del>((Celsius))</del> C due to human activities. When natural conditions exceed 20.0° <del>((Celsius (freshwater)))</del> C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° <del>((Celsius))</del> C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$ . | Class A  |
| <p>(106) Stehckin River.</p>   | Class AA | <del>((+117))</del> (127) Wenatchee River from Wenatchee National Forest boundary (river mile 27.1) to headwaters.   | Class AA |
| <p><del>((96))</del> (107) Stillaguamish River from mouth to <del>((river mile 7 (at Norman)))</del> north and south forks (river mile 17.8).</p>  | Class A  | <del>((+118))</del> (128) White River (Pierce-King Counties) from Mud Mountain Dam (river mile 29.6) to headwaters.  | Class AA |
| <p><del>((97))</del> (108) Stillaguamish River, north fork, from mouth to Squire Creek (river mile 31.2).</p>  | Class A  | <del>((+119))</del> (129) White River (Chelan County) <del>((from Lake Wenatchee to headwaters)).</del>  | Class AA |
| <p><del>((98))</del> (109) Stillaguamish River, north fork, from Squire Creek (river mile 31.2) to headwaters.</p>   | Class AA | <del>((+120))</del> (130) Wildcat Creek  | Class A  |
| <p>(110) Stillaguamish River, south fork, from mouth to Canyon Creek (river mile 33.7).</p>  | Class A  | <del>((+121))</del> (131) Willapa River upstream of a line bearing 70° true through Mailboat Slough light (river mile 1.8).  | Class A  |
| <p><del>((99))</del> (111) Stillaguamish River, south fork, from Canyon Creek (river mile 33.7) to the headwaters.</p>   | Class AA | <del>((+122))</del> (132) Wishkah River from mouth to river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W).  | Class B  |
|  |          | <del>((+123))</del> (133) Wishkah River from river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W) to west fork (river mile 17.7).  | Class A  |
|  |          | <del>((+124))</del> (134) Wishkah River from west fork of Wishkah River (river mile 17.7) to <del>((intersection of the river with))</del> south boundary of <del>((Sec. 33, T21N., R8W.))</del> Sec. 33-T21N-R8W (river mile 32.0).   | Class AA |
|  |          | <del>((+125))</del> (135) Wishkah River from <del>((intersection of the river with))</del> south boundary of <del>((Sec. 33, T21N., R8W.))</del> Sec. 33-T21N-R8W (river mile 32.0) to headwaters. Special condition - no waste discharge will be permitted.   | Class AA |
|  |          | <del>((+126))</del> (136) Wynoochee River from mouth to Olympic National Forest boundary (river mile 45.9)   | Class A  |
|  |          | <del>((+127))</del> (137) Wynoochee River from Olympic National Forest boundary (river mile 45.9) to headwaters.   | Class AA |
|  |          | <del>((+128))</del> (138) Yakima River from <del>((confluence with Columbia River))</del> mouth to Sunnyside Dam (river mile 103.8).   | Class B  |

~~((+25)) (139) Yakima River from Sunnyside Dam (river mile 103.8) to Cle Elum River (river mile 185.6) ((just below the confluence of the Cle Elum River)).~~ Special condition - Temperature ~~((= water temperatures))~~ shall not exceed 21.0° ((Celsius)) C due to human activities. When natural conditions exceed 21.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed  $t=34/(T+9)$ .

~~((+26)) (140) Yakima River from Cle Elum River (river mile 185.6) ((immediately upstream from the Cle Elum River)) to headwaters.~~

Class A

Class AA

AMENDATORY SECTION (Amending Order DE 77-32, files 1/17/78)

WAC 173-201-085 SPECIFIC CLASSIFICATIONS—MARINE WATER. Specific marine surface waters of the state of Washington are classified as follows:

~~(1) ((Bellingham Bay east of a line bearing 185° true from entrance of boat basin (light No. 2), except as otherwise noted.~~ Class B

~~(2) Bellingham Bay, inner, easterly of a line bearing 142° true through fixed green navigation light at southeast end of dock (approximately 300 yards northeast of bell buoy "2") to the east boat basin jetty.~~ Class B

~~(3) Budd Inlet south of latitude 47°04'N(;) (south of Priest Point Park).~~ Class B

~~((+4)) (2) Coastal waters; Pacific Ocean from Ilwaco to Cape Flattery.~~ Class AA

~~((+5)) (3) Commencement Bay ((from)) south and east of a line bearing 258° true from "Brown's point" and north and west of line bearing 225° true through the Hylebos waterway light.~~ Class A

~~((+6)) (4) Commencement Bay, inner, ((from)) south and east of a line bearing 225° true through Hylebos Waterway light except the city waterway south and east of south 11th Street.~~ Class B

~~((+7)) (5) Commencement Bay, city waterway south and east of south 11th Street.~~ Class C

~~((+8)) (6) Drayton Harbor, south of entrance.~~ Class A

~~((+9)) (7) Dyes and Sinclair Inlets west of longitude 122°37'W.~~ Class A

~~((+10)) (8) Elliott Bay east of a line between Pier 91 and Duwamish head.~~ Class A

~~((+11) Everett Harbor east of longitude 122°13'40"W. and southwest of a line bearing 121° true from light "4" (Snohomish River mouth).~~ Class A

~~(+2) (9) Everett Harbor, inner, north and east of a line bearing 121° true from light "4" (Snohomish River mouth).~~ Class B

~~((+3)) (10) Grays Harbor west of longitude 123°59'W.~~ Class A

~~((+4)) (11) Grays Harbor east of longitude 123°59'W(;) to longitude 123°45'45'W(;) (Cosmopolis Chehalis River, river mile 3.1). Special condition -~~ Class B

Dissolved oxygen ((-)) shall exceed 5.0 mg/L ((or 60 percent saturation, whichever is greater)).

~~((+5)) (12) Guemes Channel, Padilla, Samish and Bellingham Bays east of longitude 122°39'W(;) and north of latitude 48°27'20"N.((except as otherwise noted.))~~ Class A

~~((+6)) (13) Hood Canal.~~ Class AA

~~((+7)) (14) Mukilteo and all North Puget Sound west of longitude 122°39' W(;) (Whidbey, Fidalgo, Guemes and Lummi Islands and state highway 20 bridge at Deception Pass), except as otherwise noted.~~ Class AA

~~((+8)) (15) Oakland Bay west of longitude 123°05'W(;) (inner Shelton harbor).~~ Class B

~~((+9)) (16) Port Angeles south and west of a line bearing 152° true from buoy "2" at the tip of Ediz Hook.~~ Class A

~~((+20)) (17) Port Gamble south of latitude 47°51'20"N.~~ Class A

~~((+21)) (18) Port Townsend west of a line between Point Hudson and Kala point.~~ Class A

~~((+22)) (19) Possession Sound, south of latitude 47°57'N.~~ Class AA

~~((+23)) (20) Possession Sound, Port Susan, Saratoga Passage, and Skagit Bay east of Whidbey Island and ((longitude 122°38'35"W. (bridge)) state highway 20 bridge at Deception Pass between latitude 47°57'N(;) (Mukilteo) and latitude 48°27'20"N(;) (Similk Bay), except as otherwise noted.~~ Class A

~~((+24)) (21) Puget Sound through Admiralty Inlet and South Puget Sound, south and west to longitude 122°52'30"W(;) (Brisco Point) and longitude 122°51'W(;) (northern tip of Hartstene Island).~~ Class AA

~~((+25)) (22) Sequim Bay southward of entrance.~~ Class AA

~~((+26)) (23) South Puget Sound west of longitude 122°52'30"W(;) (Brisco Point) and longitude 122°51'W(;) (northern tip of Hartstene Island, except as otherwise noted).~~ Class A

~~((+27)) (24) Strait of Juan de Fuca.~~ Class AA

~~((+28)) (25) Willapa Bay seaward of a line bearing 70° true through Mailboat Slough light (Willapa River, river mile 1.8).~~ Class A

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-090 ACHIEVEMENT CONSIDERATIONS. To fully achieve and maintain the foregoing water quality in the state of Washington, it is the intent of the department ((of ecology)) to apply the various implementation and enforcement authorities at its disposal, including ((the development and implementation of the continuing planning process required by the Federal Water Pollution Control Act

Amendments of 1972, (P.L. 92-500) and applicable federal regulations thereunder)) participation in the programs of the Federal Clean Water Act (P.L. 95-217) as appropriate. It is also the intent that cognizance will be taken of the need for ((information as contemplated under section 304, 208, 209, and other sections of the federal act, with emphasis on silviculture and agriculture, and for)) participation in cooperative programs with other state agencies and private groups with respect to the management of related problems. The ((Washington)) department's ((of ecology's)) planned program for water pollution control will be defined and revised annually in accordance with section 106 of said federal act ((and regulations)). Further, it shall be required that all activities which discharge wastes into waters within the state, or otherwise adversely affect the quality of said waters, be in compliance with the waste treatment and discharge provisions of state or federal law.

**AMENDATORY SECTION** (Amending Order DE 77-32, filed 1/17/78)

**WAC 173-201-120 ENFORCEMENT.** To insure that the provisions of chapter 90.48 RCW, the standards for water quality promulgated herein, the terms of waste disposal permits, and other orders and directives of the department are fully complied with, the following enforcement tools will be relied upon by the department, in cooperation with the attorney general as it deems appropriate:

(1) Issuance of notices of violation and regulatory orders as provided for in RCW 90.48.120. Under this section, whenever in the opinion of the department a person is violating or about to violate chapter 90.48 RCW, the department shall notify said person of its determination. Within thirty days said person shall notify the department of the action taken or being taken in response to the department's determination, whereupon the department may issue a regulatory order as it deems appropriate. Whenever the department deems immediate action is necessary to accomplish the purposes of chapter 90.48 RCW, it may issue a regulatory order without first giving notice and thirty days for response.

(2) Initiation of actions requesting injunctive or other appropriate relief in the various courts of the state, as provided for in RCW 90.48.037.

(3) Levying of civil penalties as provided for in RCW 90.48.144. Under this section, the director ((of the department)) may levy a civil penalty up to five thousand dollars per day against a person who violates the terms of a waste discharge permit, or who discharges without such a permit when the same is required, or violates the provisions of RCW 90.48.080. If the amount of the penalty, which is subject to mitigation or remission by the department, is not paid within thirty days after receipt of said notice, the attorney general, upon request of the director, shall bring an action in superior court to recover the same.

(4) Initiation of a criminal proceeding by the appropriate county prosecutor, as provided for in RCW 90.48.140.

(5) Issuance of regulatory orders or directives as provided for in RCW 90.48.240.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

(1) WAC 173-201-050 CHARACTERISTIC USES TO BE PROTECTED.

(2) WAC 173-201-140 MISCELLANEOUS.

**WSR 81-20-089  
PROPOSED RULES  
HIGHER EDUCATION  
PERSONNEL BOARD  
[Filed October 7, 1981]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 251-04-020 Definitions (temporary employment). Redefines temporary appointment when filling a classified position encumbered by an employee on leave; adds temporary appointment for formal assignment of higher level duties for less than ninety days.
- Amd WAC 251-04-020 Definitions (work direction). Establishes a definition of an additional job responsibility. Defines work direction responsibilities which may be assigned to classified employees.
- Amd WAC 251-04-040 Exemptions. Redefines exempt temporary employees as nonclassified employees filling position that are 1) established to accomplish peak load work of less than one-hundred eighty days, and 2) vacated by classified employees on leave for less than ninety days.
- New WAC 251-09-095 Work direction—Premium. New rule to establish the criteria necessary to qualify for work direction premium pay. Provides a premium pay for directing the work of others. Premium pay is to be paid when a classified employee is assigned to a class that does not include the responsibility for directing the work of others, but it is expected of them on a regular basis.
- Amd WAC 251-12-600 Remedial action. Housekeeping only to change rule number references to conform to other sections of the rules.
- Amd WAC 251-18-350 Appointment—Temporary. Establishes the process for making temporary appointments to classified positions. Modifies the process of temporary appointments; specified the rights of classified employees who accept temporary appointments; and identifies the responsibility of management;

that such agency will at 10:00 a.m., Thursday, November 19, 1981, in the Board Room of Administration Building, Clark College, Vancouver, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 19, 1981, and/or orally at 10:00 a.m., Thursday, November 19, 1981, Board Room of Administration Building, Clark College, Vancouver, Washington.

Dated: October 7, 1981  
By: Douglas E. Sayan  
Director

**STATEMENT OF PURPOSE**

This statement is related to the notice filed with the Code Reviser on October 7, 1981, and is filed pursuant to RCW 34.04.025.

Rule Affected: WAC 251-04-020 Definitions.

Authority: RCW 28B.16.100.

"Temporary Employment"

Purpose of Existing Rule: Defines temporary employment.

**Summary of Proposed Change:** Redefines temporary appointment when filling a classified position encumbered by an employee on leave; adds temporary appointment for formal assignment of higher level duties for less than ninety days.

"Work Direction"

**Purpose of Existing Rule:** No definition currently exists.

**Summary of Proposed Change:** Established a definition of an additional job responsibility. Defines work direction responsibilities which may be assigned to classified employees.

**Agency Person Responsible for Drafting, Implementing and Enforcing Rules:** Douglas E. Sayan, Director-HEPB, FT-11, Olympia, 98504, Scan 234-3730.

**Organization Proposing Changes:** HEPB Staff.

The agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

**Rule Affected:** WAC 251-04-040 Exemptions.

**Authority:** RCW 28B.16.100.

**Purpose of Existing Rule:** Defines temporary employees exempt from Title 251 WAC.

**Summary of Proposed Change:** Redefines exempt temporary employees as nonclassified employees filling position that are 1) established to accomplish peak load work of less than one-hundred eighty days, and 2) vacated by classified employees on leave for less than ninety days.

**Agency Person Responsible for Drafting, Implementing and Enforcing Rules:** Douglas E. Sayan, Director-HEPB, FT-11, Olympia, 98504, Scan 234-3730.

**Organization Proposing Change:** HEPB Staff.

The agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

**Rule Affected:** WAC 251-09-095 Work Direction—Premium.

**Authority:** RCW 28B.16.100.

**Purpose of Existing Rule:** No rule currently exists.

**Summary of Proposed Change:** New rule to establish the criteria necessary to qualify for work direction premium pay. Provides a premium pay for directing the work of others. Premium pay is to be paid when a classified employee is assigned to a class that does not include the responsibility for directing the work of others, but it is expected of them on a regular basis.

**Agency Person Responsible for Drafting, Implementing and Enforcing Rules:** Douglas E. Sayan, Director-HEPB, FT-11, Olympia, 98504, Scan 234-3730.

**Organization Proposing Change:** HEPB Staff.

The agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

**Rule Affected:** WAC 251-12-600 Remedial Action.

**Authority:** RCW 28B.16.100.

**Purpose of Existing Rule:** To address situations wherein an individual has served six months in a position

subject to civil service but whose appointment was not in accordance with the provisions of the rules.

**Summary of Proposed Change:** Housekeeping only to change rule number references to conform to other sections of the rules.

**Agency Person Responsible for Drafting, Implementing and Enforcing Rules:** Douglas E. Sayan, Director-HEPB, FT-11, Olympia, 98504, Scan 234-3730.

**Organization Proposing Change:** HEPB Staff.

The agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

**Rule Affected:** WAC 251-18-350 Appointment—Temporary.

**Authority:** RCW 28B.16.100.

**Purpose of Existing Rule:** Establishes the process for making temporary appointments to classified positions.

**Summary of Proposed Change:** Modifies the process of temporary appointment; specifies the rights of classified employees who accept temporary appointments; and identifies the responsibility of management.

**Agency Person Responsible for Drafting, Implementing and Enforcing Rules:** Douglas E. Sayan, Director-HEPB, FT-11, Olympia, 98504, Scan 234-3730.

**Organization Proposing Change:** HEPB Staff.

The agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

#### AMENDATORY SECTION (Amending Order 88, filed 7/2/81)

WAC 251-04-020 **DEFINITIONS.** Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

"**ADMINISTRATIVE ASSISTANT EXEMPTION**" – A president or vice president may have individual(s) acting as his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

"**ADMINISTRATIVE EMPLOYEES**" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

- (1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and
- (2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and
- (3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and
- (4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

"**AGRICULTURAL EMPLOYEES**" – Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

"**ALLOCATION**" – The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

"**APPOINTING AUTHORITY**" – A person or group of persons lawfully authorized to make appointments.

**"AVAILABILITY"** – An estimate of the number of women, minorities, and handicapped persons who have the skills and abilities required for employment in a particular job group as determined from an analysis of relevant data.

**"BOARD"** – The higher education personnel board established under the provisions of the higher education personnel law.

**"CERTIFICATION"** – The act of providing an employing official or appointing authority with the names of the appropriate eligibles to be considered for appointment to fill a vacancy.

**"CHARGES"** – A detailed statement of the specific incidents alleging cause for dismissal or disciplinary action.

**"CLASS"** – One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

**"CLASSIFIED SERVICE"** – All positions in the higher education institutions which are subject to the provisions of the higher education personnel law.

**"COLLECTIVE BARGAINING"** – The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the appointing authority may lawfully exercise discretion.

**"COMPETITIVE SERVICE"** – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

**"CORRECTIVE EMPLOYMENT PROGRAM"** – A program designed to increase the employment of handicapped persons and of women and minorities who are underutilized in certain job groups because of present or past practices or other conditions which resulted in limited employment opportunities.

**"COUNSELING EXEMPTION"** – Individuals in counseling-exempt positions are responsible for directing and/or participating in providing academic, athletic, medical, career, financial aid, student activity and/or personal counseling to students. Such activities include, but are not limited to, providing individual and group guidance services using recognized professional techniques and practices.

**"DEMOTION"** – The change of an employee from a position in one class to a position in another class which has a lower salary range maximum.

**"DEVELOPMENT"** – The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

**"DIRECTOR"** – The personnel director of the higher education personnel board.

**"DISMISSAL"** – The termination of an individual's employment for just cause as specified in these rules.

**"ELIGIBLE"** – An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

**"ELIGIBLE LIST"** – A list established by the personnel officer, composed of names of persons who have made proper application, met the minimum qualifications, and successfully completed the required examination process to be certified for vacancies in a class at the institution.

**"EMPLOYEE"** – A person working in the classified service at an institution.

**"EMPLOYEE ORGANIZATION"** – Any lawful association, labor organization, federation, council, or brotherhood, having as one of its purposes the improvement of working conditions among employees, and which has filed a notice of intent to represent employees with the director, and which has been authorized in accordance with WAC 251-14-020.

**"EMPLOYING OFFICIAL"** – An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

**"EXECUTIVE EMPLOYEES"** – Management personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must be management of a recognized department or subdivision; and

(2) Must customarily and regularly direct the work of two or more employees; and

(3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and

(4) Must customarily and regularly exercise discretionary powers; and

(5) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if he/she regularly directs the work of at least two other employees and the primary duty is management of a recognized department or subdivision.

**"EXECUTIVE HEAD EXEMPTION"** – Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice presidents, deans and chairmen. Directors may be executive heads as determined by the higher education personnel board. An executive head is in charge of a separate budget unit and directs subordinates.

**"EXEMPT POSITION"** – A position properly designated as exempt from the application of these rules as provided in WAC 251-04-040. (Also see separate definitions of "administrative assistant exemption," "executive head exemption," "research exemption," "counseling exemption," "extension and/or continuing education exemption," "graphic arts or publication exemption," and "principal assistant exemption".)

**"EXTENSION AND/OR CONTINUING EDUCATION EXEMPTION"** – Individuals considered exempt in this category are responsible for originating and developing formal education programs for the general public, usually involving close contact with faculty and staff or training or consulting with specific groups in the community to enable them to provide specialized training and/or services to the community.

**"FRINGE BENEFITS"** – As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil, and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

**"FULL-TIME EMPLOYMENT"** – Work consisting of forty hours per week.

**"GRAPHIC ARTS OR PUBLICATION EXEMPTION"** – Individuals qualifying for exemption under this category will be involved in performing selected graphic arts or publication activities requiring prescribed academic preparation or special training. Positions of this type are those which use special visual techniques, require original design and layout and/or can be distinguished from positions associated with the standard editorial functions.

**"GRIEVANCE"** – A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

**"HANDICAPPED PERSON"** – Any person with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight, static and permanent in that they are seldom fully corrected by medical replacement, therapy, or surgical means.

**"HEARING EXAMINER"** – An individual appointed by the board to preside over, conduct and make recommended decisions including findings of fact and conclusions of law in all cases of employee appeals to the board.

**"INSTITUTIONS OF HIGHER EDUCATION"** – The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

**"INSTRUCTIONAL YEAR"** – The schedule established annually by an institution to identify the period required to meet the educational requirements of a given academic or training program.

**"JOB GROUP"** – For affirmative action goal-setting purposes, a group of jobs having similar content, wage rates and opportunities. An EEO job category may consist of one or more job groups.

"JOB CATEGORIES" - Those groupings required in equal employment opportunity reports to federal agencies.

"LATERAL MOVEMENT" - Appointment of an employee to a position in another class which has the same salary range maximum as the employee's current class.

"LAYOFF" - Any of the following management initiated actions caused by lack of funds, curtailment of work, or good faith reorganization for efficiency purposes:

- (1) Separation from service to an institution;
- (2) Separation from service within a class;
- (3) Reduction in the work year; and/or
- (4) Reduction in the number of work hours.

"LAYOFF SENIORITY" - The last period of unbroken service in the classified service of the higher education institution. Authorized leave of absence or leave without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute and except in the case of positions established on the basis of an instructional year. Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken institution service the veteran's active military service to a maximum of five years' credit.

"LAYOFF UNIT" - A clearly identified structure within an institution, which is approved by the director, and within which employment/layoff options are determined in accordance with the reduction in force procedure.

"LEAD" - An employee who performs the same duties as other employees in his/her work group and in addition regularly assigns, instructs and checks the work of the employees.

"NONCOMPETITIVE SERVICE" - All positions in the classified service for which a competitive examination is not required.

"ORGANIZATIONAL UNIT" - A clearly identified structure, or substructure of persons employed to achieve a common goal or function under the direction of a single official. An organizational unit may consist of either an administrative entity or a geographically separated activity.

"PART-TIME EMPLOYMENT" - Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

"PERIODIC INCREMENT DATE" - ("P.I.D.") - The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class, as provided in WAC 251-08-090 and 251-08-100.

"PERMANENT EMPLOYEE" - An employee who has successfully completed a probationary period at the institution within the current period of employment.

"PERSONNEL OFFICER" - The principal employee in each institution/related board responsible for administrative and technical personnel activities of the classified service.

"P.I.D." - Commonly used abbreviation for periodic increment date.

"POSITION" - A set of duties and responsibilities normally utilizing the full or part time employment of one employee.

"PRINCIPAL ASSISTANT EXEMPTION" - Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the higher education personnel board.

"PROBATIONARY PERIOD" - The initial six months of employment in a class following appointment from an eligible list of a non-permanent employee of the institution.

"PROBATIONARY REAPPOINTMENT" - Appointment of a probationary employee from an eligible list to a position in a different class.

"PROFESSIONAL EMPLOYEES" - Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

- (1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on invention, imagination, or talent; and
- (2) Must consistently exercise discretion and judgment; and
- (3) Must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

(4) Must be paid at a rate of at least \$737 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of work requiring knowledge of an advanced type in a field of science or learning which requires consistent exercise of discretion and judgment.

"PROMOTION" - The appointment as a result of recruitment, examination and certification, of a permanent employee to a position in another class having a higher salary range maximum.

"PROVISIONAL APPOINTMENT" - Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-18-300. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

"PUBLIC RECORDS" - Any writing containing information relating to conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

"REALLOCATION" - The assignment of a position by the personnel officer to a different class.

"REASSIGNMENT" - A management initiated movement of a classified employee from one position to another in the same class.

"RELATED BOARDS" - The state board for community college education, the council for postsecondary education, the higher education personnel board, and such other boards, councils and commissions related to higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

"RESEARCH EXEMPTION" - Individuals in research-exempt positions spend the majority of their time in one or more of the following activities: Identification and definition of research problems, design of approaches or hypotheses and methodology to be used, design of specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research results in publishable form.

"RESIGNATION" - A voluntary termination of employment.

"REVERSION" - The return of a permanent employee from trial service to the most recent class in which permanent status was achieved.

"SEPARATION" - Resignation, retirement, layoff or dismissal from the classified service.

"SUPERVISOR" - Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"SUSPENSION" - An enforced absence without pay for disciplinary purposes.

"TEMPORARY ((EMPLOYMENT)) APPOINTMENT" -

- (1) Work performed in the absence of an employee on leave for:
  - (a) Less than ninety consecutive calendar days;
  - (b) Ninety or more consecutive calendar days; or
  - (2) Formal assignment of the duties and responsibilities of a higher level class for a period of less than ninety consecutive calendar days; or
  - ((2)) (3) Performance of extra work required at a work load peak ((or)), a special project((s)), or a cyclic work load((s)) which does not ((to)) exceed one hundred eighty consecutive calendar days.

"TRAINING" - Formal and systematic learning activities intended to provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

"TRANSFER" - An employee initiated change from one classified position to another in the same class within the institution without a break in service.

"TRIAL SERVICE" - The initial period of employment following promotion, demotion or lateral movement into a class in which the employee has not held permanent status, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-18-330(5).

"UNDERUTILIZATION" - Having fewer minorities, women, or handicapped persons in a particular job group than would reasonably be expected by their availability.

"UNION SHOP" - A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to become members of an employee organization.

"UNION SHOP REPRESENTATIVE" - An employee organization which is the exclusive representative of a bargaining unit that has been certified by the director as the union shop representative following an election wherein a majority of employees in the bargaining unit voted in favor of requiring membership in the employee organization as a condition of employment.

"UNION SHOP REPRESENTATION FEE" - Employees who are granted a nonassociation right based on religious tenets or teachings of a church or religious body of which they are members, must pay a representation fee to the union shop representative. Such fee is equivalent to the regular dues of the employee organization minus any monthly premiums for union sponsored insurance programs.

"WORK DIRECTION" - Occurs when an employee is responsible for: Initiating work assignment; providing guidance of the performance of the work; and reviewing the quality and quantity of work performed by others which support the unit. The work which is directed must be substantive and comparable to work which is expected of, and assigned to classified employees. However, the work over which direction at this level is exercised is of a lower level than that performed by the employee responsible for work direction.

"WRITING" - Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including letters, words, pictures, sounds; or symbols or combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

**AMENDATORY SECTION** (Amending Order 70, filed 9/29/78, effective 11/1/78)

**WAC 251-04-040 EXEMPTIONS.** The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board; all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2)(a) Students employed under separately funded student assistance work programs, or who are employed in a position directly related to the major field of study to provide training opportunity; or who are elected or appointed to student body offices or student organization positions such as student officers or student news staff members.

(b) Persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule.

(c) ~~((Temporary))~~ Nonclassified employees filling positions identified in subsections ~~((2))~~ (1)(a) and (3) of the definition of "temporary ~~((employment))~~ appointment" in WAC 251-04-020.

(d) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

(3) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(4) The personnel director of the higher education personnel board and his confidential secretary.

(5) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.

(6) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt,

may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.

(7) Any employee having a classified service status in a position may take a temporary appointment in an exempt position, with the right to return to the regular position, or to a like position, at the conclusion of such temporary appointment. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment.

(8) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-18-420.

#### **NEW SECTION**

**WAC 251-09-095 WORK DIRECTION—PREMIUM.** When a position is required to provide work direction which is not written or implied in the specification, of not less than one FTE (forty hours per week), the incumbent shall receive a premium equal to five percent of the base rate (Step F) of the highest level class, or comparable class, as determined by the personnel officer, receiving the work direction.

**AMENDATORY SECTION** (Amending Order 71, filed 2/27/79, effective 4/2/79)

**WAC 251-12-600 REMEDIAL ACTION.** When it has been determined that an individual has served six consecutive months in an institution in a position subject to the civil service but whose appointment by the institution has not been in accordance with the provisions of these rules, and the employee was not a party to the willful disregard of the rules, the director may take such appropriate action as to confer permanent status, set provision for salary maintenance, establish appropriate seniority, determine accrual of benefits, and such other actions as may be determined appropriate pursuant to the best standards of personnel administration. The order of the director shall be final and binding unless exceptions to the order, as provided in WAC 251-12-085~~((1))~~ (1) through ~~((5))~~ (5), are filed with the board within thirty calendar days of the date of service of the order. The board will review the exceptions and may hold a hearing prior to modifying or affirming the director's order.

**AMENDATORY SECTION** (Amending Order 61, filed 8/30/77, effective 10/1/77)

**WAC 251-18-350 APPOINTMENT—TEMPORARY.** (1) Temporary appointment may be made only to meet employment conditions set forth in the definition of "temporary ~~((employment))~~ appointment" in WAC 251-04-020.

(2) Temporary appointment to perform work in the absence of an employee on leave for ninety or more consecutive calendar days shall be made following certification from appropriate eligible lists of eligibles who have indicated willingness to accept such temporary ~~((assignment))~~ appointment. Employees appointed to classified positions in accordance with this subsection are covered by chapter 28B.16 RCW and Title 251 WAC. Temporary appointment made in accordance with this ~~((rule))~~ subsection is not limited to the one hundred eighty consecutive calendar day limitation identified in WAC 251-04-020(3) and subsection (5) of this section.

(3) The employing official may temporarily assign a classified employee the duties and responsibilities of a higher-level class for a period of less than ninety consecutive calendar days. The salary shall be determined per WAC 251-08-110.

(4) Temporary appointment to positions identified in the definition of "temporary appointment" in WAC 251-04-020(1)(a), (2), and (3) may be made without regard to the rules governing appointment.

(5) Upon prior approval of the director, a temporary appointment to a position identified in WAC 251-04-020(1)(a) may be extended beyond the eighty-ninth day, however the total period of appointment shall not exceed one hundred seventy-nine consecutive calendar days.

(6) A permanent classified employee accepting temporary appointment to a position identified in the definition of "temporary appointment" in WAC 251-04-020(1)(a), (2), and (3), shall retain and continue to receive all rights and benefits provided by these rules for the duration of the temporary appointment.

(7) At the conclusion of a temporary appointment of less than one hundred eighty consecutive calendar days, a permanent employee shall have the right to revert to his/her former position.

**WSR 81-20-090**  
**PROPOSED RULES**  
**STATE BOARD**  
**OF EDUCATION**  
 [Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning the repeal of WAC 180-30-300, 180-30-305, 180-30-310, 180-30-315, 180-30-320, 180-30-325, 180-30-330 and 180-30-335;

that such agency will at 9:00 a.m., Thursday, November 19, 1981, in the Spokane Riverpark Convention Center, West 334 Spokane Falls Boulevard, Spokane, WA, conduct a hearing relative thereto.

The formal adoption, amendment or repeal of such rules will take place at 9:00 a.m., Friday, November 20, 1981, in the Spokane Riverpark Convention Center, West 334 Spokane Falls Boulevard, Spokane, WA.

The authority under which these rules are proposed is RCW 28A.47.073.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 19, 1981, and/or orally at 9:00 a.m., Thursday, November 19, 1981, Spokane Riverpark Convention Center, West 334 Spokane Falls Boulevard, Spokane, WA.

Dated: October 7, 1981  
 By: Wm. Ray Broadhead  
 Secretary

**STATEMENT OF PURPOSE**

Rule: Chapter 180-30 WAC entitled School Building Construction.

Rule Section(s): WAC 180-30-300, 180-30-305, 180-30-310, 180-30-315, 180-30-320, 180-30-325, 180-30-330 and 180-30-335.

Statutory Authority: RCW 28A.47.073.

Purpose of the Rule(s): To repeal sections which will be archaic by the adoption of chapter 180-33 WAC, which will be simultaneously adopted with these repealers.

Summary of the New Rule(s) and/or Amendments: See proposed new chapter 180-33 WAC for which notice of adoption has been given simultaneously.

Reasons Which Support the Proposed Action(s): Encourage efficiency and economy in school construction.

Person or Organization Proposing the Rule(s): SPI, Government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, State Modular Bldg., Room 1500, 753-2298; Implementation: Robert Minnitti, State Modular Bldg., Room 1000, 753-6702; and Enforcement: Chas. McNurlin, State Modular Bldg., Room 1000, 753-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Encourages efficiency and economy in the use of school construction funds.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 180-30-300 Modernization of school plant facilities.
- (2) WAC 180-30-305 Modernization of school plant facilities—Basic policies.
- (3) WAC 180-30-310 Modernization of school plant facilities—Minimum projects—Ten percent of replacement cost.
- (4) WAC 180-30-315 Modernization of school plant facilities—Maximum costs eligible for state matching purposes—Sixty-five percent of replacement cost.
- (5) WAC 180-30-320 Modernization of school plant facilities—Architectural and engineering services.
- (6) WAC 180-30-325 Modernization of school plant facilities—Survey of existing facilities a prerequisite.
- (7) WAC 180-30-330 Modernization of school plant facilities—Regulations governing.
- (8) WAC 180-30-335 Modernization of school plant facilities—Procedural requirements.

**Reviser's Note:** Errors of punctuation or spelling in the above repealer occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 81-20-091**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning WAC 296-15-070, accident reports and claims procedures. Self-insured medical only claims giving the self-insured employers the right to close industrial insurance claims which do not involve payment of temporary disability compensation. WAC 296-15-215, cash or bond alternative for death or permanent total disability. The cash or bond alternative which gives self-insured employers the option of a cash or bond payment to the department to insure their obligation for a death or permanent total disability resulting from an industrial injury;

that such agency will at 9:00 a.m., Wednesday, November 18, 1981, in the Lakeside I, Alladin Best Western Inn, 900 Capitol Way, Olympia, WA 98501, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, November 18, 1981, in the Lakeside I, Alladin Best Western Inn, 900 Capitol Way, Olympia, WA 98501.

The authority under which these rules are proposed is Title 51 RCW, Industrial Insurance, RCW 51.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 18, 1981, and/or orally at 9:00 a.m., Wednesday, November 18, 1981, Lakeside I, Alladin Best Western Inn, 900 Capitol Way, Olympia, WA 98501.

Dated: October 6, 1981  
 By: Sam Kinville  
 Director

## STATEMENT OF PURPOSE

Title and Number of Rule(s) of Chapter: Title 51 RCW, Industrial Insurance Law, WAC 296-15-070, Accident Reports and Claims Procedures; 296-15-215, Cash or Bond Alternative for Death or Permanent Total Disability.

Statutory Authority: Title 51 RCW, Industrial Insurance Law, RCW 51.04.020.

Summary of the Rule(s): WAC 296-15-215 gives the self-insurers the option of a cash or bond payment to the department to insure their obligation for a death or permanent total disability resulting from an industrial injury; and 296-15-070 gives the self-insured employers the right to close industrial insurance claims which do not involve payment of temporary disability compensation.

Description of the Purpose of the Rule(s): WAC 296-15-215 is to provide an alternative procedure for the establishment of pension reserves for an industrial injury resulting in death or permanent total disability giving the self-insured employer the option of a bond or cash deposit in such instances; and 296-15-070 establishes a method for the opening and closing of medical only claims by the self-insured employer, that do not involve payment of temporary disability compensation.

Reasons Supporting the Proposed Rule(s): WAC 296-15-215 is to further clarify the procedure to follow when the bond alternative is chosen by a self-insurer; and 296-15-070 is to establish requirements for the reporting of claims to the department and correct procedures for forms.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule(s): Jule Loftus, Manager, Self-Insurance, Dept. of Labor and Industries, G.A. Bldg., Olympia, WA 98504, (206) 753-3457.

Name of the Person or Organization, Whether Private, Public or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendation, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No further comment.

The rule is not necessary to comply with federal law or federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: No further comment.

AMENDATORY SECTION (Amending Order 77-19, filed 9/26/77)

WAC 296-15-070 ACCIDENT REPORTS AND CLAIMS PROCEDURES. (1) Reporting of accidents and applications for compensation based thereon shall be on a form prescribed by the department, entitled the Self-Insurer's Report of Accident (SIF #2), which will be supplied to all self-insurers, and by self-insurers to their employees. Forwarding a completed copy of this form to the department shall satisfy the self-insurer's initial accident reporting responsibility under the law.

~~((Noncompensable (medical-only) claims may be withheld from submission to the department for a period not to exceed thirty calendar days. The delayed filing is permissible where by so doing the request for closure can accompany the original submission of the claim.))~~

(2) A self-insurer, on denying any claim, shall ~~((must))~~ provide to the claimant, the department, and the attending physician, within seven days after such self-insurer has notice of the claim, a Notice of Denial of Claim, substantially identical to the example SIF #4, incorporated herein by reference. With every such claim denial a self-insurer shall send to the department all information on which the denial was based.

(3) A self-insurer ~~((must))~~ shall file ~~((in all claims))~~ a Supplemental or Final Report on Injury or Occupational Disease, on a form substantially identical to the example SIF #5, incorporated herein by reference, at the following times:

(a) On the date the first time loss compensation is paid.

(b) On the date the time loss compensation is terminated or the rate thereof changed.

(c) On the date a determination is requested.

All medical reports and other pertinent information in the self-insurer's possession must be submitted with the request for all determinations ~~((except in noncompensable claims (medical only)))~~.

Self-insurers shall not unreasonably delay action on a claim nor fail to keep the department informed of the existence of an extended or continuing claim.

(4) A self-insurer, upon accepting a claim which involves only medical treatment and which does not involved payment of temporary disability or permanent partial disability compensation, shall issue a claim number from S-numbers to be assigned to all self-insurers.

(a) When a worker files a claim the self-insurer shall advise the worker of his claim number, rights and responsibilities, in nontechnical language in a timely manner on a form approved by the department.

(b) A self-insurer, upon closure of a medical only claim, shall issue an order on a form prescribed by the department entitled self-insurer's claim closure order and notice (LI-207-20), which will be supplied to all self-insurers, and by the self-insurers to their employees, in compliance with reporting responsibilities under the law, a copy of which shall be sent to the attending physician.

(c) The self-insurer shall submit monthly statistical information to the department on closed claims, on a form prescribed by the department entitled medical only statistical report (LI-207-19) which will be supplied to all self-insurers by the department.

(d) When a written protest is received by the department, the department may require a self-insurer to submit within ten working days from the date of mailing by the department, all information in the self-insurer's possession which is pertinent to the protest.

NEW SECTION

WAC 296-15-215 CASH OR BOND ALTERNATIVE FOR DEATH OR PERMANENT TOTAL DISABILITY. Upon establishment of a death or permanent total disability obligation, the self-insured employer may elect to pursue the bond alternative outlined in RCW 51.44.070(2). In all such cases, cash or bond, the department shall commence to pay benefits immediately upon issuance of an order establishing such obligation. In the event there is a retroactive payment of benefits in the establishment of such obligation, and the self-insured employer elects to pursue RCW 51.44.070(2), this payment shall be made at the time the employer submits the required cash deposit. All further obligations paid by the department from the pension reserve fund shall be reimbursed to the department by the self-insured through the quarterly report system in accordance with RCW 51.44.070(2).

Upon election of RCW 51.44.070(2) the self-insured employer shall submit a bond in the amount deemed by the insurance commissioner to be reasonably sufficient to insure payment of the pension benefits provided by law. Such bond and required cash deposit shall be filed with the self-insurance section no later than sixty days after establishment of the death or permanent total disability obligation.

The bond alternative as prescribed by RCW 51.44.070(2) shall be allowed only once on any given claim elected at the time of the establishment of such obligation. In the event the amount of the bond is subsequently deemed insufficient and the self-insurer is unable to secure the required bond obligation the employer may deposit cash into the reserve fund, pursuant to RCW 51.44.070(1), to replace the bond obligation.

**WSR 81-20-092**  
**PROPOSED RULES**  
**STATE BOARD**  
**OF EDUCATION**  
 [Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning School building construction—Modernization, new chapter 180-33 WAC;

that such agency will at 9:00 a.m., Thursday, November 19, 1981, in the Spokane Riverpark Convention Center, West 334 Spokane Falls Boulevard, Spokane, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, November 20, 1981, in the Spokane Riverpark Convention Center, West 334 Spokane Falls Boulevard, Spokane, WA.

The authority under which these rules are proposed is RCW 28A.47.073.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 19, 1981, and/or orally at 9:00 a.m., Thursday, November 19, 1981, Spokane Riverpark Convention Center, West 334 Spokane Falls Boulevard, Spokane, WA.

Dated: October 7, 1981  
 By: Wm. Ray Broadhead  
 Secretary

**STATEMENT OF PURPOSE**

Rule: New chapter 180-33 WAC entitled School Building Construction—Modernization.

Rule Section(s): WAC 180-33-005, 180-33-010, 180-33-015, 180-33-020, 180-33-025, 180-33-030, 180-33-035, 180-33-040, 180-33-045, 180-33-050, 180-33-055 and 180-33-060.

Statutory Authority: RCW 28A.47.073.

Purpose of the Rule(s): To revise state policies regarding modernization of school facilities, to place such rules in a separate chapter, and to anticipate the repeal of current applicable rules.

Summary of the New Rule(s) and/or Amendments: WAC 180-33-005 Authority and Purpose, replaces 180-30-300 as a general purpose section and notes RCW 28A.47.073 as authority for such rules; 180-33-010 Definitions, defines the operative terms in RCW 28A.47.073, "modernization," "school facility," and "major structural change"; 180-33-015 Eligibility for State Financial Assistance, sets forth policy purposes and conditions for modernization funds and conditions under which such funds will not be granted, specifically 180-33-015(1) allows allocation of state matching funds to meet mandatory code requirements, to change instructional use or purpose of facility, and to reduce number of school facilities within district in order to establish more efficient facilities, specifically 180-33-015(2) requires the life of the modernized facility to be extended by 20 years, and specifically 180-33-015(2) prohibits matching funds for delayed maintenance problems, piecemeal projects, and small senior high schools

where consolidation with an adjacent district is possible or where space already exists in an adjacent district; 180-33-020 Formula for Calculating Amount of State Assistance, sets forth, by cross reference to provisions in this new chapter, the method for calculating amount of state matching funds for a particular project; 180-33-025 Space Eligible for State Financial Assistance, requires a five year cohort survival projection for eligible space and provides matching for all 100% of space if three-fourths of overall square footage is eligible for state matching; 180-33-030 Certification of Continued Use, requires local school districts to certify continued use of facility for at least five years, sets forth recapture provisions if district fails to conform to pledge, and states exception for unforeseen natural event; 180-33-035 Minimum Projects—Ten Percent of Replacement Costs, prohibits the allocation of state matching funds to a small project which is less than ten percent of facility replacement cost; 180-33-040 Maximum Costs Eligible for State Matching Purpose—Eighty Percent of Replacement Cost, limits state matching for modernization to eighty percent of cost of facility replacement at new construction rates; 180-33-045 Architectural and Engineering Services, replaces 180-30-320 which places limitation on state matching for such fees; 180-33-050 Survey of Existing Facilities as Prerequisite, replaces 180-30-325, requires SPI review of proposed project to determine conformity with policy provisions of new chapter 180-33 WAC as condition to seeking SBE approval; 180-33-055 Regulations Governing, replaces 180-30-330 and specifies that provisions of chapter 180-30 WAC applicable to new construction, if not inconsistent with this new chapter, are also applicable; 180-33-060 Procedural Requirements, replaces 180-30-335 and authorizes SPI to adopt necessary forms and procedures to implement chapter; and new chapter 180-33 WAC anticipates the simultaneous adoption of repealers to WAC 180-30-300, 180-30-305, 180-30-310, 180-30-315, 180-30-320, 180-30-325, 180-30-330 and 180-30-335 in order to remove from the code provisions made archaic by the adoption of this new chapter.

Reasons Which Support the Proposed Action(s): Encourage efficiency in school construction policies by encouraging modernization when more efficient or cost effective.

Person or Organization Proposing the Rule(s): SPI, Government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, State Modular Bldg., Rm. 1500, 753-2298; Implementation: Robert Minnitti, State Modular Bldg., Rm. 1000, 753-6702; and Enforcement: Chas. McNurlin, State Modular Bldg., Room 1000, 753-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Encourages efficiency and economy in the use of state school construction funds.

**NEW SECTION**

**WAC 180-33-005 AUTHORITY AND PURPOSE.** Pursuant to RCW 28A.47.060, the state board of education hereby establishes rules and regulations as set forth in chapter 180-33 WAC to govern the allocation of state funds for modernization of existing school facilities as provided by RCW 28A.47.073.

**NEW SECTION**

**WAC 180-33-010 DEFINITIONS.** As used in this chapter the term:

(1) "Modernization" shall mean the making of major structural changes in such facilities and may include as incidental thereto the replacement of fixtures, fittings, furnishings and service systems of a building in order to bring it up to a contemporary state consistent with the needs of changing educational programs.

(2) "School facility" shall mean the quantity and description of buildings and sites belonging to or used by a school district for instruction and services supporting instruction for specific grade levels.

(3) "Major structural change" shall mean major components of a facility contributing to the basic structure and shall not include those components such as portable partitions, free standing panels and screens, portable equipment and furnishings that do not contribute to the basic structure.

**NEW SECTION**

**WAC 180-33-015 ELIGIBILITY FOR STATE FINANCIAL ASSISTANCE.** (1) In order to be eligible for state financial assistance, a modernization project shall have as its principal purpose one or more of the following:

(a) Bringing a facility into compliance with current building and health codes when so required by state or local health or safety officials rather than replacing the facility;

(b) Changing the instructional use or instructional purpose of a facility; or

(c) The reduction of the number of operating school facilities in a district by combining the remaining school facilities through modernization and new capital construction so as to achieve more cost effective and efficient operation in the combined school facility or facilities. In order to be eligible for state financial assistance, such a project shall result in additional space for at least 100 additional pupils and the following enrollment in any combined facility:

(i) Elementary school facility — 500 pupils;

(ii) Middle or junior high school facility — 700 pupils;

(iii) Senior high school facility — 850 pupils;

PROVIDED, That modernization projects in school districts with a high school enrollment of less than 850 pupils need not comply with the enrollment figures set forth above.

(2) School districts shall certify that a proposed modernization project will extend the life of the modernized school facility by at least twenty years during which time the district shall be ineligible for state matching funds for replacement of the affected facility.

(3) School districts shall be ineligible for state financial assistance where the principal purpose of a modernization project is to:

(a) Solve delayed maintenance problems;

(b) Perform piecemeal work on one section or system of a school facility;

(c) To modernize a senior high school facility in a district with a senior high school enrollment of less than 300 students where:

(i) There is existing space available to serve the students involved or affected in a neighboring senior high school without, in the judgment of the state board of education, an undue increase in the cost of transporting the students to and from school, decrease in educational opportunity, or proportional increase in the cost of instruction; or

(ii) The operating district can be united with another district or districts for the purpose of establishing a high school of more acceptable size.

**NEW SECTION**

**WAC 180-33-020 FORMULA FOR CALCULATING AMOUNT OF STATE ASSISTANCE.** The extent of state financial assistance in the modernization of school facilities shall be calculated on the basis of the following formula:

Square feet of space eligible for modernization assistance as per WAC 180-33-025 times the dollar per square foot match times the percentage of state assistance to which a district is entitled under the

state matching formula set forth in RCW 28A.47.803 times the state modernization matching figure as set forth in WAC 180-33-040 equals the amount of state financial assistance in modernization to which a school district shall be entitled.

**NEW SECTION**

**WAC 180-33-025 SPACE ELIGIBLE FOR STATE FINANCIAL ASSISTANCE IN MODERNIZATION.** Space allowance and enrollment projection provision for state matching purposes.

(1) In planning for modernization in any facility, under the provisions of (1)(a) and (1)(b) of WAC 180-33-015, a school district shall estimate capacity needs on the basis of a five-year cohort survival or adjusted cohort survival enrollment as per WAC 180-30-110(2). Any space above and beyond a school district's estimated capacity needs as calculated on the basis of a five-year cohort survival or adjusted cohort survival enrollment shall not be eligible for state financial assistance in modernization with the exception as stated in subsection (2) below.

(2) In computing the amount of eligible space for modernization, the state will match the entire facility if 3/4 of the overall square footage of the facility is eligible for state financial assistance. If less than 3/4 of the overall square footage of the facility is eligible for state financial assistance, the district shall pay the entire cost of modernizing any additional space.

(3) In determining the eligible space for modernizing vocational-technical institutes, enrollment data furnished by the school district will be reviewed by the Superintendent of Public Instruction or his or her designee.

(4) In planning for modernization in any combined facility as per WAC 180-33-015(3)(c) a school district shall estimate enrollment in the district on the basis of a five-year cohort survival or adjusted cohort survival enrollment as per WAC 180-30-110(2).

**NEW SECTION**

**WAC 180-33-030 CERTIFICATION OF CONTINUED USE.**

Any facilities modernized under WAC 180-33-015 must be used for at least five years beyond the completion of modernization. School directors will pass a resolution and submit it to the state board of education that the modernized facility will be used for the same instructional use or instructional purpose for five years after the completion of the project. If the facility is not used for the same instructional use or instructional purpose during this five-year period, the amount of state money allocated and spent for the modernization project must be returned to the state school building construction fund. The five-year use requirement shall be waived in the event that a facility is rendered permanently unusable before the end of the five-year period by an unforeseen natural event. The definition of "unforeseen natural event" shall be as set forth in RCW 28A.41.170.

**NEW SECTION**

**WAC 180-33-035 MINIMUM PROJECTS—TEN PERCENT OF REPLACEMENT COSTS.** State assistance in modernization of school facilities shall be limited to projects for which the estimated cost of major structural change is not less than ten percent of the estimated cost of replacement with a comparable facility computed on the basis of the prevailing square foot cost of state support as in WAC 180-30-115 set forth. If an emergency rendering the facility unusable exists within the district, necessitating modernization under WAC 180-33-015(1)(a), the state board of education may waive the ten percent requirement.

**NEW SECTION**

**WAC 180-33-040 MAXIMUM COSTS ELIGIBLE FOR STATE MATCHING PURPOSE—EIGHTY PERCENT OF REPLACEMENT COST.** The cost of an approved modernization project in excess of eighty percent of the estimated cost per square foot of replacement with a comparable facility computed on the basis of the prevailing square foot cost level of state support as in WAC 180-30-115 set forth shall be paid from school district local funds applied toward the modernization cost in accordance with the statutory formula governing basic support level as in WAC 180-30-100 through 180-30-117 and 180-30-125 through 180-30-135 set forth.

**NEW SECTION**

**WAC 180-33-045 ARCHITECTURAL AND ENGINEERING SERVICES.** In the allocation of state funds for an approved modernization project, architectural and engineering services eligible for state matching purposes shall not exceed one and one-half times the architectural and engineering services as in WAC 180-30-120 set forth.

**NEW SECTION**

**WAC 180-33-050 SURVEY OF EXISTING FACILITIES AS PREREQUISITE.** (1) A survey of facilities proposed for modernization conducted under the direction of the Superintendent of Public Instruction shall be a prerequisite for consideration of an application for state participation in financing of a modernization project.

(2) Upon determination by the superintendent of public instruction that the survey indicates the proposed modernization project is consistent with the project eligibility requirements hereinbefore in chapter 180-33 WAC set forth, the school district shall provide such information and data on forms prescribed for that purpose as may be necessary to determine the eligibility of the school district for state assistance and the amount of such assistance allocable under state board of education regulations.

**NEW SECTION**

**WAC 180-33-055 REGULATIONS GOVERNING.** In addition to the regulations hereinbefore in chapter 180-33 WAC prescribed; all regulations governing the basic assistance program prescribed in chapter 180-30 WAC shall govern administration of state participation in financing modernization of school facilities: PROVIDED, That compliance with those regulations not pertinent to modernization projects as determined by the superintendent of public instruction shall not be required.

**NEW SECTION**

**WAC 180-33-060 PROCEDURAL REQUIREMENTS.** The superintendent of public instruction shall determine procedures and forms for the administration of state participation in financing modernization of school facilities, such procedures and forms to be in addition to or in lieu of procedural requirements prescribed in chapter 180-30 WAC.

**WSR 81-20-093  
PROPOSED RULES  
BOARD OF REGISTRATION  
FOR PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS**

[Filed October 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Registration for Professional Engineers and Land Surveyors intends to adopt, amend, or repeal rules concerning WAC 196-12-010, 196-12-020, 196-12-030, 196-12-050, 196-12-060, 196-12-085, 196-12-031, 196-12-070, 196-12-075, 196-12-080, 196-16-005, 196-16-007, 196-16-010, 196-16-020, 196-16-031, 196-16-050, 196-16-055, 196-20-010, 196-20-030, 196-20-040, 196-24-030, 196-24-040, 196-24-050, 196-24-060, 196-24-070, 196-24-080, 196-24-085, 196-24-090, 196-24-095 and 196-28-010;

that such agency will at 9:00 a.m., Friday, November 20, 1981, in the Swept Wing Inn, Room 247-B, 18601 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, November 20,

1981, in the Swept Wing Inn, Room 247-B, 18601 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.43.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 20, 1981, and/or orally at 9:00 a.m., Friday, November 20, 1981, Swept Wing Inn, Room 247-B, 18601 Pacific Highway South, Seattle, WA.

Dated: October 7, 1981

By: Quentin H. Gateley, P.E.  
Executive Secretary

**STATEMENT OF PURPOSE**

Name of Agency: Washington State Board of Registration for Professional Engineers and Land Surveyors.

Description of Rules: Rules of procedure for licensure of professional engineers and land surveyors.

Statutory Authority: RCW 18.43.035.

Summary of Rule: WAC 196-12-010 Application deadline changes from 3 months to 4 months prior to the exam; 196-12-020 Reference to Engineers Council for Professional Development changed to Accreditation Board for Engineering and Technology; 196-12-030 Listing of EIT exam subjects deleted; 196-12-050 Credit points for licensing is eliminated; 196-12-060 Specified Washington EITs not required to submit a transcript; 196-12-085 Clarified requirements for corporation certification; 196-12-031 Repealed; 196-12-070 Repealed; 196-12-075 Repealed; 196-12-080 Repealed; 196-16-005 Revision to definition of practice of land surveying; 196-16-007 Application deadline changed from 3 months to 4 months prior to the exam; 196-16-010 Change requirements for engineer obtaining registration as a land surveyor; 196-16-020 Clarification of examination duration; 196-16-031 Reciprocity applications must have valid license in examining state; 196-16-050 Repealed; 196-16-055 Repealed; 196-20-010 Application deadline changed from 3 months to 4 months prior to exam; 196-20-030 Listing of EIT exam subjects deleted; 196-20-040 Repealed; 196-24-030 Changed from General to Reciprocity rules; 196-24-040 Compiled all application instructions; 196-24-050 Delete hydraulic exam, clarified exam requirements; 196-24-060 Compiled all renewal fees in one section; 196-24-070 Correct board address; 196-24-080 New section, explanation of exam fees; 196-24-085 New section, thirty-day permit requirements; 196-24-090 New section, branch office operation requirements; 196-24-095 New section, requirements for placement of seals on engineering and surveying work; and 196-28-010 Repealed.

The Board of Registration for Professional Engineers and Land Surveyors and its Executive Secretary have responsibility for drafting, implementing and enforcing this rule.

Engineers and Land Surveyors Board: Wilho E. Williams, P.E.; Robert G. Clark, P.E.; Harvey R. Dodd, P.E.; Alfred F. Byrne, P.E.; and John R. Wallace, Jr., P.E., P.L.S.

Executive Secretary: Quentin H. Gateley, P.E.

Board Address and Phone: Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9649, Olympia, Washington 98504, Phone: 206/753-6966.

These rules were proposed by the Board of Registration for Professional Engineers and Land Surveyors.

These rules were promulgated pursuant to RCW 18.43.035.

AMENDATORY SECTION (Amending Order PL 224, filed 11/5/75)

WAC 196-12-010 APPLICATIONS. The deadline for receipt of applications properly filled out and accompanied by the ~~((examination))~~ application fee is ~~((three))~~ four months before the date of the examination. ~~((Responses from))~~ Verification of the applicant's ~~((references))~~ claimed experience must be in ~~((hand))~~ the board office two months before the date of the examination. Applications received after the deadline will be held for consideration for a later examination. ~~((Late responses from references))~~ Lack of verification of experience will also cause the application to be held for ~~((consideration for))~~ a later examination. Those who have previously taken the examination and failed or those who qualified and did not appear for the examination are required to notify the ~~((Executive Secretary))~~ board office in writing two months before the next examination which they intend to take. ~~((A new))~~ An entire application is not required where an applicant has taken the examination and failed or who has filed and failed to appear for the previous examination.

AMENDATORY SECTION (Amending Order PL-115, filed 11/24/71)

WAC 196-12-020 EXPERIENCE RECORDS. (1) Evaluation of records: The basic requirement for registration as a professional engineer is a specific record of eight years or more of approved experience in engineering work of a professional grade. The provisions of the law are that any experience ~~((gained))~~ by college study, as defined below, must be substantiated by an official transcript, the supplying of which is the responsibility of the applicant.

(a) Graduation in an approved engineering college curriculum of four years is equivalent to four years of the required experience.

(b) Satisfactory completion of each year of such an approved engineering curriculum is equivalent to one year of experience.

(c) Graduation in a curriculum other than engineering will be evaluated by the board.

(d) Postgraduate study in engineering may be given credit up to one year.

(e) Engineering teaching of a character satisfactory to the board may be recognized as engineering experience, up to a maximum of two years.

(2) Colleges recognized by the board: All student's credits from curricula approved by the ~~((Engineers Council for Professional Development))~~ Accreditation Board for Engineering and Technology are accepted. In the state of Washington student's credits from other curricula than those approved by the ~~((Engineers' Council for Professional Development))~~ Accreditation Board for Engineering and Technology may be accepted at the discretion of the board.

AMENDATORY SECTION (Amending Order PL-129, filed 7/27/72)

WAC 196-12-030 EXAMINATIONS. (1) The examinations are given in two parts: (a) Fundamentals and (b) Branch, each of one days duration. The fundamental and branch examinations consists of two sessions, one ~~((from 8:00 a.m. to noon and the other from 1:00 p.m. to 5:00 p.m.))~~ in the morning and one in the afternoon. An applicant failing either the fundamental or branch examinations and passing the other has only to repeat the ~~((part))~~ examination failed. Once approved an applicant may choose to take either the fundamental or branch ~~((portion at one))~~ examination ~~((, and))~~ during one examination period. The remaining ~~((part at a subsequent))~~ examination may be taken at a subsequent examination following proper notification. All examinations are given with open book unless otherwise specified ~~((otherwise))~~ by the board.

The Engineering Fundamentals examination covers ~~((the following subjects:))~~ mathematics, physical sciences and other general engineering related subjects. A detailed list of the subjects to be tested is available by contacting the board office.

~~((Mathematics  
Chemistry  
Fluid Mechanics  
Thermodynamics  
Statics  
Dynamics  
Mechanics of Materials  
Physics  
Electrical Theory  
Economic Analysis))~~

For the specific branch of engineering in which the applicant desires to qualify, and for the times and places of such examinations, see WAC ~~((196-12-080))~~ 196-24-050.

(2) The following rules shall apply:

(a) Applicants who hold Washington Engineer-in-Training certificates are only required to take the examination in the specific branch of engineering under which they desire to qualify.

(b) Applicants who hold E.I.T. certificates issued to them by other states by virtue of a written examination comparable to that given by the State of Washington may be exempt from taking either the E.I.T. or the fundamental examination.

(c) All qualified applicants ~~((regardless of experience record))~~ are required to take the examination in the specific branch of engineering in which they desire to ~~((qualify))~~ become registered.

AMENDATORY SECTION (Amending Order PL 181, filed 1/28/75)

WAC 196-12-050 EVALUATION OF CANDIDATES FOR ENGINEERING LICENSES. (1) A candidate who has received his E.I.T. registration by examination is excused from the fundamentals examination and is required to write only the branch examination with a minimum grade of seventy percent.

(2) Candidates who have not passed an E.I.T. examination and who write fundamental and branch examinations, must receive a grade of at least seventy percent in each examination.

(3) Candidates holding a baccalaureate degree in an accredited engineering curriculum who have had at least seventeen additional years of experience satisfactory to the board (after the statutory eight years of experience) may have the fundamental examination waived and be permitted to write the branch examination only. These candidates must attain seventy percent minimum in this examination. ~~((No percentage points for experience will be credited towards the required passing grade.))~~

(4) Certification in any additional branch of engineering (see WAC ~~((196-12-080))~~ 196-24-050) requires a minimum passing grade of seventy percent on the written examination ~~((paper))~~ in that branch. ~~((No percentage points for experience will be credited towards the required passing grade.))~~

(5) A professional land surveyor seeking registration as a professional engineer should refer to WAC 196-12-020.

AMENDATORY SECTION (Amending Order PL 224, filed 11/5/75)

WAC 196-12-060 HOLDERS OF E.I.T. CERTIFICATES. (1) At any time after the holder of an E.I.T. certificate has fulfilled the requirements of four additional years of approved professional experience, he may submit a new application for registration completely filled out ~~((and))~~, notarized and accompanied by the ~~((E.I.T. application))~~ required fee. The portion of the application ~~((under Section 6)),~~ "Professional Experience", shall be filled out in detail, giving names and addresses of employers and names of those familiar with work performed and indicating level of responsibility in each engagement. Washington State E.I.T.'s are not required to submit a second transcript of college record ~~((is not required))~~ except for postgraduate study claimed as professional experience. It is absolutely essential for the applicant to indicate clearly in his professional application the fact that he holds E.I.T. registration, and the year and state in which he obtained such registration ~~((,))~~, otherwise he may not receive credit for his E.I.T. examination.

(2) Holders of E.I.T. certificates will appear for examination in the specific branch of engineering under which they desire registration.

AMENDATORY SECTION (Amending Order PL 181, filed 1/28/75)

WAC 196-12-085 CORPORATION OR JOINT STOCK ASSOCIATIONS SHALL FILE. (1) A letter of application containing a brief statement of the corporation's origin, activities, and principals (~~and experience in the field of engineering.~~). Said letter should also state the type, or types, of engineering practiced, or to be practiced by such corporation. Type or types are limited to the branches currently being issued by the board. Application shall be signed and attested by the ~~((corporation executive))~~ corporate officers.

(2) The application for certificate of authorization shall state the experience of the corporation, if any, in furnishing engineering services during the preceding five year period and state the experience of the corporation, if any in the furnishing of all feasibility and advisory studies made within the state of Washington.

(3) A certified copy of a resolution of the board of directors of the corporation which shall designate a person holding a certificate of registration under this chapter as responsible for the practice of engineering by said corporation in this state and shall provide that full authority to make all final engineering decisions on behalf of said corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the person so designated in said resolution: PROVIDED, That the filing of such resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract.

~~((3))~~ (4) A designation in writing setting forth the name or names of a person or persons holding certificates of registration under this chapter who shall be in responsible charge of each project and each major branch of the engineering activities in which the corporation shall specialize in this state. In the event there shall be a change in the person or persons in responsible charge of any project or major branch of the engineering activities, such changes shall be designated in writing and filed with the board within thirty days after the effective date of such changes.

~~((4))~~ (5) A certified copy of the section of the by-laws of the corporation containing provisions that all engineering decisions pertaining to any project or engineering activities in this state shall be made by the specified engineer in responsible charge or other responsible engineer under his direction or supervision.

~~((5) The application for certificate stating the type or types, of engineering practiced by such corporation. Type or types are limited to those listed herein under the by-laws rules of procedure as branches of registration.)~~

(6) A current certified financial statement accurately reflecting the financial condition of the corporation. Certification shall be by an officer of the corporation or a public accountant.

(7) ~~((Individual resumes of the engineering personnel currently employed, designated under (2) and (3) above.))~~ The professional records of the designated person or persons under (3) and (4) above who shall be in responsible charge of each branch of engineering activities of the corporation.

~~(8) ((An application for certificate of authorization stating the experience of the corporation, if any, in furnishing engineering services during the preceding five year period and stating the experience of the corporation, if any, in furnishing of all feasibility and advisory studies made within the state of Washington.~~

~~(9))~~ A copy of the articles of incorporation as filed with the secretary of state for the state of Washington and bearing his acceptance stamp.

~~((10))~~ (9) A copy of the corporation by-laws ~~((of the corporation))~~ and any revisions to the by-laws, that may affect the ability of the designated engineer to make all engineering decisions as set forth in ~~((4))~~ (5) above.

~~((11) A copy of the current brochure, if any, now issued by the applicant corporation.~~

~~(12) Statutory fee of five hundred dollars.~~

~~Items (1) through (10) shall be submitted as specific items or exhibits with each application except those corporations organized solely by a group of engineers [RCW 18.43.130(8)(c)].~~

~~In the case of change or increase in the engineers named as being in responsible charge, charge of a branch, or charge of a project, additional certificates of designation and the professional history of such engineers will be required.))~~

(10) In the case of change or increase in the engineers named as being in responsible charge, additional certificates of designation and the professional history of the named engineers only will be required.

(11) Application fee as determined by the director of the Department of Licensing.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 196-12-031 EXAMINATIONS—MODIFICATION OF EXAMINATION TIMES.
- (2) WAC 196-12-070 FEES.
- (3) WAC 196-12-075 RENEWAL OF LICENSES.
- (4) WAC 196-12-080 BRANCHES OF REGISTRATION.

AMENDATORY SECTION (Amending Rule III (part), filed 11/15/65)

WAC 196-16-005 DEFINITIONS. The Professional Engineers and Land Surveyors Act provides; Land surveyor: The term "Land Surveyor" shall mean a person who, through technical knowledge and skill gained by education and/or by experience, is qualified to practice land surveying as hereinafter defined.

The term "practice of land surveying" shall mean assuming responsible charge of the surveying of land for the establishment of corners, lines, boundaries, and monuments ~~((the laying out and subdivision of land, the defining and locating of corners, lines, boundaries and monuments))~~ of land after they have been established, the survey of land areas for the purpose of determining the topography thereof, the making of topographical delineations and the preparing of maps and accurate records thereof, when the proper performance of such services requires technical knowledge and skill.

AMENDATORY SECTION (Amending Order PL 224, filed 11/5/75)

WAC 196-16-007 APPLICATIONS. The deadline for receipt of applications properly filled out and accompanied by the ~~((examination))~~ required application fee is ~~((three))~~ four months before the date of the examination. Response from applicant's references must be in hand two months before the date of the examination. Applications received after the deadline will be held for consideration for a later examination. Late responses from references will also cause the application to be held for consideration for a later examination. Those who have previously taken the examination and failed or those who qualified and did not appear for the examination are required to notify the ~~((executive secretary))~~ board office in writing two months before the examination which they intend to take. A new application is not required where an applicant has taken the examination and failed or who has filed and failed to appear for the examination.

AMENDATORY SECTION (Amending Order PL-115, filed 11/24/71)

WAC 196-16-010 EXPERIENCE RECORDS. The first requirement of the law for registration as a professional land surveyor is a minimum of six years of approved professional experience in land surveying of which two years must be in boundary surveying in the field. The provisions of the law are that:

(1) Graduation in a recognized ~~((engineering))~~ land surveying curriculum of four years or more from a college recognized by the board is equivalent to four years of the required experience.

(2) Satisfactory completion of each year of such recognized ~~((engineering))~~ course is equivalent to one year of experience.

(3) Graduation in ~~((a))~~ any curriculum ~~((other than engineering))~~ not recognized in (1) or (2) above will be evaluated by the board ~~((and may be considered as equivalent to two years of such required experience)).~~ It is the responsibility of the applicant to see that the board is furnished a transcript of his college record when education is claimed as experience.

(4) ~~((Engineering))~~ Teaching of a character satisfactory to the board may be recognized as surveying experience up to a maximum of one year.

(5) A registered professional engineer who applies to be examined to become certified as a land surveyor ~~((is required to have two years acceptable land surveying experience, over and above his eight years acceptable engineering experience. This requires a total of ten or more years experience. A professional land surveyor who applies to be examined to become a professional engineer is required to have four years acceptable engineering experience in his branch, over and above~~

~~the statutory six years of acceptable land surveying experience. This also requires a total of ten years experience)) must meet the requirements stated within this section.~~

AMENDATORY SECTION (Amending Order PL-121, filed 5/3/72)

WAC 196-16-020 EXAMINATIONS. The land surveying examination consists of two full eight hour days given at the regular examination period. All examinations will be open book unless otherwise specified by the board. The examination is written and consists of two separate parts in two consecutive days. Each day is divided into two sessions ~~((from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m.))~~, one in the morning and one in the afternoon.

(1) First ~~((day))~~ -- Land surveying -- Rules and legal questions.

(2) Second ~~((day))~~ -- Land surveying -- Practical applied surveying problems.

A candidate may elect to sit for the examination in two consecutive days or may sit for one part at one examination and the other part at a subsequent examination.

Each day's examination is graded separately. ~~((As an example, if an applicant fails the first day's examination and passes the second day, he will have to repeat the first day's examination at a subsequent examination date.))~~ An applicant failing either the rules or practical problems and passing the other has only to repeat the part failed.

A candidate must receive a grade of at least 70% in each of the examinations described in (1) and (2) above.

AMENDATORY SECTION (Amending Order PL-115, filed 11/24/71)

WAC 196-16-031 RECIPROCITY. (1) Applicants for land surveying by reciprocity, who have been qualified by examination and are in good standing with the examining state, will be exempt from the second day's test. All applicants are required to sit for rules and legal questions.

(2) One ~~((branch only))~~ registration as a professional engineer or land surveyor will be issued by reciprocity. Each added ~~((branch))~~ engineering designation requires a new application.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 196-16-050 FEES.

(2) WAC 196-16-055 RENEWAL OF LICENSES.

AMENDATORY SECTION (Amending Order PL 224, filed 11/5/75)

WAC 196-20-010 APPLICATIONS. (1) The deadline for ~~((receipt of))~~ applications properly filled out and accompanied by the ~~((application))~~ statutory fee is ((three)) four months before the date of the examination. Applications received after the deadline will be held for consideration for a later examination. ~~((Those who have previously taken the examination and failed or those who qualified and did not appear for the examination are required to notify the executive secretary two months before the examination which they intend to take. A new application is not required where an applicant has taken the examination and failed or who has filed and failed to appear for the examination.))~~

(2) The application for engineer-in-training shall contain:

- (a) General information
- (b) Education
- (c) Technical examinations
- (d) Affidavit
- (e) Membership in societies
- (f) Professional experience (if not a graduate)

Official transcripts of college record, if not attached to the application, shall be forwarded to the ~~((executive secretary))~~ board office as soon as they are available.

AMENDATORY SECTION (Amending Order PL 181, filed 1/28/75)

WAC 196-20-030 EXAMINATIONS. (1) The engineer-in-training examination is given twice each year at times and places as

will from time to time be designated by the board. The schedule of future examinations may be obtained from the ~~((executive secretary))~~ board office. The examination is of one day's duration and consists of two ~~((four-hour))~~ sessions ~~((from eight o'clock a.m. to twelve o'clock noon and from one o'clock p.m. to five o'clock p.m.)),~~ one in the morning and one in the afternoon. It covers the ~~((following engineering fundamentals: Mathematics, chemistry, thermodynamics, mechanics and materials, physics, fluid mechanics, mechanics and electricity))~~ fundamentals of engineering. The minimum passing grade is seventy percent.

(2) Persons who may normally expect to graduate within three months after a scheduled E.I.T. examination may sit for that examination. In cases where college graduation is claimed as a prerequisite no certificate will be issued until a college transcript showing completion of the four-year requirement is filed with the ~~((executive secretary))~~ board office.

(3) Those who pass this examination receive engineer-in-training certificates and are excused from taking the engineering fundamentals portion of the regular professional engineering examination. The E.I.T. passing grade will not be weighted in the professional examination but will be qualifying only.

(4) All examinations will be given with open book unless otherwise specified by the board.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-20-040 FEES.

AMENDATORY SECTION (Amending Order PL 224, filed 11/5/75)

WAC 196-24-030 ((GENERAL)) RECIPROCITY. (1) The professional engineers registration act provides that the board for professional engineers and land surveyors may, upon application therefor, and ~~((the))~~ payment of ~~((an application))~~ a fee, issue a certificate without further examination as a professional engineer to any person who holds a certificate of qualification of registration issued to him following examination by proper authority, of any state ~~((or)),~~ territory or possession of the United States, the District of Columbia, or of any foreign country, provided:

(a) That the applicant's qualifications meet the requirements of the chapter and the rules established by the board;

(b) That the applicant is in good standing with the licensing agency in said state, territory, possession, district, or foreign country;

(c) That the said state, territory, possession, district, or foreign country gives like consideration on a reciprocal basis to those persons who have been registered by examination in this state; and

(d) That the license has been granted on the basis of an examination equivalent to that given by the state of Washington.

(2) The board will issue certificates to those who apply in conformance with the act and who have been certified by the proper legal body of the state, territory, possession, district, or country, ~~((and))~~ whose qualifications conform to the law of this state. ~~((Eight years of professional experience is required by law.))~~

AMENDATORY SECTION (Amending Order PL 224, filed 11/5/75)

WAC 196-24-040 APPLICATIONS. (1) All candidates who desire certification in Washington are required to submit their application on a form to be furnished by this board.

(2) This application must be filled out in complete detail and where the applicant desires certification by reciprocity, it is essential that the ~~((interstate certificate be certified by the issuing board before the application is submitted to the board))~~ state where license was issued by exam is given and that said state will verify this registration. This is the responsibility of the applicant.

(3) The application fee ~~((must accompany the application))~~ for engineers, land surveyors, engineers-in-training, engineering corporations and engineering partnerships are determined by the director of the department of licensing. A fee schedule can be obtained by contacting the board office.

(4) ~~((In such cases where engineering education is given as a part of the experience and is required to establish the minimum eight years called for by the statute, it is the responsibility of the applicant to see that the board is furnished a transcript of the academic record.))~~ The

applicant must supply the board with an official college transcript of any education listed on his application.

**AMENDATORY SECTION** (Amending Order PL 181, filed 1/28/75)

**WAC 196-24-050 EXAMINATIONS.** (1) The branches in which certificates are presently issued are: Aeronautical, agricultural, ceramic, chemical, civil, electrical, industrial, logging, mechanical, metallurgical, mining, naval architecture and marine engineering, and nuclear. ~~((Certificates will also be issued in land surveying.))~~ The branches of ~~((hydraulic;))~~ sanitary~~((;))~~ and structural engineering are considered to be specialized branches. An applicant for any ~~((of these))~~ specialized branch is required to hold a certificate ~~((which must be current))~~ in the state of Washington, in one of the regular branches ~~((named above, to be eligible to sit for an examination in any specialized branch)).~~ In addition, applicants shall have not less than two years of professional experience in the specialized field in which the applicant seeks registration, over and above the requirements for professional registration (statutory eight years).

The examination in structural engineering, shall be of two days full days duration. Examination in sanitary engineering shall be of one day duration.

Certificates will also be issued in land surveying.

All examinations are given at times and places as will from time to time be designated by the board. The schedule of future examinations may be obtained from the board office.

(2) Applicants for certification by reciprocity from states, territories, districts, or countries who have been issued certificates without examination or in instances where such governmental body does not grant certificates to regularly qualified registrants of the state of Washington will be required to sit for an examination to test the skill, knowledge, and other professional attributes of the applicant.

(a) The examination will be given in the branch chosen by the applicant from the list of regular branches given by this board.

(b) Such examinations are given after the board has approved the applicant's request ~~((and usually before one or more members of the board. These arrangements are made for dates mutually convenient to the applicant and the board)).~~

(c) In cases where an applicant is issued a certificate by his governmental agency in a branch not included in the list of regular branches [(1) of this section] the board will examine such an applicant in one of these regular branches of his choice, presumably the one closest to his specialty.

(3) ~~((The land surveyor examination in the state of Washington consists of two parts:~~

(a) First day—eight o'clock a.m. to five o'clock p.m. land surveying rules and legal questions.

(b) Second day—eight o'clock a.m. to five o'clock p.m. land surveying practical applied surveying problems.

~~((4))~~ One ~~((branch only))~~ designation as professional engineer or land surveyor will be issued by reciprocity. Each added ~~((branch))~~ designation requires a new application. All added branches will be authorized by passing a regular examination, except applicants for structural engineering who may be granted registration without further examination provided they have successfully passed an examination equivalent to that given in the state of Washington, in a state, territory, possession, district, or country, which grants like reciprocity to the state of Washington registrants.

~~((5))~~ (4) All examinations are given with open book unless otherwise specified by the board.

**AMENDATORY SECTION** (Amending Order PL 224, filed 11/5/75)

**WAC 196-24-060 RENEWAL FEES.** (1) Renewals are issued on an annual basis ~~((upon payment of the renewal fee)).~~

(2) After the initial conversion to a staggered renewal system, licenses may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to next birth anniversary date.

(3) Under the staggered license renewal system the late payment penalty provision will be applied as follows: Before the expiration date of the individual's license the director of the Department of Licensing shall mail a notice for renewal of license to every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of said license. If the licensee fails to pay the prescribed renewal fees within ninety days after the

expiration date of the license, then the renewal fee will be the current fee plus an amount equal to one year's renewal fee.

(4) The renewal fee for engineers, land surveyors, engineering corporations and engineering partnerships are determined by the director of the Department of Licensing.

**AMENDATORY SECTION** (Amending Order PL 181, filed 1/28/75)

**WAC 196-24-070 CORRESPONDENCE.** All correspondence will be addressed to:

Washington State Board of Registration for Professional Engineers and Land Surveyors  
~~((Division of Professional Licensing))~~  
 P.O. Box ~~((649))~~ 9649  
 Olympia, Washington 98504  
 Telephone 206-753-6966

~~((All checks and money orders paid in fees or for any other purpose will be made payable to the state treasurer.))~~

**NEW SECTION**

**WAC 196-24-080 FEES.** (All checks or money orders shall be made payable to the state treasurer.) Registration: The application must be accompanied with the required fee; with engineers submitting the certificate fee after passage of the exam. Should the board deny the application, the initial fee will be retained as an application fee. An applicant who fails the first scheduled exam may be re-examined once without payment of an additional fee, provided that he advise the board of his intention to appear for examination for the second time, each subsequent examination will be granted upon payment of an examination fee. Failure to appear for a scheduled exam is considered a failure.

**NEW SECTION**

**WAC 196-24-085 INFORMATION REQUIRED OF NON-RESIDENTS INTENDING TO PRACTICE THIRTY DAYS OR LESS IN A CALENDAR YEAR.** Every nonresident engineer or land surveyor who intends to conduct professional practice under the exemption of subsection (2) of RCW 18.43.130, shall furnish the board, prior to the commencement of such work with the following information:

- (1) Name and place of his residence.
- (2) Jurisdiction where currently registered.
- (3) Imprint of personal engineers seal.
- (4) Dates work is to be started and terminated in the state of Washington.
- (5) Name and address of client.
- (6) Type and location of job.

**NEW SECTION**

**WAC 196-24-090 BRANCH OFFICES.** (1) A branch office of an engineering or land surveying firm shall be defined as an office established to solicit and/or provide engineering and/or land surveying services. A Resident Professional Engineer/Land Surveyor shall be defined as a person holding a valid certificate of registration in this state and who maintains said branch office as their normal place of business. A Professional Engineer or Professional Land Surveyor may be the resident licensee at only one place of business at any given time.

(2) Each branch office of an engineering firm shall have a Resident Professional Engineer in responsible charge. Each branch office of a surveying firm shall have a Resident Professional Land Surveyor in responsible charge.

(3) Branch office restrictions shall not apply to project offices. A project office shall be defined as an office established to provide:

- (a) Supervision for construction of a project designed elsewhere.
- (b) Supervision of or providing a convenient work place for a specific land surveying project.

(4) No other engineering or land surveying work shall be performed at a project office. In addition, no new work shall be solicited by the firm's representative located at a project.

**NEW SECTION**

**WAC 196-24-095 SEALS.** Engineers or land surveyors shall not affix their signature and seal to any engineering or land surveying plan

or document dealing with subject matter outside their field of competence nor to any plan or document not prepared under their direct supervision.

"Under direct supervision" shall be construed to mean that the registrant providing such supervision shall have made the decisions on technical matters of policy and design. Furthermore, the registrant shall have exercised his professional judgment in all engineering and land surveying matters that are embodied in the plans, design, specifications or other documents involved in the work.

**REPEALER**

Chapter 196-28 of the Washington Administrative Code is repealed as follows:

WAC 196-28-010 INFORMATION REQUIRED OF NON-RESIDENTS INTENDING TO PRACTICE THIRTY DAYS OR LESS IN CALENDAR YEAR.

## Table of WAC Sections Affected

### KEY TO TABLE

**Symbols:**

- AMD = Amendment of existing section
- NEW = New section not previously codified
- REP = Repeal of existing section
- AM/DE = Amendment and Decodification of existing section
- RECOD = Recodification of previously codified section
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RES = Restoration of section to previous form
- REVIEW = Review of previously adopted rule

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.

**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 show the sequence of the document within the issue.

**Suffixes:**

- P = Proposed action
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

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| 16-316-560 | REP-P | 81-12-052 | 16-620-100 | AMD   | 81-19-026 | 98-20-010   | NEW-P | 81-02-055 |
| 16-316-560 | REP   | 81-15-032 | 16-620-210 | AMD-P | 81-15-091 | 98-20-010   | NEW   | 81-07-013 |
| 16-316-565 | REP-P | 81-12-052 | 16-620-210 | AMD   | 81-19-026 | 98-70-010   | NEW-P | 81-19-090 |
| 16-316-565 | REP   | 81-15-032 | 16-750-010 | AMD-P | 81-02-041 | 106-116-040 | AMD-P | 81-18-050 |
| 16-316-570 | AMD-P | 81-12-052 | 16-750-010 | AMD   | 81-07-039 | 106-116-042 | AMD-P | 81-04-050 |
| 16-316-570 | AMD   | 81-15-032 | 24-12-010  | AMD-P | 81-11-030 | 106-116-042 | AMD   | 81-08-010 |
| 16-316-572 | NEW-P | 81-12-052 | 24-12-010  | AMD   | 81-16-011 | 106-116-050 | AMD-P | 81-04-050 |
| 16-316-572 | NEW   | 81-15-032 | 34-02-010  | NEW-P | 81-04-068 | 106-116-050 | AMD   | 81-08-010 |
| 16-316-660 | AMD-P | 81-08-058 | 34-02-020  | NEW-P | 81-04-068 | 106-116-102 | AMD-P | 81-04-050 |
| 16-316-660 | AMD   | 81-11-022 | 34-02-030  | NEW-P | 81-04-068 | 106-116-102 | AMD   | 81-08-010 |
| 16-316-690 | REP-P | 81-12-052 | 34-04-010  | NEW-P | 81-04-068 | 106-116-102 | AMD   | 81-08-010 |
| 16-316-690 | REP   | 81-15-032 | 34-04-020  | NEW-P | 81-04-068 | 106-116-201 | AMD-P | 81-04-050 |
| 16-316-695 | REP-P | 81-12-052 | 34-04-030  | NEW-P | 81-04-068 | 106-116-201 | AMD   | 81-08-010 |
| 16-316-695 | REP   | 81-15-032 | 34-04-040  | NEW-P | 81-04-068 | 106-116-201 | AMD-P | 81-18-050 |
| 16-316-700 | AMD-E | 81-11-015 | 34-04-050  | NEW-P | 81-04-068 | 106-116-202 | AMD-P | 81-18-050 |
| 16-316-700 | REP-P | 81-12-052 | 34-04-060  | NEW-P | 81-04-068 | 106-116-203 | AMD-P | 81-18-050 |
| 16-316-700 | REP   | 81-15-032 | 34-04-070  | NEW-P | 81-04-068 | 106-116-204 | AMD-P | 81-04-050 |
| 16-316-701 | NEW-P | 81-12-052 | 34-04-080  | NEW-P | 81-04-068 | 106-116-204 | AMD   | 81-08-010 |
| 16-316-701 | NEW   | 81-15-032 | 34-04-090  | NEW-P | 81-04-068 | 106-116-205 | AMD-P | 81-04-050 |
| 16-316-705 | REP-P | 81-12-052 | 34-04-100  | NEW-P | 81-04-068 | 106-116-205 | AMD   | 81-08-010 |
| 16-316-705 | REP   | 81-15-032 | 34-04-110  | NEW-P | 81-04-068 | 106-116-205 | AMD-P | 81-18-050 |
| 16-316-710 | REP-P | 81-12-052 | 34-04-120  | NEW-P | 81-04-068 | 106-116-207 | AMD-P | 81-18-050 |
| 16-316-710 | REP   | 81-15-032 | 34-06-010  | NEW-P | 81-04-068 | 106-116-211 | AMD-P | 81-18-050 |
| 16-316-715 | AMD-P | 81-12-052 | 36-12-110  | AMD   | 81-05-005 | 106-116-214 | AMD-P | 81-18-050 |
| 16-316-715 | AMD   | 81-15-032 | 36-12-190  | AMD   | 81-05-005 | 106-116-303 | AMD-P | 81-18-050 |
| 16-316-717 | NEW-P | 81-12-052 | 36-12-200  | AMD   | 81-05-005 | 106-116-304 | AMD-P | 81-04-050 |
| 16-316-717 | NEW   | 81-15-032 | 36-12-250  | AMD   | 81-05-005 | 106-116-304 | AMD   | 81-08-010 |
| 16-316-719 | NEW-P | 81-12-052 | 36-12-260  | AMD   | 81-05-005 | 106-116-304 | AMD-P | 81-18-050 |
| 16-316-719 | NEW   | 81-15-032 | 36-12-270  | AMD   | 81-05-005 | 106-116-305 | AMD-P | 81-04-050 |
| 16-316-721 | NEW-P | 81-12-052 | 36-12-480  | AMD   | 81-05-005 | 106-116-305 | AMD   | 81-08-010 |
| 16-316-721 | NEW   | 81-15-032 | 51-12      | AMD-P | 81-12-033 | 106-116-305 | AMD-P | 81-18-050 |
| 16-316-723 | NEW-P | 81-12-052 | 67-30-005  | NEW-P | 81-17-081 | 106-116-306 | AMD-P | 81-04-050 |
| 16-316-723 | NEW   | 81-15-032 | 67-30-080  | NEW-P | 81-17-081 | 106-116-306 | AMD   | 81-08-010 |
| 16-316-724 | NEW-P | 81-12-052 | 67-30-090  | NEW-P | 81-17-081 | 106-116-306 | AMD-P | 81-18-050 |
| 16-316-724 | NEW   | 81-15-032 | 67-30-100  | NEW-P | 81-17-081 | 106-116-311 | AMD-P | 81-18-050 |
| 16-316-725 | REP-P | 81-12-052 | 67-30-110  | NEW-P | 81-17-081 | 106-116-403 | AMD-P | 81-04-050 |
| 16-316-725 | REP   | 81-15-032 | 67-30-120  | NEW-P | 81-17-081 | 106-116-403 | AMD   | 81-08-010 |
| 16-316-726 | REP-P | 81-12-052 | 67-30-125  | NEW-P | 81-17-081 | 106-116-403 | AMD-P | 81-18-050 |
| 16-316-726 | REP   | 81-15-032 | 67-30-150  | NEW-P | 81-17-081 | 106-116-404 | AMD-P | 81-18-050 |
| 16-316-728 | REP-P | 81-12-052 | 67-30-180  | NEW-P | 81-17-081 | 106-116-501 | AMD-P | 81-18-050 |
| 16-316-728 | REP   | 81-15-032 | 67-30-185  | NEW-P | 81-17-081 | 106-116-513 | AMD-P | 81-04-050 |
| 16-316-790 | AMD-P | 81-08-054 | 67-30-190  | NEW-P | 81-17-081 | 106-116-513 | AMD   | 81-08-010 |
| 16-316-790 | AMD   | 81-11-018 | 67-30-310  | NEW-P | 81-17-081 | 106-116-514 | AMD-P | 81-04-050 |
| 16-316-800 | AMD-P | 81-08-054 | 67-30-320  | NEW-P | 81-17-081 | 106-116-514 | AMD   | 81-08-010 |
| 16-316-800 | AMD   | 81-11-018 | 67-32-150  | AMD-P | 81-03-049 | 106-116-514 | AMD-P | 81-18-050 |
| 16-316-820 | AMD-P | 81-08-054 | 67-32-150  | AMD   | 81-07-001 | 106-116-515 | AMD-P | 81-04-050 |
|            |       |           |            |       |           | 106-116-515 | AMD   | 81-08-010 |

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| WAC #       | WSR # | WAC #     | WSR #        | WAC # | WSR #     |             |       |           |
|-------------|-------|-----------|--------------|-------|-----------|-------------|-------|-----------|
| 106-116-515 | AMD-P | 81-18-050 | 118-03-230   | NEW-E | 81-15-013 | 132B-12-018 | REP-P | 81-04-005 |
| 106-116-521 | AMD-P | 81-04-050 | 118-03-250   | NEW-E | 81-09-051 | 132B-12-018 | REP   | 81-10-008 |
| 106-116-521 | AMD   | 81-08-010 | 118-03-250   | NEW-P | 81-11-067 | 132B-12-021 | REP-P | 81-04-005 |
| 106-116-603 | AMD-P | 81-04-050 | 118-03-250   | NEW   | 81-15-012 | 132B-12-021 | REP   | 81-10-008 |
| 106-116-603 | AMD   | 81-08-010 | 118-03-250   | NEW-E | 81-15-013 | 132B-12-024 | REP-P | 81-04-005 |
| 106-116-603 | AMD-P | 81-18-050 | 118-03-270   | NEW-E | 81-09-051 | 132B-12-024 | REP   | 81-10-008 |
| 106-116-901 | AMD-P | 81-04-050 | 118-03-270   | NEW-P | 81-11-067 | 132B-12-027 | REP-P | 81-04-005 |
| 106-116-901 | AMD   | 81-08-010 | 118-03-270   | NEW   | 81-15-012 | 132B-12-027 | REP   | 81-10-008 |
| 106-116-901 | AMD-P | 81-18-050 | 118-03-270   | NEW-E | 81-15-013 | 132B-12-030 | REP-P | 81-04-005 |
| 106-160-006 | REP-P | 81-18-050 | 118-03-290   | NEW-E | 81-09-051 | 132B-12-030 | REP   | 81-10-008 |
| 113-12-200  | NEW-P | 81-04-020 | 118-03-290   | NEW-P | 81-11-067 | 132B-12-033 | REP-P | 81-04-005 |
| 113-12-200  | NEW-P | 81-06-045 | 118-03-290   | NEW   | 81-15-012 | 132B-12-033 | REP   | 81-10-008 |
| 113-12-200  | NEW-P | 81-09-054 | 118-03-290   | NEW-E | 81-15-013 | 132B-12-036 | REP-P | 81-04-005 |
| 113-12-200  | NEW   | 81-13-002 | 118-03-310   | NEW-E | 81-09-051 | 132B-12-036 | REP   | 81-10-008 |
| 114-12-010  | REP   | 81-05-004 | 118-03-310   | NEW-P | 81-11-067 | 132B-12-039 | REP-P | 81-04-005 |
| 114-12-011  | NEW   | 81-05-004 | 118-03-310   | NEW   | 81-15-012 | 132B-12-039 | REP   | 81-10-008 |
| 114-12-020  | REP   | 81-05-004 | 118-03-310   | NEW-E | 81-15-013 | 132B-12-042 | REP-P | 81-04-005 |
| 114-12-021  | NEW   | 81-05-004 | 118-03-330   | NEW-E | 81-09-051 | 132B-12-042 | REP   | 81-10-008 |
| 114-12-030  | REP   | 81-05-004 | 118-03-330   | NEW-P | 81-11-067 | 132B-12-045 | REP-P | 81-04-005 |
| 114-12-031  | NEW   | 81-05-004 | 118-03-330   | NEW   | 81-15-012 | 132B-12-045 | REP   | 81-10-008 |
| 114-12-040  | REP   | 81-05-004 | 118-03-330   | NEW-E | 81-15-013 | 132B-12-048 | REP-P | 81-04-005 |
| 114-12-041  | NEW   | 81-05-004 | 118-10-010   | NEW-P | 81-10-040 | 132B-12-048 | REP   | 81-10-008 |
| 114-12-041  | AMD-P | 81-19-123 | 118-10-010   | NEW-P | 81-13-007 | 132B-12-051 | REP-P | 81-04-005 |
| 118-03-010  | NEW-E | 81-09-051 | 118-10-010   | NEW   | 81-15-015 | 132B-12-051 | REP   | 81-10-008 |
| 118-03-010  | NEW-P | 81-11-067 | 118-10-020   | NEW-P | 81-10-040 | 132B-12-054 | REP-P | 81-04-005 |
| 118-03-010  | NEW   | 81-15-012 | 118-10-020   | NEW-P | 81-13-007 | 132B-12-054 | REP   | 81-10-008 |
| 118-03-010  | NEW-E | 81-15-013 | 118-10-020   | NEW   | 81-15-015 | 132B-12-057 | REP-P | 81-04-005 |
| 118-03-030  | NEW-E | 81-09-051 | 118-10-030   | NEW-P | 81-10-040 | 132B-12-057 | REP   | 81-10-008 |
| 118-03-030  | NEW-P | 81-11-067 | 118-10-030   | NEW-P | 81-13-007 | 132B-12-060 | REP-P | 81-04-005 |
| 118-03-030  | NEW   | 81-15-012 | 118-10-030   | NEW   | 81-15-015 | 132B-12-060 | REP   | 81-10-008 |
| 118-03-030  | NEW-E | 81-15-013 | 131-28-025   | AMD-E | 81-14-022 | 132B-12-063 | REP-P | 81-04-005 |
| 118-03-050  | NEW-E | 81-09-051 | 131-28-025   | AMD-P | 81-16-071 | 132B-12-063 | REP   | 81-10-008 |
| 118-03-050  | NEW-P | 81-11-067 | 131-28-025   | AMD   | 81-19-060 | 132B-12-066 | REP-P | 81-04-005 |
| 118-03-050  | NEW   | 81-15-012 | 131-28-026   | AMD-E | 81-14-022 | 132B-12-066 | REP   | 81-10-008 |
| 118-03-050  | NEW-E | 81-15-013 | 131-28-026   | AMD-P | 81-16-071 | 132B-12-069 | REP-P | 81-04-005 |
| 118-03-070  | NEW-E | 81-09-051 | 131-28-026   | AMD   | 81-19-060 | 132B-12-069 | REP   | 81-10-008 |
| 118-03-070  | NEW-P | 81-11-067 | 131-32-010   | NEW-P | 81-11-062 | 132B-12-072 | REP-P | 81-04-005 |
| 118-03-070  | NEW   | 81-15-012 | 131-32-010   | NEW-E | 81-12-006 | 132B-12-072 | REP   | 81-10-008 |
| 118-03-070  | NEW-E | 81-15-013 | 131-32-010   | NEW   | 81-14-023 | 132B-12-075 | REP-P | 81-04-005 |
| 118-03-090  | NEW-E | 81-09-051 | 131-32-020   | NEW-P | 81-11-062 | 132B-12-075 | REP   | 81-10-008 |
| 118-03-090  | AMD-E | 81-09-065 | 131-32-020   | NEW-E | 81-12-006 | 132B-12-078 | REP-P | 81-04-005 |
| 118-03-090  | AMD-P | 81-11-067 | 131-32-020   | NEW   | 81-14-023 | 132B-12-078 | REP   | 81-10-008 |
| 118-03-090  | NEW   | 81-15-012 | 131-36-010   | NEW-E | 81-14-024 | 132B-12-081 | REP-P | 81-04-005 |
| 118-03-090  | NEW-E | 81-15-013 | 131-36-010   | NEW-P | 81-16-021 | 132B-12-081 | REP   | 81-10-008 |
| 118-03-110  | NEW-E | 81-09-051 | 131-36-010   | NEW   | 81-19-113 | 132B-12-084 | REP-P | 81-04-005 |
| 118-03-110  | NEW-P | 81-11-067 | 131-36-050   | NEW-P | 81-16-021 | 132B-12-084 | REP   | 81-10-008 |
| 118-03-110  | NEW   | 81-15-012 | 131-36-050   | NEW   | 81-19-113 | 132B-12-087 | REP-P | 81-04-005 |
| 118-03-110  | NEW-E | 81-15-013 | 131-36-100   | NEW-E | 81-14-024 | 132B-12-087 | REP   | 81-10-008 |
| 118-03-130  | NEW-E | 81-09-051 | 131-36-100   | NEW-P | 81-16-021 | 132B-12-087 | REP-P | 81-04-005 |
| 118-03-130  | NEW-P | 81-11-067 | 131-36-100   | NEW   | 81-19-113 | 132B-12-090 | REP   | 81-10-008 |
| 118-03-130  | NEW   | 81-15-012 | 131-36-150   | NEW-E | 81-14-024 | 132B-12-090 | REP-P | 81-04-005 |
| 118-03-130  | NEW-E | 81-15-013 | 131-36-150   | NEW-P | 81-16-021 | 132B-12-093 | REP   | 81-10-008 |
| 118-03-150  | NEW-E | 81-09-051 | 131-36-150   | NEW   | 81-19-113 | 132B-12-093 | REP-P | 81-04-005 |
| 118-03-150  | AMD-E | 81-09-065 | 131-36-200   | NEW-E | 81-14-024 | 132B-12-096 | REP-P | 81-10-008 |
| 118-03-150  | AMD-P | 81-11-067 | 131-36-200   | NEW-P | 81-16-021 | 132B-12-096 | REP   | 81-04-005 |
| 118-03-150  | NEW   | 81-15-012 | 131-36-200   | NEW   | 81-19-113 | 132B-12-099 | REP-P | 81-10-008 |
| 118-03-150  | NEW-E | 81-15-013 | 131-36-200   | NEW-E | 81-14-024 | 132B-12-099 | REP   | 81-10-008 |
| 118-03-170  | NEW-E | 81-09-051 | 131-36-250   | NEW-E | 81-14-024 | 132B-12-102 | REP-P | 81-04-005 |
| 118-03-170  | AMD-E | 81-09-065 | 131-36-250   | NEW-P | 81-16-021 | 132B-12-102 | REP   | 81-10-008 |
| 118-03-170  | AMD-P | 81-11-067 | 131-36-250   | NEW   | 81-19-113 | 132B-12-105 | REP-P | 81-04-005 |
| 118-03-170  | NEW   | 81-15-012 | 131-36-300   | NEW-E | 81-14-024 | 132B-12-105 | REP   | 81-10-008 |
| 118-03-170  | NEW-E | 81-15-013 | 131-36-300   | NEW-P | 81-16-021 | 132B-12-108 | REP-P | 81-04-005 |
| 118-03-190  | NEW-E | 81-09-051 | 131-36-300   | NEW   | 81-19-113 | 132B-12-108 | REP   | 81-10-008 |
| 118-03-190  | NEW-P | 81-11-067 | 132A-104-005 | REP-P | 81-06-031 | 132B-12-111 | REP-P | 81-04-005 |
| 118-03-190  | NEW   | 81-15-012 | 132A-104-005 | REP   | 81-10-039 | 132B-12-111 | REP   | 81-10-008 |
| 118-03-190  | NEW-E | 81-15-013 | 132B-12-003  | REP-P | 81-04-005 | 132B-12-114 | REP-P | 81-04-005 |
| 118-03-210  | NEW-E | 81-09-051 | 132B-12-003  | REP   | 81-10-008 | 132B-12-114 | REP   | 81-10-008 |
| 118-03-210  | NEW-P | 81-11-067 | 132B-12-006  | REP-P | 81-04-005 | 132B-12-117 | REP-P | 81-04-005 |
| 118-03-210  | NEW   | 81-15-012 | 132B-12-006  | REP   | 81-10-008 | 132B-12-117 | REP   | 81-10-008 |
| 118-03-210  | NEW-E | 81-15-013 | 132B-12-009  | REP-P | 81-04-005 | 132B-12-120 | REP-P | 81-04-005 |
| 118-03-230  | NEW-E | 81-09-051 | 132B-12-009  | REP   | 81-10-008 | 132B-12-120 | REP   | 81-10-008 |
| 118-03-230  | AMD-E | 81-09-065 | 132B-12-012  | REP-P | 81-04-005 | 132B-12-123 | REP-P | 81-04-005 |
| 118-03-230  | AMD-P | 81-11-067 | 132B-12-012  | REP   | 81-10-008 | 132B-12-123 | REP   | 81-10-008 |
| 118-03-230  | NEW   | 81-15-012 | 132B-12-015  | REP-P | 81-04-005 | 132B-12-126 | REP-P | 81-04-005 |
|             |       |           | 132B-12-015  | REP   | 81-10-008 | 132B-12-126 | REP   | 81-10-008 |

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| 132B-12-129 | REP 81-10-008   | 132B-12-240 | REP 81-10-008   | 132B-12-351  | REP 81-10-008   |
| 132B-12-132 | REP-P 81-04-005 | 132B-12-243 | REP-P 81-04-005 | 132B-12-354  | REP-P 81-04-005 |
| 132B-12-132 | REP 81-10-008   | 132B-12-243 | REP 81-10-008   | 132B-12-354  | REP 81-10-008   |
| 132B-12-135 | REP-P 81-04-005 | 132B-12-246 | REP-P 81-04-005 | 132B-12-357  | REP-P 81-04-005 |
| 132B-12-135 | REP 81-10-008   | 132B-12-246 | REP 81-10-008   | 132B-12-357  | REP 81-10-008   |
| 132B-12-138 | REP-P 81-04-005 | 132B-12-249 | REP-P 81-04-005 | 132B-12-360  | REP-P 81-04-005 |
| 132B-12-138 | REP 81-10-008   | 132B-12-249 | REP 81-10-008   | 132B-12-360  | REP 81-10-008   |
| 132B-12-141 | REP-P 81-04-005 | 132B-12-252 | REP-P 81-04-005 | 132B-12-363  | REP-P 81-04-005 |
| 132B-12-141 | REP 81-10-008   | 132B-12-252 | REP 81-10-008   | 132B-12-363  | REP 81-10-008   |
| 132B-12-144 | REP-P 81-04-005 | 132B-12-255 | REP-P 81-04-005 | 132B-12-363  | REP 81-10-008   |
| 132B-12-144 | REP 81-10-008   | 132B-12-255 | REP 81-10-008   | 132B-128-020 | AMD-P 81-04-005 |
| 132B-12-147 | REP-P 81-04-005 | 132B-12-258 | REP-P 81-04-005 | 132B-128-020 | AMD 81-10-008   |
| 132B-12-147 | REP 81-10-008   | 132B-12-258 | REP 81-10-008   | 132B-276-040 | AMD-P 81-04-005 |
| 132B-12-150 | REP-P 81-04-005 | 132B-12-261 | REP-P 81-04-005 | 132B-276-040 | AMD 81-10-008   |
| 132B-12-150 | REP 81-10-008   | 132B-12-261 | REP 81-10-008   | 132F-08-001  | AMD-P 81-07-007 |
| 132B-12-153 | REP-P 81-04-005 | 132B-12-264 | REP-P 81-04-005 | 132F-08-001  | AMD-P 81-10-063 |
| 132B-12-153 | REP 81-10-008   | 132B-12-264 | REP 81-10-008   | 132F-08-001  | AMD-P 81-11-058 |
| 132B-12-156 | REP-P 81-04-005 | 132B-12-267 | REP-P 81-04-005 | 132F-08-001  | AMD 81-14-072   |
| 132B-12-156 | REP 81-10-008   | 132B-12-267 | REP 81-10-008   | 132F-08-080  | AMD-P 81-07-007 |
| 132B-12-159 | REP-P 81-04-005 | 132B-12-270 | REP-P 81-04-005 | 132F-08-080  | AMD-P 81-10-063 |
| 132B-12-159 | REP 81-10-008   | 132B-12-270 | REP 81-10-008   | 132F-08-080  | AMD-P 81-11-058 |
| 132B-12-162 | REP-P 81-04-005 | 132B-12-273 | REP-P 81-04-005 | 132F-08-080  | AMD 81-14-072   |
| 132B-12-162 | REP 81-10-008   | 132B-12-273 | REP 81-10-008   | 132F-08-120  | AMD-P 81-07-007 |
| 132B-12-165 | REP-P 81-04-005 | 132B-12-276 | REP-P 81-04-005 | 132F-08-120  | AMD-P 81-10-063 |
| 132B-12-165 | REP 81-10-008   | 132B-12-276 | REP 81-10-008   | 132F-08-120  | AMD-P 81-11-058 |
| 132B-12-168 | REP-P 81-04-005 | 132B-12-279 | REP-P 81-04-005 | 132F-08-120  | AMD 81-14-072   |
| 132B-12-168 | REP 81-10-008   | 132B-12-279 | REP 81-10-008   | 132F-08-140  | AMD-P 81-07-007 |
| 132B-12-171 | REP-P 81-04-005 | 132B-12-282 | REP-P 81-04-005 | 132F-08-140  | AMD-P 81-10-063 |
| 132B-12-171 | REP 81-10-008   | 132B-12-282 | REP 81-10-008   | 132F-08-140  | AMD-P 81-11-058 |
| 132B-12-174 | REP-P 81-04-005 | 132B-12-285 | REP-P 81-04-005 | 132F-08-140  | AMD 81-14-072   |
| 132B-12-174 | REP 81-10-008   | 132B-12-285 | REP 81-10-008   | 132F-104-030 | AMD-P 81-07-008 |
| 132B-12-177 | REP-P 81-04-005 | 132B-12-288 | REP-P 81-04-005 | 132F-104-030 | AMD-P 81-10-062 |
| 132B-12-177 | REP 81-10-008   | 132B-12-288 | REP 81-10-008   | 132F-104-030 | AMD-P 81-11-056 |
| 132B-12-180 | REP-P 81-04-005 | 132B-12-291 | REP-P 81-04-005 | 132F-104-030 | AMD 81-14-073   |
| 132B-12-180 | REP 81-10-008   | 132B-12-291 | REP 81-10-008   | 132F-104-810 | AMD-P 81-07-008 |
| 132B-12-183 | REP-P 81-04-005 | 132B-12-294 | REP-P 81-04-005 | 132F-104-810 | AMD-P 81-10-062 |
| 132B-12-183 | REP 81-10-008   | 132B-12-294 | REP 81-10-008   | 132F-104-810 | AMD-P 81-11-056 |
| 132B-12-186 | REP-P 81-04-005 | 132B-12-297 | REP-P 81-04-005 | 132F-104-810 | AMD 81-14-073   |
| 132B-12-186 | REP 81-10-008   | 132B-12-297 | REP 81-10-008   | 132F-104-811 | AMD-P 81-07-008 |
| 132B-12-189 | REP-P 81-04-005 | 132B-12-300 | REP-P 81-04-005 | 132F-104-811 | AMD-P 81-10-062 |
| 132B-12-189 | REP 81-10-008   | 132B-12-300 | REP 81-10-008   | 132F-104-811 | AMD-P 81-11-056 |
| 132B-12-192 | REP-P 81-04-005 | 132B-12-303 | REP-P 81-04-005 | 132F-104-811 | AMD 81-14-073   |
| 132B-12-192 | REP 81-10-008   | 132B-12-303 | REP 81-10-008   | 132F-104-812 | AMD-P 81-07-008 |
| 132B-12-195 | REP-P 81-04-005 | 132B-12-306 | REP-P 81-04-005 | 132F-104-812 | AMD-P 81-10-062 |
| 132B-12-195 | REP 81-10-008   | 132B-12-306 | REP 81-10-008   | 132F-104-812 | AMD-P 81-11-056 |
| 132B-12-198 | REP-P 81-04-005 | 132B-12-309 | REP-P 81-04-005 | 132F-104-812 | AMD 81-14-073   |
| 132B-12-198 | REP 81-10-008   | 132B-12-309 | REP 81-10-008   | 132F-104-813 | AMD-P 81-07-008 |
| 132B-12-201 | REP-P 81-04-005 | 132B-12-312 | REP-P 81-04-005 | 132F-104-813 | AMD-P 81-10-062 |
| 132B-12-201 | REP 81-10-008   | 132B-12-312 | REP 81-10-008   | 132F-104-813 | AMD-P 81-11-056 |
| 132B-12-204 | REP-P 81-04-005 | 132B-12-315 | REP-P 81-04-005 | 132F-104-813 | AMD 81-14-073   |
| 132B-12-204 | REP 81-10-008   | 132B-12-315 | REP 81-10-008   | 132F-104-814 | AMD-P 81-07-008 |
| 132B-12-207 | REP-P 81-04-005 | 132B-12-318 | REP-P 81-04-005 | 132F-104-814 | AMD-P 81-10-062 |
| 132B-12-207 | REP 81-10-008   | 132B-12-318 | REP 81-10-008   | 132F-104-814 | AMD-P 81-11-056 |
| 132B-12-210 | REP-P 81-04-005 | 132B-12-321 | REP-P 81-04-005 | 132F-104-814 | AMD 81-14-073   |
| 132B-12-210 | REP 81-10-008   | 132B-12-321 | REP 81-10-008   | 132F-104-815 | AMD-P 81-07-008 |
| 132B-12-213 | REP-P 81-04-005 | 132B-12-324 | REP-P 81-04-005 | 132F-104-815 | AMD-P 81-10-062 |
| 132B-12-213 | REP 81-10-008   | 132B-12-324 | REP 81-10-008   | 132F-104-815 | AMD-P 81-11-056 |
| 132B-12-216 | REP-P 81-04-005 | 132B-12-327 | REP-P 81-04-005 | 132F-104-815 | AMD 81-14-073   |
| 132B-12-216 | REP 81-10-008   | 132B-12-327 | REP 81-10-008   | 132F-104-818 | AMD-P 81-07-008 |
| 132B-12-219 | REP-P 81-04-005 | 132B-12-330 | REP-P 81-04-005 | 132F-104-818 | AMD-P 81-10-062 |
| 132B-12-219 | REP 81-10-008   | 132B-12-330 | REP 81-10-008   | 132F-104-818 | AMD-P 81-11-056 |
| 132B-12-222 | REP-P 81-04-005 | 132B-12-333 | REP-P 81-04-005 | 132F-104-818 | AMD 81-14-073   |
| 132B-12-222 | REP 81-10-008   | 132B-12-333 | REP 81-10-008   | 132F-104-819 | AMD-P 81-07-008 |
| 132B-12-225 | REP-P 81-04-005 | 132B-12-336 | REP-P 81-04-005 | 132F-104-819 | AMD-P 81-10-062 |
| 132B-12-225 | REP 81-10-008   | 132B-12-336 | REP 81-10-008   | 132F-104-819 | AMD-P 81-11-056 |
| 132B-12-228 | REP-P 81-04-005 | 132B-12-339 | REP-P 81-04-005 | 132F-104-819 | AMD 81-14-073   |
| 132B-12-228 | REP 81-10-008   | 132B-12-339 | REP 81-10-008   | 132F-136-020 | AMD-P 81-07-023 |
| 132B-12-231 | REP-P 81-04-005 | 132B-12-342 | REP-P 81-04-005 | 132F-136-020 | AMD-P 81-10-064 |
| 132B-12-231 | REP 81-10-008   | 132B-12-342 | REP 81-10-008   | 132F-136-020 | AMD 81-12-008   |
| 132B-12-234 | REP-P 81-04-005 | 132B-12-345 | REP-P 81-04-005 | 132F-136-040 | AMD-P 81-07-023 |
| 132B-12-234 | REP 81-10-008   | 132B-12-345 | REP 81-10-008   | 132F-136-040 | AMD-P 81-10-064 |
| 132B-12-237 | REP-P 81-04-005 | 132B-12-348 | REP-P 81-04-005 | 132F-136-040 | AMD 81-12-008   |
| 132B-12-237 | REP 81-10-008   | 132B-12-348 | REP 81-10-008   | 132F-136-050 | AMD-P 81-07-023 |
|             |                 |             |                 | 132F-136-050 | AMD-P 81-10-064 |

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| WAC #        | WSR # | WAC #     | WSR #        | WAC # | WSR #     |              |       |           |
|--------------|-------|-----------|--------------|-------|-----------|--------------|-------|-----------|
| 132F-136-050 | AMD   | 81-12-008 | 132L-26-080  | AMD   | 81-13-021 | 132M-150-012 | REP-P | 81-10-054 |
| 132H-105-010 | AMD-P | 81-15-058 | 132L-112-200 | AMD   | 81-03-037 | 132M-150-015 | REP-W | 81-04-026 |
| 132H-105-010 | AMD   | 81-19-094 | 132L-112-210 | AMD   | 81-03-037 | 132M-150-018 | REP-P | 81-10-054 |
| 132H-120-060 | AMD-P | 81-08-065 | 132L-112-280 | AMD   | 81-03-037 | 132M-150-018 | REP-W | 81-04-026 |
| 132H-120-060 | AMD-P | 81-11-012 | 132L-128-030 | AMD-P | 81-09-029 | 132M-150-018 | REP-P | 81-10-054 |
| 132H-120-060 | AMD-P | 81-13-008 | 132L-128-030 | AMD   | 81-13-019 | 132M-150-021 | REP-W | 81-04-026 |
| 132H-120-200 | AMD-P | 81-03-077 | 132L-128-060 | AMD-P | 81-09-029 | 132M-150-021 | REP-P | 81-10-054 |
| 132H-120-200 | AMD   | 81-07-034 | 132L-128-060 | AMD   | 81-13-019 | 132M-150-024 | REP-W | 81-04-026 |
| 132H-160-020 | REP-P | 81-08-066 | 132L-128-070 | AMD-P | 81-09-029 | 132M-150-024 | REP-P | 81-10-054 |
| 132H-160-020 | REP   | 81-11-013 | 132L-128-070 | AMD   | 81-13-019 | 132M-150-027 | REP-W | 81-04-026 |
| 132H-160-030 | REP-P | 81-08-066 | 132L-128-070 | AMD   | 81-13-019 | 132M-150-027 | REP-P | 81-10-054 |
| 132H-160-030 | REP   | 81-11-013 | 132M-104-010 | AMD-W | 81-04-026 | 132M-150-030 | REP-W | 81-04-026 |
| 132H-160-040 | AMD-P | 81-08-066 | 132M-112-010 | AMD-P | 81-10-054 | 132M-150-030 | REP-P | 81-10-054 |
| 132H-160-040 | AMD   | 81-11-013 | 132M-112-010 | NEW-W | 81-04-026 | 132M-150-033 | REP-W | 81-04-026 |
| 132H-160-040 | AMD-E | 81-13-004 | 132M-112-011 | NEW-P | 81-10-054 | 132M-150-033 | REP-P | 81-10-054 |
| 132H-160-040 | AMD-P | 81-14-002 | 132M-112-011 | NEW-W | 81-04-026 | 132M-150-036 | REP-W | 81-04-026 |
| 132H-160-040 | AMD   | 81-18-005 | 132M-112-011 | NEW-P | 81-10-054 | 132M-150-036 | REP-P | 81-10-054 |
| 132H-160-050 | AMD-P | 81-08-066 | 132M-113-010 | NEW-W | 81-04-026 | 132M-150-039 | REP-W | 81-04-026 |
| 132H-160-050 | AMD   | 81-11-013 | 132M-113-010 | NEW-P | 81-10-054 | 132M-150-039 | REP-P | 81-10-054 |
| 132H-160-050 | AMD-E | 81-13-004 | 132M-113-015 | NEW-W | 81-04-026 | 132M-150-042 | REP-W | 81-04-026 |
| 132H-160-050 | AMD-P | 81-14-002 | 132M-113-015 | NEW-P | 81-10-054 | 132M-150-042 | REP-P | 81-10-054 |
| 132H-160-050 | AMD   | 81-18-005 | 132M-113-020 | NEW-W | 81-04-026 | 132M-150-045 | REP-W | 81-04-026 |
| 132H-160-050 | AMD   | 81-18-005 | 132M-113-020 | NEW-P | 81-10-054 | 132M-150-045 | REP-P | 81-10-054 |
| 132H-160-110 | REP-P | 81-08-066 | 132M-113-025 | NEW-W | 81-04-026 | 132M-150-048 | REP-W | 81-04-026 |
| 132H-160-110 | REP   | 81-11-013 | 132M-113-025 | NEW-P | 81-10-054 | 132M-150-048 | REP-P | 81-10-054 |
| 132H-160-130 | REP-P | 81-08-066 | 132M-113-030 | NEW-W | 81-04-026 | 132M-150-051 | REP-W | 81-04-026 |
| 132H-160-130 | REP   | 81-11-013 | 132M-113-030 | NEW-P | 81-10-054 | 132M-150-051 | REP-P | 81-10-054 |
| 132H-160-160 | REP-P | 81-08-066 | 132M-113-035 | NEW-W | 81-04-026 | 132M-150-054 | REP-W | 81-04-026 |
| 132H-160-160 | REP   | 81-11-013 | 132M-113-035 | NEW-P | 81-10-054 | 132M-150-054 | REP-P | 81-10-054 |
| 132H-160-250 | AMD-P | 81-08-066 | 132M-113-040 | NEW-W | 81-04-026 | 132M-150-057 | REP-W | 81-04-026 |
| 132H-160-250 | AMD   | 81-11-013 | 132M-113-040 | NEW-P | 81-10-054 | 132M-150-060 | REP-P | 81-10-054 |
| 132H-160-260 | AMD-P | 81-08-066 | 132M-113-045 | NEW-W | 81-04-026 | 132M-150-060 | REP-W | 81-04-026 |
| 132H-160-260 | AMD   | 81-11-013 | 132M-113-045 | NEW-P | 81-10-054 | 132M-150-063 | REP-P | 81-10-054 |
| 132H-160-310 | AMD-P | 81-08-066 | 132M-113-050 | NEW-W | 81-04-026 | 132M-150-063 | REP-W | 81-04-026 |
| 132H-160-310 | AMD   | 81-11-013 | 132M-113-050 | NEW-P | 81-10-054 | 132M-160-015 | NEW-W | 81-04-026 |
| 132H-160-430 | AMD-P | 81-08-066 | 132M-115-010 | NEW-W | 81-04-026 | 132M-160-020 | REP-W | 81-10-054 |
| 132H-160-430 | AMD   | 81-11-013 | 132M-115-010 | NEW-P | 81-10-054 | 132M-160-020 | REP-P | 81-10-054 |
| 132H-160-480 | REP-P | 81-08-066 | 132M-115-020 | NEW-W | 81-04-026 | 132M-160-030 | REP-W | 81-04-026 |
| 132H-160-480 | REP   | 81-11-013 | 132M-115-020 | NEW-P | 81-10-054 | 132M-160-030 | REP-P | 81-10-054 |
| 132I-104-060 | AMD-P | 81-16-075 | 132M-115-030 | NEW-W | 81-04-026 | 132M-160-040 | NEW-W | 81-04-026 |
| 132I-104-060 | AMD   | 81-20-051 | 132M-115-030 | NEW-P | 81-10-054 | 132M-168-010 | REP-W | 81-04-026 |
| 132J-116-040 | AMD-P | 81-09-062 | 132M-115-040 | NEW-W | 81-04-026 | 132M-168-010 | REP-P | 81-10-054 |
| 132J-116-040 | AMD   | 81-14-011 | 132M-115-040 | NEW-P | 81-10-054 | 132M-168-020 | REP-W | 81-04-026 |
| 132J-116-050 | AMD-P | 81-09-062 | 132M-116-010 | AMD-W | 81-04-026 | 132M-168-020 | REP-P | 81-10-054 |
| 132J-116-050 | AMD   | 81-14-011 | 132M-116-010 | AMD-P | 81-10-054 | 132M-168-030 | REP-W | 81-04-026 |
| 132J-116-060 | AMD-P | 81-09-062 | 132M-120-060 | AMD-W | 81-04-026 | 132M-168-030 | REP-P | 81-10-054 |
| 132J-116-060 | AMD   | 81-14-011 | 132M-120-060 | REP-P | 81-10-054 | 132M-168-040 | REP-W | 81-04-026 |
| 132J-116-220 | AMD-P | 81-09-062 | 132M-120-070 | AMD-W | 81-04-026 | 132M-168-040 | REP-P | 81-10-054 |
| 132J-116-220 | AMD   | 81-14-011 | 132M-120-070 | AMD-P | 81-10-054 | 132M-168-050 | REP-W | 81-04-026 |
| 132K-20-070  | AMD-P | 81-03-023 | 132M-120-075 | NEW-W | 81-04-026 | 132M-168-050 | REP-P | 81-10-054 |
| 132K-20-070  | AMD   | 81-07-025 | 132M-120-090 | AMD-W | 81-04-026 | 132P-28-010  | REP-E | 81-19-093 |
| 132K-28-010  | REP-P | 81-06-029 | 132M-120-090 | REP-P | 81-10-054 | 132P-28-010  | REP-P | 81-20-021 |
| 132K-28-010  | REP   | 81-09-028 | 132M-136-010 | REP-W | 81-04-026 | 132P-28-020  | REP-E | 81-19-093 |
| 132K-112-200 | REP-P | 81-03-022 | 132M-136-010 | REP-P | 81-10-054 | 132P-28-020  | REP-P | 81-20-021 |
| 132K-112-200 | REP-P | 81-07-024 | 132M-136-020 | AMD-W | 81-04-026 | 132P-28-030  | REP-E | 81-19-093 |
| 132K-112-200 | REP   | 81-10-022 | 132M-136-020 | AMD-P | 81-10-054 | 132P-28-030  | REP-P | 81-20-021 |
| 132L-26      | AMD-P | 81-11-024 | 132M-136-030 | AMD-W | 81-04-026 | 132P-28-040  | REP-E | 81-19-093 |
| 132L-26-010  | AMD-P | 81-08-041 | 132M-136-040 | REP-W | 81-04-026 | 132P-28-040  | REP-P | 81-20-021 |
| 132L-26-010  | AMD-E | 81-13-020 | 132M-136-040 | REP-P | 81-10-054 | 132P-28-050  | REP-E | 81-19-093 |
| 132L-26-010  | AMD   | 81-13-021 | 132M-136-050 | AMD-W | 81-04-026 | 132P-28-050  | REP-P | 81-20-021 |
| 132L-26-030  | AMD   | 81-03-036 | 132M-136-060 | AMD-W | 81-04-026 | 132P-28-055  | REP-E | 81-19-093 |
| 132L-26-035  | AMD   | 81-03-036 | 132M-136-060 | AMD-P | 81-10-054 | 132P-28-055  | REP-P | 81-20-021 |
| 132L-26-040  | AMD-P | 81-08-041 | 132M-136-070 | AMD-W | 81-04-026 | 132P-28-070  | REP-E | 81-19-093 |
| 132L-26-040  | AMD-E | 81-13-020 | 132M-136-070 | REP-P | 81-10-054 | 132P-28-070  | REP-P | 81-20-021 |
| 132L-26-040  | AMD   | 81-13-021 | 132M-136-075 | NEW-W | 81-04-026 | 132P-28-080  | REP-E | 81-19-093 |
| 132L-26-050  | AMD   | 81-03-036 | 132M-136-090 | AMD-W | 81-04-026 | 132P-28-080  | REP-P | 81-20-021 |
| 132L-26-050  | AMD-E | 81-13-020 | 132M-136-090 | REP-P | 81-10-054 | 132P-33-010  | NEW-P | 81-12-031 |
| 132L-26-050  | AMD   | 81-13-021 | 132M-140-020 | REP-W | 81-04-026 | 132P-33-020  | NEW-P | 81-12-031 |
| 132L-26-060  | AMD-P | 81-08-041 | 132M-140-020 | REP-P | 81-10-054 | 132P-33-030  | NEW-P | 81-12-031 |
| 132L-26-060  | AMD-E | 81-13-020 | 132M-150-003 | REP-W | 81-04-026 | 132P-33-040  | NEW-P | 81-12-031 |
| 132L-26-060  | AMD   | 81-13-021 | 132M-150-003 | REP-P | 81-10-054 | 132P-33-050  | NEW-P | 81-12-031 |
| 132L-26-075  | AMD-P | 81-08-041 | 132M-150-006 | REP-W | 81-04-026 | 132P-33-060  | NEW-P | 81-12-031 |
| 132L-26-075  | AMD-E | 81-13-020 | 132M-150-006 | REP-P | 81-10-054 | 132P-33-070  | NEW-P | 81-12-031 |
| 132L-26-075  | AMD   | 81-13-021 | 132M-150-009 | REP-W | 81-04-026 |              |       |           |
| 132L-26-080  | AMD-E | 81-13-020 | 132M-150-009 | REP-P | 81-10-054 |              |       |           |
|              |       |           | 132M-150-012 | REP-W | 81-04-026 |              |       |           |

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| 132P-33-080  | NEW-P 81-12-031 | 132W-149-040 | REP-P 81-13-036 | 132Y-100-104 | NEW-P 81-14-044 |
| 132P-33-090  | NEW-P 81-12-031 | 132W-149-040 | REP 81-17-044   | 132Y-100-104 | NEW 81-17-042   |
| 132P-33-100  | NEW-P 81-12-031 | 132W-149-050 | REP-P 81-13-036 | 132Y-100-108 | NEW-P 81-14-044 |
| 132P-33-110  | NEW-P 81-12-031 | 132W-149-050 | REP 81-17-044   | 132Y-100-108 | NEW 81-17-042   |
| 132P-33-120  | NEW-P 81-12-031 | 132W-149-070 | REP-P 81-13-036 | 132Y-100-112 | NEW-P 81-14-044 |
| 132P-33-130  | NEW-P 81-12-031 | 132W-149-070 | REP 81-17-044   | 132Y-100-112 | NEW 81-17-042   |
| 132P-33-140  | NEW-P 81-12-031 | 132W-149-080 | REP-P 81-13-036 | 132Y-100-116 | NEW-P 81-14-044 |
| 132P-33-150  | NEW-P 81-12-031 | 132W-149-080 | REP 81-17-044   | 132Y-100-116 | NEW 81-17-042   |
| 132P-33-160  | NEW-P 81-12-031 | 132W-149-090 | REP-P 81-13-036 | 132Y-100-120 | NEW-P 81-14-044 |
| 132P-33-170  | NEW-P 81-12-031 | 132W-149-090 | REP 81-17-044   | 132Y-100-120 | NEW 81-17-042   |
| 132P-33-180  | NEW-P 81-12-031 | 132W-149-100 | REP-P 81-13-036 | 137-04-010   | NEW-P 81-15-092 |
| 132P-33-190  | NEW-P 81-12-031 | 132W-149-100 | REP 81-17-044   | 137-04-010   | NEW-W 81-20-072 |
| 132P-33-200  | NEW-P 81-12-031 | 132W-149-110 | REP-P 81-13-036 | 137-04-020   | NEW-P 81-15-092 |
| 132P-33-210  | NEW-P 81-12-031 | 132W-149-110 | REP 81-17-044   | 137-04-020   | NEW-W 81-20-072 |
| 132P-33-220  | NEW-P 81-12-031 | 132W-149-120 | REP-P 81-13-036 | 137-08-010   | NEW-P 81-15-092 |
| 132P-33-230  | NEW-P 81-12-031 | 132W-149-120 | REP 81-17-044   | 137-08-010   | NEW-W 81-20-072 |
| 132P-33-240  | NEW-P 81-12-031 | 132W-149-130 | REP-P 81-13-036 | 137-08-020   | NEW-P 81-15-092 |
| 132P-33-250  | NEW-P 81-12-031 | 132W-149-130 | REP 81-17-044   | 137-08-020   | NEW-W 81-20-072 |
| 132P-33-260  | NEW-P 81-12-031 | 132Y-20      | AMD-P 81-17-011 | 137-08-030   | NEW-P 81-15-092 |
| 132P-33-270  | NEW-P 81-12-031 | 132Y-20-010  | NEW-P 81-14-043 | 137-08-030   | NEW-W 81-20-072 |
| 132P-33-280  | NEW-P 81-12-031 | 132Y-20-010  | NEW 81-17-041   | 137-08-040   | NEW-P 81-15-092 |
| 132P-33-290  | NEW-P 81-12-031 | 132Y-100     | AMD-P 81-17-012 | 137-08-040   | NEW-W 81-20-072 |
| 132P-33-300  | NEW-P 81-12-031 | 132Y-100-001 | NEW-P 81-14-044 | 137-08-050   | NEW-P 81-15-092 |
| 132P-33-310  | NEW-P 81-12-031 | 132Y-100-001 | NEW 81-17-042   | 137-08-050   | NEW-W 81-20-072 |
| 132P-33-320  | NEW-P 81-12-031 | 132Y-100-004 | NEW-P 81-14-044 | 137-08-060   | NEW-P 81-15-092 |
| 132P-33-330  | NEW-P 81-12-031 | 132Y-100-004 | NEW 81-17-042   | 137-08-060   | NEW-W 81-20-072 |
| 132P-33-340  | NEW-P 81-12-031 | 132Y-100-008 | NEW-P 81-14-044 | 137-08-070   | NEW-P 81-15-092 |
| 132P-33-350  | NEW-P 81-12-031 | 132Y-100-008 | NEW 81-17-042   | 137-08-070   | NEW-W 81-20-072 |
| 132Q-04-086  | NEW-P 81-13-039 | 132Y-100-012 | NEW-P 81-14-044 | 137-08-080   | NEW-P 81-15-092 |
| 132Q-04-086  | NEW-P 81-18-034 | 132Y-100-012 | NEW 81-17-042   | 137-08-080   | NEW-W 81-20-072 |
| 132Q-04-200  | AMD-P 81-13-039 | 132Y-100-016 | NEW-P 81-14-044 | 137-08-090   | NEW-P 81-15-092 |
| 132Q-04-200  | AMD-P 81-18-034 | 132Y-100-016 | NEW 81-17-042   | 137-08-090   | NEW-W 81-20-072 |
| 132S-12-055  | NEW-P 81-09-001 | 132Y-100-020 | NEW-P 81-14-044 | 137-08-100   | NEW-P 81-15-092 |
| 132S-12-055  | NEW 81-13-023   | 132Y-100-020 | NEW 81-17-042   | 137-08-100   | NEW-W 81-20-072 |
| 132V-22-010  | AMD-E 81-03-047 | 132Y-100-024 | NEW-P 81-14-044 | 137-08-110   | NEW-P 81-15-092 |
| 132V-22-010  | AMD-P 81-03-061 | 132Y-100-024 | NEW 81-17-042   | 137-08-110   | NEW-W 81-20-072 |
| 132V-22-010  | AMD 81-08-002   | 132Y-100-028 | NEW-P 81-14-044 | 137-08-120   | NEW-P 81-15-092 |
| 132V-22-020  | AMD-E 81-03-047 | 132Y-100-028 | NEW 81-17-042   | 137-08-120   | NEW-W 81-20-072 |
| 132V-22-020  | AMD-P 81-03-061 | 132Y-100-032 | NEW-P 81-14-044 | 137-08-130   | NEW-P 81-15-092 |
| 132V-22-020  | AMD 81-08-002   | 132Y-100-032 | NEW 81-17-042   | 137-08-130   | NEW-W 81-20-072 |
| 132V-22-030  | AMD-E 81-03-047 | 132Y-100-036 | NEW-P 81-14-044 | 137-08-140   | NEW-P 81-15-092 |
| 132V-22-030  | AMD-P 81-03-061 | 132Y-100-036 | NEW 81-17-042   | 137-08-140   | NEW-W 81-20-072 |
| 132V-22-030  | AMD 81-08-002   | 132Y-100-040 | NEW-P 81-14-044 | 137-08-150   | NEW-P 81-15-092 |
| 132V-22-040  | AMD-E 81-03-047 | 132Y-100-040 | NEW 81-17-042   | 137-08-150   | NEW-W 81-20-072 |
| 132V-22-040  | AMD-P 81-03-061 | 132Y-100-044 | NEW-P 81-14-044 | 137-08-160   | NEW-P 81-15-092 |
| 132V-22-040  | AMD 81-08-002   | 132Y-100-044 | NEW 81-17-042   | 137-08-160   | NEW-W 81-20-072 |
| 132V-22-050  | AMD-E 81-03-047 | 132Y-100-048 | NEW-P 81-14-044 | 137-08-170   | NEW-P 81-15-092 |
| 132V-22-050  | AMD-P 81-03-061 | 132Y-100-048 | NEW 81-17-042   | 137-08-170   | NEW-W 81-20-072 |
| 132V-22-050  | AMD 81-08-002   | 132Y-100-052 | NEW-P 81-14-044 | 137-08-180   | NEW-P 81-15-092 |
| 132V-22-060  | AMD-E 81-03-047 | 132Y-100-052 | NEW 81-17-042   | 137-08-180   | NEW-W 81-20-072 |
| 132V-22-060  | AMD-P 81-03-061 | 132Y-100-056 | NEW-P 81-14-044 | 137-12-010   | NEW-P 81-14-080 |
| 132V-22-060  | AMD 81-08-002   | 132Y-100-056 | NEW 81-17-042   | 137-12-010   | NEW-E 81-14-081 |
| 132V-22-100  | AMD-E 81-03-047 | 132Y-100-060 | NEW-P 81-14-044 | 137-12-010   | NEW 81-19-001   |
| 132V-22-100  | AMD-P 81-03-061 | 132Y-100-060 | NEW 81-17-042   | 137-12-020   | NEW-P 81-14-080 |
| 132V-22-100  | AMD 81-08-002   | 132Y-100-064 | NEW-P 81-14-044 | 137-12-020   | NEW-E 81-14-081 |
| 132V-22-200  | AMD-E 81-03-047 | 132Y-100-064 | NEW 81-17-042   | 137-12-020   | NEW 81-19-001   |
| 132V-22-200  | AMD-P 81-03-061 | 132Y-100-068 | NEW-P 81-14-044 | 137-12-030   | NEW-P 81-14-080 |
| 132V-22-200  | AMD 81-08-002   | 132Y-100-068 | NEW 81-17-042   | 137-12-030   | NEW-E 81-14-081 |
| 132W-116-010 | AMD-E 81-17-043 | 132Y-100-072 | NEW-P 81-14-044 | 137-12-030   | NEW 81-19-001   |
| 132W-116-020 | AMD-E 81-17-043 | 132Y-100-072 | NEW 81-17-042   | 137-12-040   | NEW-P 81-14-080 |
| 132W-116-050 | AMD-E 81-17-043 | 132Y-100-076 | NEW-P 81-14-044 | 137-12-040   | NEW-E 81-14-081 |
| 132W-116-065 | NEW-E 81-17-043 | 132Y-100-076 | NEW 81-17-042   | 137-12-040   | NEW 81-19-001   |
| 132W-149-010 | AMD-P 81-13-036 | 132Y-100-080 | NEW-P 81-14-044 | 137-12-050   | NEW-P 81-14-080 |
| 132W-149-010 | AMD 81-17-044   | 132Y-100-080 | NEW 81-17-042   | 137-12-050   | NEW-E 81-14-081 |
| 132W-149-020 | REP-P 81-13-036 | 132Y-100-084 | NEW-P 81-14-044 | 137-12-050   | NEW 81-19-001   |
| 132W-149-020 | REP 81-17-044   | 132Y-100-084 | NEW 81-17-042   | 137-12-060   | NEW-P 81-14-080 |
| 132W-149-022 | REP-P 81-13-036 | 132Y-100-088 | NEW-P 81-14-044 | 137-12-060   | NEW-E 81-14-081 |
| 132W-149-022 | REP 81-17-044   | 132Y-100-088 | NEW 81-17-042   | 137-12-060   | NEW 81-19-001   |
| 132W-149-024 | REP-P 81-13-036 | 132Y-100-092 | NEW-P 81-14-044 | 137-12-070   | NEW-P 81-14-080 |
| 132W-149-024 | REP 81-17-044   | 132Y-100-092 | NEW 81-17-042   | 137-12-070   | NEW-E 81-14-081 |
| 132W-149-026 | REP-P 81-13-036 | 132Y-100-096 | NEW-P 81-14-044 | 137-12-070   | NEW 81-19-001   |
| 132W-149-026 | REP 81-17-044   | 132Y-100-096 | NEW 81-17-042   | 137-12-080   | NEW-P 81-14-080 |
| 132W-149-030 | REP-P 81-13-036 | 132Y-100-100 | NEW-P 81-14-044 | 137-12-080   | NEW-E 81-14-081 |
| 132W-149-030 | REP 81-17-044   | 132Y-100-100 | NEW 81-17-042   | 137-12-080   | NEW 81-19-001   |



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|------------|-------|-----------|------------|-------|-----------|-------------|-------|-----------|
| 137-48-130 | NEW-W | 81-20-072 | 137-60-010 | NEW-W | 81-20-072 | 143-06-130  | AMD   | 81-07-004 |
| 137-52-010 | NEW-P | 81-15-092 | 137-60-020 | NEW-P | 81-15-092 | 143-06-140  | AMD-P | 81-03-034 |
| 137-52-010 | NEW-W | 81-20-072 | 137-60-020 | NEW-W | 81-20-072 | 143-06-140  | AMD   | 81-07-004 |
| 137-52-020 | NEW-P | 81-15-092 | 137-60-030 | NEW-P | 81-15-092 | 143-06-150  | AMD-P | 81-03-034 |
| 137-52-020 | NEW-W | 81-20-072 | 137-60-030 | NEW-W | 81-20-072 | 143-06-150  | AMD   | 81-07-004 |
| 137-52-030 | NEW-P | 81-15-092 | 137-60-040 | NEW-P | 81-15-092 | 143-06-990  | AMD-P | 81-03-034 |
| 137-52-030 | NEW-W | 81-20-072 | 137-60-040 | NEW-W | 81-20-072 | 143-06-990  | AMD   | 81-07-004 |
| 137-52-040 | NEW-P | 81-15-092 | 137-60-050 | NEW-P | 81-15-092 | 172-114-010 | AMD   | 81-03-012 |
| 137-52-040 | NEW-W | 81-20-072 | 137-60-050 | NEW-W | 81-20-072 | 172-114-020 | AMD   | 81-03-012 |
| 137-52-050 | NEW-P | 81-15-092 | 137-60-060 | NEW-P | 81-15-092 | 172-114-030 | AMD   | 81-03-012 |
| 137-52-050 | NEW-W | 81-20-072 | 137-60-060 | NEW-W | 81-20-072 | 172-114-040 | AMD   | 81-03-012 |
| 137-52-060 | NEW-P | 81-15-092 | 137-60-070 | NEW-P | 81-15-092 | 172-114-050 | AMD   | 81-03-012 |
| 137-52-060 | NEW-W | 81-20-072 | 137-60-070 | NEW-W | 81-20-072 | 172-114-060 | AMD   | 81-03-012 |
| 137-52-070 | NEW-P | 81-15-092 | 137-60-080 | NEW-P | 81-15-092 | 172-114-070 | AMD   | 81-03-012 |
| 137-52-070 | NEW-W | 81-20-072 | 137-60-080 | NEW-W | 81-20-072 | 172-114-080 | AMD   | 81-03-012 |
| 137-52-080 | NEW-P | 81-15-092 | 137-60-090 | NEW-P | 81-15-092 | 172-114-090 | AMD   | 81-03-012 |
| 137-52-080 | NEW-W | 81-20-072 | 137-60-090 | NEW-W | 81-20-072 | 172-114-100 | REP   | 81-03-012 |
| 137-52-090 | NEW-P | 81-15-092 | 137-60-100 | NEW-P | 81-15-092 | 172-114-110 | REP   | 81-03-012 |
| 137-52-090 | NEW-W | 81-20-072 | 137-60-100 | NEW-W | 81-20-072 | 172-120-010 | AMD   | 81-06-023 |
| 137-52-100 | NEW-P | 81-15-092 | 137-60-110 | NEW-P | 81-15-092 | 172-120-020 | AMD   | 81-06-023 |
| 137-52-100 | NEW-W | 81-20-072 | 137-60-110 | NEW-W | 81-20-072 | 172-120-040 | AMD   | 81-06-023 |
| 137-56-010 | NEW-P | 81-15-092 | 137-60-120 | NEW-P | 81-15-092 | 172-120-050 | AMD   | 81-06-023 |
| 137-56-010 | NEW-W | 81-20-072 | 137-60-120 | NEW-W | 81-20-072 | 172-120-060 | AMD   | 81-06-023 |
| 137-56-020 | NEW-P | 81-15-092 | 137-60-130 | NEW-P | 81-15-092 | 172-120-070 | AMD   | 81-06-023 |
| 137-56-020 | NEW-W | 81-20-072 | 137-60-130 | NEW-W | 81-20-072 | 172-120-080 | AMD   | 81-06-023 |
| 137-56-030 | NEW-P | 81-15-092 | 137-60-140 | NEW-P | 81-15-092 | 172-120-090 | AMD   | 81-06-023 |
| 137-56-030 | NEW-W | 81-20-072 | 137-60-140 | NEW-W | 81-20-072 | 172-120-100 | AMD   | 81-06-023 |
| 137-56-040 | NEW-P | 81-15-092 | 137-64-010 | NEW-P | 81-15-092 | 172-120-110 | AMD   | 81-06-023 |
| 137-56-040 | NEW-W | 81-20-072 | 137-64-010 | NEW-W | 81-20-072 | 172-120-120 | AMD   | 81-06-023 |
| 137-56-050 | NEW-P | 81-15-092 | 137-64-030 | NEW-P | 81-15-092 | 172-120-130 | AMD   | 81-06-023 |
| 137-56-050 | NEW-W | 81-20-072 | 137-64-030 | NEW-W | 81-20-072 | 172-120-140 | AMD   | 81-06-023 |
| 137-56-060 | NEW-P | 81-15-092 | 137-68-010 | NEW-P | 81-15-092 | 173-06-065  | NEW-P | 81-06-048 |
| 137-56-060 | NEW-W | 81-20-072 | 137-68-010 | NEW-W | 81-20-072 | 173-06-065  | NEW-E | 81-06-049 |
| 137-56-070 | NEW-P | 81-15-092 | 137-68-020 | NEW-P | 81-15-092 | 173-06-065  | NEW   | 81-09-056 |
| 137-56-070 | NEW-W | 81-20-072 | 137-68-020 | NEW-W | 81-20-072 | 173-14-140  | AMD   | 81-04-027 |
| 137-56-080 | NEW-P | 81-15-092 | 137-68-030 | NEW-P | 81-15-092 | 173-14-150  | AMD   | 81-04-027 |
| 137-56-080 | NEW-W | 81-20-072 | 137-68-030 | NEW-W | 81-20-072 | 173-14-155  | NEW   | 81-04-027 |
| 137-56-090 | NEW-P | 81-15-092 | 137-68-040 | NEW-P | 81-15-092 | 173-14-180  | AMD   | 81-04-027 |
| 137-56-090 | NEW-W | 81-20-072 | 137-68-040 | NEW-W | 81-20-072 | 173-14-190  | REP   | 81-04-027 |
| 137-56-100 | NEW-P | 81-15-092 | 137-68-050 | NEW-P | 81-15-092 | 173-19-120  | AMD-P | 81-12-055 |
| 137-56-100 | NEW-W | 81-20-072 | 137-68-050 | NEW-W | 81-20-072 | 173-19-120  | AMD   | 81-15-062 |
| 137-56-110 | NEW-P | 81-15-092 | 139-14-010 | AMD-P | 81-10-030 | 173-19-120  | AMD-P | 81-17-073 |
| 137-56-110 | NEW-W | 81-20-072 | 139-14-010 | AMD   | 81-14-026 | 173-19-120  | AMD   | 81-20-042 |
| 137-56-120 | NEW-P | 81-15-092 | 139-24-010 | REP   | 81-04-014 | 173-19-210  | AMD-W | 81-04-065 |
| 137-56-120 | NEW-W | 81-20-072 | 139-26-010 | NEW-P | 81-17-066 | 173-19-210  | AMD-P | 81-09-079 |
| 137-56-140 | NEW-P | 81-15-092 | 139-32-010 | AMD-P | 81-10-031 | 173-19-210  | AMD   | 81-13-055 |
| 137-56-140 | NEW-W | 81-20-072 | 139-32-010 | AMD   | 81-14-049 | 173-19-2102 | AMD-P | 81-12-053 |
| 137-56-150 | NEW-P | 81-15-092 | 139-44-010 | REP-P | 81-17-067 | 173-19-2102 | AMD   | 81-16-079 |
| 137-56-150 | NEW-W | 81-20-072 | 139-46-010 | NEW-P | 81-17-068 | 173-19-250  | AMD-P | 81-16-080 |
| 137-56-160 | NEW-P | 81-15-092 | 143-06-010 | AMD-P | 81-03-034 | 173-19-250  | AMD   | 81-20-006 |
| 137-56-160 | NEW-W | 81-20-072 | 143-06-010 | AMD   | 81-07-004 | 173-19-2503 | AMD-P | 81-08-071 |
| 137-56-170 | NEW-P | 81-15-092 | 143-06-020 | AMD-P | 81-03-034 | 173-19-2503 | AMD   | 81-11-027 |
| 137-56-170 | NEW-W | 81-20-072 | 143-06-020 | AMD   | 81-07-004 | 173-19-2511 | AMD-W | 81-08-004 |
| 137-56-180 | NEW-P | 81-15-092 | 143-06-030 | AMD-P | 81-03-034 | 173-19-2515 | AMD-W | 81-08-004 |
| 137-56-180 | NEW-W | 81-20-072 | 143-06-030 | AMD   | 81-07-004 | 173-19-2515 | AMD-P | 81-08-071 |
| 137-56-190 | NEW-P | 81-15-092 | 143-06-040 | AMD-P | 81-03-034 | 173-19-2515 | AMD   | 81-11-028 |
| 137-56-190 | NEW-W | 81-20-072 | 143-06-040 | AMD   | 81-07-004 | 173-19-2521 | AMD-P | 81-02-050 |
| 137-56-200 | NEW-P | 81-15-092 | 143-06-050 | AMD-P | 81-03-034 | 173-19-2521 | AMD   | 81-06-051 |
| 137-56-200 | NEW-W | 81-20-072 | 143-06-050 | AMD   | 81-07-004 | 173-19-2521 | AMD-P | 81-08-071 |
| 137-56-210 | NEW-P | 81-15-092 | 143-06-060 | AMD-P | 81-03-034 | 173-19-2521 | AMD   | 81-11-029 |
| 137-56-210 | NEW-W | 81-20-072 | 143-06-060 | AMD   | 81-07-004 | 173-19-2521 | AMD-P | 81-17-073 |
| 137-56-220 | NEW-P | 81-15-092 | 143-06-070 | AMD-P | 81-03-034 | 173-19-2521 | AMD   | 81-20-043 |
| 137-56-220 | NEW-W | 81-20-072 | 143-06-070 | AMD   | 81-07-004 | 173-19-260  | AMD-P | 81-20-087 |
| 137-56-230 | NEW-P | 81-15-092 | 143-06-080 | AMD-P | 81-03-034 | 173-19-2604 | AMD-P | 81-09-080 |
| 137-56-230 | NEW-W | 81-20-072 | 143-06-080 | AMD   | 81-07-004 | 173-19-2604 | AMD   | 81-13-015 |
| 137-56-240 | NEW-P | 81-15-092 | 143-06-090 | AMD-P | 81-03-034 | 173-19-3210 | AMD-P | 81-20-087 |
| 137-56-240 | NEW-W | 81-20-072 | 143-06-090 | AMD   | 81-07-004 | 173-19-3506 | AMD-W | 81-08-004 |
| 137-56-250 | NEW-P | 81-15-092 | 143-06-100 | AMD-P | 81-03-034 | 173-19-3514 | AMD-P | 81-03-080 |
| 137-56-250 | NEW-W | 81-20-072 | 143-06-100 | AMD   | 81-07-004 | 173-19-3514 | AMD   | 81-08-005 |
| 137-56-260 | NEW-P | 81-15-092 | 143-06-110 | AMD-P | 81-03-034 | 173-19-3514 | AMD-P | 81-20-087 |
| 137-56-260 | NEW-W | 81-20-072 | 143-06-110 | AMD   | 81-07-004 | 173-19-360  | AMD-P | 81-05-034 |
| 137-56-270 | NEW-P | 81-15-092 | 143-06-120 | AMD-P | 81-03-034 | 173-19-360  | AMD-P | 81-09-019 |
| 137-56-270 | NEW-W | 81-20-072 | 143-06-120 | AMD   | 81-07-004 | 173-19-360  | AMD   | 81-09-057 |
| 137-60-010 | NEW-P | 81-15-092 | 143-06-130 | AMD-P | 81-03-034 | 173-19-370  | AMD-W | 81-08-004 |

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| 173-19-370  | AMD-P | 81-16-081 | 173-302-240 | REP-P | 81-20-085 | 173-303-610  | NEW-P | 81-20-085 |
| 173-19-370  | AMD   | 81-20-004 | 173-302-250 | REP-P | 81-20-085 | 173-303-620  | NEW-P | 81-20-085 |
| 173-19-370  | AMD-P | 81-20-087 | 173-302-260 | REP-P | 81-20-085 | 173-303-630  | NEW-P | 81-20-085 |
| 173-19-3701 | AMD-P | 81-09-081 | 173-302-270 | REP-P | 81-20-085 | 173-303-640  | NEW-P | 81-20-085 |
| 173-19-3701 | AMD-P | 81-13-014 | 173-302-280 | REP-P | 81-20-085 | 173-303-650  | NEW-P | 81-20-085 |
| 173-19-3701 | AMD   | 81-15-006 | 173-302-290 | REP-P | 81-20-085 | 173-303-660  | NEW-P | 81-20-085 |
| 173-19-3707 | NEW-P | 81-12-054 | 173-302-300 | REP-P | 81-20-085 | 173-303-670  | NEW-P | 81-20-085 |
| 173-19-3707 | NEW   | 81-16-077 | 173-302-310 | REP-P | 81-20-085 | 173-303-700  | NEW-P | 81-20-085 |
| 173-19-400  | AMD-P | 81-02-050 | 173-302-320 | REP-P | 81-20-085 | 173-303-800  | NEW-P | 81-20-085 |
| 173-19-400  | AMD   | 81-06-052 | 173-302-330 | REP-P | 81-20-085 | 173-303-801  | NEW-P | 81-20-085 |
| 173-19-420  | AMD-P | 81-16-081 | 173-302-340 | REP-P | 81-20-085 | 173-303-805  | NEW-P | 81-20-085 |
| 173-19-420  | AMD   | 81-20-005 | 173-302-350 | REP-P | 81-20-085 | 173-303-810  | NEW-P | 81-20-085 |
| 173-19-430  | AMD-P | 81-08-070 | 173-302-360 | REP-P | 81-20-085 | 173-303-815  | NEW-P | 81-20-085 |
| 173-19-430  | AMD   | 81-12-003 | 173-302-370 | REP-P | 81-20-085 | 173-303-820  | NEW-P | 81-20-085 |
| 173-19-4402 | AMD-P | 81-12-053 | 173-302-380 | REP-P | 81-20-085 | 173-303-825  | NEW-P | 81-20-085 |
| 173-19-4402 | AMD   | 81-16-078 | 173-302-390 | REP-P | 81-20-085 | 173-303-830  | NEW-P | 81-20-085 |
| 173-19-450  | AMD-P | 81-18-072 | 173-303-010 | NEW-P | 81-20-085 | 173-303-840  | NEW-P | 81-20-085 |
| 173-19-4505 | AMD-P | 81-20-087 | 173-303-020 | NEW-P | 81-20-085 | 173-303-845  | NEW-P | 81-20-085 |
| 173-19-470  | AMD-P | 81-02-051 | 173-303-030 | NEW-P | 81-20-085 | 173-303-900  | NEW-P | 81-20-085 |
| 173-19-470  | AMD   | 81-06-050 | 173-303-040 | NEW-P | 81-20-085 | 173-303-910  | NEW-P | 81-20-085 |
| 173-19-470  | AMD-P | 81-17-073 | 173-303-045 | NEW-P | 81-20-085 | 173-303-9901 | NEW-P | 81-20-085 |
| 173-19-470  | AMD   | 81-20-044 | 173-303-050 | NEW-P | 81-20-085 | 173-303-9902 | NEW-P | 81-20-085 |
| 173-20-380  | AMD-P | 81-09-078 | 173-303-060 | NEW-P | 81-20-085 | 173-303-9903 | NEW-P | 81-20-085 |
| 173-20-380  | AMD   | 81-13-013 | 173-303-070 | NEW-P | 81-20-085 | 173-303-9904 | NEW-P | 81-20-085 |
| 173-22-060  | AMD-P | 81-09-077 | 173-303-071 | NEW-P | 81-20-085 | 173-303-9905 | NEW-P | 81-20-085 |
| 173-22-060  | AMD   | 81-13-034 | 173-303-080 | NEW-P | 81-20-085 | 173-303-9906 | NEW-P | 81-20-085 |
| 173-164-050 | AMD-P | 81-04-067 | 173-303-081 | NEW-P | 81-20-085 | 173-303-9907 | NEW-P | 81-20-085 |
| 173-164-050 | AMD   | 81-07-037 | 173-303-082 | NEW-P | 81-20-085 | 173-400-110  | AMD   | 81-03-002 |
| 173-201-010 | AMD-P | 81-20-088 | 173-303-083 | NEW-P | 81-20-085 | 173-422-040  | AMD-P | 81-19-121 |
| 173-201-020 | AMD-P | 81-20-088 | 173-303-084 | NEW-P | 81-20-085 | 173-422-050  | AMD-P | 81-19-121 |
| 173-201-025 | AMD-P | 81-20-088 | 173-303-090 | NEW-P | 81-20-085 | 173-422-060  | AMD-P | 81-19-121 |
| 173-201-035 | AMD-P | 81-20-088 | 173-303-100 | NEW-P | 81-20-085 | 173-422-070  | AMD-P | 81-19-121 |
| 173-201-045 | AMD-P | 81-20-088 | 173-303-101 | NEW-P | 81-20-085 | 173-422-080  | AMD-P | 81-19-121 |
| 173-201-050 | REP-P | 81-20-088 | 173-303-102 | NEW-P | 81-20-085 | 173-422-090  | AMD-P | 81-19-121 |
| 173-201-070 | AMD-P | 81-20-088 | 173-303-103 | NEW-P | 81-20-085 | 173-422-100  | AMD-P | 81-19-121 |
| 173-201-080 | AMD-P | 81-20-088 | 173-303-104 | NEW-P | 81-20-085 | 173-422-110  | AMD-P | 81-19-121 |
| 173-201-085 | AMD-P | 81-20-088 | 173-303-110 | NEW-P | 81-20-085 | 173-422-130  | AMD-P | 81-19-121 |
| 173-201-090 | AMD-P | 81-20-088 | 173-303-120 | NEW-P | 81-20-085 | 173-422-140  | AMD-P | 81-19-121 |
| 173-201-120 | AMD-P | 81-20-088 | 173-303-130 | NEW-P | 81-20-085 | 173-422-160  | AMD-P | 81-19-121 |
| 173-201-140 | REP-P | 81-20-088 | 173-303-140 | NEW-P | 81-20-085 | 173-422-170  | AMD-P | 81-19-121 |
| 173-230-010 | AMD-P | 81-20-086 | 173-303-145 | NEW-P | 81-20-085 | 173-490-020  | AMD   | 81-03-003 |
| 173-230-020 | AMD-P | 81-20-086 | 173-303-150 | NEW-P | 81-20-085 | 173-490-040  | AMD   | 81-03-003 |
| 173-230-040 | AMD-P | 81-20-086 | 173-303-160 | NEW-P | 81-20-085 | 173-490-203  | AMD   | 81-03-003 |
| 173-230-050 | AMD-P | 81-20-086 | 173-303-170 | NEW-P | 81-20-085 | 173-511-010  | NEW   | 81-04-028 |
| 173-230-060 | REP-P | 81-20-086 | 173-303-180 | NEW-P | 81-20-085 | 173-511-020  | NEW   | 81-04-028 |
| 173-230-061 | NEW-P | 81-20-086 | 173-303-190 | NEW-P | 81-20-085 | 173-511-030  | NEW   | 81-04-028 |
| 173-230-070 | AMD-P | 81-20-086 | 173-303-200 | NEW-P | 81-20-085 | 173-511-040  | NEW   | 81-04-028 |
| 173-230-080 | AMD-P | 81-20-086 | 173-303-210 | NEW-P | 81-20-085 | 173-511-050  | NEW   | 81-04-028 |
| 173-230-100 | AMD-P | 81-20-086 | 173-303-220 | NEW-P | 81-20-085 | 173-511-060  | NEW   | 81-04-028 |
| 173-230-110 | AMD-P | 81-20-086 | 173-303-230 | NEW-P | 81-20-085 | 173-511-070  | NEW   | 81-04-028 |
| 173-302-010 | REP-P | 81-20-085 | 173-303-240 | NEW-P | 81-20-085 | 173-511-080  | NEW   | 81-04-028 |
| 173-302-020 | REP-P | 81-20-085 | 173-303-250 | NEW-P | 81-20-085 | 173-511-090  | NEW   | 81-04-028 |
| 173-302-030 | REP-P | 81-20-085 | 173-303-260 | NEW-P | 81-20-085 | 173-511-100  | NEW   | 81-04-028 |
| 173-302-040 | REP-P | 81-20-085 | 173-303-270 | NEW-P | 81-20-085 | 173-515      | NEW-P | 81-09-020 |
| 173-302-050 | REP-P | 81-20-085 | 173-303-275 | NEW-P | 81-20-085 | 173-515      | NEW-P | 81-13-009 |
| 173-302-060 | REP-P | 81-20-085 | 173-303-280 | NEW-P | 81-20-085 | 173-515-010  | NEW   | 81-16-003 |
| 173-302-070 | REP-P | 81-20-085 | 173-303-290 | NEW-P | 81-20-085 | 173-515-020  | NEW   | 81-16-003 |
| 173-302-080 | REP-P | 81-20-085 | 173-303-300 | NEW-P | 81-20-085 | 173-515-030  | NEW   | 81-16-003 |
| 173-302-090 | REP-P | 81-20-085 | 173-303-310 | NEW-P | 81-20-085 | 173-515-040  | NEW   | 81-16-003 |
| 173-302-100 | REP-P | 81-20-085 | 173-303-320 | NEW-P | 81-20-085 | 173-515-050  | NEW   | 81-16-003 |
| 173-302-110 | REP-P | 81-20-085 | 173-303-330 | NEW-P | 81-20-085 | 173-515-060  | NEW   | 81-16-003 |
| 173-302-120 | REP-P | 81-20-085 | 173-303-340 | NEW-P | 81-20-085 | 173-515-070  | NEW   | 81-16-003 |
| 173-302-130 | REP-P | 81-20-085 | 173-303-350 | NEW-P | 81-20-085 | 173-515-080  | NEW   | 81-16-003 |
| 173-302-140 | REP-P | 81-20-085 | 173-303-360 | NEW-P | 81-20-085 | 173-515-090  | NEW   | 81-16-003 |
| 173-302-150 | REP-P | 81-20-085 | 173-303-370 | NEW-P | 81-20-085 | 173-515-100  | NEW   | 81-16-003 |
| 173-302-160 | REP-P | 81-20-085 | 173-303-380 | NEW-P | 81-20-085 | 173-530-940  | AMD-P | 81-17-072 |
| 173-302-165 | REP-P | 81-20-085 | 173-303-390 | NEW-P | 81-20-085 | 173-530-940  | AMD   | 81-20-041 |
| 173-302-170 | REP-P | 81-20-085 | 173-303-395 | NEW-P | 81-20-085 | 174-116-115  | AMD-P | 81-15-016 |
| 173-302-180 | REP-P | 81-20-085 | 173-303-400 | NEW-P | 81-20-085 | 174-116-115  | AMD   | 81-19-092 |
| 173-302-190 | REP-P | 81-20-085 | 173-303-500 | NEW-P | 81-20-085 | 174-136-130  | NEW-P | 81-08-032 |
| 173-302-200 | REP-P | 81-20-085 | 173-303-510 | NEW-P | 81-20-085 | 174-136-130  | NEW   | 81-12-019 |
| 173-302-210 | REP-P | 81-20-085 | 173-303-520 | NEW-P | 81-20-085 | 174-136-140  | NEW   | 81-12-019 |
| 173-302-220 | REP-P | 81-20-085 | 173-303-575 | NEW-P | 81-20-085 | 174-136-140  | NEW-P | 81-08-032 |
| 173-302-230 | REP-P | 81-20-085 | 173-303-600 | NEW-P | 81-20-085 | 174-162-305  | NEW-P | 81-10-060 |

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| WAC #       | WSR # | WAC #     | WSR #      | WAC # | WSR #     |            |       |           |
|-------------|-------|-----------|------------|-------|-----------|------------|-------|-----------|
| 174-162-305 | NEW-P | 81-13-048 | 180-08-440 | REP-P | 81-13-003 | 180-55-015 | NEW-P | 81-04-044 |
| 174-162-305 | NEW   | 81-15-017 | 180-08-440 | REP   | 81-16-026 | 180-55-015 | NEW   | 81-08-027 |
| 180-08-005  | NEW-P | 81-13-003 | 180-08-450 | REP-P | 81-13-003 | 180-55-020 | NEW-P | 81-04-044 |
| 180-08-005  | NEW   | 81-16-026 | 180-08-450 | REP   | 81-16-026 | 180-55-020 | NEW   | 81-08-027 |
| 180-08-010  | REP-P | 81-13-003 | 180-08-460 | REP-P | 81-13-003 | 180-55-025 | NEW-P | 81-04-044 |
| 180-08-010  | REP   | 81-16-026 | 180-08-460 | REP   | 81-16-026 | 180-55-025 | NEW   | 81-08-027 |
| 180-08-020  | REP-P | 81-13-003 | 180-08-470 | REP-P | 81-13-003 | 180-55-030 | NEW-P | 81-04-044 |
| 180-08-020  | REP   | 81-16-026 | 180-08-470 | REP   | 81-16-026 | 180-55-030 | NEW   | 81-08-027 |
| 180-08-030  | REP-P | 81-13-003 | 180-08-480 | REP-P | 81-13-003 | 180-55-035 | NEW-P | 81-04-044 |
| 180-08-030  | REP   | 81-16-026 | 180-08-480 | REP   | 81-16-026 | 180-55-035 | NEW   | 81-08-027 |
| 180-08-040  | REP-P | 81-13-003 | 180-08-490 | REP-P | 81-13-003 | 180-55-040 | NEW-P | 81-04-044 |
| 180-08-040  | REP   | 81-16-026 | 180-08-490 | REP   | 81-16-026 | 180-55-040 | NEW   | 81-08-027 |
| 180-08-050  | REP-P | 81-13-003 | 180-08-500 | REP-P | 81-13-003 | 180-55-045 | NEW-P | 81-04-044 |
| 180-08-050  | REP   | 81-16-026 | 180-08-500 | REP   | 81-16-026 | 180-55-045 | NEW   | 81-08-027 |
| 180-08-060  | REP-P | 81-13-003 | 180-08-510 | REP-P | 81-13-003 | 180-55-050 | NEW-P | 81-04-044 |
| 180-08-060  | REP   | 81-16-026 | 180-08-510 | REP   | 81-16-026 | 180-55-050 | NEW   | 81-08-027 |
| 180-08-070  | REP-P | 81-13-003 | 180-08-520 | REP-P | 81-13-003 | 180-55-055 | NEW-P | 81-04-044 |
| 180-08-070  | REP   | 81-16-026 | 180-08-520 | REP   | 81-16-026 | 180-55-055 | NEW   | 81-08-027 |
| 180-08-080  | REP-P | 81-13-003 | 180-08-530 | REP-P | 81-13-003 | 180-55-060 | NEW-P | 81-04-044 |
| 180-08-080  | REP   | 81-16-026 | 180-08-530 | REP   | 81-16-026 | 180-55-060 | NEW   | 81-08-027 |
| 180-08-090  | REP-P | 81-13-003 | 180-08-540 | REP-P | 81-13-003 | 180-55-065 | NEW-P | 81-04-044 |
| 180-08-090  | REP   | 81-16-026 | 180-08-540 | REP   | 81-16-026 | 180-55-065 | NEW   | 81-08-027 |
| 180-08-100  | REP-P | 81-13-003 | 180-08-550 | REP-P | 81-13-003 | 180-55-070 | NEW-P | 81-04-044 |
| 180-08-100  | REP   | 81-16-026 | 180-08-550 | REP   | 81-16-026 | 180-55-070 | NEW   | 81-08-027 |
| 180-08-110  | REP-P | 81-13-003 | 180-08-560 | REP-P | 81-13-003 | 180-55-075 | NEW-P | 81-04-044 |
| 180-08-110  | REP   | 81-16-026 | 180-08-560 | REP   | 81-16-026 | 180-55-075 | NEW   | 81-08-027 |
| 180-08-120  | REP-P | 81-13-003 | 180-08-570 | REP-P | 81-13-003 | 180-55-080 | NEW-P | 81-04-044 |
| 180-08-120  | REP   | 81-16-026 | 180-08-570 | REP   | 81-16-026 | 180-55-080 | NEW   | 81-08-027 |
| 180-08-130  | REP-P | 81-13-003 | 180-08-580 | REP-P | 81-13-003 | 180-55-085 | NEW-P | 81-04-044 |
| 180-08-130  | REP   | 81-16-026 | 180-08-580 | REP   | 81-16-026 | 180-55-085 | NEW   | 81-08-027 |
| 180-08-140  | REP-P | 81-13-003 | 180-08-590 | REP-P | 81-13-003 | 180-55-090 | NEW-P | 81-04-044 |
| 180-08-140  | REP   | 81-16-026 | 180-08-590 | REP   | 81-16-026 | 180-55-090 | NEW   | 81-08-027 |
| 180-08-230  | REP-P | 81-13-003 | 180-16-220 | AMD-P | 81-04-046 | 180-55-095 | NEW-P | 81-04-044 |
| 180-08-230  | REP   | 81-16-026 | 180-16-220 | AMD   | 81-08-026 | 180-55-095 | NEW   | 81-08-027 |
| 180-08-240  | REP-P | 81-13-003 | 180-20-106 | AMD-P | 81-16-022 | 180-55-100 | NEW-P | 81-04-044 |
| 180-08-240  | REP   | 81-16-026 | 180-20-106 | AMD   | 81-19-103 | 180-55-100 | NEW   | 81-08-027 |
| 180-08-250  | REP-P | 81-13-003 | 180-30-300 | REP-P | 81-20-090 | 180-55-105 | NEW-P | 81-04-044 |
| 180-08-250  | REP   | 81-16-026 | 180-30-305 | REP-P | 81-20-090 | 180-55-105 | NEW   | 81-08-027 |
| 180-08-260  | REP-P | 81-13-003 | 180-30-310 | REP-P | 81-20-090 | 180-55-110 | NEW-P | 81-04-044 |
| 180-08-260  | REP   | 81-16-026 | 180-30-315 | REP-P | 81-20-090 | 180-55-110 | NEW   | 81-08-027 |
| 180-08-270  | REP-P | 81-13-003 | 180-30-320 | REP-P | 81-20-090 | 180-55-115 | NEW-P | 81-04-044 |
| 180-08-270  | REP   | 81-16-026 | 180-30-325 | REP-P | 81-20-090 | 180-55-115 | NEW   | 81-08-027 |
| 180-08-280  | REP-P | 81-13-003 | 180-30-330 | REP-P | 81-20-090 | 180-55-120 | NEW-P | 81-04-044 |
| 180-08-280  | REP   | 81-16-026 | 180-30-335 | REP-P | 81-20-090 | 180-55-120 | NEW   | 81-08-027 |
| 180-08-290  | REP-P | 81-13-003 | 180-33-005 | NEW-P | 81-20-092 | 180-55-125 | NEW-P | 81-04-044 |
| 180-08-290  | REP   | 81-16-026 | 180-33-010 | NEW-P | 81-20-092 | 180-55-125 | NEW   | 81-08-027 |
| 180-08-300  | REP-P | 81-13-003 | 180-33-015 | NEW-P | 81-20-092 | 180-55-130 | NEW-P | 81-04-044 |
| 180-08-300  | REP   | 81-16-026 | 180-33-020 | NEW-P | 81-20-092 | 180-55-130 | NEW   | 81-08-027 |
| 180-08-310  | REP-P | 81-13-003 | 180-33-025 | NEW-P | 81-20-092 | 180-55-135 | NEW-P | 81-04-044 |
| 180-08-310  | REP   | 81-16-026 | 180-33-030 | NEW-P | 81-20-092 | 180-55-135 | NEW   | 81-08-027 |
| 180-08-320  | REP-P | 81-13-003 | 180-33-035 | NEW-P | 81-20-092 | 180-56-305 | REP-P | 81-04-045 |
| 180-08-320  | REP   | 81-16-026 | 180-33-040 | NEW-P | 81-20-092 | 180-56-305 | REP   | 81-08-028 |
| 180-08-330  | REP-P | 81-13-003 | 180-33-045 | NEW-P | 81-20-092 | 180-56-306 | REP-P | 81-04-045 |
| 180-08-330  | REP   | 81-16-026 | 180-33-050 | NEW-P | 81-20-092 | 180-56-306 | REP   | 81-08-028 |
| 180-08-340  | REP-P | 81-13-003 | 180-33-055 | NEW-P | 81-20-092 | 180-56-307 | REP-P | 81-04-045 |
| 180-08-340  | REP   | 81-16-026 | 180-33-060 | NEW-P | 81-20-092 | 180-56-307 | REP   | 81-08-028 |
| 180-08-350  | REP-P | 81-13-003 | 180-44-030 | REP-P | 81-08-049 | 180-56-310 | REP-P | 81-04-045 |
| 180-08-350  | REP   | 81-16-026 | 180-44-030 | REP   | 81-12-022 | 180-56-310 | REP   | 81-08-028 |
| 180-08-360  | REP-P | 81-13-003 | 180-46-015 | AMD-P | 81-08-050 | 180-56-315 | REP-P | 81-04-045 |
| 180-08-360  | REP   | 81-16-026 | 180-46-015 | AMD   | 81-12-023 | 180-56-315 | REP   | 81-08-028 |
| 180-08-370  | REP-P | 81-13-003 | 180-46-030 | AMD-P | 81-08-050 | 180-56-320 | REP-P | 81-04-045 |
| 180-08-370  | REP   | 81-16-026 | 180-46-030 | AMD   | 81-12-023 | 180-56-320 | REP   | 81-08-028 |
| 180-08-380  | REP-P | 81-13-003 | 180-46-045 | AMD-P | 81-08-050 | 180-56-325 | REP-P | 81-04-045 |
| 180-08-380  | REP   | 81-16-026 | 180-46-045 | AMD   | 81-12-023 | 180-56-325 | REP   | 81-08-028 |
| 180-08-390  | REP-P | 81-13-003 | 180-46-060 | REP-P | 81-08-050 | 180-56-330 | REP-P | 81-04-045 |
| 180-08-390  | REP   | 81-16-026 | 180-46-060 | REP   | 81-12-023 | 180-56-330 | REP   | 81-08-028 |
| 180-08-400  | REP-P | 81-13-003 | 180-46-065 | NEW-P | 81-08-050 | 180-56-335 | REP-P | 81-04-045 |
| 180-08-400  | REP   | 81-16-026 | 180-46-065 | NEW   | 81-12-023 | 180-56-335 | REP   | 81-08-028 |
| 180-08-410  | REP-P | 81-13-003 | 180-48-010 | REP-P | 81-16-023 | 180-56-340 | REP-P | 81-04-045 |
| 180-08-410  | REP   | 81-16-026 | 180-48-010 | REP   | 81-19-104 | 180-56-340 | REP   | 81-08-028 |
| 180-08-420  | REP-P | 81-13-003 | 180-55-005 | NEW-P | 81-04-044 | 180-56-345 | REP-P | 81-04-045 |
| 180-08-420  | REP   | 81-16-026 | 180-55-005 | NEW   | 81-08-027 | 180-56-345 | REP   | 81-08-028 |
| 180-08-430  | REP-P | 81-13-003 | 180-55-010 | NEW-P | 81-04-044 | 180-56-350 | REP-P | 81-04-045 |
| 180-08-430  | REP   | 81-16-026 | 180-55-010 | NEW   | 81-08-027 | 180-56-350 | REP   | 81-08-028 |

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| WAC #      | WSR # | WAC #     | WSR #      | WAC # | WSR #     |            |       |           |
|------------|-------|-----------|------------|-------|-----------|------------|-------|-----------|
| 180-56-355 | REP-P | 81-04-045 | 196-12-060 | AMD-P | 81-20-093 | 204-12-010 | REP-P | 81-13-001 |
| 180-56-355 | REP   | 81-08-028 | 196-12-070 | REP-P | 81-20-093 | 204-12-010 | REP   | 81-18-008 |
| 180-56-360 | REP-P | 81-04-045 | 196-12-075 | REP-P | 81-20-093 | 204-12-020 | REP-P | 81-13-001 |
| 180-56-360 | REP   | 81-08-028 | 196-12-080 | REP-P | 81-20-093 | 204-12-020 | REP   | 81-18-008 |
| 180-56-365 | REP-P | 81-04-045 | 196-12-085 | AMD-P | 81-20-093 | 204-12-030 | REP-P | 81-13-001 |
| 180-56-365 | REP   | 81-08-028 | 196-16-005 | AMD-P | 81-20-093 | 204-12-030 | REP   | 81-18-008 |
| 180-56-370 | REP-P | 81-04-045 | 196-16-007 | AMD-P | 81-20-093 | 204-12-040 | REP-P | 81-13-001 |
| 180-56-370 | REP   | 81-08-028 | 196-16-010 | AMD-P | 81-20-093 | 204-12-040 | REP   | 81-18-008 |
| 180-56-375 | REP-P | 81-04-045 | 196-16-020 | AMD-P | 81-20-093 | 204-12-050 | REP-P | 81-13-001 |
| 180-56-375 | REP   | 81-08-028 | 196-16-031 | AMD-P | 81-20-093 | 204-12-050 | REP   | 81-18-008 |
| 180-56-380 | REP-P | 81-04-045 | 196-16-050 | REP-P | 81-20-093 | 204-12-060 | REP-P | 81-13-001 |
| 180-56-380 | REP   | 81-08-028 | 196-16-055 | REP-P | 81-20-093 | 204-12-060 | REP   | 81-18-008 |
| 180-63     | REP-P | 81-16-024 | 196-20-010 | AMD-P | 81-20-093 | 204-16     | AMD-P | 81-17-001 |
| 180-63     | REP   | 81-19-105 | 196-20-030 | AMD-P | 81-20-093 | 204-16-001 | REP-P | 81-13-001 |
| 180-68-010 | REP-P | 81-16-025 | 196-20-040 | REP-P | 81-20-040 | 204-16-001 | REP   | 81-18-008 |
| 180-68-010 | REP   | 81-19-106 | 196-24-030 | AMD-P | 81-20-093 | 204-16-010 | REP-P | 81-13-001 |
| 180-68-045 | REP-P | 81-16-025 | 196-24-040 | AMD-P | 81-20-093 | 204-16-010 | REP   | 81-18-008 |
| 180-68-045 | REP   | 81-19-106 | 196-24-050 | AMD-P | 81-20-093 | 204-16-020 | REP-P | 81-13-001 |
| 180-68-050 | REP-P | 81-16-025 | 196-24-060 | AMD-P | 81-20-093 | 204-16-020 | REP   | 81-18-008 |
| 180-68-050 | REP   | 81-19-106 | 196-24-070 | AMD-P | 81-20-093 | 204-16-030 | REP-P | 81-13-001 |
| 180-68-100 | REP-P | 81-16-025 | 196-24-080 | NEW-P | 81-20-093 | 204-16-030 | REP   | 81-18-008 |
| 180-68-100 | REP   | 81-19-106 | 196-24-085 | NEW-P | 81-20-093 | 204-16-040 | REP-P | 81-13-001 |
| 180-75-070 | AMD-P | 81-08-051 | 196-24-090 | NEW-P | 81-20-093 | 204-16-040 | REP   | 81-18-008 |
| 180-78-025 | AMD-P | 81-08-052 | 196-24-095 | NEW-P | 81-20-093 | 204-16-050 | REP-P | 81-13-001 |
| 180-78-025 | AMD   | 81-12-024 | 196-28-010 | REP-P | 81-20-093 | 204-16-050 | REP   | 81-18-008 |
| 180-78-027 | NEW-P | 81-08-052 | 198-12-020 | AMD-P | 81-15-023 | 204-16-060 | REP-P | 81-13-001 |
| 180-78-027 | NEW   | 81-12-024 | 198-12-020 | AMD   | 81-19-024 | 204-16-060 | REP   | 81-18-008 |
| 180-78-050 | AMD-P | 81-08-052 | 198-12-030 | AMD-P | 81-15-023 | 204-20     | AMD-P | 81-17-001 |
| 180-78-050 | AMD   | 81-12-024 | 198-12-030 | AMD   | 81-19-024 | 204-20-010 | REP-P | 81-13-001 |
| 180-78-057 | NEW-P | 81-08-052 | 198-12-050 | AMD-P | 81-15-023 | 204-20-010 | REP   | 81-18-008 |
| 180-78-057 | NEW   | 81-12-024 | 198-12-050 | AMD   | 81-19-024 | 204-20-020 | REP-P | 81-13-001 |
| 180-79-065 | AMD-P | 81-08-053 | 198-12-060 | AMD-P | 81-15-023 | 204-20-020 | REP   | 81-18-008 |
| 180-79-065 | AMD   | 81-12-025 | 198-12-060 | AMD-W | 81-18-033 | 204-20-030 | REP-P | 81-13-001 |
| 180-79-120 | AMD-P | 81-08-053 | 198-12-130 | AMD-P | 81-15-023 | 204-20-030 | REP   | 81-18-008 |
| 180-79-120 | AMD   | 81-12-025 | 198-12-130 | AMD   | 81-19-024 | 204-20-040 | REP-P | 81-13-001 |
| 180-79-125 | AMD-P | 81-08-053 | 198-12-140 | AMD-P | 81-15-023 | 204-20-040 | REP   | 81-18-008 |
| 180-79-125 | AMD   | 81-12-025 | 198-12-140 | AMD   | 81-19-024 | 204-20-050 | REP-P | 81-13-001 |
| 180-79-150 | AMD-P | 81-08-053 | 204-08     | AMD-P | 81-17-001 | 204-20-050 | REP   | 81-18-008 |
| 180-79-150 | AMD   | 81-12-025 | 204-08-100 | AMD-P | 81-13-001 | 204-20-060 | REP-P | 81-13-001 |
| 180-79-230 | AMD-P | 81-08-053 | 204-08-100 | AMD   | 81-18-008 | 204-20-060 | REP   | 81-18-008 |
| 180-79-230 | AMD   | 81-12-025 | 204-10     | AMD-P | 81-17-001 | 204-20-070 | REP-P | 81-13-001 |
| 180-79-245 | AMD-P | 81-08-053 | 204-10-010 | NEW-P | 81-13-001 | 204-20-070 | REP   | 81-18-008 |
| 180-79-245 | AMD   | 81-12-025 | 204-10-010 | NEW   | 81-18-008 | 204-20-080 | REP-P | 81-13-001 |
| 182-08-111 | AMD   | 81-03-014 | 204-10-020 | NEW-P | 81-13-001 | 204-20-080 | REP   | 81-18-008 |
| 182-08-300 | NEW   | 81-03-014 | 204-10-020 | NEW   | 81-18-008 | 204-20-090 | REP-P | 81-13-001 |
| 192-12-025 | NEW-E | 81-19-100 | 204-10-030 | NEW-P | 81-13-001 | 204-20-090 | REP   | 81-18-008 |
| 192-12-025 | NEW-P | 81-20-084 | 204-10-030 | NEW   | 81-18-008 | 204-20-100 | REP-P | 81-13-001 |
| 192-12-070 | AMD-P | 81-20-084 | 204-10-040 | NEW-P | 81-13-001 | 204-20-100 | REP   | 81-18-008 |
| 192-16-030 | NEW-E | 81-09-067 | 204-10-040 | NEW   | 81-18-008 | 204-20-110 | REP-P | 81-13-001 |
| 192-16-030 | NEW-P | 81-10-065 | 204-10-050 | NEW-P | 81-13-001 | 204-20-110 | REP   | 81-18-008 |
| 192-16-030 | NEW   | 81-13-016 | 204-10-050 | NEW   | 81-18-008 | 204-20-120 | REP-P | 81-13-001 |
| 192-16-033 | NEW-E | 81-09-067 | 204-10-060 | NEW-P | 81-13-001 | 204-20-120 | REP   | 81-18-008 |
| 192-16-033 | NEW-P | 81-10-065 | 204-10-060 | NEW   | 81-18-008 | 204-20-130 | REP-P | 81-13-001 |
| 192-16-033 | NEW   | 81-13-016 | 204-10-070 | NEW-P | 81-13-001 | 204-20-130 | REP   | 81-18-008 |
| 192-16-036 | NEW-E | 81-09-067 | 204-10-070 | NEW   | 81-18-008 | 204-20-140 | REP-P | 81-13-001 |
| 192-16-036 | NEW-P | 81-10-065 | 204-10-080 | NEW-P | 81-13-001 | 204-20-140 | REP   | 81-18-008 |
| 192-16-036 | NEW   | 81-13-016 | 204-10-080 | NEW   | 81-18-008 | 204-20-150 | REP-P | 81-13-001 |
| 192-16-040 | NEW-E | 81-09-067 | 204-10-090 | NEW-P | 81-13-001 | 204-20-150 | REP   | 81-18-008 |
| 192-16-040 | NEW-P | 81-10-065 | 204-10-090 | NEW   | 81-18-008 | 204-22     | NEW-P | 81-17-001 |
| 192-16-040 | NEW   | 81-13-016 | 204-10-100 | NEW-P | 81-13-001 | 204-22     | NEW-P | 81-18-006 |
| 192-16-042 | NEW-E | 81-09-067 | 204-10-100 | NEW   | 81-18-008 | 204-22-010 | NEW-P | 81-13-001 |
| 192-16-042 | NEW-P | 81-10-065 | 204-10-110 | NEW-P | 81-13-001 | 204-22-020 | NEW-P | 81-13-001 |
| 192-16-042 | NEW   | 81-13-016 | 204-10-110 | NEW   | 81-18-008 | 204-22-030 | NEW-P | 81-13-001 |
| 192-16-045 | NEW-E | 81-09-067 | 204-10-120 | NEW-P | 81-13-001 | 204-22-040 | NEW-P | 81-13-001 |
| 192-16-045 | NEW-P | 81-10-065 | 204-10-120 | NEW   | 81-18-008 | 204-22-050 | NEW-P | 81-13-001 |
| 192-16-045 | NEW   | 81-13-016 | 204-10-130 | NEW-P | 81-13-001 | 204-24     | AMD-P | 81-10-001 |
| 192-16-047 | NEW-E | 81-09-067 | 204-10-130 | NEW   | 81-18-008 | 204-24     | REP-P | 81-17-001 |
| 192-16-047 | NEW-P | 81-10-065 | 204-10-140 | NEW-P | 81-13-001 | 204-24     | REP-P | 81-18-006 |
| 192-16-047 | NEW   | 81-13-016 | 204-10-140 | NEW   | 81-18-008 | 204-24-020 | REP-P | 81-13-001 |
| 196-12-010 | AMD-P | 81-20-093 | 204-10-150 | NEW-P | 81-13-001 | 204-24-050 | AMD-E | 81-06-036 |
| 196-12-020 | AMD-P | 81-20-093 | 204-10-150 | NEW   | 81-18-008 | 204-24-050 | AMD   | 81-10-038 |
| 196-12-030 | AMD-P | 81-20-093 | 204-12     | AMD-P | 81-17-001 | 204-24-070 | REP-P | 81-13-001 |
| 196-12-031 | REP-P | 81-20-093 | 204-12-001 | REP-P | 81-13-001 | 204-36-060 | AMD   | 81-04-043 |
| 196-12-050 | AMD-P | 81-20-093 | 204-12-001 | REP   | 81-18-008 | 204-38     | AMD-P | 81-10-001 |

Table of WAC Sections Affected

| WAC #      | WSR #           | WAC #      | WSR #           | WAC #      | WSR #           |
|------------|-----------------|------------|-----------------|------------|-----------------|
| 204-38-030 | AMD-E 81-04-039 | 204-84-100 | NEW 81-18-008   | 212-54-015 | NEW-P 81-03-051 |
| 204-38-030 | AMD-P 81-04-041 | 212-10-010 | NEW 81-04-058   | 212-54-020 | NEW-P 81-03-051 |
| 204-38-030 | AMD 81-10-038   | 212-10-015 | NEW 81-04-058   | 212-54-025 | NEW-P 81-03-051 |
| 204-38-040 | AMD-E 81-04-039 | 212-10-020 | NEW 81-04-058   | 212-54-030 | NEW-P 81-03-051 |
| 204-38-040 | AMD-P 81-04-041 | 212-10-025 | NEW 81-04-058   | 212-54-035 | NEW-P 81-03-051 |
| 204-38-040 | AMD 81-10-038   | 212-10-030 | NEW 81-04-058   | 212-54-040 | NEW-P 81-03-051 |
| 204-38-050 | AMD-E 81-04-039 | 212-10-035 | NEW 81-04-058   | 212-54-045 | NEW-P 81-03-051 |
| 204-38-050 | AMD-P 81-04-041 | 212-10-040 | NEW 81-04-058   | 212-54-050 | NEW-P 81-03-051 |
| 204-38-050 | AMD 81-10-038   | 212-10-045 | NEW 81-04-058   | 212-54-055 | NEW-P 81-03-051 |
| 204-39     | AMD-P 81-17-019 | 212-10-050 | NEW 81-04-058   | 212-54-060 | NEW-P 81-03-051 |
| 204-39-010 | NEW-P 81-12-044 | 212-10-055 | NEW 81-04-058   | 212-54-065 | NEW-P 81-03-051 |
| 204-39-010 | NEW 81-18-007   | 212-10-060 | NEW 81-04-058   | 212-54-070 | NEW-P 81-03-051 |
| 204-39-020 | NEW-P 81-12-044 | 212-36-001 | AMD-P 81-19-004 | 212-54-075 | NEW-P 81-03-051 |
| 204-39-020 | NEW 81-18-007   | 212-36-005 | AMD-P 81-19-004 | 212-54-080 | NEW-P 81-03-051 |
| 204-39-030 | NEW-P 81-12-044 | 212-36-010 | AMD-P 81-19-004 | 212-54-085 | NEW-P 81-03-051 |
| 204-39-030 | NEW 81-18-007   | 212-36-035 | REP-P 81-19-004 | 212-54-090 | NEW-P 81-03-051 |
| 204-39-040 | NEW-P 81-12-044 | 212-36-040 | AMD-P 81-19-004 | 212-54-095 | NEW-P 81-03-051 |
| 204-39-040 | NEW 81-18-007   | 212-36-045 | AMD-P 81-19-004 | 212-54-100 | NEW-P 81-03-051 |
| 204-39-050 | NEW-P 81-12-044 | 212-36-046 | NEW-P 81-19-004 | 212-55     | NEW-P 81-06-022 |
| 204-39-050 | NEW 81-18-007   | 212-36-047 | NEW-P 81-19-004 | 212-55     | NEW-P 81-08-017 |
| 204-62     | AMD-P 81-17-001 | 212-36-048 | NEW-P 81-19-004 | 212-55     | NEW-P 81-11-034 |
| 204-62-020 | AMD-P 81-13-001 | 212-36-049 | NEW-P 81-19-004 | 212-55-001 | NEW-P 81-03-051 |
| 204-62-020 | AMD 81-18-008   | 212-36-050 | AMD-P 81-19-004 | 212-55-005 | NEW-P 81-03-051 |
| 204-62-040 | NEW-P 81-13-001 | 212-36-055 | AMD-P 81-19-004 | 212-55-010 | NEW-P 81-03-051 |
| 204-62-040 | NEW 81-18-008   | 212-36-056 | NEW-P 81-19-004 | 212-55-015 | NEW-P 81-03-051 |
| 204-62-050 | NEW-P 81-13-001 | 212-36-057 | NEW-P 81-19-004 | 212-55-020 | NEW-P 81-03-051 |
| 204-62-050 | NEW 81-18-008   | 212-36-058 | NEW-P 81-19-004 | 212-55-025 | NEW-P 81-03-051 |
| 204-62-060 | NEW-P 81-13-001 | 212-36-067 | NEW-P 81-19-004 | 212-55-030 | NEW-P 81-03-051 |
| 204-62-060 | NEW 81-18-008   | 212-36-070 | AMD-P 81-19-004 | 212-55-035 | NEW-P 81-03-051 |
| 204-66     | AMD-P 81-10-001 | 212-36-073 | NEW-P 81-19-004 | 212-55-040 | NEW-P 81-03-051 |
| 204-66-180 | AMD-P 81-04-040 | 212-36-075 | AMD-P 81-19-004 | 212-55-045 | NEW-P 81-03-051 |
| 204-66-180 | AMD 81-10-038   | 212-36-077 | NEW-P 81-19-004 | 212-55-050 | NEW-P 81-03-051 |
| 204-78     | AMD-P 81-17-001 | 212-36-080 | AMD-P 81-19-004 | 212-55-055 | NEW-P 81-03-051 |
| 204-78-010 | NEW-P 81-13-001 | 212-36-081 | NEW-P 81-19-004 | 212-55-060 | NEW-P 81-03-051 |
| 204-78-010 | NEW 81-18-008   | 212-36-082 | NEW-P 81-19-004 | 212-55-065 | NEW-P 81-03-051 |
| 204-78-020 | NEW-P 81-13-001 | 212-36-083 | NEW-P 81-19-004 | 212-55-070 | NEW-P 81-03-051 |
| 204-78-020 | NEW 81-18-008   | 212-36-090 | AMD-P 81-19-004 | 212-55-075 | NEW-P 81-03-051 |
| 204-78-030 | NEW-P 81-13-001 | 212-36-091 | NEW-P 81-19-004 | 212-55-080 | NEW-P 81-03-051 |
| 204-78-030 | NEW 81-18-008   | 212-36-096 | NEW-P 81-19-004 | 212-55-085 | NEW-P 81-03-051 |
| 204-78-040 | NEW-P 81-13-001 | 212-36-098 | NEW-P 81-19-004 | 212-55-090 | NEW-P 81-03-051 |
| 204-78-040 | NEW 81-18-008   | 212-36-100 | AMD-P 81-19-004 | 212-55-095 | NEW-P 81-03-051 |
| 204-78-050 | NEW-P 81-13-001 | 212-52-001 | AMD 81-03-081   | 212-56     | REP-P 81-06-022 |
| 204-78-050 | NEW 81-18-008   | 212-52-005 | AMD 81-03-081   | 212-56     | REP-P 81-08-017 |
| 204-80     | AMD-P 81-17-001 | 212-52-010 | REP 81-03-081   | 212-56     | REP-P 81-11-033 |
| 204-80-010 | NEW-P 81-13-001 | 212-52-012 | NEW 81-03-081   | 212-56-001 | REP-P 81-03-051 |
| 204-80-010 | NEW 81-18-008   | 212-52-015 | REP 81-03-081   | 212-56-001 | REP 81-14-010   |
| 204-80-020 | NEW-P 81-13-001 | 212-52-020 | AMD 81-03-081   | 212-56-005 | REP-P 81-03-051 |
| 204-80-020 | NEW 81-18-008   | 212-52-025 | AMD 81-03-081   | 212-56-005 | REP 81-14-010   |
| 204-80-030 | NEW-P 81-13-001 | 212-52-027 | NEW 81-03-081   | 212-56-010 | REP-P 81-03-051 |
| 204-80-030 | NEW 81-18-008   | 212-52-035 | REP 81-03-081   | 212-56-010 | REP 81-14-010   |
| 204-80-040 | NEW-P 81-13-001 | 212-52-037 | NEW 81-03-081   | 212-56-015 | REP-P 81-03-051 |
| 204-80-040 | NEW 81-18-008   | 212-52-040 | AMD 81-03-081   | 212-56-015 | REP 81-14-010   |
| 204-80-050 | NEW-P 81-13-001 | 212-52-045 | AMD 81-03-081   | 212-56-020 | REP-P 81-03-051 |
| 204-80-050 | NEW 81-18-008   | 212-52-050 | AMD 81-03-081   | 212-56-020 | REP 81-14-010   |
| 204-84     | AMD-P 81-17-001 | 212-52-055 | AMD 81-03-081   | 212-56-025 | REP-P 81-03-051 |
| 204-84-010 | NEW-P 81-13-001 | 212-52-060 | AMD 81-03-081   | 212-56-025 | REP 81-14-010   |
| 204-84-010 | NEW 81-18-008   | 212-52-065 | AMD 81-03-081   | 212-56-030 | REP-P 81-03-051 |
| 204-84-020 | NEW-P 81-13-001 | 212-52-070 | AMD 81-03-081   | 212-56-030 | REP 81-14-010   |
| 204-84-020 | NEW 81-18-008   | 212-52-075 | AMD 81-03-081   | 212-56-035 | REP-P 81-03-051 |
| 204-84-030 | NEW-P 81-13-001 | 212-52-080 | AMD 81-03-081   | 212-56-035 | REP 81-14-010   |
| 204-84-030 | NEW 81-18-008   | 212-52-090 | AMD 81-03-081   | 212-56-040 | REP-P 81-03-051 |
| 204-84-040 | NEW-P 81-13-001 | 212-52-095 | AMD 81-03-081   | 212-56-040 | REP 81-14-010   |
| 204-84-040 | NEW 81-18-008   | 212-52-100 | AMD 81-03-081   | 212-56-045 | REP-P 81-03-051 |
| 204-84-050 | NEW-P 81-13-001 | 212-52-105 | AMD 81-03-081   | 212-56-045 | REP 81-14-010   |
| 204-84-050 | NEW 81-18-008   | 212-52-110 | AMD 81-03-081   | 212-56-050 | REP-P 81-03-051 |
| 204-84-060 | NEW-P 81-13-001 | 212-52-115 | AMD 81-03-081   | 212-56-050 | REP 81-14-010   |
| 204-84-060 | NEW 81-18-008   | 212-52-120 | AMD 81-03-081   | 212-56-055 | REP-P 81-03-051 |
| 204-84-070 | NEW-P 81-13-001 | 212-52-125 | AMD 81-03-081   | 212-56-055 | REP 81-14-010   |
| 204-84-070 | NEW 81-18-008   | 212-54     | NEW-P 81-06-022 | 212-56-060 | REP-P 81-03-051 |
| 204-84-080 | NEW-P 81-13-001 | 212-54     | NEW-P 81-08-017 | 212-56-060 | REP 81-14-010   |
| 204-84-080 | NEW 81-18-008   | 212-54     | NEW-P 81-11-034 | 212-56-065 | REP-P 81-03-051 |
| 204-84-090 | NEW-P 81-13-001 | 212-54-001 | NEW-P 81-03-051 | 212-56-065 | REP 81-14-010   |
| 204-84-090 | NEW 81-18-008   | 212-54-005 | NEW-P 81-03-051 | 212-57     | REP-P 81-06-022 |
| 204-84-100 | NEW-P 81-13-001 | 212-54-010 | NEW-P 81-03-051 | 212-57     | REP-P 81-08-017 |

Table of WAC Sections Affected

| WAC #      | WSR # | WAC #     | WSR #      | WAC # | WSR #     |
|------------|-------|-----------|------------|-------|-----------|
| 212-57     | REP-P | 81-11-033 | 212-59-035 | REP-P | 81-03-051 |
| 212-57-001 | REP-P | 81-03-051 | 212-59-040 | REP-P | 81-03-051 |
| 212-57-001 | REP   | 81-14-010 | 212-59-045 | REP-P | 81-03-051 |
| 212-57-005 | REP-P | 81-03-051 | 212-59-050 | REP-P | 81-03-051 |
| 212-57-005 | REP   | 81-14-010 | 212-59-055 | REP-P | 81-03-051 |
| 212-57-010 | REP-P | 81-03-051 | 212-59-060 | REP-P | 81-03-051 |
| 212-57-010 | REP   | 81-14-010 | 212-59-065 | REP-P | 81-03-051 |
| 212-57-015 | REP-P | 81-03-051 | 212-60     | REP-P | 81-06-022 |
| 212-57-015 | REP   | 81-14-010 | 212-60     | REP-P | 81-08-017 |
| 212-57-020 | REP-P | 81-03-051 | 212-60     | REP-P | 81-11-034 |
| 212-57-020 | REP   | 81-14-010 | 212-60-001 | REP-P | 81-03-051 |
| 212-57-025 | REP-P | 81-03-051 | 212-60-005 | REP-P | 81-03-051 |
| 212-57-025 | REP   | 81-14-010 | 212-60-010 | REP-P | 81-03-051 |
| 212-57-030 | REP-P | 81-03-051 | 212-60-015 | REP-P | 81-03-051 |
| 212-57-030 | REP   | 81-14-010 | 212-60-020 | REP-P | 81-03-051 |
| 212-57-035 | REP-P | 81-03-051 | 212-60-025 | REP-P | 81-03-051 |
| 212-57-035 | REP   | 81-14-010 | 212-60-030 | REP-P | 81-03-051 |
| 212-57-040 | REP-P | 81-03-051 | 212-60-035 | REP-P | 81-03-051 |
| 212-57-040 | REP   | 81-14-010 | 212-60-040 | REP-P | 81-03-051 |
| 212-57-045 | REP-P | 81-03-051 | 212-60-045 | REP-P | 81-03-051 |
| 212-57-045 | REP   | 81-14-010 | 212-60-050 | REP-P | 81-03-051 |
| 212-57-050 | REP-P | 81-03-051 | 212-60-055 | REP-P | 81-03-051 |
| 212-57-050 | REP   | 81-14-010 | 212-60-060 | REP-P | 81-03-051 |
| 212-57-055 | REP-P | 81-03-051 | 212-60-065 | REP-P | 81-03-051 |
| 212-57-055 | REP   | 81-14-010 | 212-60-070 | REP-P | 81-03-051 |
| 212-57-060 | REP-P | 81-03-051 | 212-61     | REP-P | 81-06-022 |
| 212-57-060 | REP   | 81-14-010 | 212-61     | REP-P | 81-08-017 |
| 212-57-065 | REP-P | 81-03-051 | 212-61     | REP-P | 81-11-034 |
| 212-57-065 | REP   | 81-14-010 | 212-61-001 | REP-P | 81-03-051 |
| 212-57-070 | REP-P | 81-03-051 | 212-61-005 | REP-P | 81-03-051 |
| 212-57-070 | REP   | 81-14-010 | 212-61-010 | REP-P | 81-03-051 |
| 212-58     | REP-P | 81-06-022 | 212-61-015 | REP-P | 81-03-051 |
| 212-58     | REP-P | 81-08-017 | 212-61-020 | REP-P | 81-03-051 |
| 212-58     | REP-P | 81-11-033 | 212-61-025 | REP-P | 81-03-051 |
| 212-58-001 | REP-P | 81-03-051 | 212-61-030 | REP-P | 81-03-051 |
| 212-58-001 | REP   | 81-14-010 | 212-61-035 | REP-P | 81-03-051 |
| 212-58-005 | REP-P | 81-03-051 | 212-61-040 | REP-P | 81-03-051 |
| 212-58-005 | REP   | 81-14-010 | 212-61-045 | REP-P | 81-03-051 |
| 212-58-010 | REP-P | 81-03-051 | 212-61-050 | REP-P | 81-03-051 |
| 212-58-010 | REP   | 81-14-010 | 212-61-055 | REP-P | 81-03-051 |
| 212-58-015 | REP-P | 81-03-051 | 212-61-060 | REP-P | 81-03-051 |
| 212-58-015 | REP   | 81-14-010 | 212-61-065 | REP-P | 81-03-051 |
| 212-58-020 | REP-P | 81-03-051 | 212-62     | REP-P | 81-06-022 |
| 212-58-020 | REP   | 81-14-010 | 212-62     | REP-P | 81-08-017 |
| 212-58-025 | REP-P | 81-03-051 | 212-62     | REP-P | 81-11-034 |
| 212-58-025 | REP   | 81-14-010 | 212-62-001 | REP-P | 81-03-051 |
| 212-58-030 | REP-P | 81-03-051 | 212-62-005 | REP-P | 81-03-051 |
| 212-58-030 | REP   | 81-14-010 | 212-62-010 | REP-P | 81-03-051 |
| 212-58-035 | REP-P | 81-03-051 | 212-62-015 | REP-P | 81-03-051 |
| 212-58-035 | REP   | 81-14-010 | 212-62-020 | REP-P | 81-03-051 |
| 212-58-040 | REP-P | 81-03-051 | 212-62-025 | REP-P | 81-03-051 |
| 212-58-040 | REP   | 81-14-010 | 212-62-030 | REP-P | 81-03-051 |
| 212-58-045 | REP-P | 81-03-051 | 212-62-035 | REP-P | 81-03-051 |
| 212-58-045 | REP   | 81-14-010 | 212-62-040 | REP-P | 81-03-051 |
| 212-58-050 | REP-P | 81-03-051 | 212-62-045 | REP-P | 81-03-051 |
| 212-58-050 | REP   | 81-14-010 | 212-62-050 | REP-P | 81-03-051 |
| 212-58-055 | REP-P | 81-03-051 | 212-62-055 | REP-P | 81-03-051 |
| 212-58-055 | REP   | 81-14-010 | 212-62-060 | REP-P | 81-03-051 |
| 212-58-060 | REP-P | 81-03-051 | 212-62-065 | REP-P | 81-03-051 |
| 212-58-060 | REP   | 81-14-010 | 212-62-070 | REP-P | 81-03-051 |
| 212-58-065 | REP-P | 81-03-051 | 212-63     | REP-P | 81-06-022 |
| 212-58-065 | REP   | 81-14-010 | 212-63     | REP-P | 81-08-017 |
| 212-58-070 | REP-P | 81-03-051 | 212-63     | REP-P | 81-11-033 |
| 212-58-070 | REP   | 81-14-010 | 212-63-001 | REP-P | 81-03-051 |
| 212-59     | REP-P | 81-06-022 | 212-63-001 | REP   | 81-14-010 |
| 212-59     | REP-P | 81-08-017 | 212-63-005 | REP-P | 81-03-051 |
| 212-59     | REP-P | 81-11-034 | 212-63-005 | REP   | 81-14-010 |
| 212-59-001 | REP-P | 81-03-051 | 212-63-010 | REP-P | 81-03-051 |
| 212-59-005 | REP-P | 81-03-051 | 212-63-010 | REP   | 81-14-010 |
| 212-59-010 | REP-P | 81-03-051 | 212-63-015 | REP-P | 81-03-051 |
| 212-59-015 | REP-P | 81-03-051 | 212-63-015 | REP   | 81-14-010 |
| 212-59-020 | REP-P | 81-03-051 | 212-63-020 | REP-P | 81-03-051 |
| 212-59-025 | REP-P | 81-03-051 | 212-63-020 | REP   | 81-14-010 |
| 212-59-030 | REP-P | 81-03-051 | 212-63-025 | REP-P | 81-03-051 |
| 212-63-025 | REP   | 81-14-010 | 212-63-030 | REP   | 81-14-010 |
| 212-63-030 | REP-P | 81-03-051 | 212-63-035 | REP   | 81-14-010 |
| 212-63-030 | REP   | 81-14-010 | 212-63-040 | REP-P | 81-03-051 |
| 212-63-035 | REP-P | 81-03-051 | 212-63-045 | REP   | 81-14-010 |
| 212-63-035 | REP   | 81-14-010 | 212-63-050 | REP-P | 81-03-051 |
| 212-63-040 | REP-P | 81-03-051 | 212-63-055 | REP   | 81-14-010 |
| 212-63-040 | REP   | 81-14-010 | 212-63-060 | REP-P | 81-03-051 |
| 212-63-045 | REP-P | 81-03-051 | 212-63-065 | REP   | 81-14-010 |
| 212-63-045 | REP   | 81-14-010 | 212-63-070 | REP-P | 81-03-051 |
| 212-63-050 | REP-P | 81-03-051 | 212-63-070 | REP   | 81-14-010 |
| 212-63-050 | REP   | 81-14-010 | 212-64     | AMD-P | 81-06-022 |
| 212-63-055 | REP-P | 81-03-051 | 212-64     | AMD-P | 81-08-017 |
| 212-63-055 | REP   | 81-14-010 | 212-64     | AMD-P | 81-11-033 |
| 212-63-060 | REP-P | 81-03-051 | 212-64-001 | AMD-P | 81-03-051 |
| 212-63-060 | REP   | 81-14-010 | 212-64-001 | AMD   | 81-14-010 |
| 212-63-065 | REP-P | 81-03-051 | 212-64-005 | AMD-P | 81-03-051 |
| 212-63-065 | REP   | 81-14-010 | 212-64-005 | AMD   | 81-14-010 |
| 212-63-070 | REP-P | 81-03-051 | 212-64-010 | REP-P | 81-03-051 |
| 212-63-070 | REP   | 81-14-010 | 212-64-010 | REP   | 81-14-010 |
| 212-64     | AMD-P | 81-06-022 | 212-64-015 | AMD-P | 81-03-051 |
| 212-64     | AMD-P | 81-08-017 | 212-64-015 | AMD   | 81-14-010 |
| 212-64     | AMD-P | 81-11-033 | 212-64-020 | AMD-P | 81-03-051 |
| 212-64-001 | AMD-P | 81-03-051 | 212-64-020 | AMD   | 81-14-010 |
| 212-64-001 | AMD   | 81-14-010 | 212-64-025 | AMD-P | 81-03-051 |
| 212-64-005 | AMD-P | 81-03-051 | 212-64-025 | AMD   | 81-14-010 |
| 212-64-005 | AMD   | 81-14-010 | 212-64-030 | AMD-P | 81-03-051 |
| 212-64-010 | REP-P | 81-03-051 | 212-64-030 | AMD   | 81-14-010 |
| 212-64-010 | REP   | 81-14-010 | 212-64-033 | NEW-P | 81-03-051 |
| 212-64-015 | AMD-P | 81-03-051 | 212-64-033 | NEW   | 81-14-010 |
| 212-64-015 | AMD   | 81-14-010 | 212-64-035 | AMD-P | 81-03-051 |
| 212-64-020 | AMD-P | 81-03-051 | 212-64-035 | AMD   | 81-14-010 |
| 212-64-020 | AMD   | 81-14-010 | 212-64-037 | NEW-P | 81-03-051 |
| 212-64-025 | AMD-P | 81-03-051 | 212-64-037 | NEW   | 81-14-010 |
| 212-64-025 | AMD   | 81-14-010 | 212-64-039 | NEW-P | 81-03-051 |
| 212-64-030 | AMD-P | 81-03-051 | 212-64-039 | NEW   | 81-14-010 |
| 212-64-030 | AMD   | 81-14-010 | 212-64-040 | AMD-P | 81-03-051 |
| 212-64-033 | NEW-P | 81-03-051 | 212-64-040 | AMD   | 81-14-010 |
| 212-64-033 | NEW   | 81-14-010 | 212-64-043 | NEW-P | 81-03-051 |
| 212-64-035 | AMD-P | 81-03-051 | 212-64-043 | NEW   | 81-14-010 |
| 212-64-035 | AMD   | 81-14-010 | 212-64-045 | AMD-P | 81-03-051 |
| 212-64-037 | NEW-P | 81-03-051 | 212-64-045 | AMD   | 81-14-010 |
| 212-64-037 | NEW   | 81-14-010 | 212-64-050 | AMD-P | 81-03-051 |
| 212-64-039 | NEW-P | 81-03-051 | 212-64-050 | AMD   | 81-14-010 |
| 212-64-039 | NEW   | 81-14-010 | 212-64-055 | AMD-P | 81-03-051 |
| 212-64-040 | AMD-P | 81-03-051 | 212-64-055 | AMD   | 81-14-010 |
| 212-64-040 | AMD   | 81-14-010 | 212-64-060 | AMD-P | 81-03-051 |
| 212-64-043 | NEW-P | 81-03-051 | 212-64-060 | AMD   | 81-14-010 |
| 212-64-043 | NEW   | 81-14-010 | 212-64-065 | AMD-P | 81-03-051 |
| 212-64-045 | AMD-P | 81-03-051 | 212-64-065 | AMD   | 81-14-010 |
| 212-64-045 | AMD   | 81-14-010 | 212-64-067 | NEW-P | 81-03-051 |
| 212-64-050 | AMD-P | 81-03-051 | 212-64-067 | NEW   | 81-14-010 |
| 212-64-050 | AMD   | 81-14-010 | 212-64-068 | NEW-P | 81-03-051 |
| 212-64-055 | AMD-P | 81-03-051 | 212-64-068 | NEW   | 81-14-010 |
| 212-64-055 | AMD   | 81-14-010 | 212-64-069 | NEW-P | 81-03-051 |
| 212-64-060 | AMD-P | 81-03-051 | 212-64-069 | NEW   | 81-14-010 |
| 212-64-060 | AMD   | 81-14-010 | 212-64-070 | AMD-P | 81-03-051 |
| 212-64-065 | AMD-P | 81-03-051 | 212-64-070 | AMD   | 81-14-010 |
| 212-64-065 | AMD   | 81-14-010 | 212-65     | NEW-P | 81-06-022 |
| 212-64-067 | NEW-P | 81-03-051 | 212-65     | NEW-P | 81-08-017 |
| 212-64-067 | NEW   | 81-14-010 | 212-65     | NEW-P | 81-11-033 |
| 212-64-068 | NEW-P | 81-03-051 | 212-65-001 | NEW-P | 81-03-051 |
| 212-64-068 | NEW   | 81-14-010 | 212-65-001 | NEW   | 81-14-010 |
| 212-64-069 | NEW-P | 81-03-051 | 212-65-005 | NEW-P | 81-03-051 |
| 212-64-069 | NEW   | 81-14-010 | 212-65-005 | NEW   | 81-14-010 |
| 212-64-070 | AMD-P | 81-03-051 | 212-65-010 | NEW-P | 81-03-051 |
| 212-64-070 | AMD   | 81-14-010 | 212-65-010 | NEW   | 81-14-010 |
| 212-65     | NEW-P | 81-06-022 |            |       |           |
| 212-65     | NEW-P | 81-08-017 |            |       |           |
| 212-65     | NEW-P | 81-11-033 |            |       |           |
| 212-65-001 | NEW-P | 81-03-051 |            |       |           |
| 212-65-001 | NEW   | 81-14-010 |            |       |           |
| 212-65-005 | NEW-P | 81-03-051 |            |       |           |
| 212-65-005 | NEW   | 81-14-010 |            |       |           |
| 212-65-010 | NEW-P | 81-03-051 |            |       |           |
| 212-65-010 | NEW   | 81-14-010 |            |       |           |

Table of WAC Sections Affected

| WAC #         | WSR # | WAC #     | WSR #         | WAC # | WSR #     |
|---------------|-------|-----------|---------------|-------|-----------|
| 212-65-010    | NEW   | 81-14-010 | 220-28-00500W | NEW-E | 81-09-035 |
| 212-65-015    | NEW-P | 81-03-051 | 220-28-00500W | REP-E | 81-13-011 |
| 212-65-015    | NEW   | 81-14-010 | 220-28-00500X | NEW-E | 81-13-011 |
| 212-65-020    | NEW-P | 81-03-051 | 220-28-00500X | REP-E | 81-14-004 |
| 212-65-020    | NEW   | 81-14-010 | 220-28-00500Y | NEW-E | 81-14-004 |
| 212-65-025    | NEW-P | 81-03-051 | 220-28-00500Y | REP-E | 81-14-030 |
| 212-65-025    | NEW   | 81-14-010 | 220-28-00500Z | NEW-E | 81-14-030 |
| 212-65-030    | NEW-P | 81-03-051 | 220-28-00500Z | REP-E | 81-15-102 |
| 212-65-030    | NEW   | 81-14-010 | 220-28-00600U | NEW-E | 81-09-035 |
| 212-65-035    | NEW-P | 81-03-051 | 220-28-00600U | REP-E | 81-13-011 |
| 212-65-035    | NEW   | 81-14-010 | 220-28-00600V | NEW-E | 81-13-011 |
| 212-65-040    | NEW-P | 81-03-051 | 220-28-00600V | REP-E | 81-14-004 |
| 212-65-040    | NEW   | 81-14-010 | 220-28-00600W | NEW-E | 81-14-004 |
| 212-65-045    | NEW-P | 81-03-051 | 220-28-00600W | REP-E | 81-15-014 |
| 212-65-045    | NEW   | 81-14-010 | 220-28-00600X | NEW-E | 81-15-014 |
| 212-65-050    | NEW-P | 81-03-051 | 220-28-00600X | REP-E | 81-15-102 |
| 212-65-050    | NEW   | 81-14-010 | 220-28-006A0S | NEW-E | 81-09-035 |
| 212-65-055    | NEW-P | 81-03-051 | 220-28-006A0S | REP-E | 81-13-011 |
| 212-65-055    | NEW   | 81-14-010 | 220-28-006A0T | NEW-E | 81-13-011 |
| 212-65-060    | NEW-P | 81-03-051 | 220-28-006A0T | REP-E | 81-14-004 |
| 212-65-060    | NEW   | 81-14-010 | 220-28-006A0U | NEW-E | 81-14-004 |
| 212-65-065    | NEW-P | 81-03-051 | 220-28-006A0U | REP-E | 81-15-014 |
| 212-65-065    | NEW   | 81-14-010 | 220-28-006A0V | NEW-E | 81-15-014 |
| 212-65-070    | NEW-P | 81-03-051 | 220-28-006A0V | REP-E | 81-15-102 |
| 212-65-070    | NEW   | 81-14-010 | 220-28-006B0U | NEW-E | 81-13-011 |
| 212-65-075    | NEW-P | 81-03-051 | 220-28-006B0U | REP-E | 81-15-102 |
| 212-65-075    | NEW   | 81-14-010 | 220-28-006C0N | NEW-E | 81-09-035 |
| 212-65-080    | NEW-P | 81-03-051 | 220-28-006C0N | REP-E | 81-13-011 |
| 212-65-080    | NEW   | 81-14-010 | 220-28-006C0P | NEW-E | 81-13-011 |
| 212-65-085    | NEW-P | 81-03-051 | 220-28-006C0P | REP-E | 81-14-004 |
| 212-65-085    | NEW   | 81-14-010 | 220-28-006C0Q | NEW-E | 81-14-004 |
| 212-65-090    | NEW-P | 81-03-051 | 220-28-006C0Q | REP-E | 81-14-030 |
| 212-65-090    | NEW   | 81-14-010 | 220-28-006C0R | NEW-E | 81-14-030 |
| 212-65-095    | NEW-P | 81-03-051 | 220-28-006C0R | REP-E | 81-15-102 |
| 212-65-095    | NEW   | 81-14-010 | 220-28-006D0H | NEW-E | 81-14-056 |
| 212-65-100    | NEW-P | 81-03-051 | 220-28-006D0H | REP-E | 81-15-036 |
| 212-65-100    | NEW   | 81-14-010 | 220-28-006D0I | NEW-E | 81-15-036 |
| 220-20-010    | AMD   | 81-02-053 | 220-28-006D0I | REP-E | 81-15-102 |
| 220-20-01000E | NEW-E | 81-13-018 | 220-28-006F0L | NEW-E | 81-14-056 |
| 220-20-012    | AMD   | 81-02-053 | 220-28-006F0L | REP-E | 81-15-036 |
| 220-22-020    | AMD-P | 81-09-082 | 220-28-006F0M | NEW-E | 81-15-036 |
| 220-22-020    | AMD   | 81-13-005 | 220-28-006F0M | REP-E | 81-15-102 |
| 220-22-030    | AMD-P | 81-12-038 | 220-28-00700N | NEW-E | 81-09-035 |
| 220-22-030    | AMD   | 81-18-017 | 220-28-00700N | REP-E | 81-12-007 |
| 220-22-03000C | NEW-E | 81-19-058 | 220-28-00700P | NEW-E | 81-12-007 |
| 220-24-01000E | NEW-E | 81-13-012 | 220-28-00700P | REP-E | 81-13-040 |
| 220-24-01000E | REP-E | 81-18-002 | 220-28-00700Q | NEW-E | 81-13-040 |
| 220-24-02000H | NEW-E | 81-13-012 | 220-28-00700Q | REP-E | 81-14-004 |
| 220-24-02000H | REP-E | 81-18-002 | 220-28-00700R | NEW-E | 81-14-004 |
| 220-24-02000I | NEW-E | 81-18-002 | 220-28-00700R | REP-E | 81-15-014 |
| 220-24-02000I | REP-E | 81-18-012 | 220-28-00700S | NEW-E | 81-15-014 |
| 220-24-02000J | NEW-E | 81-18-012 | 220-28-00700S | REP-E | 81-15-102 |
| 220-24-02000J | REP-E | 81-18-016 | 220-28-007A0M | NEW-E | 81-09-035 |
| 220-24-02000K | NEW-E | 81-18-016 | 220-28-007A0M | REP-E | 81-12-007 |
| 220-24-02000K | REP-E | 81-18-027 | 220-28-007A0N | NEW-E | 81-12-007 |
| 220-24-02000L | NEW-E | 81-18-027 | 220-28-007A0N | REP-E | 81-13-040 |
| 220-24-02000L | REP-E | 81-19-080 | 220-28-007A0P | NEW-E | 81-13-040 |
| 220-28-002F0A | NEW-E | 81-06-028 | 220-28-007A0P | REP-E | 81-14-004 |
| 220-28-002F0B | NEW-E | 81-11-063 | 220-28-007A0Q | NEW-E | 81-14-004 |
| 220-28-003F0D | NEW-E | 81-16-030 | 220-28-007A0Q | REP-E | 81-15-014 |
| 220-28-003F0D | REP-E | 81-18-074 | 220-28-007A0R | NEW-E | 81-15-014 |
| 220-28-00400L | NEW-E | 81-02-052 | 220-28-007A0R | REP-E | 81-15-102 |
| 220-28-00400M | NEW-E | 81-09-006 | 220-28-007B0S | NEW-E | 81-09-035 |
| 220-28-00400M | REP-E | 81-09-035 | 220-28-007B0S | REP-E | 81-12-007 |
| 220-28-00400N | NEW-E | 81-09-035 | 220-28-007B0T | NEW-E | 81-12-007 |
| 220-28-00400N | REP-E | 81-10-042 | 220-28-007B0T | REP-E | 81-13-040 |
| 220-28-00400P | NEW-E | 81-10-042 | 220-28-007B0U | NEW-E | 81-13-040 |
| 220-28-00400Q | NEW-E | 81-16-044 | 220-28-007B0U | REP-E | 81-14-030 |
| 220-28-004B0S | NEW-E | 81-09-035 | 220-28-007B0V | NEW-E | 81-14-030 |
| 220-28-004B0S | REP-E | 81-13-011 | 220-28-007B0V | REP-E | 81-15-102 |
| 220-28-004B0T | NEW-E | 81-13-011 | 220-28-007C0Y | NEW-E | 81-09-035 |
| 220-28-004B0T | REP-E | 81-14-004 | 220-28-007C0Y | REP-E | 81-14-056 |
| 220-28-004B0U | NEW-E | 81-14-004 | 220-28-007C0Z | NEW-E | 81-14-056 |
| 220-28-004B0U | REP-E | 81-15-102 | 220-28-00700Z | REP-E | 81-15-102 |
| 220-28-007D0A | NEW-E | 81-09-035 |               |       |           |
| 220-28-007F0M | NEW-E | 81-09-035 |               |       |           |
| 220-28-007G0J | NEW-E | 81-14-056 |               |       |           |
| 220-28-007G0J | REP-E | 81-15-102 |               |       |           |
| 220-28-00800D | NEW-E | 81-09-035 |               |       |           |
| 220-28-00800D | REP-E | 81-13-011 |               |       |           |
| 220-28-00800E | NEW-E | 81-13-011 |               |       |           |
| 220-28-00800E | REP-E | 81-15-102 |               |       |           |
| 220-28-008F0M | REP-E | 81-02-037 |               |       |           |
| 220-28-008F0N | NEW-E | 81-09-035 |               |       |           |
| 220-28-008F0N | REP-E | 81-13-011 |               |       |           |
| 220-28-008F0P | NEW-E | 81-13-011 |               |       |           |
| 220-28-008F0P | REP-E | 81-15-102 |               |       |           |
| 220-28-00900M | REP-E | 81-15-102 |               |       |           |
| 220-28-00900M | NEW-E | 81-13-011 |               |       |           |
| 220-28-01000U | NEW-E | 81-15-102 |               |       |           |
| 220-28-01000U | REP-E | 81-15-102 |               |       |           |
| 220-28-010A0S | NEW-E | 81-13-011 |               |       |           |
| 220-28-010A0S | REP-E | 81-15-102 |               |       |           |
| 220-28-010B0V | NEW-E | 81-13-011 |               |       |           |
| 220-28-010B0V | REP-E | 81-15-102 |               |       |           |
| 220-28-010C0R | NEW-E | 81-13-011 |               |       |           |
| 220-28-010C0R | REP-E | 81-15-102 |               |       |           |
| 220-28-010D0U | NEW-E | 81-13-011 |               |       |           |
| 220-28-010D0U | REP-E | 81-13-011 |               |       |           |
| 220-28-010G0C | NEW-E | 81-13-011 |               |       |           |
| 220-28-010G0C | REP-E | 81-15-102 |               |       |           |
| 220-28-011A0L | NEW-E | 81-09-035 |               |       |           |
| 220-28-011F0L | NEW-E | 81-09-035 |               |       |           |
| 220-28-011G0G | NEW-E | 81-09-035 |               |       |           |
| 220-28-011G0H | NEW-E | 81-15-040 |               |       |           |
| 220-28-011G0H | REP-E | 81-15-102 |               |       |           |
| 220-28-012C0Z | NEW-E | 81-14-056 |               |       |           |
| 220-28-012C0Z | REP-E | 81-15-102 |               |       |           |
| 220-28-012D0S | NEW-E | 81-14-056 |               |       |           |
| 220-28-012D0S | REP-E | 81-15-102 |               |       |           |
| 220-28-012F0G | NEW-E | 81-02-052 |               |       |           |
| 220-28-01300U | NEW-E | 81-03-035 |               |       |           |
| 220-28-013A0E | NEW-E | 81-09-035 |               |       |           |
| 220-28-013A0F | NEW-E | 81-15-040 |               |       |           |
| 220-28-013A0F | REP-E | 81-15-102 |               |       |           |
| 220-28-013F0A | NEW-E | 81-09-035 |               |       |           |
| 220-28-013F0B | NEW-E | 81-15-040 |               |       |           |
| 220-28-013F0B | REP-E | 81-15-102 |               |       |           |
| 220-28-013G0H | NEW-E | 81-03-035 |               |       |           |
| 220-28-100    | NEW-E | 81-15-102 |               |       |           |
| 220-28-100    | REP-E | 81-16-043 |               |       |           |
| 220-28-101    | NEW-E | 81-16-043 |               |       |           |
| 220-28-101    | REP-E | 81-16-048 |               |       |           |
| 220-28-102    | NEW-E | 81-16-048 |               |       |           |
| 220-28-102    | REP-E | 81-16-067 |               |       |           |
| 220-28-103    | NEW-E | 81-16-067 |               |       |           |
| 220-28-103    | REP-E | 81-17-006 |               |       |           |
| 220-28-104    | NEW-E | 81-17-006 |               |       |           |
| 220-28-104    | REP-E | 81-17-036 |               |       |           |
| 220-28-105    | NEW-E | 81-17-036 |               |       |           |
| 220-28-105    | REP-E | 81-17-048 |               |       |           |
| 220-28-106    | NEW-E | 81-17-048 |               |       |           |
| 220-28-106    | REP-E | 81-18-011 |               |       |           |
| 220-28-107    | NEW-E | 81-18-011 |               |       |           |
| 220-28-107    | REP-E | 81-18-032 |               |       |           |
| 220-28-108    | NEW-E | 81-18-032 |               |       |           |
| 220-28-108    | REP-E | 81-18-076 |               |       |           |
| 220-28-109    | NEW-E | 81-18-076 |               |       |           |
| 220-28-109    | REP-E | 81-19-017 |               |       |           |
| 220-28-110    | NEW-E | 81-19-017 |               |       |           |
| 220-28-110    | REP-E | 81-19-023 |               |       |           |
| 220-28-111    | NEW-E | 81-19-023 |               |       |           |
| 220-28-111    | REP-E | 81-19-031 |               |       |           |
| 220-28-112    | NEW-E | 81-19-031 |               |       |           |
| 220-28-112    | REP-E | 81-19-037 |               |       |           |
| 220-28-113    | NEW-E | 81-19-037 |               |       |           |
| 220-28-113    | REP-E | 81-19-058 |               |       |           |
| 220-28-114    | NEW-E | 81-19-058 |               |       |           |

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| WAC #         | WSR # | WAC #     | WSR #         | WAC # | WSR #     |               |       |           |
|---------------|-------|-----------|---------------|-------|-----------|---------------|-------|-----------|
| 220-28-114    | REP-E | 81-19-065 | 220-40-021    | AMD-P | 81-09-082 | 220-47-618    | REP-E | 81-20-048 |
| 220-28-115    | NEW-E | 81-19-065 | 220-40-021    | AMD   | 81-13-005 | 220-47-619    | NEW-E | 81-20-048 |
| 220-28-115    | REP-E | 81-19-074 | 220-40-02100K | NEW-E | 81-15-005 | 220-47-907    | NEW-E | 81-15-004 |
| 220-28-116    | NEW-E | 81-19-074 | 220-40-02100L | NEW-E | 81-19-014 | 220-47-908    | NEW-E | 81-15-035 |
| 220-28-116    | REP-E | 81-19-081 | 220-40-02100L | REP-E | 81-20-032 | 220-47-908    | REP-E | 81-16-050 |
| 220-28-117    | NEW-E | 81-19-081 | 220-40-02100M | NEW-E | 81-20-032 | 220-47-909    | NEW-E | 81-16-050 |
| 220-28-117    | REP-E | 81-19-099 | 220-40-022    | AMD-P | 81-09-082 | 220-47-909    | REP-E | 81-16-058 |
| 220-28-118    | NEW-E | 81-19-099 | 220-40-022    | AMD   | 81-13-005 | 220-47-910    | NEW-E | 81-16-058 |
| 220-28-118    | REP-E | 81-19-112 | 220-40-024    | AMD-P | 81-09-082 | 220-47-910    | REP-E | 81-16-068 |
| 220-28-119    | NEW-E | 81-19-112 | 220-40-024    | AMD   | 81-13-005 | 220-47-911    | NEW-E | 81-16-068 |
| 220-28-119    | REP-E | 81-20-008 | 220-44-030    | AMD   | 81-02-053 | 220-47-911    | REP-E | 81-17-016 |
| 220-28-120    | NEW-E | 81-20-008 | 220-44-040    | AMD   | 81-02-053 | 220-47-912    | NEW-E | 81-17-007 |
| 220-28-120    | REP-E | 81-20-014 | 220-47-07500D | NEW-E | 81-15-039 | 220-47-912    | REP-E | 81-17-016 |
| 220-28-121    | NEW-E | 81-20-014 | 220-47-264    | AMD-P | 81-12-038 | 220-47-913    | NEW-E | 81-17-016 |
| 220-28-121    | REP-E | 81-20-019 | 220-47-264    | AMD   | 81-18-017 | 220-47-913    | REP-E | 81-17-046 |
| 220-28-122    | NEW-E | 81-20-019 | 220-47-307    | AMD-P | 81-12-038 | 220-47-914    | NEW-E | 81-17-046 |
| 220-28-122    | REP-E | 81-20-030 | 220-47-307    | AMD   | 81-18-017 | 220-47-914    | REP-E | 81-17-062 |
| 220-28-123    | NEW-E | 81-20-030 | 220-47-311    | AMD-P | 81-12-038 | 220-47-915    | NEW-E | 81-17-062 |
| 220-28-123    | REP-E | 81-20-056 | 220-47-311    | AMD   | 81-18-017 | 220-47-915    | REP-E | 81-18-010 |
| 220-28-124    | NEW-E | 81-20-056 | 220-47-312    | AMD-P | 81-12-038 | 220-47-916    | NEW-E | 81-18-010 |
| 220-28-124    | REP-E | 81-20-066 | 220-47-312    | AMD   | 81-18-017 | 220-47-916    | REP-E | 81-18-018 |
| 220-28-125    | NEW-E | 81-20-066 | 220-47-313    | AMD-P | 81-12-038 | 220-47-917    | NEW-E | 81-18-018 |
| 220-28-125    | REP-E | 81-20-070 | 220-47-313    | AMD   | 81-18-017 | 220-47-917    | REP-E | 81-18-041 |
| 220-28-126    | NEW-E | 81-20-070 | 220-47-401    | AMD-P | 81-12-038 | 220-47-918    | NEW-E | 81-18-041 |
| 220-32-02200E | NEW-E | 81-03-044 | 220-47-401    | AMD   | 81-18-017 | 220-47-918    | REP-E | 81-18-056 |
| 220-32-02200F | NEW-E | 81-16-045 | 220-47-402    | AMD-P | 81-12-038 | 220-47-919    | NEW-E | 81-18-056 |
| 220-32-03000B | NEW-E | 81-04-003 | 220-47-402    | AMD   | 81-18-017 | 220-47-919    | REP-E | 81-19-015 |
| 220-32-03000C | NEW-E | 81-19-117 | 220-47-403    | AMD-P | 81-12-038 | 220-47-920    | NEW-E | 81-19-015 |
| 220-32-03000C | REP-E | 81-20-025 | 220-47-403    | AMD   | 81-18-017 | 220-47-920    | REP-E | 81-19-020 |
| 220-32-03000D | NEW-E | 81-20-025 | 220-47-411    | AMD-P | 81-12-038 | 220-47-921    | NEW-E | 81-19-020 |
| 220-32-03600H | NEW-E | 81-06-019 | 220-47-411    | AMD   | 81-18-017 | 220-47-921    | REP-E | 81-19-056 |
| 220-32-03600I | NEW-E | 81-17-061 | 220-47-412    | AMD-P | 81-12-038 | 220-47-922    | NEW-E | 81-19-056 |
| 220-32-03600I | REP-E | 81-18-014 | 220-47-412    | AMD   | 81-18-017 | 220-47-922    | REP-E | 81-19-078 |
| 220-32-03600J | NEW-E | 81-18-014 | 220-47-413    | AMD-P | 81-12-038 | 220-47-923    | NEW-E | 81-19-078 |
| 220-32-03600J | REP-E | 81-18-028 | 220-47-413    | AMD   | 81-18-017 | 220-47-923    | REP-E | 81-19-097 |
| 220-32-03600K | NEW-E | 81-18-028 | 220-47-414    | AMD-P | 81-12-038 | 220-47-924    | NEW-E | 81-19-097 |
| 220-32-03600K | REP-E | 81-19-030 | 220-47-414    | AMD   | 81-18-017 | 220-48-080    | AMD   | 81-02-053 |
| 220-32-03600L | NEW-E | 81-19-030 | 220-47-600    | NEW-E | 81-15-103 | 220-48-09001  | NEW   | 81-02-053 |
| 220-32-03600L | REP-E | 81-19-059 | 220-47-600    | REP-E | 81-16-017 | 220-48-091    | AMD   | 81-02-053 |
| 220-32-03600M | NEW-E | 81-19-118 | 220-47-601    | NEW-E | 81-16-017 | 220-48-09100C | NEW-E | 81-03-031 |
| 220-32-04000K | NEW-E | 81-03-044 | 220-47-601    | REP-E | 81-16-051 | 220-48-092    | AMD   | 81-02-053 |
| 220-32-04000L | NEW-E | 81-16-045 | 220-47-602    | NEW-E | 81-16-051 | 220-48-096    | AMD   | 81-02-053 |
| 220-32-04100D | NEW-E | 81-11-065 | 220-47-602    | REP-E | 81-16-059 | 220-48-098    | AMD   | 81-02-053 |
| 220-32-04200D | NEW-E | 81-03-043 | 220-47-603    | NEW-E | 81-16-059 | 220-48-100    | AMD   | 81-02-053 |
| 220-32-05100Q | NEW-E | 81-04-003 | 220-47-603    | REP-E | 81-16-069 | 220-48-10000A | NEW-E | 81-19-087 |
| 220-32-05500C | NEW-E | 81-10-007 | 220-47-604    | NEW-E | 81-16-069 | 220-49-02000B | REP-E | 81-03-030 |
| 220-32-05500D | NEW-E | 81-13-017 | 220-47-604    | REP-E | 81-17-008 | 220-49-02000C | NEW-E | 81-03-030 |
| 220-32-05500D | REP-E | 81-14-040 | 220-47-605    | NEW-E | 81-17-008 | 220-49-02000C | REP-E | 81-09-053 |
| 220-32-05500E | NEW-E | 81-14-040 | 220-47-605    | REP-E | 81-17-017 | 220-49-02000D | NEW-E | 81-05-023 |
| 220-32-05700I | NEW-E | 81-03-044 | 220-47-606    | NEW-E | 81-17-017 | 220-49-02000D | REP-E | 81-09-053 |
| 220-32-05700J | NEW-E | 81-16-045 | 220-47-606    | REP-E | 81-17-047 | 220-49-02000E | NEW-E | 81-09-053 |
| 220-32-05800I | NEW-E | 81-18-052 | 220-47-607    | NEW-E | 81-17-047 | 220-49-022    | AMD   | 81-02-053 |
| 220-32-05800J | NEW-E | 81-19-066 | 220-47-607    | REP-E | 81-17-063 | 220-49-023    | AMD   | 81-02-053 |
| 220-32-05900A | NEW-E | 81-09-007 | 220-47-608    | NEW-E | 81-17-063 | 220-52-019    | AMD-P | 81-07-016 |
| 220-32-05900B | NEW-E | 81-15-054 | 220-47-608    | REP-E | 81-17-082 | 220-52-019    | AMD   | 81-11-006 |
| 220-36-021    | AMD-P | 81-09-082 | 220-47-609    | NEW-E | 81-17-082 | 220-52-01900F | NEW-E | 81-08-006 |
| 220-36-021    | AMD   | 81-13-005 | 220-47-609    | REP-E | 81-18-009 | 220-52-04600F | NEW-E | 81-19-055 |
| 220-36-02100B | NEW-E | 81-20-047 | 220-47-610    | NEW-E | 81-18-009 | 220-52-05300H | NEW-E | 81-04-060 |
| 220-36-02100V | NEW-E | 81-15-005 | 220-47-610    | REP-E | 81-18-019 | 220-52-05300H | REP-E | 81-08-031 |
| 220-36-02100W | NEW-E | 81-17-039 | 220-47-611    | NEW-E | 81-18-019 | 220-52-05300I | NEW-E | 81-10-029 |
| 220-36-02100W | REP-E | 81-18-004 | 220-47-611    | REP-E | 81-18-042 | 220-52-071    | AMD-P | 81-07-016 |
| 220-36-02100X | NEW-E | 81-18-004 | 220-47-612    | NEW-E | 81-18-042 | 220-52-071    | AMD   | 81-11-006 |
| 220-36-02100X | REP-E | 81-19-095 | 220-47-612    | REP-E | 81-18-057 | 220-52-07100A | NEW-E | 81-08-006 |
| 220-36-02100Y | NEW-E | 81-19-095 | 220-47-613    | NEW-E | 81-18-057 | 220-52-075    | AMD-P | 81-07-016 |
| 220-36-02100Y | REP-E | 81-19-111 | 220-47-613    | REP-E | 81-19-016 | 220-52-075    | AMD   | 81-11-006 |
| 220-36-02100Z | NEW-E | 81-19-111 | 220-47-614    | NEW-E | 81-19-016 | 220-52-07500C | NEW-E | 81-05-006 |
| 220-36-02100Z | REP-E | 81-20-013 | 220-47-614    | REP-E | 81-19-057 | 220-52-07500E | NEW-E | 81-18-001 |
| 220-36-0210AA | NEW-E | 81-20-013 | 220-47-615    | NEW-E | 81-19-057 | 220-56-105    | AMD   | 81-05-027 |
| 220-36-0210AA | REP-E | 81-20-047 | 220-47-615    | REP-E | 81-19-098 | 220-56-10500A | NEW-E | 81-17-061 |
| 220-36-022    | AMD-P | 81-09-082 | 220-47-616    | NEW-E | 81-19-098 | 220-56-131    | NEW   | 81-05-027 |
| 220-36-022    | AMD   | 81-13-005 | 220-47-616    | REP-E | 81-19-130 | 220-56-135    | AMD   | 81-05-027 |
| 220-36-024    | AMD-P | 81-09-082 | 220-47-617    | NEW-E | 81-19-130 | 220-56-16000I | NEW-E | 81-06-027 |
| 220-36-024    | AMD   | 81-13-005 | 220-47-617    | REP-E | 81-20-015 | 220-56-18000B | NEW-E | 81-11-064 |
| 220-36-02400A | NEW-E | 81-17-039 | 220-47-618    | NEW-E | 81-20-015 | 220-56-18000B | REP-E | 81-18-002 |

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|---------------|-------|-----------|---------------|-------|-----------|---------------|-------|-----------|
| 220-56-18000C | NEW-E | 81-18-002 | 220-57-31000D | REP-E | 81-20-029 | 220-69-23401  | AMD-P | 81-11-014 |
| 220-56-18000C | REP-E | 81-19-018 | 220-57-31000E | NEW-E | 81-20-029 | 220-69-23401  | AMD   | 81-14-039 |
| 220-56-18000D | NEW-E | 81-19-018 | 220-57-315    | AMD   | 81-05-027 | 220-69-23402  | NEW   | 81-03-032 |
| 220-56-19000D | NEW-E | 81-10-041 | 220-57-31500B | NEW-E | 81-09-007 | 220-69-23501  | NEW   | 81-03-032 |
| 220-56-19000D | REP-E | 81-11-064 | 220-57-31500C | NEW-E | 81-20-029 | 220-69-240    | AMD-P | 81-07-016 |
| 220-56-19000E | NEW-E | 81-16-057 | 220-57-319    | AMD   | 81-05-027 | 220-69-240    | AMD   | 81-11-006 |
| 220-56-19000F | NEW-E | 81-18-002 | 220-57-32000A | NEW-E | 81-20-029 | 220-69-24000C | NEW-E | 81-05-006 |
| 220-56-205    | AMD   | 81-05-027 | 220-57-325    | AMD   | 81-05-027 | 220-69-24000D | NEW-E | 81-20-024 |
| 220-56-225    | AMD   | 81-05-027 | 220-57-345    | AMD   | 81-05-027 | 220-69-241    | AMD   | 81-03-032 |
| 220-56-285    | AMD   | 81-05-027 | 220-57-350    | AMD   | 81-05-027 | 220-69-241    | AMD-P | 81-07-016 |
| 220-56-295    | AMD   | 81-05-027 | 220-57-35000A | NEW-E | 81-15-083 | 220-69-241    | AMD   | 81-11-006 |
| 220-56-315    | AMD   | 81-05-027 | 220-57-35000A | REP-E | 81-17-051 | 220-69-25401  | AMD-P | 81-07-016 |
| 220-56-320    | AMD   | 81-05-027 | 220-57-370    | AMD   | 81-05-027 | 220-69-25401C | NEW-E | 81-05-006 |
| 220-56-32500B | NEW-E | 81-10-029 | 220-57-37000A | NEW-E | 81-16-018 | 220-69-25402  | NEW   | 81-03-032 |
| 220-56-340    | AMD   | 81-05-027 | 220-57-37000A | NEW-E | 81-16-057 | 220-69-25501  | NEW   | 81-03-032 |
| 220-56-350    | AMD   | 81-05-027 | 220-57-37000A | REP-E | 81-19-077 | 220-69-26402  | NEW   | 81-03-032 |
| 220-56-36000A | NEW-E | 81-19-129 | 220-57-37000A | REP-E | 81-19-077 | 220-69-265    | AMD   | 81-03-032 |
| 220-56-365    | AMD   | 81-05-027 | 220-57-37000B | NEW-E | 81-19-077 | 220-69-26501  | NEW   | 81-03-032 |
| 220-56-37200A | NEW-E | 81-12-011 | 220-57-375    | AMD   | 81-05-027 | 220-69-280    | AMD-P | 81-07-016 |
| 220-56-380    | AMD   | 81-05-027 | 220-57-385    | AMD   | 81-05-027 | 220-95-010    | AMD-P | 81-05-036 |
| 220-57-13000B | NEW-E | 81-19-054 | 220-57-38500D | NEW-E | 81-19-054 | 220-95-010    | AMD   | 81-09-018 |
| 220-57-13500A | NEW-E | 81-19-054 | 220-57-405    | AMD   | 81-05-027 | 220-95-012    | NEW-P | 81-05-036 |
| 220-57-137    | AMD   | 81-05-027 | 220-57-40500E | NEW-E | 81-19-080 | 220-95-012    | NEW   | 81-09-018 |
| 220-57-138    | NEW   | 81-05-027 | 220-57-41500A | NEW-E | 81-18-003 | 220-95-017    | NEW-P | 81-05-036 |
| 220-57-140    | AMD   | 81-05-027 | 220-57-420    | AMD   | 81-05-027 | 220-95-017    | NEW   | 81-09-018 |
| 220-57-14000A | NEW-E | 81-18-003 | 220-57-425    | AMD   | 81-05-027 | 222-12-090    | AMD-P | 81-20-067 |
| 220-57-150    | AMD   | 81-05-027 | 220-57-42500B | NEW-E | 81-16-018 | 222-16-010    | AMD-P | 81-20-067 |
| 220-57-1500A  | NEW-E | 81-19-119 | 220-57-42500B | NEW-E | 81-16-057 | 222-16-050    | AMD-P | 81-20-067 |
| 220-57-155    | AMD   | 81-05-027 | 220-57-42500B | REP-E | 81-19-035 | 222-20-010    | AMD-P | 81-20-067 |
| 220-57-160    | AMD   | 81-05-027 | 220-57-42500B | REP-E | 81-19-035 | 222-20-020    | AMD-P | 81-20-067 |
| 220-57-16000J | NEW-E | 81-10-028 | 220-57-42500C | NEW-E | 81-19-035 | 222-20-100    | NEW-P | 81-20-067 |
| 220-57-16000K | NEW-E | 81-16-056 | 220-57-435    | AMD   | 81-05-027 | 222-24-010    | AMD-P | 81-20-067 |
| 220-57-16000K | REP-E | 81-17-061 | 220-57-450    | AMD   | 81-05-027 | 222-24-020    | AMD-P | 81-20-067 |
| 220-57-16000L | NEW-E | 81-17-061 | 220-57-45000A | NEW-E | 81-16-018 | 222-24-025    | NEW-P | 81-20-067 |
| 220-57-16000L | REP-E | 81-18-075 | 220-57-45000A | REP-E | 81-19-035 | 222-24-030    | AMD-P | 81-20-067 |
| 220-57-16000M | NEW-E | 81-18-075 | 220-57-455    | AMD   | 81-05-027 | 222-24-035    | NEW-P | 81-20-067 |
| 220-57-16000M | REP-E | 81-20-029 | 220-57-460    | AMD   | 81-05-027 | 222-24-040    | AMD-P | 81-20-067 |
| 220-57-16000N | NEW-E | 81-19-013 | 220-57-465    | AMD   | 81-05-027 | 222-24-050    | AMD-P | 81-20-067 |
| 220-57-16000P | NEW-E | 81-20-029 | 220-57-46500B | NEW-E | 81-16-018 | 222-30-010    | AMD-P | 81-20-067 |
| 220-57-17500F | NEW-E | 81-10-057 | 220-57-46500B | REP-E | 81-19-035 | 222-30-040    | AMD-P | 81-20-067 |
| 220-57-17500F | REP-E | 81-16-049 | 220-57-46600F | NEW-E | 81-19-054 | 222-30-050    | AMD-P | 81-20-067 |
| 220-57-17500G | NEW-E | 81-16-049 | 220-57-46600F | REP-E | 81-19-096 | 222-30-060    | AMD-P | 81-20-067 |
| 220-57-17500G | REP-E | 81-17-061 | 220-57-46600G | NEW-E | 81-19-096 | 222-30-070    | AMD-P | 81-20-067 |
| 220-57-17500H | NEW-E | 81-20-029 | 220-57-480    | AMD   | 81-05-027 | 222-30-090    | AMD-P | 81-20-067 |
| 220-57-185    | AMD   | 81-05-027 | 220-57-48000A | NEW-E | 81-19-036 | 222-30-100    | AMD-P | 81-20-067 |
| 220-57-205    | AMD   | 81-05-027 | 220-57-48000A | REP-E | 81-20-029 | 222-34-010    | AMD-P | 81-20-067 |
| 220-57-210    | AMD   | 81-05-027 | 220-57-48000B | NEW-E | 81-20-029 | 222-34-020    | AMD-P | 81-20-067 |
| 220-57-215    | AMD   | 81-05-027 | 220-57-49500D | NEW-E | 81-20-029 | 222-34-030    | AMD-P | 81-20-067 |
| 220-57-21500D | NEW-E | 81-15-083 | 220-57-500    | AMD   | 81-05-027 | 222-34-040    | AMD-P | 81-20-067 |
| 220-57-21500D | REP-E | 81-17-051 | 220-57-505    | AMD   | 81-05-027 | 222-38-010    | AMD-P | 81-20-067 |
| 220-57-220    | AMD   | 81-05-027 | 220-57-50500D | NEW-E | 81-06-027 | 222-38-020    | AMD-P | 81-20-067 |
| 220-57-225    | AMD   | 81-05-027 | 220-57-50500E | NEW-E | 81-12-050 | 222-50-020    | AMD-P | 81-20-067 |
| 220-57-230    | AMD   | 81-05-027 | 220-57-50500F | NEW-E | 81-20-029 | 222-50-060    | AMD-P | 81-20-067 |
| 220-57-235    | AMD   | 81-05-027 | 220-57-51500C | NEW-E | 81-12-050 | 224-12-090    | AMD-P | 81-11-037 |
| 220-57-23500B | NEW-E | 81-20-029 | 220-57-52500A | NEW-E | 81-18-003 | 224-12-090    | AMD   | 81-16-034 |
| 220-57-240    | AMD   | 81-05-027 | 220-57A-005   | AMD   | 81-05-027 | 230-02-210    | AMD-P | 81-06-074 |
| 220-57-25000B | NEW-E | 81-20-029 | 220-57A-010   | AMD   | 81-05-027 | 230-02-210    | AMD-P | 81-09-021 |
| 220-57-255    | AMD   | 81-05-027 | 220-57A-012   | AMD   | 81-05-027 | 230-02-210    | AMD   | 81-09-055 |
| 220-57-25500A | NEW-E | 81-19-036 | 220-57A-040   | AMD   | 81-05-027 | 230-02-405    | AMD-P | 81-06-074 |
| 220-57-260    | AMD   | 81-05-027 | 220-57A-065   | AMD   | 81-05-027 | 230-02-405    | AMD-P | 81-09-021 |
| 220-57-265    | AMD   | 81-05-027 | 220-57A-080   | AMD   | 81-05-027 | 230-02-405    | AMD   | 81-09-055 |
| 220-57-270    | AMD   | 81-05-027 | 220-57A-090   | AMD   | 81-05-027 | 230-02-418    | NEW-P | 81-04-072 |
| 220-57-27000G | NEW-E | 81-16-030 | 220-57A-095   | AMD   | 81-05-027 | 230-02-418    | NEW-P | 81-14-087 |
| 220-57-27000G | REP-E | 81-19-054 | 220-57A-115   | AMD   | 81-05-027 | 230-02-418    | NEW-P | 81-18-068 |
| 220-57-27000H | NEW-E | 81-19-054 | 220-57A-120   | AMD   | 81-05-027 | 230-04-135    | NEW-P | 81-06-074 |
| 220-57-27000I | NEW-E | 81-20-031 | 220-57A-135   | AMD   | 81-05-027 | 230-04-135    | NEW-P | 81-09-021 |
| 220-57-275    | AMD   | 81-05-027 | 220-57A-145   | AMD   | 81-05-027 | 230-04-145    | NEW-P | 81-04-072 |
| 220-57-28000A | NEW-E | 81-18-003 | 220-57A-152   | AMD   | 81-05-027 | 230-04-145    | NEW-P | 81-14-087 |
| 220-57-28500A | NEW-E | 81-18-003 | 220-57A-155   | AMD   | 81-05-027 | 230-04-145    | NEW-P | 81-18-068 |
| 220-57-300    | AMD   | 81-05-027 | 220-57A-160   | AMD   | 81-05-027 | 230-04-147    | NEW-P | 81-04-072 |
| 220-57-310    | AMD   | 81-05-027 | 220-57A-175   | AMD   | 81-05-027 | 230-04-147    | NEW-P | 81-14-087 |
| 220-57-31000C | NEW-E | 81-19-019 | 220-57A-180   | AMD   | 81-05-027 | 230-04-147    | NEW-P | 81-18-068 |
| 220-57-31000C | REP-E | 81-19-079 | 220-57A-185   | AMD   | 81-05-027 | 230-04-190    | AMD   | 81-03-045 |
| 220-57-31000D | NEW-E | 81-19-079 | 220-57A-190   | AMD   | 81-05-027 | 230-04-200    | AMD   | 81-03-045 |



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| 232-12-157 | AMD-P | 81-17-074 | 232-12-234 | REP   | 81-12-029 | 232-12-390 | REP-P | 81-08-064 |
| 232-12-160 | REP-P | 81-08-064 | 232-12-235 | REP-P | 81-08-064 | 232-12-390 | REP   | 81-12-029 |
| 232-12-160 | REP   | 81-12-029 | 232-12-235 | REP   | 81-12-029 | 232-12-400 | REP-P | 81-08-064 |
| 232-12-161 | NEW-P | 81-08-064 | 232-12-236 | REP-P | 81-08-064 | 232-12-400 | REP   | 81-12-029 |
| 232-12-161 | NEW   | 81-12-029 | 232-12-236 | REP   | 81-12-029 | 232-12-405 | REP-P | 81-08-064 |
| 232-12-164 | NEW-P | 81-08-064 | 232-12-237 | REP-P | 81-08-064 | 232-12-405 | REP   | 81-12-029 |
| 232-12-164 | AMD-P | 81-16-070 | 232-12-237 | REP   | 81-12-029 | 232-12-410 | REP-P | 81-08-064 |
| 232-12-164 | NEW   | 81-12-029 | 232-12-238 | REP-P | 81-08-064 | 232-12-410 | REP   | 81-12-029 |
| 232-12-167 | NEW-P | 81-08-064 | 232-12-238 | REP   | 81-12-029 | 232-12-420 | REP-P | 81-08-064 |
| 232-12-167 | NEW   | 81-12-029 | 232-12-240 | REP-P | 81-08-064 | 232-12-420 | REP   | 81-12-029 |
| 232-12-170 | REP-P | 81-08-064 | 232-12-240 | REP   | 81-12-029 | 232-12-430 | REP-P | 81-08-064 |
| 232-12-170 | REP   | 81-12-029 | 232-12-241 | NEW-P | 81-08-064 | 232-12-430 | REP   | 81-12-029 |
| 232-12-171 | REP-P | 81-08-064 | 232-12-241 | NEW   | 81-12-029 | 232-12-435 | REP-P | 81-08-064 |
| 232-12-171 | REP   | 81-12-029 | 232-12-241 | AMD-P | 81-16-070 | 232-12-435 | REP   | 81-12-029 |
| 232-12-173 | REP-P | 81-08-064 | 232-12-244 | NEW-P | 81-08-064 | 232-12-440 | REP-P | 81-08-064 |
| 232-12-173 | REP   | 81-12-029 | 232-12-244 | NEW   | 81-12-029 | 232-12-440 | REP   | 81-12-029 |
| 232-12-174 | NEW-P | 81-08-064 | 232-12-247 | NEW-P | 81-08-064 | 232-12-450 | REP-P | 81-08-064 |
| 232-12-174 | NEW   | 81-12-029 | 232-12-247 | NEW   | 81-12-029 | 232-12-450 | REP   | 81-12-029 |
| 232-12-177 | NEW-P | 81-08-064 | 232-12-251 | NEW-P | 81-08-064 | 232-12-460 | REP-P | 81-08-064 |
| 232-12-177 | NEW   | 81-12-029 | 232-12-251 | NEW   | 81-12-029 | 232-12-460 | REP   | 81-12-029 |
| 232-12-180 | REP-P | 81-08-064 | 232-12-254 | NEW-P | 81-08-064 | 232-12-470 | REP-P | 81-08-064 |
| 232-12-180 | REP   | 81-12-029 | 232-12-254 | NEW   | 81-12-029 | 232-12-470 | REP   | 81-12-029 |
| 232-12-181 | NEW-P | 81-08-064 | 232-12-255 | REP-P | 81-08-064 | 232-12-480 | REP-P | 81-08-064 |
| 232-12-181 | NEW   | 81-12-029 | 232-12-255 | REP   | 81-12-029 | 232-12-480 | REP   | 81-12-029 |
| 232-12-184 | NEW-P | 81-08-064 | 232-12-257 | NEW-P | 81-08-064 | 232-12-490 | REP-P | 81-08-064 |
| 232-12-184 | NEW   | 81-12-029 | 232-12-257 | NEW   | 81-12-029 | 232-12-490 | REP   | 81-12-029 |
| 232-12-187 | NEW-P | 81-08-064 | 232-12-261 | NEW-P | 81-08-064 | 232-12-500 | REP-P | 81-08-064 |
| 232-12-187 | NEW   | 81-12-029 | 232-12-261 | NEW   | 81-12-029 | 232-12-500 | REP   | 81-12-029 |
| 232-12-189 | NEW-P | 81-16-070 | 232-12-264 | NEW-P | 81-08-064 | 232-12-510 | REP-P | 81-08-064 |
| 232-12-190 | REP-P | 81-08-064 | 232-12-264 | NEW   | 81-12-029 | 232-12-510 | REP   | 81-12-029 |
| 232-12-190 | REP   | 81-12-029 | 232-12-267 | NEW-P | 81-08-064 | 232-12-520 | REP-P | 81-08-064 |
| 232-12-191 | NEW-P | 81-08-064 | 232-12-267 | NEW   | 81-12-029 | 232-12-520 | REP   | 81-12-029 |
| 232-12-191 | NEW   | 81-12-029 | 232-12-271 | NEW-P | 81-08-064 | 232-12-530 | REP-P | 81-08-064 |
| 232-12-194 | NEW-P | 81-08-064 | 232-12-271 | NEW   | 81-12-029 | 232-12-530 | REP   | 81-12-029 |
| 232-12-194 | NEW   | 81-12-029 | 232-12-274 | NEW-P | 81-08-064 | 232-12-550 | REP-P | 81-08-064 |
| 232-12-197 | NEW-P | 81-08-064 | 232-12-274 | NEW   | 81-12-029 | 232-12-550 | REP   | 81-12-029 |
| 232-12-197 | NEW   | 81-12-029 | 232-12-277 | NEW-P | 81-08-064 | 232-12-570 | REP-P | 81-08-064 |
| 232-12-200 | REP-P | 81-08-064 | 232-12-277 | NEW   | 81-12-029 | 232-12-570 | REP   | 81-12-029 |
| 232-12-200 | REP   | 81-12-029 | 232-12-280 | REP-P | 81-08-064 | 232-12-630 | REP-P | 81-08-064 |
| 232-12-201 | REP-P | 81-08-064 | 232-12-280 | REP   | 81-12-029 | 232-12-630 | REP   | 81-12-029 |
| 232-12-201 | REP   | 81-12-029 | 232-12-281 | NEW-P | 81-08-064 | 232-12-640 | REP-P | 81-08-064 |
| 232-12-205 | REP-P | 81-08-064 | 232-12-281 | NEW   | 81-12-029 | 232-12-640 | REP   | 81-12-029 |
| 232-12-205 | REP   | 81-12-029 | 232-12-284 | NEW-P | 81-08-064 | 232-12-650 | REP-P | 81-08-064 |
| 232-12-207 | NEW-P | 81-08-064 | 232-12-284 | NEW   | 81-12-029 | 232-12-650 | REP   | 81-12-029 |
| 232-12-207 | NEW   | 81-12-029 | 232-12-287 | NEW-P | 81-08-064 | 232-12-655 | REP-P | 81-08-064 |
| 232-12-210 | REP-P | 81-08-064 | 232-12-287 | NEW   | 81-12-029 | 232-12-655 | REP   | 81-12-029 |
| 232-12-210 | REP   | 81-12-029 | 232-12-291 | NEW-P | 81-08-064 | 232-12-660 | REP-P | 81-08-064 |
| 232-12-211 | REP-P | 81-08-064 | 232-12-291 | NEW   | 81-12-029 | 232-12-660 | REP   | 81-12-029 |
| 232-12-211 | REP   | 81-12-029 | 232-12-294 | NEW-P | 81-08-064 | 232-12-670 | REP-P | 81-08-064 |
| 232-12-212 | REP-P | 81-08-064 | 232-12-294 | NEW   | 81-12-029 | 232-12-670 | REP   | 81-12-029 |
| 232-12-212 | REP   | 81-12-029 | 232-12-300 | REP-P | 81-08-064 | 232-12-675 | REP-P | 81-08-064 |
| 232-12-213 | REP-P | 81-08-064 | 232-12-300 | REP   | 81-12-029 | 232-12-675 | REP   | 81-12-029 |
| 232-12-213 | REP   | 81-12-029 | 232-12-310 | REP-P | 81-08-064 | 232-12-676 | REP-P | 81-08-064 |
| 232-12-214 | REP-P | 81-08-064 | 232-12-310 | REP   | 81-12-029 | 232-12-676 | REP   | 81-12-029 |
| 232-12-214 | REP   | 81-12-029 | 232-12-320 | REP-P | 81-08-064 | 232-12-680 | REP-P | 81-08-064 |
| 232-12-215 | REP-P | 81-08-064 | 232-12-320 | REP   | 81-12-029 | 232-12-680 | REP   | 81-12-029 |
| 232-12-215 | REP   | 81-12-029 | 232-12-340 | REP-P | 81-08-064 | 232-12-690 | REP-P | 81-08-064 |
| 232-12-220 | REP-P | 81-08-064 | 232-12-340 | REP   | 81-12-029 | 232-12-690 | REP   | 81-12-029 |
| 232-12-220 | REP   | 81-12-029 | 232-12-350 | REP-P | 81-08-064 | 232-12-700 | REP-P | 81-08-064 |
| 232-12-221 | NEW-P | 81-08-064 | 232-12-350 | REP   | 81-12-029 | 232-12-700 | REP   | 81-12-029 |
| 232-12-221 | NEW   | 81-12-029 | 232-12-355 | REP-P | 81-08-064 | 232-12-710 | REP-P | 81-08-064 |
| 232-12-224 | NEW-P | 81-08-064 | 232-12-355 | REP   | 81-12-029 | 232-12-710 | REP   | 81-12-029 |
| 232-12-224 | NEW   | 81-12-029 | 232-12-360 | AMD-P | 81-05-031 | 232-12-802 | REP-P | 81-17-074 |
| 232-12-227 | NEW-P | 81-08-064 | 232-12-360 | REP-P | 81-08-064 | 232-12-804 | AMD-P | 81-17-074 |
| 232-12-227 | NEW   | 81-12-029 | 232-12-360 | AMD-E | 81-09-027 | 232-12-806 | AMD-P | 81-17-074 |
| 232-12-230 | REP-P | 81-08-064 | 232-12-360 | REP   | 81-12-029 | 232-12-808 | REP-P | 81-17-074 |
| 232-12-230 | REP   | 81-12-029 | 232-12-365 | REP-P | 81-08-064 | 232-12-810 | AMD-P | 81-17-074 |
| 232-12-231 | REP-P | 81-08-064 | 232-12-365 | REP   | 81-12-029 | 232-12-812 | REP-P | 81-17-074 |
| 232-12-231 | REP   | 81-12-029 | 232-12-370 | REP-P | 81-08-064 | 232-12-814 | AMD-P | 81-17-074 |
| 232-12-232 | REP-P | 81-08-064 | 232-12-370 | REP   | 81-12-029 | 232-12-816 | REP-P | 81-08-064 |
| 232-12-232 | REP   | 81-12-029 | 232-12-373 | REP-P | 81-08-064 | 232-12-816 | REP   | 81-12-029 |
| 232-12-233 | REP-P | 81-08-064 | 232-12-373 | REP   | 81-12-029 | 232-12-818 | REP-P | 81-17-074 |
| 232-12-233 | REP   | 81-12-029 | 232-12-380 | REP-P | 81-08-064 | 232-12-820 | AMD-P | 81-17-074 |

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| 232-12-822   | REP-P | 81-17-074 | 232-32-126 | REP-E | 81-02-021 | 248-18-510 | AMD   | 81-05-029 |
| 232-12-824   | AMD-P | 81-17-074 | 232-32-127 | NEW-E | 81-02-021 | 248-18-515 | AMD   | 81-05-029 |
| 232-12-826   | REP-P | 81-17-074 | 232-32-128 | NEW-E | 81-03-009 | 248-18-530 | AMD-P | 81-18-064 |
| 232-16-365   | REP-P | 81-12-048 | 232-32-129 | NEW-E | 81-03-010 | 248-18-534 | NEW-P | 81-18-064 |
| 232-16-365   | REP   | 81-18-025 | 232-32-130 | NEW-E | 81-03-033 | 248-18-710 | AMD-P | 81-18-064 |
| 232-16-400   | AMD-P | 81-12-048 | 232-32-131 | NEW-E | 81-04-017 | 248-19     | AMD-P | 81-03-039 |
| 232-16-400   | AMD   | 81-18-025 | 232-32-132 | NEW-E | 81-04-057 | 248-19     | AMD-P | 81-04-013 |
| 232-21-100   | REP-P | 81-05-031 | 232-32-133 | NEW-E | 81-05-011 | 248-19-200 | AMD-E | 81-05-030 |
| 232-21-100   | REP-P | 81-08-064 | 236-12-430 | AMD-P | 81-08-015 | 248-19-200 | AMD   | 81-09-012 |
| 232-21-100   | REP-E | 81-09-026 | 236-12-430 | AMD-E | 81-08-016 | 248-19-210 | AMD-E | 81-05-030 |
| 232-21-100   | REP   | 81-12-005 | 236-12-430 | AMD   | 81-11-001 | 248-19-210 | AMD   | 81-09-012 |
| 232-21-101   | NEW-P | 81-05-031 | 236-12-470 | AMD-P | 81-08-015 | 248-19-220 | AMD-E | 81-05-030 |
| 232-21-101   | NEW-P | 81-08-064 | 236-12-470 | AMD-E | 81-08-016 | 248-19-220 | AMD   | 81-09-012 |
| 232-21-101   | NEW-E | 81-09-026 | 236-12-470 | AMD   | 81-11-001 | 248-19-230 | AMD-E | 81-05-030 |
| 232-21-101   | NEW   | 81-12-005 | 237-990    | AMD   | 81-09-016 | 248-19-230 | AMD   | 81-09-012 |
| 232-28-001   | REP-P | 81-05-031 | 247-02-040 | AMD-E | 81-13-006 | 248-19-240 | AMD-E | 81-05-030 |
| 232-28-100   | REP-P | 81-05-031 | 247-02-050 | AMD-E | 81-13-006 | 248-19-240 | AMD   | 81-09-012 |
| 232-28-103   | REP-P | 81-12-048 | 247-16-010 | AMD-E | 81-13-006 | 248-19-250 | AMD-E | 81-05-030 |
| 232-28-103   | REP   | 81-18-026 | 247-16-030 | AMD-E | 81-13-006 | 248-19-250 | AMD   | 81-09-012 |
| 232-28-104   | NEW-P | 81-12-048 | 247-16-040 | AMD-E | 81-13-006 | 248-19-260 | AMD-E | 81-05-030 |
| 232-28-104   | NEW   | 81-18-026 | 247-16-060 | AMD-E | 81-13-006 | 248-19-260 | AMD   | 81-09-012 |
| 232-28-200   | REP-P | 81-05-031 | 247-16-070 | AMD-E | 81-13-006 | 248-19-270 | AMD-E | 81-05-030 |
| 232-28-203   | REP-P | 81-08-064 | 247-16-080 | REP-E | 81-13-006 | 248-19-270 | AMD   | 81-09-012 |
| 232-28-203   | REP   | 81-15-066 | 247-16-090 | NEW-E | 81-13-006 | 248-19-280 | AMD-E | 81-05-030 |
| 232-28-204   | NEW-P | 81-08-064 | 247-16-100 | NEW-E | 81-13-006 | 248-19-280 | AMD   | 81-09-012 |
| 232-28-204   | NEW   | 81-15-066 | 248-12-170 | AMD-P | 81-15-071 | 248-19-300 | AMD-E | 81-05-030 |
| 232-28-20401 | NEW-P | 81-12-048 | 248-14     | AMD-P | 81-03-004 | 248-19-300 | AMD   | 81-09-012 |
| 232-28-20401 | NEW   | 81-15-065 | 248-14     | AMD-P | 81-11-042 | 248-19-310 | AMD-E | 81-05-030 |
| 232-28-20402 | NEW   | 81-17-074 | 248-14-001 | AMD-P | 81-08-047 | 248-19-310 | AMD   | 81-09-012 |
| 232-28-20403 | NEW-E | 81-18-036 | 248-14-001 | AMD   | 81-14-066 | 248-19-320 | AMD-E | 81-05-030 |
| 232-28-300   | REP-P | 81-05-031 | 248-14-100 | AMD-P | 81-08-047 | 248-19-320 | AMD   | 81-09-012 |
| 232-28-303   | REP-P | 81-08-064 | 248-14-100 | AMD   | 81-14-066 | 248-19-325 | NEW-E | 81-05-030 |
| 232-28-303   | REP   | 81-15-066 | 248-14-110 | AMD-P | 81-08-047 | 248-19-325 | NEW   | 81-09-012 |
| 232-28-304   | NEW-P | 81-08-064 | 248-14-110 | AMD   | 81-14-066 | 248-19-330 | AMD-E | 81-05-030 |
| 232-28-304   | NEW   | 81-15-066 | 248-14-114 | NEW-P | 81-08-047 | 248-19-330 | AMD   | 81-09-012 |
| 232-28-400   | REP-P | 81-05-031 | 248-14-114 | NEW   | 81-14-066 | 248-19-340 | AMD-E | 81-05-030 |
| 232-28-403   | REP-P | 81-14-074 | 248-14-120 | AMD-P | 81-08-047 | 248-19-340 | AMD   | 81-09-012 |
| 232-28-403   | REP-E | 81-19-069 | 248-14-120 | AMD   | 81-14-066 | 248-19-350 | AMD-E | 81-05-030 |
| 232-28-403   | REP   | 81-19-108 | 248-14-125 | NEW-P | 81-08-047 | 248-19-350 | AMD   | 81-09-012 |
| 232-28-404   | NEW-P | 81-14-074 | 248-14-125 | NEW   | 81-14-066 | 248-19-360 | AMD-E | 81-05-030 |
| 232-28-404   | NEW-E | 81-19-069 | 248-14-128 | NEW-P | 81-08-047 | 248-19-360 | AMD   | 81-09-012 |
| 232-28-404   | NEW   | 81-19-108 | 248-14-128 | NEW   | 81-14-066 | 248-19-370 | AMD-E | 81-05-030 |
| 232-28-500   | REP-P | 81-05-031 | 248-14-130 | AMD-P | 81-08-047 | 248-19-370 | AMD   | 81-09-012 |
| 232-28-503   | REP-P | 81-12-048 | 248-14-130 | AMD   | 81-14-066 | 248-19-390 | AMD-E | 81-05-030 |
| 232-28-503   | REP   | 81-18-024 | 248-14-140 | AMD-P | 81-08-047 | 248-19-390 | AMD   | 81-09-012 |
| 232-28-504   | NEW-P | 81-12-048 | 248-14-140 | AMD   | 81-14-066 | 248-19-400 | AMD-E | 81-05-030 |
| 232-28-504   | NEW   | 81-18-024 | 248-14-150 | AMD-P | 81-08-047 | 248-19-400 | AMD   | 81-09-012 |
| 232-28-600   | REP-P | 81-05-031 | 248-14-150 | AMD   | 81-14-066 | 248-19-403 | NEW-E | 81-05-030 |
| 232-28-603   | REP-P | 81-14-074 | 248-14-152 | NEW-P | 81-08-047 | 248-19-403 | NEW   | 81-09-012 |
| 232-28-604   | NEW-P | 81-14-074 | 248-14-152 | NEW   | 81-14-066 | 248-19-405 | NEW-E | 81-05-030 |
| 232-28-60301 | NEW-E | 81-08-011 | 248-14-155 | NEW-P | 81-08-047 | 248-19-405 | NEW   | 81-09-012 |
| 232-28-60302 | NEW-E | 81-09-066 | 248-14-155 | NEW   | 81-14-066 | 248-19-410 | AMD-E | 81-05-030 |
| 232-28-60303 | NEW-E | 81-11-059 | 248-14-160 | AMD-P | 81-08-047 | 248-19-410 | AMD   | 81-09-012 |
| 232-28-60304 | NEW-P | 81-12-048 | 248-14-160 | AMD   | 81-14-066 | 248-19-415 | NEW-E | 81-05-030 |
| 232-28-60304 | NEW   | 81-15-064 | 248-14-170 | AMD-P | 81-08-047 | 248-19-415 | NEW   | 81-09-012 |
| 232-28-60305 | NEW-P | 81-12-048 | 248-14-170 | AMD   | 81-14-066 | 248-19-420 | AMD-E | 81-05-030 |
| 232-28-60305 | NEW-E | 81-15-063 | 248-14-180 | AMD-P | 81-08-047 | 248-19-420 | AMD   | 81-09-012 |
| 232-28-60306 | NEW-P | 81-12-048 | 248-14-180 | AMD   | 81-14-066 | 248-19-430 | AMD-E | 81-05-030 |
| 232-28-60306 | NEW-E | 81-15-038 | 248-14-200 | AMD-P | 81-08-047 | 248-19-430 | AMD   | 81-09-012 |
| 232-28-60307 | NEW-E | 81-15-037 | 248-14-200 | AMD   | 81-14-066 | 248-19-440 | AMD-E | 81-05-030 |
| 232-28-60308 | NEW-E | 81-16-046 | 248-14-285 | AMD   | 81-03-005 | 248-19-440 | AMD   | 81-09-012 |
| 232-28-60309 | NEW-E | 81-18-055 | 248-15-020 | AMD-P | 81-19-083 | 248-19-450 | AMD-E | 81-05-030 |
| 232-28-60310 | NEW-E | 81-18-054 | 248-15-030 | AMD-P | 81-19-083 | 248-19-450 | AMD   | 81-09-012 |
| 232-28-60311 | NEW-E | 81-19-021 | 248-15-050 | AMD-P | 81-19-083 | 248-19-475 | NEW-E | 81-05-030 |
| 232-28-702   | REP   | 81-04-018 | 248-15-080 | AMD-P | 81-19-083 | 248-19-475 | NEW   | 81-09-012 |
| 232-28-703   | NEW   | 81-04-018 | 248-15-090 | REP-P | 81-19-083 | 248-19-480 | AMD-E | 81-05-030 |
| 232-28-802   | REP-P | 81-05-031 | 248-15-091 | NEW-P | 81-19-083 | 248-19-480 | AMD   | 81-09-012 |
| 232-28-802   | REP-P | 81-08-064 | 248-18     | AMD-P | 81-03-038 | 248-19-490 | AMD-E | 81-05-030 |
| 232-28-802   | REP-E | 81-09-025 | 248-18-001 | AMD   | 81-05-029 | 248-19-490 | AMD   | 81-09-012 |
| 232-28-802   | REP   | 81-12-004 | 248-18-010 | AMD   | 81-05-029 | 248-19-500 | AMD-E | 81-05-030 |
| 232-28-803   | NEW-P | 81-05-031 | 248-18-190 | AMD-P | 81-18-064 | 248-19-500 | AMD   | 81-09-012 |
| 232-28-803   | NEW-P | 81-08-064 | 248-18-240 | AMD-P | 81-18-064 | 248-21-001 | NEW-P | 81-18-065 |
| 232-28-803   | NEW-E | 81-09-025 | 248-18-500 | AMD   | 81-05-029 | 248-21-002 | NEW-P | 81-18-065 |
| 232-28-803   | NEW   | 81-12-004 | 248-18-505 | AMD   | 81-05-029 | 248-21-005 | NEW-P | 81-18-065 |

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| 248-21-015  | NEW-P 81-18-065 | 248-156-030 | NEW 81-09-060   | 251-10-112 | NEW-P 81-12-032 |
| 248-21-020  | NEW-P 81-18-065 | 250-20-001  | AMD-P 81-10-069 | 251-10-113 | NEW-P 81-04-051 |
| 248-21-025  | NEW-P 81-18-065 | 250-20-001  | AMD 81-13-038   | 251-10-113 | NEW-P 81-10-009 |
| 248-21-030  | NEW-P 81-18-065 | 250-20-021  | AMD-P 81-10-069 | 251-10-113 | NEW-P 81-12-032 |
| 248-21-035  | NEW-P 81-18-065 | 250-20-021  | AMD 81-13-038   | 251-12-072 | AMD-P 81-09-023 |
| 248-21-040  | NEW-P 81-18-065 | 250-40-030  | AMD-P 81-10-070 | 251-12-240 | AMD-P 81-04-051 |
| 248-21-045  | NEW-P 81-18-065 | 250-40-030  | AMD 81-13-037   | 251-12-240 | AMD-P 81-10-009 |
| 248-21-050  | NEW-P 81-18-065 | 250-40-040  | AMD-P 81-10-070 | 251-12-240 | AMD-P 81-12-032 |
| 248-21-055  | NEW-P 81-18-065 | 250-40-040  | AMD 81-13-037   | 251-12-240 | AMD-P 81-15-002 |
| 248-22-060  | REP-P 81-04-012 | 250-40-050  | AMD-P 81-10-070 | 251-12-240 | AMD 81-18-039   |
| 248-22-060  | REP 81-07-035   | 250-40-050  | AMD 81-13-037   | 251-12-600 | AMD-P 81-20-089 |
| 248-22-070  | REP-P 81-04-012 | 250-40-070  | AMD-P 81-10-070 | 251-18-010 | AMD-P 81-09-023 |
| 248-22-070  | REP 81-07-035   | 250-40-070  | AMD 81-13-037   | 251-18-020 | AMD-P 81-09-023 |
| 248-22-080  | REP-P 81-04-012 | 250-44-010  | AMD-E 81-09-032 | 251-18-025 | AMD-P 81-09-023 |
| 248-22-080  | REP 81-07-035   | 250-44-020  | AMD-E 81-09-032 | 251-18-030 | AMD-P 81-09-023 |
| 248-22-090  | REP-P 81-04-012 | 250-44-030  | AMD-E 81-09-032 | 251-18-050 | REP-P 81-09-023 |
| 248-22-090  | REP 81-07-035   | 250-44-040  | AMD-E 81-09-032 | 251-18-060 | AMD-P 81-09-023 |
| 248-54-560  | AMD-P 81-18-063 | 250-44-050  | AMD-E 81-09-032 | 251-18-070 | AMD-P 81-09-023 |
| 248-54-740  | AMD-P 81-18-063 | 250-44-090  | AMD-E 81-09-032 | 251-18-080 | REP-P 81-09-023 |
| 248-54-750  | AMD-P 81-18-063 | 250-44-110  | AMD-E 81-09-032 | 251-18-100 | REP-P 81-09-023 |
| 248-60A-010 | REP-P 81-16-004 | 250-44-120  | AMD-E 81-09-032 | 251-18-110 | AMD-P 81-09-023 |
| 248-60A-020 | REP-P 81-16-004 | 250-44-130  | AMD-E 81-09-032 | 251-18-112 | NEW-P 81-09-023 |
| 248-60A-030 | REP-P 81-16-004 | 250-44-140  | AMD-E 81-09-032 | 251-18-115 | REP-P 81-09-023 |
| 248-60A-040 | REP-P 81-16-004 | 250-44-150  | AMD-E 81-09-032 | 251-18-120 | REP-P 81-09-023 |
| 248-60A-050 | REP-P 81-16-004 | 250-44-160  | AMD-E 81-09-032 | 251-18-130 | AMD-P 81-09-023 |
| 248-60A-060 | REP-P 81-16-004 | 250-44-180  | AMD-E 81-09-032 | 251-18-140 | AMD-P 81-09-023 |
| 248-60A-070 | REP-P 81-16-004 | 250-44-200  | AMD-E 81-09-032 | 251-18-145 | NEW-P 81-09-023 |
| 248-60A-080 | REP-P 81-16-004 | 250-44-210  | AMD-E 81-09-032 | 251-18-150 | REP-P 81-09-023 |
| 248-60A-090 | REP-P 81-16-004 | 250-55-020  | AMD-P 81-09-068 | 251-18-155 | REP-P 81-09-023 |
| 248-60A-100 | REP-P 81-16-004 | 250-55-020  | AMD 81-13-041   | 251-18-160 | REP-P 81-09-023 |
| 248-60A-110 | REP-P 81-16-004 | 250-55-030  | AMD-P 81-09-068 | 251-18-170 | REP-P 81-09-023 |
| 248-60A-120 | REP-P 81-16-004 | 250-55-030  | AMD 81-13-041   | 251-18-175 | AMD-P 81-09-023 |
| 248-60A-130 | REP-P 81-16-004 | 250-55-040  | AMD-P 81-09-068 | 251-18-180 | AMD-P 81-09-023 |
| 248-60A-140 | REP-P 81-16-004 | 250-55-040  | AMD 81-13-041   | 251-18-181 | AMD-P 81-09-023 |
| 248-60A-150 | REP-P 81-16-004 | 250-55-050  | AMD-P 81-09-068 | 251-18-185 | AMD-P 81-09-023 |
| 248-60A-160 | REP-P 81-16-004 | 250-55-050  | AMD 81-13-041   | 251-18-190 | AMD-P 81-09-023 |
| 248-60A-170 | REP-P 81-16-004 | 250-55-070  | AMD-P 81-09-068 | 251-18-200 | AMD-P 81-09-023 |
| 248-61-001  | REP-P 81-16-004 | 250-55-070  | AMD 81-13-041   | 251-18-330 | AMD-P 81-04-051 |
| 248-61-010  | REP-P 81-16-004 | 250-55-100  | AMD-P 81-09-068 | 251-18-330 | AMD-P 81-10-009 |
| 248-61-015  | REP-P 81-16-004 | 250-55-100  | AMD 81-13-041   | 251-18-330 | AMD-P 81-12-032 |
| 248-61-020  | REP-P 81-16-004 | 250-55-110  | AMD-P 81-09-068 | 251-18-330 | AMD 81-15-003   |
| 248-61-030  | REP-P 81-16-004 | 250-55-110  | AMD 81-13-041   | 251-18-330 | AMD-P 81-16-065 |
| 248-61-040  | REP-P 81-16-004 | 250-55-120  | AMD-P 81-09-068 | 251-18-330 | AMD-P 81-20-050 |
| 248-61-050  | REP-P 81-16-004 | 250-55-120  | AMD 81-13-041   | 251-18-350 | AMD-P 81-20-089 |
| 248-61-060  | REP-P 81-16-004 | 250-55-150  | AMD-P 81-09-068 | 251-20-010 | AMD-P 81-09-023 |
| 248-61-070  | REP-P 81-16-004 | 250-55-150  | AMD 81-13-041   | 251-20-030 | AMD-P 81-09-023 |
| 248-61-080  | REP-P 81-16-004 | 250-55-160  | AMD-P 81-09-068 | 251-20-030 | AMD 81-15-021   |
| 248-61-090  | REP-P 81-16-004 | 250-55-160  | AMD 81-13-041   | 251-20-040 | AMD-P 81-09-023 |
| 248-61-100  | REP-P 81-16-004 | 250-55-220  | AMD-P 81-09-068 | 251-20-040 | AMD 81-15-021   |
| 248-61-110  | REP-P 81-16-004 | 250-55-220  | AMD 81-13-041   | 251-20-050 | AMD-P 81-09-023 |
| 248-61-120  | REP-P 81-16-004 | 251-04-020  | AMD-P 81-04-051 | 251-20-050 | AMD 81-15-021   |
| 248-61-130  | REP-P 81-16-004 | 251-04-020  | AMD-P 81-10-009 | 251-20-060 | AMD-P 81-09-023 |
| 248-61-140  | REP-P 81-16-004 | 251-04-020  | AMD-P 81-12-032 | 251-22-240 | AMD-P 81-04-023 |
| 248-61-150  | REP-P 81-16-004 | 251-04-020  | AMD 81-15-003   | 251-22-240 | AMD 81-07-002   |
| 248-61-160  | REP-P 81-16-004 | 251-04-020  | AMD-P 81-18-040 | 260-12-010 | AMD-P 81-07-020 |
| 248-61-170  | REP-P 81-16-004 | 251-04-020  | AMD-P 81-20-050 | 260-12-010 | AMD 81-08-013   |
| 248-61-180  | REP-P 81-16-004 | 251-04-020  | AMD-P 81-20-089 | 260-12-010 | AMD-P 81-11-049 |
| 248-75-010  | NEW-P 81-19-125 | 251-04-040  | AMD-P 81-20-089 | 260-12-010 | AMD-P 81-14-016 |
| 248-75-020  | NEW-P 81-19-125 | 251-06-080  | AMD-P 81-10-005 | 260-12-010 | AMD 81-15-034   |
| 248-75-030  | NEW-P 81-19-125 | 251-06-080  | AMD-P 81-15-002 | 260-12-050 | AMD-P 81-15-101 |
| 248-75-040  | NEW-P 81-19-125 | 251-06-080  | AMD-P 81-16-064 | 260-12-050 | AMD 81-18-020   |
| 248-75-050  | NEW-P 81-19-125 | 251-06-080  | AMD-P 81-20-050 | 260-12-140 | AMD-P 81-07-020 |
| 248-96-020  | AMD-P 81-02-042 | 251-09-095  | NEW-P 81-20-089 | 260-12-140 | AMD 81-08-013   |
| 248-96-020  | AMD 81-05-028   | 251-10-055  | AMD-P 81-04-051 | 260-20-075 | NEW-P 81-07-020 |
| 248-100-295 | AMD-P 81-08-003 | 251-10-055  | AMD-P 81-10-009 | 260-20-075 | NEW 81-08-013   |
| 248-100-295 | AMD 81-11-061   | 251-10-055  | AMD-P 81-12-032 | 260-20-170 | AMD-E 81-08-030 |
| 248-100-450 | AMD-P 81-18-066 | 251-10-055  | AMD 81-15-003   | 260-20-170 | AMD-P 81-11-048 |
| 248-152-035 | NEW-P 81-12-041 | 251-10-110  | AMD-P 81-04-051 | 260-20-170 | AMD-P 81-14-015 |
| 248-152-035 | NEW 81-15-027   | 251-10-110  | AMD-P 81-10-009 | 260-20-170 | AMD-E 81-14-019 |
| 248-156-010 | NEW-P 81-06-007 | 251-10-110  | AMD-P 81-12-032 | 260-20-170 | AMD 81-15-033   |
| 248-156-010 | NEW 81-09-060   | 251-10-110  | AMD-P 81-15-002 | 260-24-280 | AMD-P 81-07-020 |
| 248-156-020 | NEW-P 81-06-007 | 251-10-110  | AMD 81-18-039   | 260-24-280 | AMD 81-08-013   |
| 248-156-020 | NEW 81-09-060   | 251-10-112  | NEW-P 81-04-051 | 260-32-040 | AMD-P 81-07-021 |

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|------------|-------|-----------|------------|-------|-----------|------------|-------|-----------|
| 260-32-040 | AMD-W | 81-08-024 | 275-16-015 | NEW   | 81-08-020 | 275-53-055 | REP-P | 81-15-092 |
| 260-36-040 | AMD-P | 81-07-020 | 275-16-035 | NEW-E | 81-04-032 | 275-53-055 | REP-W | 81-20-072 |
| 260-36-040 | AMD-W | 81-08-024 | 275-16-035 | NEW-P | 81-04-038 | 275-53-060 | REP-P | 81-15-092 |
| 260-36-110 | AMD-P | 81-11-049 | 275-16-035 | NEW   | 81-08-020 | 275-53-060 | REP-W | 81-20-072 |
| 260-36-110 | AMD-P | 81-14-016 | 275-16-040 | REP-E | 81-04-032 | 275-53-065 | REP-P | 81-15-092 |
| 260-36-110 | AMD   | 81-15-034 | 275-16-040 | REP-P | 81-04-038 | 275-53-065 | REP-W | 81-20-072 |
| 260-36-180 | NEW-P | 81-07-020 | 275-16-040 | REP   | 81-08-020 | 275-55-010 | AMD-P | 81-16-035 |
| 260-36-180 | NEW-P | 81-08-012 | 275-16-040 | NEW-E | 81-04-032 | 275-55-020 | AMD-P | 81-16-035 |
| 260-36-180 | NEW   | 81-09-075 | 275-16-055 | NEW-P | 81-04-038 | 275-55-021 | NEW-P | 81-16-035 |
| 260-40-120 | AMD-P | 81-07-020 | 275-16-055 | NEW   | 81-08-020 | 275-55-030 | AMD-P | 81-16-035 |
| 260-40-120 | AMD-P | 81-08-012 | 275-16-055 | NEW   | 81-08-020 | 275-55-030 | AMD-P | 81-16-035 |
| 260-40-120 | AMD-W | 81-09-071 | 275-16-065 | NEW-E | 81-04-032 | 275-55-040 | AMD-P | 81-16-035 |
| 260-40-120 | AMD-P | 81-11-049 | 275-16-065 | NEW-P | 81-04-038 | 275-55-041 | REP-P | 81-16-035 |
| 260-40-120 | AMD-P | 81-14-016 | 275-16-065 | NEW   | 81-08-020 | 275-55-050 | AMD-P | 81-16-035 |
| 260-40-120 | AMD   | 81-15-034 | 275-16-075 | NEW-E | 81-04-032 | 275-55-060 | AMD-P | 81-16-035 |
| 260-48-110 | AMD-P | 81-07-020 | 275-16-075 | NEW-P | 81-04-038 | 275-55-061 | REP-P | 81-16-035 |
| 260-48-110 | AMD-E | 81-08-030 | 275-16-075 | NEW   | 81-08-020 | 275-55-070 | REP-P | 81-16-035 |
| 260-48-110 | AMD-P | 81-11-048 | 275-16-085 | NEW-E | 81-04-032 | 275-55-071 | NEW-P | 81-16-035 |
| 260-48-110 | AMD-P | 81-14-015 | 275-16-085 | NEW-P | 81-04-038 | 275-55-080 | REP-P | 81-16-035 |
| 260-48-110 | AMD-E | 81-14-019 | 275-16-085 | NEW   | 81-08-020 | 275-55-081 | NEW-P | 81-16-035 |
| 260-48-110 | AMD   | 81-15-033 | 275-16-095 | NEW-E | 81-04-032 | 275-55-090 | AMD-P | 81-16-035 |
| 260-48-305 | NEW-P | 81-11-049 | 275-16-095 | NEW-P | 81-04-038 | 275-55-100 | REP-P | 81-16-035 |
| 260-48-305 | NEW-P | 81-14-016 | 275-16-095 | NEW   | 81-08-020 | 275-55-110 | AMD-P | 81-16-035 |
| 260-48-305 | NEW   | 81-15-034 | 275-16-105 | NEW-E | 81-04-032 | 275-55-120 | REP-P | 81-16-035 |
| 260-48-326 | NEW-E | 81-08-030 | 275-16-105 | NEW-P | 81-04-038 | 275-55-121 | NEW-P | 81-16-035 |
| 260-48-326 | NEW-P | 81-11-048 | 275-16-105 | NEW   | 81-08-020 | 275-55-130 | REP-P | 81-16-035 |
| 260-48-326 | NEW-P | 81-14-015 | 275-20-030 | AMD-P | 81-02-023 | 275-55-131 | NEW-P | 81-16-035 |
| 260-48-326 | NEW-E | 81-14-019 | 275-20-030 | AMD   | 81-06-004 | 275-55-140 | REP-P | 81-16-035 |
| 260-48-326 | NEW   | 81-15-033 | 275-20-030 | AMD-P | 81-14-033 | 275-55-141 | NEW-P | 81-16-035 |
| 260-48-328 | NEW-P | 81-15-101 | 275-20-030 | AMD-E | 81-14-061 | 275-55-150 | REP-P | 81-16-035 |
| 260-48-328 | NEW   | 81-18-021 | 275-20-030 | AMD   | 81-17-025 | 275-55-151 | NEW-P | 81-16-035 |
| 260-52-010 | AMD-P | 81-07-020 | 275-25-770 | AMD-P | 81-20-010 | 275-55-160 | REP-P | 81-16-035 |
| 260-52-010 | AMD   | 81-08-013 | 275-27-630 | AMD-P | 81-11-043 | 275-55-161 | NEW-P | 81-16-035 |
| 260-52-040 | AMD-P | 81-07-020 | 275-27-630 | AMD-E | 81-11-047 | 275-55-170 | REP-P | 81-16-035 |
| 260-52-040 | AMD   | 81-08-013 | 275-27-630 | AMD   | 81-14-064 | 275-55-171 | NEW-P | 81-16-035 |
| 260-60-050 | AMD-P | 81-07-020 | 275-40-010 | REP-P | 81-15-092 | 275-55-180 | REP-P | 81-16-035 |
| 260-60-050 | AMD-P | 81-08-012 | 275-40-010 | REP-W | 81-20-072 | 275-55-181 | NEW-P | 81-16-035 |
| 260-60-050 | AMD   | 81-09-075 | 275-40-020 | REP-P | 81-15-092 | 275-55-190 | REP-P | 81-16-035 |
| 260-60-115 | NEW-P | 81-07-020 | 275-40-020 | REP-W | 81-20-072 | 275-55-191 | NEW-P | 81-16-035 |
| 260-60-115 | NEW-P | 81-08-012 | 275-40-030 | REP-P | 81-15-092 | 275-55-200 | REP-P | 81-16-035 |
| 260-60-115 | NEW   | 81-09-075 | 275-40-030 | REP-W | 81-20-072 | 275-55-201 | NEW-P | 81-16-035 |
| 260-60-120 | AMD-P | 81-07-020 | 275-40-040 | REP-P | 81-15-092 | 275-55-210 | REP-P | 81-16-035 |
| 260-60-120 | AMD   | 81-08-013 | 275-40-040 | REP-W | 81-20-072 | 275-55-211 | NEW-P | 81-16-035 |
| 260-60-210 | AMD-P | 81-07-020 | 275-40-050 | REP-P | 81-15-092 | 275-55-220 | REP-P | 81-16-035 |
| 260-60-210 | AMD-P | 81-08-012 | 275-40-050 | REP-W | 81-20-072 | 275-55-221 | NEW-P | 81-16-035 |
| 260-60-210 | AMD   | 81-09-075 | 275-40-060 | REP-P | 81-15-092 | 275-55-230 | REP-P | 81-16-035 |
| 260-70-140 | AMD-P | 81-07-020 | 275-40-060 | REP-W | 81-20-072 | 275-55-231 | NEW-P | 81-16-035 |
| 260-70-140 | AMD-P | 81-08-012 | 275-40-070 | REP-P | 81-15-092 | 275-55-240 | REP-P | 81-16-035 |
| 260-70-140 | AMD   | 81-09-075 | 275-40-070 | REP-W | 81-20-072 | 275-55-241 | NEW-P | 81-16-035 |
| 261-20     | AMD-P | 81-02-036 | 275-48-010 | REP-P | 81-15-092 | 275-55-250 | REP-P | 81-16-035 |
| 261-20-010 | NEW-P | 81-02-035 | 275-48-010 | REP-W | 81-20-072 | 275-55-251 | NEW-P | 81-16-035 |
| 261-20-010 | NEW   | 81-06-016 | 275-48-015 | REP-P | 81-15-092 | 275-55-260 | REP-P | 81-16-035 |
| 261-20-020 | NEW-P | 81-02-035 | 275-48-015 | REP-W | 81-20-072 | 275-55-261 | NEW-P | 81-16-035 |
| 261-20-020 | NEW   | 81-06-016 | 275-48-020 | REP-P | 81-15-092 | 275-55-263 | NEW-P | 81-16-035 |
| 261-20-030 | NEW-P | 81-02-035 | 275-48-020 | REP-W | 81-20-072 | 275-55-270 | REP-P | 81-16-035 |
| 261-20-030 | NEW   | 81-06-016 | 275-48-025 | REP-P | 81-15-092 | 275-55-271 | NEW-P | 81-16-035 |
| 261-20-030 | AMD   | 81-06-017 | 275-48-025 | REP-W | 81-20-072 | 275-55-280 | REP-P | 81-16-035 |
| 261-20-040 | NEW-P | 81-02-035 | 275-48-030 | REP-P | 81-15-092 | 275-55-281 | NEW-P | 81-16-035 |
| 261-20-040 | NEW   | 81-06-016 | 275-48-030 | REP-W | 81-20-072 | 275-55-282 | REP-P | 81-16-035 |
| 261-20-050 | NEW-P | 81-02-035 | 275-48-035 | REP-P | 81-15-092 | 275-55-284 | REP-P | 81-16-035 |
| 261-20-050 | NEW   | 81-06-016 | 275-48-035 | REP-W | 81-20-072 | 275-55-286 | REP-P | 81-16-035 |
| 261-20-060 | NEW-P | 81-02-035 | 275-48-040 | REP-P | 81-15-092 | 275-55-288 | REP-P | 81-16-035 |
| 261-20-060 | NEW   | 81-06-016 | 275-48-040 | REP-W | 81-20-072 | 275-55-290 | REP-P | 81-16-035 |
| 261-20-065 | NEW-P | 81-02-035 | 275-48-045 | REP-P | 81-15-092 | 275-55-291 | NEW-P | 81-16-035 |
| 261-20-065 | NEW   | 81-06-016 | 275-48-045 | REP-W | 81-20-072 | 275-55-293 | NEW-P | 81-16-035 |
| 261-20-070 | NEW-P | 81-02-035 | 275-48-050 | REP-P | 81-15-092 | 275-55-295 | NEW-P | 81-16-035 |
| 261-20-070 | NEW   | 81-06-016 | 275-48-050 | REP-W | 81-20-072 | 275-55-297 | NEW-P | 81-16-035 |
| 261-20-080 | NEW-P | 81-02-035 | 275-52-010 | REP-P | 81-15-092 | 275-55-301 | NEW-P | 81-16-035 |
| 261-20-080 | NEW   | 81-06-016 | 275-52-010 | REP-W | 81-20-072 | 275-55-321 | NEW-P | 81-16-035 |
| 275-16-010 | AMD-E | 81-04-032 | 275-52-015 | REP-P | 81-15-092 | 275-55-331 | NEW-P | 81-16-035 |
| 275-16-010 | AMD-P | 81-04-038 | 275-52-015 | REP-W | 81-20-072 | 275-55-341 | NEW-P | 81-16-035 |
| 275-16-010 | AMD   | 81-08-020 | 275-52-020 | REP-P | 81-15-092 | 275-55-351 | NEW-P | 81-16-035 |
| 275-16-015 | NEW-E | 81-04-032 | 275-52-020 | REP-W | 81-20-072 | 275-55-361 | NEW-P | 81-16-035 |
| 275-16-015 | NEW-P | 81-04-038 | 275-53-050 | REP-P | 81-15-092 | 275-55-363 | NEW-P | 81-16-035 |
| 275-16-015 | NEW-P | 81-04-038 | 275-53-050 | REP-W | 81-20-072 | 275-55-365 | NEW-P | 81-16-035 |



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| 275-92-340 | REP-W | 81-20-072 | 275-96-015  | REP-W | 81-20-072 | 284-15-030 | NEW   | 81-03-082 |
| 275-92-345 | REP-P | 81-15-092 | 275-96-021  | REP-P | 81-15-092 | 284-15-040 | NEW   | 81-03-082 |
| 275-92-345 | REP-W | 81-20-072 | 275-96-021  | REP-W | 81-20-072 | 284-15-050 | NEW   | 81-03-082 |
| 275-92-350 | REP-P | 81-15-092 | 275-96-022  | REP-P | 81-15-092 | 284-17-220 | AMD-P | 81-15-041 |
| 275-92-350 | REP-W | 81-20-072 | 275-96-022  | REP-W | 81-20-072 | 284-17-220 | AMD   | 81-18-049 |
| 275-92-355 | REP-P | 81-15-092 | 275-96-025  | REP-P | 81-15-092 | 284-17-250 | AMD-P | 81-15-041 |
| 275-92-355 | REP-W | 81-20-072 | 275-96-025  | REP-W | 81-20-072 | 284-17-250 | AMD   | 81-18-049 |
| 275-92-400 | REP-P | 81-15-092 | 275-96-030  | REP-P | 81-15-092 | 284-17-270 | AMD-P | 81-15-041 |
| 275-92-400 | REP-W | 81-20-072 | 275-96-030  | REP-W | 81-20-072 | 284-17-270 | AMD   | 81-18-049 |
| 275-92-405 | REP-P | 81-15-092 | 275-96-045  | REP-P | 81-15-092 | 284-17-310 | AMD-P | 81-15-041 |
| 275-92-405 | REP-W | 81-20-072 | 275-96-045  | REP-W | 81-20-072 | 284-17-310 | AMD   | 81-18-049 |
| 275-92-410 | REP-P | 81-15-092 | 275-96-050  | REP-P | 81-15-092 | 284-25     | NEW-P | 81-06-011 |
| 275-92-410 | REP-W | 81-20-072 | 275-96-050  | REP-W | 81-20-072 | 284-25     | NEW-P | 81-10-046 |
| 275-92-415 | REP-P | 81-15-092 | 275-96-055  | REP-P | 81-15-092 | 284-25     | NEW-W | 81-14-017 |
| 275-92-415 | REP-W | 81-20-072 | 275-96-055  | REP-W | 81-20-072 | 284-30-005 | REP-P | 81-15-069 |
| 275-92-510 | REP-P | 81-15-092 | 275-96-060  | REP-P | 81-15-092 | 284-30-005 | REP   | 81-18-038 |
| 275-92-510 | REP-W | 81-20-072 | 275-96-060  | REP-W | 81-20-072 | 284-30-010 | REP-P | 81-15-069 |
| 275-92-515 | REP-P | 81-15-092 | 275-96-065  | REP-P | 81-15-092 | 284-30-010 | REP   | 81-18-038 |
| 275-92-515 | REP-W | 81-20-072 | 275-96-065  | REP-W | 81-20-072 | 284-30-100 | REP-P | 81-15-069 |
| 275-92-520 | REP-P | 81-15-092 | 275-96-070  | REP-P | 81-15-092 | 284-30-100 | REP   | 81-18-038 |
| 275-92-520 | REP-W | 81-20-072 | 275-96-070  | REP-W | 81-20-072 | 284-30-100 | REP-P | 81-15-069 |
| 275-92-525 | REP-P | 81-15-092 | 275-102-475 | REP-P | 81-15-092 | 284-30-110 | REP   | 81-18-038 |
| 275-92-525 | REP-W | 81-20-072 | 275-102-475 | REP-W | 81-20-072 | 284-30-120 | REP-P | 81-15-069 |
| 275-92-530 | REP-P | 81-15-092 | 275-102-480 | REP-P | 81-15-092 | 284-30-120 | REP   | 81-18-038 |
| 275-92-530 | REP-W | 81-20-072 | 275-102-480 | REP-W | 81-20-072 | 284-30-130 | REP-P | 81-15-069 |
| 275-92-535 | REP-P | 81-15-092 | 275-102-485 | REP-P | 81-15-092 | 284-30-130 | REP   | 81-18-038 |
| 275-92-535 | REP-W | 81-20-072 | 275-102-485 | REP-W | 81-20-072 | 284-30-140 | REP-P | 81-15-069 |
| 275-92-540 | REP-P | 81-15-092 | 275-102-490 | REP-P | 81-15-092 | 284-30-140 | REP   | 81-18-038 |
| 275-92-540 | REP-W | 81-20-072 | 275-102-490 | REP-W | 81-20-072 | 284-30-150 | REP-P | 81-15-069 |
| 275-92-545 | REP-P | 81-15-092 | 275-102-495 | REP-P | 81-15-092 | 284-30-150 | REP   | 81-18-038 |
| 275-92-545 | REP-W | 81-20-072 | 275-102-495 | REP-W | 81-20-072 | 284-30-160 | REP-P | 81-15-069 |
| 275-92-550 | REP-P | 81-15-092 | 275-110-020 | AMD-E | 81-09-047 | 284-30-160 | REP   | 81-18-038 |
| 275-92-550 | REP-W | 81-20-072 | 275-110-020 | AMD-P | 81-09-048 | 284-30-170 | REP-P | 81-15-069 |
| 275-92-555 | REP-P | 81-15-092 | 275-110-020 | AMD-E | 81-12-027 | 284-30-170 | REP   | 81-18-038 |
| 275-92-555 | REP-W | 81-20-072 | 275-110-020 | AMD-P | 81-12-035 | 284-30-180 | REP-P | 81-15-069 |
| 275-92-560 | REP-P | 81-15-092 | 275-110-020 | AMD   | 81-15-061 | 284-30-180 | REP   | 81-18-038 |
| 275-92-560 | REP-W | 81-20-072 | 275-110-040 | AMD-E | 81-09-047 | 284-30-190 | REP-P | 81-15-069 |
| 275-92-565 | REP-P | 81-15-092 | 275-110-040 | AMD-P | 81-09-048 | 284-30-190 | REP   | 81-18-038 |
| 275-92-565 | REP-W | 81-20-072 | 275-110-040 | AMD-E | 81-12-027 | 284-30-200 | REP-P | 81-15-069 |
| 275-92-407 | NEW   | 81-05-001 | 275-110-040 | AMD-P | 81-12-035 | 284-30-200 | REP   | 81-18-038 |
| 275-93-005 | REP-P | 81-15-092 | 275-110-040 | AMD   | 81-15-061 | 284-30-990 | REP-P | 81-15-069 |
| 275-93-005 | REP-W | 81-20-072 | 275-110-050 | AMD-E | 81-12-027 | 284-30-990 | REP   | 81-18-038 |
| 275-93-010 | REP-P | 81-15-092 | 275-110-050 | AMD-P | 81-12-035 | 284-30-991 | REP-P | 81-15-069 |
| 275-93-010 | REP-W | 81-20-072 | 275-110-050 | AMD   | 81-15-061 | 284-30-991 | REP   | 81-18-038 |
| 275-93-020 | REP-P | 81-15-092 | 275-110-060 | AMD-E | 81-12-027 | 284-44-060 | REP-P | 81-12-047 |
| 275-93-020 | REP-W | 81-20-072 | 275-110-060 | AMD-P | 81-12-035 | 284-44-060 | REP   | 81-15-070 |
| 275-93-040 | AMD   | 81-03-076 | 275-110-060 | AMD   | 81-15-061 | 284-44-100 | NEW-P | 81-12-047 |
| 275-93-040 | REP-P | 81-15-092 | 275-110-070 | AMD-E | 81-12-027 | 284-44-100 | NEW   | 81-15-070 |
| 275-93-040 | REP-W | 81-20-072 | 275-110-070 | AMD-P | 81-12-035 | 284-44-110 | NEW-P | 81-12-047 |
| 275-93-050 | REP-P | 81-15-092 | 275-110-070 | AMD   | 81-15-061 | 284-44-110 | NEW   | 81-15-070 |
| 275-93-050 | REP-W | 81-20-072 | 275-110-080 | AMD-E | 81-09-047 | 284-44-120 | NEW-P | 81-12-047 |
| 275-93-060 | REP-P | 81-15-092 | 275-110-080 | AMD-P | 81-09-048 | 284-44-120 | NEW   | 81-15-070 |
| 275-93-060 | REP-W | 81-20-072 | 275-110-080 | AMD-E | 81-12-027 | 284-44-130 | NEW-P | 81-12-047 |
| 275-93-070 | REP-P | 81-15-092 | 275-110-080 | AMD-P | 81-12-035 | 284-44-130 | NEW   | 81-15-070 |
| 275-93-070 | REP-W | 81-20-072 | 275-110-080 | AMD   | 81-15-061 | 284-44-140 | NEW-P | 81-12-047 |
| 275-93-080 | REP-P | 81-15-092 | 275-110-090 | AMD-E | 81-09-047 | 284-44-140 | NEW   | 81-15-070 |
| 275-93-080 | REP-W | 81-20-072 | 275-110-090 | AMD-P | 81-09-048 | 284-44-150 | NEW-P | 81-12-047 |
| 275-93-090 | REP-P | 81-15-092 | 275-110-090 | AMD-E | 81-12-027 | 284-44-150 | NEW   | 81-15-070 |
| 275-93-090 | REP-W | 81-20-072 | 275-110-090 | AMD-P | 81-12-035 | 284-44-160 | NEW-P | 81-12-047 |
| 275-93-100 | REP-P | 81-15-092 | 275-110-090 | AMD   | 81-15-061 | 284-44-160 | NEW   | 81-15-070 |
| 275-93-100 | REP-W | 81-20-072 | 275-216-010 | REP-P | 81-15-009 | 284-44-170 | NEW-P | 81-12-047 |
| 275-93-110 | REP-P | 81-15-092 | 275-216-010 | REP   | 81-19-084 | 284-44-170 | NEW   | 81-15-070 |
| 275-93-110 | REP-W | 81-20-072 | 275-216-020 | REP-P | 81-15-009 | 284-44-180 | NEW-P | 81-12-047 |
| 275-93-120 | REP-P | 81-15-092 | 275-216-020 | REP   | 81-19-084 | 284-44-180 | NEW   | 81-15-070 |
| 275-93-120 | REP-W | 81-20-072 | 284-12-024  | REP-P | 81-15-069 | 284-44-190 | NEW-P | 81-12-047 |
| 275-93-130 | REP-P | 81-15-092 | 284-12-024  | REP   | 81-18-038 | 284-44-190 | NEW   | 81-15-070 |
| 275-93-130 | REP-W | 81-20-072 | 284-12-025  | REP-P | 81-15-069 | 284-44-200 | NEW-P | 81-12-047 |
| 275-93-140 | REP-P | 81-15-092 | 284-12-025  | REP   | 81-18-038 | 284-44-200 | NEW   | 81-15-070 |
| 275-93-140 | REP-W | 81-20-072 | 284-12-027  | REP-P | 81-15-069 | 284-44-210 | NEW-P | 81-12-047 |
| 275-96-005 | REP-P | 81-15-092 | 284-12-027  | REP   | 81-18-038 | 284-44-210 | NEW   | 81-15-070 |
| 275-96-005 | REP-W | 81-20-072 | 284-12-028  | REP-P | 81-15-069 | 284-44-220 | NEW-P | 81-12-047 |
| 275-96-010 | REP-P | 81-15-092 | 284-12-028  | REP   | 81-18-038 | 284-44-220 | NEW   | 81-15-070 |
| 275-96-010 | REP-W | 81-20-072 | 284-15-010  | NEW   | 81-03-082 | 284-51-010 | NEW-P | 81-09-008 |
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| 296-17-66002 | NEW-P | 81-20-078 | 296-20-680   | REP-P | 81-19-128 | 296-23-610   | AMD-P | 81-19-128 |
| 296-17-676   | AMD-P | 81-20-078 | 296-20-690   | REP-P | 81-19-128 | 296-23-615   | AMD-P | 81-19-128 |
| 296-17-684   | AMD-P | 81-20-078 | 296-21-001   | AMD-P | 81-19-128 | 296-23-710   | AMD-P | 81-19-128 |
| 296-17-685   | AMD-P | 81-20-078 | 296-21-011   | AMD-P | 81-19-128 | 296-23-811   | AMD-P | 81-19-128 |
| 296-17-686   | AMD-P | 81-20-078 | 296-21-013   | AMD-P | 81-19-128 | 296-24       | AMD-P | 81-13-035 |
| 296-17-689   | AMD-P | 81-20-078 | 296-21-015   | AMD-P | 81-19-128 | 296-24-060   | AMD-P | 81-07-051 |
| 296-17-690   | AMD-P | 81-20-078 | 296-21-025   | AMD-P | 81-19-128 | 296-24-060   | AMD   | 81-13-053 |
| 296-17-694   | AMD-P | 81-20-078 | 296-21-027   | AMD-P | 81-19-128 | 296-24-070   | AMD-P | 81-07-051 |
| 296-17-695   | AMD-P | 81-20-078 | 296-21-030   | AMD-P | 81-19-128 | 296-24-070   | AMD   | 81-13-053 |
| 296-17-700   | AMD-P | 81-20-078 | 296-21-047   | AMD-P | 81-19-128 | 296-24-67515 | AMD-P | 81-07-051 |
| 296-17-703   | AMD-P | 81-20-078 | 296-21-050   | AMD-P | 81-19-128 | 296-24-081   | REP-P | 81-07-051 |
| 296-17-706   | AMD-P | 81-20-078 | 296-21-0501  | AMD-P | 81-19-128 | 296-24-081   | REP-P | 81-16-008 |
| 296-17-707   | AMD-P | 81-20-078 | 296-21-057   | AMD-P | 81-19-128 | 296-24-081   | REP   | 81-16-016 |
| 296-17-708   | AMD-P | 81-20-078 | 296-21-064   | AMD-P | 81-19-128 | 296-24-08101 | REP-P | 81-07-051 |
| 296-17-717   | AMD-P | 81-20-078 | 296-21-075   | AMD-P | 81-19-128 | 296-24-08101 | REP-P | 81-16-008 |
| 296-17-719   | AMD-P | 81-20-078 | 296-21-080   | AMD-P | 81-19-128 | 296-24-08101 | REP   | 81-16-016 |
| 296-17-720   | REP-P | 81-20-078 | 296-21-095   | AMD-P | 81-19-128 | 296-24-08103 | REP-P | 81-07-051 |
| 296-17-721   | AMD-P | 81-20-078 | 296-21-125   | AMD-P | 81-19-128 | 296-24-08103 | REP-P | 81-16-008 |
| 296-17-731   | AMD-P | 81-20-078 | 296-21-128   | AMD-P | 81-19-128 | 296-24-08103 | REP   | 81-16-016 |
| 296-17-736   | AMD-P | 81-20-078 | 296-22-010   | AMD-P | 81-19-128 | 296-24-08105 | REP-P | 81-07-051 |
| 296-17-758   | AMD-P | 81-20-078 | 296-22-025   | AMD-P | 81-19-128 | 296-24-08105 | REP-P | 81-16-008 |
| 296-17-761   | AMD-P | 81-20-078 | 296-22-042   | AMD-P | 81-19-128 | 296-24-08105 | REP   | 81-16-016 |
| 296-17-762   | AMD-P | 81-20-078 | 296-22-053   | AMD-P | 81-19-128 | 296-24-08107 | REP-P | 81-07-051 |
| 296-17-765   | NEW-E | 81-14-069 | 296-22-063   | AMD-P | 81-19-128 | 296-24-08107 | REP-P | 81-16-008 |
| 296-17-765   | NEW-E | 81-20-036 | 296-22-067   | AMD-P | 81-19-128 | 296-24-08107 | REP   | 81-16-016 |
| 296-17-765   | NEW-P | 81-20-078 | 296-22-071   | AMD-P | 81-19-128 | 296-24-08109 | REP-P | 81-07-051 |
| 296-17-766   | NEW-E | 81-14-069 | 296-22-073   | AMD-P | 81-19-128 | 296-24-08109 | REP-P | 81-16-008 |
| 296-17-766   | NEW-E | 81-20-036 | 296-22-082   | AMD-P | 81-19-128 | 296-24-08109 | REP   | 81-16-016 |
| 296-17-766   | NEW-P | 81-20-078 | 296-22-091   | AMD-P | 81-19-128 | 296-24-08111 | REP-P | 81-07-051 |
| 296-17-855   | AMD-P | 81-20-078 | 296-22-100   | AMD-P | 81-19-128 | 296-24-08111 | REP-P | 81-16-008 |
| 296-17-870   | AMD-P | 81-20-078 | 296-22-105   | AMD-P | 81-19-128 | 296-24-08111 | REP   | 81-16-016 |
| 296-17-875   | AMD-P | 81-20-078 | 296-22-110   | AMD-P | 81-19-128 | 296-24-08113 | REP-P | 81-07-051 |
| 296-17-880   | AMD-P | 81-20-078 | 296-22-115   | AMD-P | 81-19-128 | 296-24-08113 | REP-P | 81-16-008 |
| 296-17-885   | AMD-P | 81-20-078 | 296-22-120   | AMD-P | 81-19-128 | 296-24-08113 | REP   | 81-16-016 |
| 296-17-890   | AMD-P | 81-20-078 | 296-22-135   | AMD-P | 81-19-128 | 296-24-12007 | AMD-P | 81-19-131 |
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| 296-17-895   | AMD-E | 81-20-036 | 296-22-235   | AMD-P | 81-19-128 | 296-24-40513 | AMD-P | 81-19-131 |
| 296-17-895   | AMD-P | 81-20-078 | 296-22-255   | AMD-P | 81-19-128 | 296-24-55001 | AMD-P | 81-19-131 |
| 296-17-904   | NEW   | 81-04-024 | 296-22-333   | AMD-P | 81-19-128 | 296-24-56527 | AMD-P | 81-19-131 |
| 296-17-905   | AMD   | 81-04-024 | 296-22-340   | AMD-P | 81-19-128 | 296-24-567   | NEW-P | 81-19-131 |
| 296-17-907   | NEW   | 81-04-024 | 296-22-365   | AMD-P | 81-19-128 | 296-24-56701 | NEW-P | 81-19-131 |
| 296-17-910   | AMD   | 81-04-024 | 296-22-370   | AMD-P | 81-19-128 | 296-24-58503 | NEW-P | 81-19-131 |
| 296-17-911   | NEW   | 81-04-024 | 296-22-375   | AMD-P | 81-19-128 | 296-24-58505 | NEW-P | 81-19-131 |
| 296-17-912   | NEW   | 81-04-024 | 296-22-405   | AMD-P | 81-19-128 | 296-24-58507 | NEW-P | 81-19-131 |
| 296-17-913   | NEW   | 81-04-024 | 296-22-420   | AMD-P | 81-19-128 | 296-24-58509 | NEW-P | 81-19-131 |
| 296-17-914   | NEW   | 81-04-024 | 296-22-465   | AMD-P | 81-19-128 | 296-24-58511 | NEW-P | 81-19-131 |
| 296-17-915   | NEW   | 81-04-024 | 296-22-470   | AMD-P | 81-19-128 | 296-24-58513 | NEW-P | 81-19-131 |
| 296-17-916   | NEW   | 81-04-024 | 296-23-01002 | AMD-P | 81-19-128 | 296-24-58515 | NEW-P | 81-19-131 |
| 296-17-917   | NEW   | 81-04-024 | 296-23-01006 | AMD-P | 81-19-128 | 296-24-58517 | NEW-P | 81-19-131 |
| 296-17-919   | NEW   | 81-04-024 | 296-23-013   | REP-P | 81-19-128 | 296-24-592   | NEW-P | 81-19-131 |
| 296-17-919   | AMD-P | 81-20-078 | 296-23-015   | AMD-P | 81-19-128 | 296-24-59201 | NEW-P | 81-19-131 |
| 296-17-91901 | NEW   | 81-04-024 | 296-23-020   | AMD-P | 81-19-128 | 296-24-59203 | NEW-P | 81-19-131 |
| 296-17-91902 | NEW   | 81-04-024 | 296-23-025   | AMD-P | 81-19-128 | 296-24-59205 | NEW-P | 81-19-131 |
| 296-17-920   | AMD-P | 81-20-078 | 296-23-030   | AMD-P | 81-19-128 | 296-24-59207 | NEW-P | 81-19-131 |
| 296-20-010   | AMD-P | 81-19-128 | 296-23-035   | AMD-P | 81-19-128 | 296-24-59209 | NEW-P | 81-19-131 |
| 296-20-01002 | AMD-P | 81-19-128 | 296-23-040   | AMD-P | 81-19-128 | 296-24-59211 | NEW-P | 81-19-131 |
| 296-20-01501 | AMD-P | 81-19-128 | 296-23-045   | AMD-P | 81-19-128 | 296-24-59213 | NEW-P | 81-19-131 |
| 296-20-030   | AMD-P | 81-19-128 | 296-23-065   | AMD-P | 81-19-128 | 296-24-59215 | NEW-P | 81-19-131 |
| 296-20-03001 | AMD-P | 81-19-128 | 296-23-079   | AMD-P | 81-19-128 | 296-24-602   | NEW-P | 81-19-131 |
| 296-20-03002 | AMD-P | 81-19-128 | 296-23-07906 | AMD-P | 81-19-128 | 296-24-60201 | NEW-P | 81-19-131 |
| 296-20-03003 | AMD-P | 81-19-128 | 296-23-080   | AMD-P | 81-19-128 | 296-24-60203 | NEW-P | 81-19-131 |
| 296-20-035   | AMD-P | 81-19-128 | 296-23-200   | AMD-P | 81-19-128 | 296-24-60205 | NEW-P | 81-19-131 |
| 296-20-06101 | AMD-P | 81-19-128 | 296-23-204   | AMD-P | 81-19-128 | 296-24-60207 | NEW-P | 81-19-131 |
| 296-20-097   | AMD-P | 81-19-128 | 296-23-208   | AMD-P | 81-19-128 | 296-24-60209 | NEW-P | 81-19-131 |
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| 296-20-1103  | AMD-P | 81-19-128 | 296-23-216   | AMD-P | 81-19-128 | 296-24-607   | NEW-P | 81-19-131 |
| 296-20-121   | AMD-P | 81-19-128 | 296-23-221   | AMD-P | 81-19-128 | 296-24-60701 | NEW-P | 81-19-131 |
| 296-20-12502 | AMD-P | 81-19-128 | 296-23-224   | AMD-P | 81-19-128 | 296-24-60703 | NEW-P | 81-19-131 |
| 296-20-135   | AMD-P | 81-19-128 | 296-23-228   | AMD-P | 81-19-128 | 296-24-60705 | NEW-P | 81-19-131 |
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| 296-20-150   | AMD-P | 81-19-128 | 296-23-357   | AMD-P | 81-19-128 | 296-24-61701 | NEW-P | 81-19-131 |
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| 296-24-61799 | NEW-P | 81-19-131 | 296-27-16013 | NEW   | 81-14-006 | 296-46-500   | AMD   | 81-06-037 |
| 296-24-622   | NEW-P | 81-19-131 | 296-27-16013 | NEW-E | 81-14-020 | 296-46-501   | NEW   | 81-06-037 |
| 296-24-62201 | NEW-P | 81-19-131 | 296-27-16015 | NEW-P | 81-03-071 | 296-46-506   | NEW   | 81-06-037 |
| 296-24-62203 | NEW-P | 81-19-131 | 296-27-16015 | NEW-E | 81-08-035 | 296-46-510   | REP   | 81-06-037 |
| 296-24-62299 | NEW-P | 81-19-131 | 296-27-16015 | NEW-P | 81-10-059 | 296-46-515   | REP   | 81-06-037 |
| 296-24-623   | NEW-P | 81-19-131 | 296-27-16015 | NEW   | 81-14-006 | 296-46-520   | REP   | 81-06-037 |
| 296-24-62301 | NEW-P | 81-19-131 | 296-27-16015 | NEW-E | 81-14-020 | 296-46-525   | REP   | 81-06-037 |
| 296-24-62303 | NEW-P | 81-19-131 | 296-27-16017 | NEW-P | 81-03-071 | 296-46-910   | AMD   | 81-06-037 |
| 296-24-62399 | NEW-P | 81-19-131 | 296-27-16017 | NEW-E | 81-08-035 | 296-48-800   | AMD-E | 81-15-050 |
| 296-24-627   | NEW-P | 81-19-131 | 296-27-16017 | NEW-P | 81-10-059 | 296-52-020   | AMD-P | 81-19-131 |
| 296-24-62701 | NEW-P | 81-19-131 | 296-27-16017 | NEW   | 81-14-006 | 296-52-025   | AMD-P | 81-19-131 |
| 296-24-62703 | NEW-P | 81-19-131 | 296-27-16017 | NEW-E | 81-14-020 | 296-52-030   | AMD   | 81-07-048 |
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| 296-24-629   | NEW-P | 81-19-131 | 296-27-16019 | NEW   | 81-14-006 | 296-52-043   | AMD   | 81-07-048 |
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| 296-24-62903 | NEW-P | 81-19-131 | 296-27-16021 | NEW-E | 81-08-035 | 296-52-050   | AMD-P | 81-19-131 |
| 296-24-62905 | NEW-P | 81-19-131 | 296-27-16021 | NEW-P | 81-10-059 | 296-52-090   | AMD   | 81-07-048 |
| 296-24-62907 | NEW-P | 81-19-131 | 296-27-16021 | NEW   | 81-14-006 | 296-52-095   | AMD   | 81-07-048 |
| 296-24-62909 | NEW-P | 81-19-131 | 296-27-16021 | NEW-E | 81-14-020 | 296-52-150   | AMD-P | 81-19-131 |
| 296-24-62911 | NEW-P | 81-19-131 | 296-27-16023 | NEW-P | 81-03-071 | 296-52-165   | AMD-P | 81-19-131 |
| 296-24-62999 | NEW-P | 81-19-131 | 296-27-16023 | NEW-E | 81-08-035 | 296-52-167   | AMD-P | 81-19-131 |
| 296-24-631   | NEW-P | 81-19-131 | 296-27-16023 | NEW-P | 81-10-059 | 296-52-390   | AMD-P | 81-19-131 |
| 296-24-63101 | NEW-P | 81-19-131 | 296-27-16023 | NEW   | 81-14-006 | 296-52-9001  | AMD-P | 81-19-131 |
| 296-24-63103 | NEW-P | 81-19-131 | 296-27-16023 | NEW-E | 81-14-020 | 296-52-9002  | AMD-P | 81-19-131 |
| 296-24-63105 | NEW-P | 81-19-131 | 296-27-16025 | NEW-P | 81-03-071 | 296-52-9003  | AMD-P | 81-19-131 |
| 296-24-63107 | NEW-P | 81-19-131 | 296-27-16025 | NEW-E | 81-08-035 | 296-52-9005  | AMD-P | 81-19-131 |
| 296-24-63109 | NEW-P | 81-19-131 | 296-27-16025 | NEW-E | 81-14-020 | 296-52-9006  | AMD-P | 81-19-131 |
| 296-24-63199 | NEW-P | 81-19-131 | 296-37-510   | AMD-E | 81-02-029 | 296-52-9007  | AMD-P | 81-19-131 |
| 296-24-63299 | NEW-P | 81-19-131 | 296-37-510   | AMD   | 81-07-048 | 296-54-559   | AMD   | 81-05-013 |
| 296-24-63399 | NEW-P | 81-19-131 | 296-37-550   | AMD-E | 81-02-029 | 296-54-565   | AMD   | 81-05-013 |
| 296-24-63499 | NEW-P | 81-19-131 | 296-37-550   | AMD   | 81-07-048 | 296-54-567   | AMD   | 81-05-013 |
| 296-24-63599 | NEW-P | 81-19-131 | 296-37-575   | AMD-P | 81-13-027 | 296-62       | AMD-P | 81-16-008 |
| 296-24-960   | NEW-P | 81-07-027 | 296-37-575   | AMD   | 81-18-029 | 296-62       | AMD-P | 81-13-027 |
| 296-24-960   | NEW-P | 81-19-131 | 296-45       | AMD-P | 81-13-035 | 296-62-052   | NEW   | 81-18-029 |
| 296-24-964   | NEW-P | 81-07-027 | 296-45-660   | NEW-E | 81-07-049 | 296-62-05201 | NEW-P | 81-13-027 |
| 296-27       | AMD-P | 81-06-026 | 296-45-660   | NEW-P | 81-07-051 | 296-62-05201 | NEW   | 81-18-029 |
| 296-27-160   | NEW-P | 81-03-071 | 296-45-660   | NEW-E | 81-13-052 | 296-62-05203 | NEW-P | 81-13-027 |
| 296-27-160   | NEW-E | 81-08-035 | 296-45-660   | NEW   | 81-13-053 | 296-62-05203 | NEW   | 81-18-029 |
| 296-27-160   | NEW-P | 81-10-059 | 296-45-66001 | NEW-E | 81-07-049 | 296-62-05205 | NEW-P | 81-13-027 |
| 296-27-160   | NEW   | 81-14-006 | 296-45-66001 | NEW-P | 81-07-051 | 296-62-05205 | NEW   | 81-18-029 |
| 296-27-160   | NEW-E | 81-14-020 | 296-45-66001 | NEW-E | 81-13-052 | 296-62-05205 | NEW-P | 81-13-027 |
| 296-27-16001 | NEW-P | 81-03-071 | 296-45-66001 | NEW   | 81-13-053 | 296-62-05207 | NEW   | 81-18-029 |
| 296-27-16001 | NEW-E | 81-08-035 | 296-45-66003 | NEW-E | 81-07-049 | 296-62-05209 | NEW-P | 81-13-027 |
| 296-27-16001 | NEW-P | 81-10-059 | 296-45-66003 | NEW-P | 81-07-051 | 296-62-05209 | NEW   | 81-18-029 |
| 296-27-16001 | NEW   | 81-14-006 | 296-45-66003 | NEW-E | 81-13-053 | 296-62-05211 | NEW-P | 81-13-027 |
| 296-27-16001 | NEW-E | 81-14-020 | 296-45-66003 | NEW   | 81-13-053 | 296-62-05211 | NEW   | 81-18-029 |
| 296-27-16003 | NEW-P | 81-03-071 | 296-45-66005 | NEW-E | 81-07-049 | 296-62-05213 | NEW-P | 81-13-027 |
| 296-27-16003 | NEW-E | 81-08-035 | 296-45-66005 | NEW-P | 81-07-051 | 296-62-05213 | NEW   | 81-18-029 |
| 296-27-16003 | NEW-P | 81-10-059 | 296-45-66005 | NEW-E | 81-13-052 | 296-62-05215 | NEW-P | 81-13-027 |
| 296-27-16003 | NEW   | 81-14-006 | 296-45-66005 | NEW   | 81-13-053 | 296-62-05215 | NEW   | 81-18-029 |
| 296-27-16003 | NEW-E | 81-14-020 | 296-45-66007 | NEW-E | 81-07-049 | 296-62-05217 | NEW-P | 81-13-027 |
| 296-27-16005 | NEW-P | 81-03-071 | 296-45-66007 | NEW-P | 81-07-051 | 296-62-05217 | NEW   | 81-18-029 |
| 296-27-16005 | NEW-E | 81-08-035 | 296-45-66007 | NEW-E | 81-13-052 | 296-62-05219 | NEW-P | 81-13-027 |
| 296-27-16005 | NEW-P | 81-10-059 | 296-45-66007 | NEW   | 81-13-053 | 296-62-05219 | NEW   | 81-18-029 |
| 296-27-16005 | NEW   | 81-14-006 | 296-45-66009 | NEW-E | 81-07-049 | 296-62-05221 | NEW-P | 81-13-026 |
| 296-27-16005 | NEW-E | 81-14-020 | 296-45-66009 | NEW-P | 81-07-051 | 296-62-05221 | NEW   | 81-18-029 |
| 296-27-16007 | NEW-P | 81-03-071 | 296-45-66009 | NEW-E | 81-13-052 | 296-62-05223 | NEW-P | 81-13-026 |
| 296-27-16007 | NEW-E | 81-08-035 | 296-45-66009 | NEW   | 81-13-053 | 296-62-05223 | NEW   | 81-18-029 |
| 296-27-16007 | NEW-P | 81-10-059 | 296-45-66011 | NEW-E | 81-07-049 | 296-62-071   | NEW-P | 81-07-027 |
| 296-27-16007 | NEW   | 81-14-006 | 296-45-66011 | NEW-P | 81-07-051 | 296-62-071   | NEW-P | 81-16-008 |
| 296-27-16007 | NEW-E | 81-14-020 | 296-45-66011 | NEW-E | 81-13-052 | 296-62-071   | NEW   | 81-16-016 |
| 296-27-16009 | NEW-P | 81-03-071 | 296-45-66011 | NEW   | 81-13-053 | 296-62-07101 | NEW-P | 81-07-027 |
| 296-27-16009 | NEW-E | 81-08-035 | 296-46       | AMD-P | 81-05-019 | 296-62-07101 | NEW   | 81-16-016 |
| 296-27-16009 | NEW-P | 81-10-059 | 296-46       | AMD-P | 81-05-025 | 296-62-07103 | NEW-P | 81-07-027 |
| 296-27-16009 | NEW   | 81-14-006 | 296-46-110   | AMD   | 81-06-037 | 296-62-07103 | NEW   | 81-16-016 |
| 296-27-16009 | NEW-E | 81-14-020 | 296-46-115   | NEW   | 81-06-037 | 296-62-07105 | NEW-P | 81-07-027 |
| 296-27-16011 | NEW-P | 81-03-071 | 296-46-130   | AMD   | 81-06-037 | 296-62-07105 | NEW   | 81-16-016 |
| 296-27-16011 | NEW-E | 81-08-035 | 296-46-140   | AMD   | 81-06-037 | 296-62-07107 | NEW-P | 81-07-027 |
| 296-27-16011 | NEW-P | 81-10-059 | 296-46-150   | AMD   | 81-06-037 | 296-62-07107 | NEW   | 81-16-016 |
| 296-27-16011 | NEW   | 81-14-006 | 296-46-335   | AMD   | 81-06-037 | 296-62-07107 | AMD-P | 81-19-131 |
| 296-27-16011 | NEW-E | 81-14-020 | 296-46-350   | AMD   | 81-06-037 | 296-62-07109 | NEW-P | 81-07-027 |
| 296-27-16013 | NEW-P | 81-03-071 | 296-46-355   | NEW   | 81-06-037 | 296-62-07109 | NEW   | 81-16-016 |
| 296-27-16013 | NEW-E | 81-08-035 | 296-46-40101 | REP   | 81-06-037 | 296-62-07109 | AMD-P | 81-19-131 |

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| WAC #        | WSR # | WAC #     | WSR #        | WAC # | WSR #     |            |       |           |
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| 296-62-07111 | NEW-P | 81-07-027 | 296-62-09033 | NEW-P | 81-07-027 | 296-78-045 | REP   | 81-18-029 |
| 296-62-07111 | NEW   | 81-16-016 | 296-62-09033 | NEW-P | 81-19-131 | 296-78-170 | REP-P | 81-13-027 |
| 296-62-07113 | NEW-P | 81-07-027 | 296-62-09035 | NEW-P | 81-07-027 | 296-78-170 | REP   | 81-18-029 |
| 296-62-07113 | NEW   | 81-16-016 | 296-62-09035 | NEW-P | 81-19-131 | 296-78-180 | REP-P | 81-13-027 |
| 296-62-07115 | NEW-P | 81-07-027 | 296-62-09037 | NEW-P | 81-07-027 | 296-78-180 | REP   | 81-18-029 |
| 296-62-07115 | NEW   | 81-16-016 | 296-62-09037 | NEW-P | 81-19-131 | 296-78-185 | REP-P | 81-13-027 |
| 296-62-07117 | NEW-P | 81-07-027 | 296-62-09039 | NEW-P | 81-07-027 | 296-78-185 | REP   | 81-18-029 |
| 296-62-07117 | NEW   | 81-16-016 | 296-62-09039 | NEW-P | 81-19-131 | 296-78-190 | REP-P | 81-13-027 |
| 296-62-07119 | NEW-P | 81-07-027 | 296-62-09041 | NEW-P | 81-07-027 | 296-78-190 | REP   | 81-18-029 |
| 296-62-07119 | NEW   | 81-16-016 | 296-62-09041 | NEW-P | 81-19-131 | 296-78-195 | REP-P | 81-13-027 |
| 296-62-07121 | NEW-P | 81-07-027 | 296-62-09043 | NEW-P | 81-07-027 | 296-78-195 | REP   | 81-18-029 |
| 296-62-07121 | NEW   | 81-16-016 | 296-62-09043 | NEW-P | 81-19-131 | 296-78-200 | REP-P | 81-13-027 |
| 296-62-07123 | NEW-P | 81-07-027 | 296-62-09045 | NEW-P | 81-07-027 | 296-78-200 | REP   | 81-18-029 |
| 296-62-07125 | NEW-P | 81-07-027 | 296-62-09045 | NEW-P | 81-19-131 | 296-78-205 | REP-P | 81-13-027 |
| 296-62-07302 | AMD   | 81-07-048 | 296-62-09047 | NEW-P | 81-07-027 | 296-78-205 | REP   | 81-18-029 |
| 296-62-07304 | AMD   | 81-07-048 | 296-62-09047 | NEW-P | 81-19-131 | 296-78-210 | REP-P | 81-13-027 |
| 296-62-07306 | AMD-P | 81-07-051 | 296-62-09049 | NEW-P | 81-07-027 | 296-78-210 | REP   | 81-18-029 |
| 296-62-07306 | AMD   | 81-16-015 | 296-62-09049 | NEW-P | 81-19-131 | 296-78-215 | REP-P | 81-13-027 |
| 296-62-07310 | AMD   | 81-07-048 | 296-62-09051 | NEW-P | 81-07-027 | 296-78-215 | REP   | 81-18-029 |
| 296-62-07312 | AMD   | 81-07-048 | 296-62-09051 | NEW-P | 81-19-131 | 296-78-220 | REP-P | 81-13-027 |
| 296-62-07329 | AMD-P | 81-07-051 | 296-62-09053 | NEW-P | 81-07-027 | 296-78-220 | REP   | 81-18-029 |
| 296-62-07329 | AMD-P | 81-13-027 | 296-62-09053 | NEW-P | 81-19-131 | 296-78-225 | REP-P | 81-13-027 |
| 296-62-07329 | AMD   | 81-16-015 | 296-62-09055 | NEW-P | 81-07-027 | 296-78-225 | REP   | 81-18-029 |
| 296-62-07329 | AMD   | 81-18-029 | 296-62-09055 | NEW-P | 81-19-131 | 296-78-230 | REP-P | 81-13-027 |
| 296-62-07341 | AMD-P | 81-07-051 | 296-62-09057 | NEW-P | 81-07-027 | 296-78-230 | REP   | 81-18-029 |
| 296-62-07341 | AMD-P | 81-13-027 | 296-62-09057 | NEW-P | 81-19-131 | 296-78-235 | REP-P | 81-13-027 |
| 296-62-07341 | AMD   | 81-16-015 | 296-62-09059 | NEW-P | 81-07-027 | 296-78-235 | REP   | 81-18-029 |
| 296-62-07341 | AMD   | 81-18-029 | 296-62-09059 | NEW-P | 81-19-131 | 296-78-240 | REP-P | 81-13-027 |
| 296-62-07345 | AMD-P | 81-07-051 | 296-62-09061 | NEW-P | 81-07-027 | 296-78-240 | REP   | 81-18-029 |
| 296-62-07345 | AMD-P | 81-13-027 | 296-62-09061 | NEW-P | 81-19-131 | 296-78-245 | REP-P | 81-13-027 |
| 296-62-07345 | AMD   | 81-16-015 | 296-62-09063 | NEW-P | 81-07-027 | 296-78-245 | REP   | 81-18-029 |
| 296-62-07345 | AMD   | 81-18-029 | 296-62-100   | AMD-P | 81-07-051 | 296-78-250 | REP-P | 81-13-027 |
| 296-62-07347 | AMD-P | 81-07-051 | 296-62-100   | AMD   | 81-16-015 | 296-78-250 | REP   | 81-18-029 |
| 296-62-07347 | AMD-P | 81-13-027 | 296-62-11015 | AMD-P | 81-07-051 | 296-78-255 | REP-P | 81-13-027 |
| 296-62-07347 | AMD   | 81-16-015 | 296-62-11015 | AMD   | 81-16-015 | 296-78-255 | REP   | 81-18-029 |
| 296-62-07347 | AMD   | 81-18-029 | 296-62-11019 | AMD-P | 81-07-051 | 296-78-260 | REP-P | 81-13-027 |
| 296-62-07349 | AMD-P | 81-07-051 | 296-62-11019 | AMD   | 81-16-015 | 296-78-260 | REP   | 81-18-029 |
| 296-62-07349 | AMD-P | 81-13-027 | 296-62-11021 | AMD-P | 81-07-051 | 296-78-265 | REP-P | 81-13-027 |
| 296-62-07349 | AMD   | 81-16-015 | 296-62-11021 | AMD   | 81-16-015 | 296-78-265 | REP   | 81-18-029 |
| 296-62-07349 | AMD   | 81-18-029 | 296-62-14507 | AMD-P | 81-07-051 | 296-78-270 | REP-P | 81-13-027 |
| 296-62-07501 | AMD-P | 81-07-051 | 296-62-14507 | AMD   | 81-16-015 | 296-78-270 | REP   | 81-18-029 |
| 296-62-07501 | AMD   | 81-16-015 | 296-62-14525 | AMD-P | 81-19-131 | 296-78-275 | REP-P | 81-13-027 |
| 296-62-07501 | AMD-P | 81-19-131 | 296-62-14531 | AMD-P | 81-07-051 | 296-78-275 | REP   | 81-18-029 |
| 296-62-07515 | AMD-P | 81-07-051 | 296-62-14531 | AMD-P | 81-13-027 | 296-78-280 | REP-P | 81-13-027 |
| 296-62-07515 | AMD   | 81-16-015 | 296-62-14531 | AMD   | 81-16-015 | 296-78-280 | REP   | 81-18-029 |
| 296-62-07517 | AMD-P | 81-07-051 | 296-62-14531 | AMD   | 81-18-029 | 296-78-285 | REP-P | 81-13-027 |
| 296-62-07517 | AMD-P | 81-13-027 | 296-62-14533 | AMD-P | 81-07-051 | 296-78-285 | REP   | 81-18-029 |
| 296-62-07517 | AMD   | 81-16-015 | 296-62-14533 | AMD   | 81-16-015 | 296-78-290 | REP-P | 81-13-027 |
| 296-62-07517 | AMD   | 81-18-029 | 296-62-14533 | AMD-P | 81-19-131 | 296-78-290 | REP   | 81-18-029 |
| 296-62-07519 | NEW-P | 81-07-051 | 296-62-146   | NEW-P | 81-13-026 | 296-78-295 | REP-P | 81-13-027 |
| 296-62-07519 | NEW-P | 81-16-008 | 296-62-146   | NEW   | 81-18-029 | 296-78-295 | REP   | 81-18-029 |
| 296-62-07519 | NEW   | 81-16-016 | 296-62-14601 | NEW-P | 81-13-026 | 296-78-300 | REP-P | 81-13-027 |
| 296-62-09011 | AMD-P | 81-07-027 | 296-62-14601 | NEW   | 81-18-029 | 296-78-300 | REP   | 81-18-029 |
| 296-62-09011 | AMD-P | 81-19-131 | 296-62-14603 | NEW-P | 81-13-026 | 296-78-305 | REP-P | 81-13-027 |
| 296-62-09011 | AMD-P | 81-13-027 | 296-62-14603 | NEW   | 81-18-029 | 296-78-305 | REP   | 81-18-029 |
| 296-62-09011 | AMD   | 81-16-016 | 296-62-14605 | NEW-P | 81-13-026 | 296-78-315 | REP-P | 81-13-027 |
| 296-62-09015 | NEW-P | 81-07-027 | 296-62-14605 | NEW   | 81-18-029 | 296-78-315 | REP   | 81-18-029 |
| 296-62-09015 | NEW-P | 81-19-131 | 296-62-14607 | NEW-P | 81-13-026 | 296-78-320 | REP-P | 81-13-027 |
| 296-62-09017 | NEW-P | 81-07-027 | 296-62-14607 | NEW   | 81-18-029 | 296-78-320 | REP   | 81-18-029 |
| 296-62-09017 | NEW-P | 81-19-131 | 296-62-20011 | AMD-P | 81-07-051 | 296-78-325 | REP-P | 81-13-027 |
| 296-62-09019 | NEW-P | 81-07-027 | 296-62-20011 | AMD   | 81-16-015 | 296-78-325 | REP   | 81-18-029 |
| 296-62-09019 | NEW-P | 81-19-131 | 296-62-20023 | AMD-P | 81-13-027 | 296-78-330 | REP-P | 81-13-027 |
| 296-62-09021 | NEW-P | 81-07-027 | 296-62-20023 | AMD   | 81-18-029 | 296-78-330 | REP   | 81-18-029 |
| 296-62-09021 | NEW-P | 81-19-131 | 296-78-005   | REP-P | 81-13-027 | 296-78-335 | REP-P | 81-13-027 |
| 296-62-09023 | NEW-P | 81-07-027 | 296-78-005   | REP   | 81-18-029 | 296-78-335 | REP   | 81-18-029 |
| 296-62-09023 | NEW-P | 81-19-131 | 296-78-007   | REP-P | 81-13-027 | 296-78-340 | REP-P | 81-13-027 |
| 296-62-09025 | NEW-P | 81-07-027 | 296-78-007   | REP   | 81-18-029 | 296-78-340 | REP   | 81-18-029 |
| 296-62-09025 | NEW-P | 81-19-131 | 296-78-030   | REP-P | 81-13-027 | 296-78-345 | REP-P | 81-13-027 |
| 296-62-09027 | NEW-P | 81-07-027 | 296-78-030   | REP   | 81-18-029 | 296-78-345 | REP   | 81-18-029 |
| 296-62-09027 | NEW-P | 81-19-131 | 296-78-035   | REP-P | 81-13-027 | 296-78-350 | REP-P | 81-13-027 |
| 296-62-09029 | NEW-P | 81-07-027 | 296-78-035   | REP   | 81-18-029 | 296-78-350 | REP   | 81-18-029 |
| 296-62-09029 | NEW-P | 81-19-131 | 296-78-040   | REP-P | 81-13-027 | 296-78-355 | REP-P | 81-13-027 |
| 296-62-09031 | NEW-P | 81-07-027 | 296-78-040   | REP   | 81-18-029 | 296-78-355 | REP   | 81-18-029 |
| 296-62-09031 | NEW-P | 81-19-131 | 296-78-045   | REP-P | 81-13-027 | 296-78-360 | REP-P | 81-13-027 |



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| 296-78-840    | NEW-P | 81-13-027 | 296-401-020 | AMD   | 81-06-037 | 308-38-160 | NEW-P | 81-10-072 |
| 296-78-840    | NEW   | 81-18-029 | 296-401-050 | REP   | 81-06-037 | 308-38-160 | NEW-P | 81-13-042 |
| 296-78-84001  | NEW-P | 81-13-027 | 296-401-080 | AMD   | 81-06-037 | 308-38-160 | NEW   | 81-17-054 |
| 296-78-84001  | NEW   | 81-18-029 | 296-401-100 | AMD   | 81-06-037 | 308-39-100 | NEW-P | 81-02-032 |
| 296-78-84003  | NEW-P | 81-13-027 | 296-401-140 | AMD   | 81-06-037 | 308-39-100 | NEW   | 81-06-013 |
| 296-78-84003  | NEW   | 81-18-029 | 296-401-150 | AMD   | 81-06-037 | 308-39-110 | NEW-P | 81-02-032 |
| 296-78-84005  | NEW-P | 81-13-027 | 296-401-160 | AMD   | 81-06-037 | 308-39-110 | NEW   | 81-06-013 |
| 296-78-84005  | NEW   | 81-18-029 | 296-401-180 | AMD   | 81-06-037 | 308-39-120 | NEW-P | 81-02-032 |
| 296-78-84007  | NEW-P | 81-13-027 | 308-04-001  | NEW-E | 81-03-046 | 308-39-120 | NEW   | 81-06-013 |
| 296-78-84007  | NEW   | 81-18-029 | 308-04-001  | NEW-P | 81-04-071 | 308-40-101 | AMD-P | 81-04-047 |
| 296-78-84009  | NEW-P | 81-13-027 | 308-04-001  | NEW   | 81-07-045 | 308-40-101 | AMD   | 81-08-043 |
| 296-78-84009  | NEW   | 81-18-029 | 308-12-300  | REP-P | 81-15-067 | 308-42-045 | AMD-P | 81-14-088 |
| 296-78-84011  | NEW-P | 81-13-027 | 308-12-300  | REP   | 81-18-044 | 308-42-045 | AMD   | 81-19-071 |
| 296-78-84011  | NEW   | 81-18-029 | 308-12-311  | AMD-P | 81-15-067 | 308-42-060 | AMD-P | 81-14-088 |
| 296-79        | AMD-P | 81-03-006 | 308-12-311  | AMD   | 81-18-044 | 308-42-060 | AMD   | 81-19-071 |
| 296-79        | AMD-P | 81-13-035 | 308-16-211  | AMD   | 81-03-015 | 308-50-055 | REP-P | 81-05-026 |
| 296-79-140    | AMD   | 81-03-007 | 308-16-212  | AMD   | 81-03-015 | 308-50-055 | REP   | 81-09-030 |
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| 332-26-050  | NEW-E | 81-15-008 | 356-15-060    | AMD-P | 81-19-068 | 356-34-180 | AMD-P | 81-09-038 |
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| 332-26-506  | NEW-E | 81-17-014 | 356-15-120    | AMD-P | 81-10-045 | 356-35-010 | AMD-P | 81-19-067 |
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| 388-92-050  | AMD   | 81-10-014 | 388-96-701  | REP-E | 81-14-062 |
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| 391-50-134  | REP   | 81-15-022 | 392-121-105 | AMD-E | 81-16-052 | 392-123-125 | AMD   | 81-20-007 |
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| 392-109-115 | AMD-E | 81-16-047 | 392-123-115 | AMD   | 81-20-007 | 392-139-021 | AMD   | 81-20-023 |
| 392-109-115 | AMD   | 81-17-005 | 392-123-120 | AMD-E | 81-15-086 | 392-139-026 | AMD-P | 81-17-080 |
| 392-109-117 | NEW-E | 81-16-047 | 392-123-120 | AMD-P | 81-15-072 | 392-139-026 | AMD-E | 81-20-022 |
|             |       |           | 392-123-120 | AMD   | 81-20-007 |             |       |           |

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| 392-139-026 | AMD   | 81-20-023 | 392-140-035 | NEW-P | 81-17-076 | 392-161-118 | REP-P | 81-13-044 |
| 392-139-027 | NEW-E | 81-20-022 | 392-140-035 | NEW   | 81-20-001 | 392-161-118 | REP   | 81-15-088 |
| 392-139-027 | NEW   | 81-20-023 | 392-140-040 | NEW-E | 81-17-034 | 392-161-118 | REP   | 81-15-088 |
| 392-139-031 | AMD-P | 81-17-080 | 392-140-040 | NEW-P | 81-17-077 | 392-161-120 | REP   | 81-15-088 |
| 392-139-031 | AMD-E | 81-20-022 | 392-140-040 | NEW   | 81-20-002 | 392-161-120 | REP-P | 81-13-044 |
| 392-139-031 | AMD   | 81-20-023 | 392-140-041 | NEW-E | 81-17-034 | 392-161-125 | REP-P | 81-13-044 |
| 392-139-036 | AMD-P | 81-17-080 | 392-140-041 | NEW-P | 81-17-077 | 392-161-125 | REP   | 81-15-088 |
| 392-139-036 | AMD-E | 81-20-022 | 392-140-041 | NEW   | 81-20-002 | 392-161-130 | REP-P | 81-13-044 |
| 392-139-036 | AMD   | 81-20-023 | 392-141-037 | AMD-P | 81-15-075 | 392-161-130 | REP   | 81-15-088 |
| 392-139-037 | NEW-P | 81-17-080 | 392-141-037 | AMD   | 81-19-009 | 392-161-135 | REP-P | 81-13-044 |
| 392-139-037 | NEW-E | 81-20-022 | 392-141-054 | AMD-P | 81-15-074 | 392-161-135 | REP   | 81-15-088 |
| 392-139-037 | NEW   | 81-20-023 | 392-141-054 | AMD   | 81-19-010 | 392-161-140 | REP-P | 81-13-044 |
| 392-139-038 | NEW-E | 81-20-022 | 392-143-035 | AMD-P | 81-15-073 | 392-161-140 | REP   | 81-15-088 |
| 392-139-038 | NEW   | 81-20-023 | 392-143-035 | AMD   | 81-19-011 | 392-161-145 | REP-P | 81-13-044 |
| 392-140     | AMD-P | 81-15-087 | 392-160-001 | AMD-P | 81-13-045 | 392-161-145 | REP   | 81-15-088 |
| 392-140-010 | NEW-P | 81-13-043 | 392-160-001 | AMD   | 81-15-089 | 392-161-150 | REP-P | 81-13-044 |
| 392-140-010 | NEW   | 81-16-042 | 392-160-010 | AMD   | 81-15-089 | 392-161-150 | REP   | 81-15-088 |
| 392-140-011 | NEW-P | 81-13-043 | 392-160-015 | AMD   | 81-15-089 | 392-161-155 | REP-P | 81-13-044 |
| 392-140-011 | NEW   | 81-16-042 | 392-160-025 | REP   | 81-15-089 | 392-161-155 | REP   | 81-15-088 |
| 392-140-012 | NEW-P | 81-13-043 | 392-160-030 | REP   | 81-15-089 | 392-161-160 | REP-P | 81-13-044 |
| 392-140-012 | NEW   | 81-16-042 | 392-160-035 | AMD   | 81-15-089 | 392-161-160 | REP   | 81-15-088 |
| 392-140-013 | NEW   | 81-16-042 | 392-160-040 | AMD   | 81-15-089 | 392-161-165 | REP-P | 81-13-044 |
| 392-140-013 | NEW-P | 81-20-043 | 392-160-045 | AMD   | 81-15-089 | 392-161-165 | REP   | 81-15-088 |
| 392-140-014 | NEW   | 81-16-042 | 392-160-010 | AMD-P | 81-13-045 | 392-161-170 | REP-P | 81-13-044 |
| 392-140-014 | NEW-P | 81-20-043 | 392-160-015 | AMD-P | 81-13-045 | 392-161-170 | REP   | 81-15-088 |
| 392-140-015 | NEW   | 81-16-042 | 392-160-025 | REP-P | 81-13-045 | 392-161-175 | REP-P | 81-13-044 |
| 392-140-015 | NEW-P | 81-20-043 | 392-160-030 | REP-P | 81-13-045 | 392-161-175 | REP   | 81-15-088 |
| 392-140-016 | NEW   | 81-16-042 | 392-160-035 | AMD-P | 81-13-045 | 392-161-180 | REP-P | 81-13-044 |
| 392-140-016 | NEW-P | 81-20-043 | 392-160-040 | AMD-P | 81-13-045 | 392-161-180 | REP   | 81-15-088 |
| 392-140-017 | NEW-P | 81-13-043 | 392-160-045 | AMD-P | 81-13-045 | 392-161-185 | REP-P | 81-13-044 |
| 392-140-017 | NEW   | 81-16-042 | 392-161-005 | REP-P | 81-13-044 | 392-161-185 | REP   | 81-15-088 |
| 392-140-018 | NEW-P | 81-13-043 | 392-161-005 | REP   | 81-15-088 | 392-171-581 | AMD-P | 81-15-076 |
| 392-140-018 | NEW   | 81-16-042 | 392-161-010 | REP-P | 81-13-044 | 392-171-581 | AMD   | 81-19-012 |
| 392-140-019 | NEW-P | 81-13-043 | 392-161-010 | REP   | 81-15-088 | 392-171-786 | REP-E | 81-17-035 |
| 392-140-019 | NEW   | 81-16-042 | 392-161-015 | REP-P | 81-13-044 | 392-171-786 | REP-P | 81-17-079 |
| 392-140-020 | NEW-P | 81-13-043 | 392-161-015 | REP   | 81-15-088 | 392-171-786 | REP   | 81-20-003 |
| 392-140-020 | NEW   | 81-16-042 | 392-161-020 | REP-P | 81-13-044 | 402-12-050  | AMD-P | 81-12-026 |
| 392-140-021 | NEW-P | 81-13-043 | 392-161-020 | REP   | 81-15-088 | 402-12-050  | AMD   | 81-16-031 |
| 392-140-021 | NEW   | 81-16-042 | 392-161-025 | REP-P | 81-13-044 | 402-22-040  | AMD-P | 81-12-026 |
| 392-140-022 | NEW-P | 81-13-043 | 392-161-025 | REP   | 81-15-088 | 402-22-040  | AMD   | 81-16-031 |
| 392-140-022 | NEW   | 81-16-042 | 392-161-030 | REP-P | 81-13-044 | 402-22-150  | NEW-P | 81-12-026 |
| 392-140-023 | NEW-P | 81-13-043 | 392-161-030 | REP   | 81-15-088 | 402-22-150  | NEW   | 81-16-031 |
| 392-140-023 | NEW   | 81-16-042 | 392-161-035 | REP-P | 81-13-044 | 402-52-010  | REP-P | 81-12-026 |
| 392-140-025 | NEW-E | 81-17-033 | 392-161-035 | REP   | 81-15-088 | 402-52-010  | REP   | 81-16-031 |
| 392-140-025 | NEW-P | 81-17-076 | 392-161-040 | REP-P | 81-13-044 | 402-52-015  | REP-P | 81-12-026 |
| 392-140-025 | NEW   | 81-20-001 | 392-161-040 | REP   | 81-15-088 | 402-52-015  | REP   | 81-16-031 |
| 392-140-026 | NEW-E | 81-17-033 | 392-161-045 | REP-P | 81-13-044 | 402-52-020  | REP-P | 81-12-026 |
| 392-140-026 | NEW-P | 81-17-076 | 392-161-045 | REP   | 81-15-088 | 402-52-020  | REP   | 81-16-031 |
| 392-140-026 | NEW   | 81-20-001 | 392-161-050 | REP-P | 81-13-044 | 402-52-025  | REP-P | 81-12-026 |
| 392-140-027 | NEW-E | 81-17-033 | 392-161-050 | REP   | 81-15-088 | 402-52-025  | REP   | 81-16-031 |
| 392-140-027 | NEW-P | 81-17-076 | 392-161-055 | REP-P | 81-13-044 | 402-52-100  | NEW-P | 81-12-026 |
| 392-140-027 | NEW   | 81-20-001 | 392-161-055 | REP   | 81-15-088 | 402-52-100  | NEW   | 81-16-031 |
| 392-140-028 | NEW-E | 81-17-033 | 392-161-060 | REP-P | 81-13-044 | 402-52-200  | NEW-P | 81-12-026 |
| 392-140-028 | NEW-P | 81-17-076 | 392-161-060 | REP   | 81-15-088 | 402-52-200  | NEW   | 81-16-031 |
| 392-140-028 | NEW   | 81-20-001 | 392-161-065 | REP-P | 81-13-044 | 410-20-010  | NEW   | 81-02-030 |
| 392-140-029 | NEW-E | 81-17-033 | 392-161-065 | REP   | 81-15-088 | 410-20-020  | NEW   | 81-02-030 |
| 392-140-029 | NEW-P | 81-17-076 | 392-161-070 | REP-P | 81-13-044 | 410-20-030  | NEW   | 81-02-030 |
| 392-140-029 | NEW   | 81-20-001 | 392-161-070 | REP   | 81-15-088 | 410-20-040  | NEW   | 81-02-030 |
| 392-140-030 | NEW-E | 81-17-033 | 392-161-075 | REP-P | 81-13-044 | 410-20-040  | AMD-P | 81-16-086 |
| 392-140-030 | NEW-P | 81-17-076 | 392-161-075 | REP   | 81-15-088 | 410-20-040  | AMD   | 81-19-089 |
| 392-140-030 | NEW   | 81-20-001 | 392-161-080 | REP-P | 81-13-044 | 410-20-050  | NEW   | 81-02-030 |
| 392-140-031 | NEW-E | 81-17-033 | 392-161-080 | REP   | 81-15-088 | 410-20-060  | NEW   | 81-02-030 |
| 392-140-031 | NEW-P | 81-17-076 | 392-161-085 | REP-P | 81-13-044 | 410-20-070  | NEW   | 81-02-030 |
| 392-140-031 | NEW   | 81-20-001 | 392-161-085 | REP   | 81-15-088 | 415-104-800 | NEW-E | 81-03-028 |
| 392-140-032 | NEW-E | 81-17-033 | 392-161-090 | REP-P | 81-13-044 | 415-104-800 | NEW-P | 81-04-022 |
| 392-140-032 | NEW-P | 81-17-076 | 392-161-090 | REP   | 81-15-088 | 415-104-800 | NEW   | 81-07-017 |
| 392-140-032 | NEW   | 81-20-001 | 392-161-095 | REP-P | 81-13-044 | 415-104-810 | NEW-E | 81-03-028 |
| 392-140-033 | NEW-E | 81-17-033 | 392-161-095 | REP   | 81-15-088 | 415-104-810 | NEW-P | 81-04-022 |
| 392-140-033 | NEW-P | 81-17-076 | 392-161-101 | REP-P | 81-13-044 | 415-104-810 | NEW   | 81-07-017 |
| 392-140-033 | NEW   | 81-20-001 | 392-161-101 | REP   | 81-15-088 | 415-104-820 | NEW-E | 81-03-028 |
| 392-140-034 | NEW-E | 81-17-033 | 392-161-104 | REP-P | 81-13-044 | 415-104-820 | NEW-P | 81-04-022 |
| 392-140-034 | NEW-P | 81-17-076 | 392-161-104 | REP   | 81-15-088 | 415-104-820 | NEW   | 81-07-017 |
| 392-140-034 | NEW   | 81-20-001 | 392-161-116 | REP-P | 81-13-044 | 415-104-830 | NEW   | 81-07-017 |
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| 415-105-030 | NEW-P | 81-20-083 | 458-18-060   | AMD-P | 81-17-058 | 460-45A-010 | NEW-P | 81-17-087 |
| 415-105-040 | NEW-P | 81-20-083 | 458-18-080   | AMD   | 81-05-020 | 460-45A-020 | NEW-P | 81-17-087 |
| 415-105-050 | NEW-P | 81-20-083 | 458-18-100   | AMD   | 81-05-020 | 460-45A-030 | NEW-P | 81-17-087 |
| 415-105-060 | NEW-P | 81-20-083 | 458-18-500   | NEW-P | 81-19-038 | 460-45A-040 | NEW-P | 81-17-087 |
| 415-105-070 | NEW-P | 81-20-083 | 458-18-510   | NEW-P | 81-19-038 | 460-45A-050 | NEW-P | 81-17-087 |
| 415-105-080 | NEW-P | 81-20-083 | 458-18-520   | NEW-P | 81-19-038 | 460-45A-060 | NEW-P | 81-17-087 |
| 415-105-090 | NEW-P | 81-20-083 | 458-18-530   | NEW-P | 81-19-038 | 460-45A-070 | NEW-P | 81-17-087 |
| 434-16-010  | REP-P | 81-19-132 | 458-18-540   | NEW-P | 81-19-038 | 460-45A-080 | NEW-P | 81-17-087 |
| 434-16-020  | REP-P | 81-19-132 | 458-18-550   | NEW-P | 81-19-038 | 460-45A-090 | NEW-P | 81-17-087 |
| 434-16-030  | REP-P | 81-19-132 | 458-19-550   | NEW   | 81-04-055 | 460-45A-100 | NEW-P | 81-17-087 |
| 434-16-040  | REP-P | 81-19-132 | 458-40-18600 | AMD-P | 81-10-053 | 460-45A-105 | NEW-P | 81-17-087 |
| 434-16-050  | REP-P | 81-19-132 | 458-40-18600 | AMD-E | 81-14-046 | 460-45A-110 | NEW-P | 81-17-087 |
| 434-16-060  | REP-P | 81-19-132 | 458-40-18600 | AMD   | 81-14-047 | 460-46A-010 | NEW-P | 81-17-087 |
| 434-16-070  | REP-P | 81-19-132 | 458-40-18655 | NEW-P | 81-10-053 | 460-46A-020 | NEW-P | 81-17-087 |
| 434-16-080  | REP-P | 81-19-132 | 458-40-18655 | NEW-E | 81-14-046 | 460-46A-030 | NEW-P | 81-17-087 |
| 434-16-090  | REP-P | 81-19-132 | 458-40-18655 | NEW   | 81-14-047 | 460-46A-040 | NEW-P | 81-17-087 |
| 446-40-070  | AMD   | 81-04-042 | 458-40-18656 | NEW-P | 81-10-053 | 460-46A-050 | NEW-P | 81-17-087 |
| 446-50-010  | AMD   | 81-03-008 | 458-40-18656 | NEW-E | 81-14-046 | 460-46A-060 | NEW-P | 81-17-087 |
| 446-50-020  | AMD   | 81-03-008 | 458-40-18656 | NEW   | 81-14-047 | 460-46A-070 | NEW-P | 81-17-087 |
| 446-50-080  | AMD   | 81-03-008 | 458-40-18657 | NEW-P | 81-10-053 | 460-46A-080 | NEW-P | 81-17-087 |
| 458-12-285  | REP   | 81-04-054 | 458-40-18657 | NEW-E | 81-14-046 | 460-46A-090 | NEW-P | 81-17-087 |
| 458-12-290  | REP   | 81-04-054 | 458-40-18657 | NEW   | 81-14-047 | 460-46A-100 | NEW-P | 81-17-087 |
| 458-12-380  | REP   | 81-04-054 | 458-40-18658 | NEW-P | 81-10-053 | 460-46A-105 | NEW-P | 81-17-087 |
| 458-12-400  | REP   | 81-04-054 | 458-40-18658 | NEW-E | 81-14-046 | 460-46A-110 | NEW-P | 81-17-087 |
| 458-12-401  | REP   | 81-04-054 | 458-40-18658 | NEW   | 81-14-047 | 460-46A-115 | NEW-P | 81-17-087 |
| 458-12-402  | REP   | 81-04-054 | 458-40-18659 | NEW-P | 81-10-053 | 460-46A-120 | NEW-P | 81-17-087 |
| 458-12-403  | REP   | 81-04-054 | 458-40-18659 | NEW-E | 81-14-046 | 460-46A-125 | NEW-P | 81-17-087 |
| 458-12-404  | REP   | 81-04-054 | 458-40-18659 | NEW   | 81-14-047 | 460-46A-130 | NEW-P | 81-17-087 |
| 458-12-405  | REP   | 81-04-054 | 458-40-18660 | NEW-P | 81-10-053 | 460-46A-135 | NEW-P | 81-17-087 |
| 458-12-406  | REP   | 81-04-054 | 458-40-18660 | NEW-E | 81-14-046 | 460-46A-140 | NEW-P | 81-17-087 |
| 458-12-408  | REP   | 81-04-054 | 458-40-18660 | NEW   | 81-14-047 | 460-46A-145 | NEW-P | 81-17-087 |
| 458-12-410  | REP   | 81-04-054 | 458-40-19000 | AMD-P | 81-10-053 | 460-46A-150 | NEW-P | 81-17-087 |
| 458-12-412  | REP   | 81-04-054 | 458-40-19000 | AMD-E | 81-14-046 | 460-46A-155 | NEW-P | 81-17-087 |
| 458-12-414  | REP   | 81-04-054 | 458-40-19000 | AMD   | 81-14-047 | 460-47A-010 | NEW-P | 81-17-087 |
| 458-12-416  | REP   | 81-04-054 | 458-40-19001 | AMD-P | 81-10-053 | 460-47A-020 | NEW-P | 81-17-087 |
| 458-12-418  | REP   | 81-04-054 | 458-40-19001 | AMD-E | 81-14-046 | 461-08-015  | AMD-P | 81-14-084 |
| 458-12-420  | REP   | 81-04-054 | 458-40-19001 | AMD   | 81-14-047 | 461-08-015  | AMD   | 81-19-025 |
| 458-12-422  | REP   | 81-04-054 | 458-40-19002 | AMD-P | 81-10-053 | 461-08-020  | AMD-P | 81-14-084 |
| 458-14-125  | AMD-E | 81-16-063 | 458-40-19002 | AMD-E | 81-14-046 | 461-08-020  | AMD   | 81-19-025 |
| 458-14-125  | AMD-P | 81-17-057 | 458-40-19002 | AMD   | 81-14-047 | 461-08-030  | AMD-P | 81-14-084 |
| 458-14-126  | NEW   | 81-04-053 | 458-40-19003 | AMD-P | 81-10-053 | 461-08-030  | AMD   | 81-19-025 |
| 458-16-010  | AMD   | 81-05-018 | 458-40-19003 | AMD-E | 81-14-046 | 461-08-040  | AMD-P | 81-14-084 |
| 458-16-011  | NEW   | 81-05-018 | 458-40-19003 | AMD   | 81-14-047 | 461-08-040  | AMD   | 81-19-025 |
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| 458-16-013  | NEW   | 81-05-018 | 458-40-19004 | AMD-E | 81-14-046 | 461-08-045  | AMD   | 81-19-025 |
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| 458-16-070  | AMD   | 81-05-018 | 458-53-141   | NEW-P | 81-19-032 | 461-08-053  | NEW   | 81-19-025 |
| 458-16-079  | NEW   | 81-05-018 | 458-53-150   | AMD   | 81-04-056 | 461-08-055  | AMD-P | 81-14-084 |
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| 458-16-110  | AMD   | 81-05-017 | 460-20A-220  | AMD-E | 81-17-085 | 461-08-060  | AMD-P | 81-14-084 |
| 458-16-111  | AMD   | 81-05-017 | 460-20A-220  | AMD-P | 81-17-086 | 461-08-060  | AMD   | 81-19-025 |
| 458-16-120  | AMD   | 81-05-017 | 460-20A-220  | AMD-P | 81-20-077 | 461-08-065  | AMD-P | 81-14-084 |
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| 458-16-150  | AMD   | 81-05-017 | 460-20A-230  | AMD-P | 81-20-077 | 461-08-070  | AMD   | 81-19-025 |
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| 458-16-210  | AMD   | 81-05-017 | 460-24A-050  | AMD-P | 81-17-086 | 461-08-085  | AMD   | 81-19-025 |
| 458-16-260  | AMD   | 81-05-017 | 460-24A-050  | AMD-P | 81-20-077 | 461-08-090  | AMD-P | 81-14-084 |
| 458-16-270  | AMD   | 81-05-017 | 460-24A-170  | AMD-P | 81-17-086 | 461-08-090  | AMD   | 81-19-025 |
| 458-16-280  | AMD-P | 81-17-059 | 460-42A-020  | NEW   | 81-04-048 | 461-08-093  | NEW-P | 81-14-084 |
| 458-16-282  | NEW-E | 81-17-018 | 460-44A      | AMD-P | 81-17-087 | 461-08-093  | NEW   | 81-19-025 |
| 458-16-282  | NEW-P | 81-17-060 | 460-44A-010  | AMD-P | 81-17-087 | 461-08-100  | AMD-P | 81-14-084 |
| 458-16-300  | NEW-E | 81-17-018 | 460-44A-020  | AMD-P | 81-17-087 | 461-08-100  | AMD   | 81-19-025 |
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| 458-16-310  | NEW-E | 81-17-018 | 460-44A-045  | REP-P | 81-17-087 | 461-08-120  | AMD   | 81-19-025 |
| 458-16-310  | NEW-P | 81-17-060 | 460-44A-050  | REP-P | 81-17-087 | 461-08-125  | AMD-P | 81-14-084 |
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